

**CHAPTER 17**

**SOCIAL SERVICES**

**Authority**

N.J.S.A. 30:1B-6 and 30:1B-10.

**Source and Effective Date**

R.1992 d.49, effective February 3, 1992.  
See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 17, Social Services, expires on February 3, 1997.

**Chapter Historical Note**

Chapter 17, Social Services, became effective with Subchapter 9, Referral of Handicapped Children for Adult Educational Services, adopted as R.1986 d.480, effective December 15, 1986. See: 18 N.J.R. 2102(a), 18 N.J.R. 2457(b). Subchapters 2, 5 and 6 were adopted as R.1988 d.241, effective June 6, 1988. See: 20 N.J.R. 167(a), 20 N.J.R. 1224(b). Subchapter 8 was adopted as R.1989 d.470, effective September 5, 1989. See: 21 N.J.R. 665(a), 21 N.J.R. 2793(a). Subchapter 3 was adopted as R.1990 d.488, effective October 1, 1990 (operative October 15, 1990). See: 22 N.J.R. 1981(a), 22 N.J.R. 3149(b).

Pursuant to Executive Order No. 66(1978), Chapter 17 expired on December 15, 1991 and was readopted as new rules, R.1992 d.49. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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## SUBCHAPTER 1. (RESERVED)

## SUBCHAPTER 2. VOLUNTEER SERVICE PROGRAM

### Cross References

Community volunteers, see N.J.A.C. 10A:17-5.14.

### 10A:17-2.1 Definitions

The following words or terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Community residential facility” means a facility, other than a satellite of a main institution, which houses inmates in the community as a part of an inmate’s preparation for release and reintegration into society (such as Essex House, Newark House, Camden Community Service Center).

“Institution” means a correctional facility and its satellite unit(s), within the Department of Corrections, which have been designated to house offenders committed by the courts.

“Supervisor of Volunteer Services” means a staff member, within an institution, who is responsible for coordinating and supervising the Volunteer Service Program of the institution and its satellite unit(s).

“Volunteer” means a person who provides goods or services to inmates in a correctional facility without receiving monetary or material gain.

Amended by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Deleted definition “Coordinator of Volunteer Services.”

### 10A:17-2.2 (Reserved)

Repealed by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Section was “Coordinator of Volunteer Services”.

### 10A:17-2.3 Supervisor of Volunteers

(a) The Supervisor of Volunteer Services shall be responsible for the coordination and supervision of the Volunteer Service Program of the institution.

(b) The Supervisor of Volunteer Services shall:

1. Recruit volunteers;
2. Coordinate the screening, interviewing and approval of volunteers;
3. Develop, schedule and conduct volunteer orientation and training programs;
4. Assign volunteers to appropriate activities;
5. Coordinate and monitor the supervision of volunteers; and
6. Prepare monthly and annual reports of volunteer services pursuant to N.J.A.C. 10A:17-2.23.

(c) If there is no Supervisor of Volunteer Services position, the Superintendent shall designate a staff person to be responsible for the coordination and supervision of the Volunteer Service Program.

### 10A:17-2.4 Selecting the Supervisor of Volunteer Services

When a vacancy in the position of full time Supervisor of Volunteer Services occurs or when a new position becomes available, the Superintendent shall select the applicant to fill the position in accordance with procedures established by the New Jersey Department of Personnel and notify the Office of the Deputy Commissioner when the position has been filled.

Amended by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Revised text.

### 10A:17-2.5 Recruiting volunteers

(a) Volunteers may be recruited by the Supervisor of Volunteer Services or by other interested individuals.

(b) When recruiting volunteers, emphasis shall be placed on the service to be provided and the following qualifications of the prospective volunteer:

1. Motivation;
2. Interest;
3. Background;
4. Training; and/or
5. Other qualifications which make him or her the appropriate person to provide a needed service.

Amended by R.1992 d.49, effective February 3, 1992.  
See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).  
Deleted (c).

#### **10A:17-2.6 Eligibility for Volunteer Service Program**

(a) A volunteer must be at least 18 years old to be eligible to participate in the Volunteer Service Program of any institution except the Lloyd McCorkle Training School for Boys and Girls.

(b) A volunteer must be at least 16 years old and have parental consent to be eligible to participate in the Volunteer Service Program at the Lloyd McCorkle Training School for Boys and Girls.

(c) A relative or a friend of an inmate shall not be permitted to participate in the Volunteer Service Program at the institution where that inmate is housed.

(d) A person with an arrest history may participate in the Volunteer Service Program if his or her volunteer application is approved by the Supervisor of Volunteer Services, the Superintendent and the Office of the Deputy Commissioner.

(e) A disabled person may participate in the Volunteer Service Program if his or her disability does not interfere with his or her ability to provide a service.

(f) Any group may participate in the Volunteer Service Program if each member submits an application pursuant to N.J.A.C. 10A:17-2.7 individually and the members are approved by the Supervisor of Volunteer Services.

Administrative Correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.  
Amended by R.1992 d.49, effective February 3, 1992.  
See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).  
Revised (d).

#### **10A:17-2.7 Volunteer application**

(a) Any person desiring to serve as a volunteer may obtain from the Supervisor of Volunteer Services the following forms:

1. 450-I Volunteer Application;
2. 450-II Volunteer Rules and Responsibilities; and

3. SBI-212 Request for Criminal History Record Information.

(b) The applicant shall complete and sign forms in (a) above and return such forms to the Supervisor of Volunteer Services for review.

(c) Applicants offering volunteer services in specialized fields requiring licensure or certification shall submit current and valid credentials for verification along with the application.

#### **10A:17-2.8 Screening process**

(a) Applicants shall be evaluated on the basis of the information provided at the interview, and the information entered on Form 450-I Volunteer Application.

(b) The Supervisor of Volunteer Services shall verify all pertinent information and approve or reject applicants after a thorough review has been made of the qualifications of the applicants and the needs of the institution.

(c) If the Supervisor of Volunteer Services has reason to believe that an applicant's physical or mental disability may interfere with providing volunteer services, the applicant may be required to submit a confidential report of his or her current health status that has been prepared by a medical health care specialist in the area of the applicant's disability. The report shall be reviewed by the Supervisor of Volunteer Services and submitted to the Superintendent or his or her designee with a recommendation for approval or disapproval for participation in the Volunteer Service Program.

(d) The Supervisor of Volunteer Services shall notify all applicants, in writing, of whether they have been approved or disapproved for participation in the Volunteer Service Program.

#### **10A:17-2.9 Volunteer Handbook**

(a) Each institution shall develop and publish a Volunteer Handbook which shall bear the date of publication on the cover or front page.

(b) Each volunteer shall receive a copy of the Volunteer Handbook prior to assignment of any institutional activity.

(c) The contents of the Volunteer Handbook shall be updated every two years.

(d) Prior to publishing or republishing the Volunteer Handbook, the final draft shall be submitted to the Office of the Deputy Commissioner for review and written approval.

(e) When the approved Volunteer Handbook has been printed, the correctional facility shall submit a copy to the Office of the Deputy Commissioner and to the appropriate Assistant Commissioner's office to be maintained on file.

(f) The Volunteer Handbook shall include, but is not limited to:

1. An introduction which summarizes the history, goals and objectives of the Department of Corrections and the institution;
2. A summary of institutional rules, regulations and useful practices;
3. The guidelines for interaction with inmates;
4. The responsibilities of volunteers;
5. A summary of services currently being provided by volunteers; and
6. An explanation of the volunteer performance evaluation.

Amended by R.1992 d.49, effective February 3, 1992.  
See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).  
Revised (d) and (e).

#### **10A:17-2.10 Orientation and training of volunteers**

(a) Each institution shall provide orientation and training sessions to all volunteers prior to assignment to any institutional service.

(b) Orientation and training sessions shall include, but are not limited to, the following topics:

1. Rules of the Department of Corrections;
2. Rules of the institution;
3. Philosophy, goals, resources and programs of the institution;
4. Duties and responsibilities of volunteers; and
5. Appropriate exercise of volunteer authority.

#### **10A:17-2.11 Volunteer assignments**

(a) Volunteers shall be assigned to institutional services in accordance with the volunteer's interests and capabilities, and in accordance with the needs of the institution. Services to which volunteers may be assigned shall include, but are not limited to:

1. Tutoring;
2. Crafts;
3. Recreation;
4. Vocational placement;
5. Group or individual counseling; and
6. Religious activities.

#### **10A:17-2.12 Scheduling**

(a) The services of the Volunteer Service Program shall be coordinated and scheduled by the Supervisor of Volunteer Services and approved, in writing, by the Superintendent or his or her designee.

(b) The Supervisor of Volunteer Services shall post a schedule of current volunteer services on each housing unit's bulletin area. The schedule of volunteer services shall indicate the following:

1. Kind of service provided;
2. Day(s) provided;
3. Time (beginning/ending);
4. Location; and
5. Individual or group(s) providing service.

(c) Any additions or changes in volunteer services shall be promptly posted on each housing unit's bulletin area by the Supervisor of Volunteer Services.

(d) When time or space is limited, or when the delivery of volunteer services conflicts with the normal operation of the institution, the Superintendent or his or her designee shall determine whether volunteer services shall be limited, suspended or discontinued.

#### **10A:17-2.13 Volunteer identification cards**

(a) A volunteer identification (I.D.) card shall be prepared for each volunteer.

(b) The volunteer I.D. card shall include:

1. A photograph of the volunteer;
2. The name and address of the volunteer;
3. The home and work telephone number of the volunteer;
4. The agency or group represented by the volunteer;
5. The volunteer service provided; and
6. The preparation date of volunteer I.D. card.

(c) The volunteer I.D. card shall be kept at the front entrance of the institution, and shall be used only by the person on duty at the front entrance for identifying volunteers. The volunteer I.D. card shall never be carried by the volunteer on or off the premises of the institution.

(d) The Supervisor of Volunteer Services shall retain all inactive volunteer I.D. cards.

**10A:17-2.14 Institution identification card**

(a) When entering the institution, the volunteer shall obtain, at the front entrance, an institution identification (I.D.) card in exchange for some form of personal identification, such as:

1. A driver's license;
2. An employment photo I.D. card;
3. A passport; or
4. Any other item or document which clearly identifies the volunteer.

(b) While in the institution, the volunteer shall visibly wear an institution I.D. card.

(c) When the volunteer leaves the institution, the volunteer shall return the institution I.D. card in exchange for his or her personal identification material.

(d) The staff member on duty at the institution's front entrance shall record the following:

1. Volunteer's name;
2. Date; and
3. Time volunteer entered and left institution.

**10A:17-2.15 Supervision of volunteers**

The Department head to whom the volunteer is assigned shall be considered the volunteer's supervisor.

**10A:17-2.16 Performance evaluation**

(a) The Supervisor of Volunteer Services, along with the volunteer's immediate supervisor, shall evaluate the performance of the volunteer after a trial period of four months using Form 450-III Volunteer Performance Evaluation.

(b) If the evaluation in (a) above is unsatisfactory, a consultation shall be scheduled between the volunteer, the Supervisor of Volunteer Services, the immediate supervisor and any other appropriate staff member(s).

(c) After the consultation with the volunteer in (b) above has been completed, the Supervisor of Volunteer Services shall recommend to the Superintendent the retention or termination of the volunteer.

**10A:17-2.17 Recognition of volunteers**

Each institution should schedule an annual event to acknowledge the contribution of volunteers.

**10A:17-2.18 Curtailing, suspending or discontinuing the services of a volunteer**

(a) The Superintendent may curtail, suspend or discontinue the services of a volunteer for reasons which include, but are not limited to:

1. Any breach of confidentiality;
2. Unlawful conduct or breach of institutional rules and regulations;
3. Physical or emotional illness;
4. Inability to cooperate with staff;
5. Erratic, unreliable attendance;
6. Violation(s) of the rules of the Volunteer Service Program;
7. Any prohibited conduct contained in the volunteer contract; and
8. Any conduct which threatens the order or security of the institution or the safety of the volunteer.

**10A:17-2.19 Inmate violation of Volunteer Service Program rules**

(a) Inmates shall be advised, in writing, of the rules governing the Volunteer Service Program.

(b) Failure of the inmate to comply with the rules of the Volunteer Service Program may result in disciplinary action being taken against the inmate involved.

**10A:17-2.20 Volunteer Service Program in community residential facilities**

(a) Each community residential facility which uses the services of volunteers shall develop written policies and procedures which govern the following:

1. Recruiting, screening and selecting of volunteers;
2. Orientation and training of volunteers;
3. Supervision of the services provided by volunteers; and
4. Termination of volunteers.

(b) The policies and procedures outlined in (a) above shall be revised when necessary, and submitted to the Office of the Deputy Commissioner and the appropriate Assistant Commissioner's office for review and written approval on or before September 30 of each year.

Amended by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Revised (b).

**10A:17-2.21 Volunteer in Parole Program (V.I.P.P.)**

This subchapter shall not apply to bona fide participants in the Volunteer In Parole Program (V.I.P.P.), Bureau of Parole, New Jersey Department of Corrections.

**10A:17-2.22 Records**

(a) The Supervisor of Volunteer Services shall maintain a current record of the following:

1. All volunteer services;
2. Names and photos of volunteers; and
3. Inmates receiving volunteer services.

#### 10A:17-2.23 Reporting responsibilities

(a) The Supervisor of Volunteer Services shall prepare monthly and annual reports of volunteer services and submit the reports in accordance with N.J.A.C. 10A:21, REPORTS.

(b) A list of volunteer applicants who have been approved or rejected shall be included in the Supervisor of Volunteer Services' monthly report.

(c) The supervisor of Volunteer Services shall submit copies of his or her monthly and annual reports to the Superintendent and the Office of the Deputy Commissioner.

Amended by R.1992 d.49, effective February 3, 1992.  
See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).  
Revised (c).

#### 10A:17-2.24 Procedures and post orders

(a) Each institution shall develop written procedures and post orders to govern the Volunteer Service Program.

1. The Superintendent shall review and sign the procedures and post orders at least annually. Each institution shall update the procedures and post orders in (a) above as necessary.

(b) Each correctional facility shall submit a copy of the written procedures governing the Volunteer Service Program to the Office of the Deputy Commissioner for review and approval on or before September 30 of each year.

Amended by R.1992 d.49, effective February 3, 1992.  
See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).  
Revised (b).

### SUBCHAPTER 3. VOLUNTEERS IN PAROLE PROGRAM (V.I.P.P.)

#### 10A:17-3.1 Definition of volunteer

"Volunteer" means a person who provides services which supplement the functions and activities of employees of the Bureau of Parole, New Jersey Department of Corrections, without remuneration.

#### 10A:17-3.2 Eligibility for services provided

All offenders being released from New Jersey State correctional facilities shall be eligible for consideration to receive services from a community volunteer.

#### 10A:17-3.3 Volunteer service assignments

(a) Volunteers shall be assigned to duties in accordance with their interests and capabilities. The volunteer's assignments may include, but are not limited to, work performed as:

1. A parole officer aide;
2. A professional aide;
3. An administrative aide;
4. A clerical aide; and
5. A student intern.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

#### 10A:17-3.4 Volunteers in Parole Program (V.I.P.P.) Supervisor

(a) The Volunteers in Parole Program (V.I.P.P.) Supervisor, serving under the Chief, Bureau of Parole, New Jersey Department of Corrections, shall be responsible for the administration of the V.I.P.P. The V.I.P.P. Supervisor shall:

1. Develop and disseminate the policies and procedures of V.I.P.P.;
2. Monitor and evaluate V.I.P.P. activities; and
3. Submit monthly and annual reports on V.I.P.P. activities to the Chief, Bureau of Parole.

#### 10A:17-3.5 District Volunteers in Parole Program (V.I.P.P.) Coordinator

(a) The District Parole Supervisor shall designate a District V.I.P.P. Coordinator who shall be responsible for the coordination and supervision of V.I.P.P. activities within the District Office. The District V.I.P.P. Coordinator shall:

1. Recruit volunteers;
2. Assist in the orientation and training of volunteers;
3. Coordinate the interviewing, screening and approval of volunteers;
4. Assign volunteers to appropriate activities and/or services;
5. Coordinate and monitor the supervision of volunteers; and
6. Prepare annual reports of V.I.P.P. activities.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

#### 10A:17-3.6 Recruiting volunteers

(a) Volunteers may be recruited by the V.I.P.P. Supervisor, the District V.I.P.P. Coordinator, or other interested individuals.

(b) Efforts shall be made to recruit volunteers from all cultural and socioeconomic segments of the community.

(c) When recruiting volunteers, emphasis shall be placed on the service to be provided and the qualifications of the prospective volunteer including:

1. Motivation;
2. Interest;
3. Background;
4. Training; and/or
5. Other qualifications which make the prospective volunteer the appropriate person to provide a needed service.

(d) Assistance in recruiting volunteers may be provided by the Coordinator of Volunteer Services, New Jersey Department of Corrections.

#### **10A:17-3.7 Eligibility for service as a volunteer**

- (a) A volunteer shall be at least 18 years of age.
- (b) A former inmate may serve as a volunteer if his or her application is approved by the District Parole Supervisor and the Chief, Bureau of Parole.
- (c) A disabled person may serve as a volunteer if his or her disability does not interfere with this person's ability to provide a service.
- (d) No application to serve as a volunteer shall be denied on the basis of sex, race, religion or national origin.

#### **10A:17-3.8 Volunteer application**

(a) Any person desiring to serve as a volunteer may obtain from the District Volunteers in Parole Program (V.I.P.P.) Coordinator the following forms:

1. 450-I VOLUNTEER APPLICATION;
2. IAU-12 REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION;
3. 608.5 V.I.P.P. VOLUNTEER RULES AND RESPONSIBILITIES;
4. 608.6 GENERAL WAIVER; and
5. DOC-345 APPLICATION FOR CLEARANCE AND ISSUANCE OF A TEMPORARY IDENTIFICATION CARD.

(b) The applicant shall complete and sign the forms in (a) above and return such forms to the District V.I.P.P. Coordinator, who shall schedule fingerprinting.

(c) All volunteers shall be fingerprinted.

(d) A copy of all applications shall be submitted by the District V.I.P.P. Coordinator to the Bureau of Parole V.I.P.P. Supervisor who shall:

1. Submit the Form 450-I VOLUNTEER APPLICATION to the Coordinator of Volunteer Services, New Jersey Department of Corrections; and
2. Submit the Form DOC-345 APPLICATION FOR CLEARANCE AND ISSUANCE OF A TEMPORARY IDENTIFICATION CARD to the Internal Affairs Unit, New Jersey Department of Corrections.

(e) Applicants offering volunteer services in specialized fields requiring licensure or certification shall submit current and valid credentials for verification, along with the application.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

#### **10A:17-3.9 Screening process**

- (a) Applicants shall be evaluated on the basis of:
1. Information entered on Form 450-I VOLUNTEER APPLICATION;
  2. Information provided at the interview; and
  3. Information provided by Form IAU-12 REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION and Form DOC-345 APPLICATION FOR CLEARANCE AND ISSUANCE OF A TEMPORARY IDENTIFICATION CARD.

(b) The District Volunteers in Parole Program (V.I.P.P.) Coordinator shall verify all pertinent information and approve or reject applicants after a thorough review has been made of the qualifications of the applicants and the needs of the District.

(c) The District V.I.P.P. Coordinator shall notify all applicants, in writing, of whether they have been approved or disapproved for participation in the V.I.P.P.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

#### **10A:17-3.10 Volunteer responsibilities**

(a) All volunteers shall agree to abide by the following rules:

1. Volunteer services shall be provided on a strictly volunteer basis, for which no money, gifts or compensation may be accepted;
2. The volunteer shall attend his or her assigned duties as scheduled by the District Volunteers in Parole (V.I.P.P.) Coordinator;
3. The volunteer shall not discuss Bureau of Parole business with unauthorized persons, and shall maintain

confidentiality of information in accordance with N.J.A.C. 10A:22;

4. The volunteer shall not exchange gifts, money, personal services or other favors with any parolee or with any parolee's family or relative;

5. The volunteer shall notify the District V.I.P.P. Coordinator of possible violation of parole rules by a parolee;

6. The volunteer shall not engage in any volunteer activity while under the influence of alcohol or illicit drugs;

7. The volunteer shall not indulge in undue familiarity with parolees;

8. The volunteer shall not remove any case materials from the Bureau of Parole office;

9. The volunteer shall notify the District V.I.P.P. Coordinator if the volunteer desires to visit any State or county correctional facility;

10. The volunteer shall notify the District V.I.P.P. Coordinator of any condition or event which will affect or prevent the volunteer from continued participation in the Volunteer in Parole Program (V.I.P.P.) and;

11. The volunteer shall not participate in any Bureau of Parole law enforcement activity.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

#### **10A:17-3.11 Volunteer handbook**

(a) The Bureau of Parole shall develop and publish a Volunteers in Parole Program Handbook which shall bear the date of publication on the cover or front page.

(b) The Volunteers in Parole Handbook shall include, but is not limited to:

1. An introduction which summarizes the history, goals and objectives of the Department of Corrections and the Bureau of Parole;

2. A summary of Bureau of Parole policies and procedures;

3. The responsibilities of volunteers (see N.J.A.C. 10A:17-3.10);

4. A summary of volunteer services and activities; (see N.J.A.C. 10A:17-3.3); and

5. An explanation of the volunteer performance evaluation (see N.J.A.C. 10A:17-3.14).

(c) Prior to publishing or republishing the Volunteer in Parole Program Handbook, the final draft shall be submitted to the Coordinator of Volunteer Services, New Jersey Department of Corrections, for review and written approval.

(d) When the approved Volunteers in Parole Program Handbook has been published, the Bureau of Parole shall provide a copy to the Coordinator of Volunteer Services, New Jersey Department of Corrections, and the Assistant Commissioner, Division of Policy and Planning, to be maintained on file.

(e) Each volunteer shall receive a copy of the Volunteers in Parole Program Handbook prior to assignment to an activity or service.

(f) The contents of the Volunteers in Parole Program Handbook shall be updated every two years.

#### **10A:17-3.12 Orientation and training of volunteers**

(a) Each District Office shall provide orientation and training sessions to all volunteers prior to assignment to an activity or service. Orientation and training sessions shall include, but not be limited to:

1. The rules of the Department of Corrections;

2. The rules of the Bureau of Parole;

3. The philosophy, goals, resources and programs of the Bureau of Parole;

4. The duties and responsibilities of volunteers; and

5. The appropriate exercise of authority by volunteers.

#### **10A:17-3.13 Supervision of volunteers**

The supervision of volunteers shall be provided by the District Office supervising staff members to whom the volunteers have been assigned.

#### **10A:17-3.14 Performance evaluation**

(a) The District Volunteers in Parole Program (V.I.P.P.) Coordinator, along with the volunteer's immediate supervisor, shall evaluate the performance of the volunteer after a trial period of four months, using Form 608.7 VOLUNTEER PERFORMANCE EVALUATION.

(b) A performance evaluation shall include, but not be limited to, the following criteria:

1. Attitude toward work;

2. Relationship with co-workers and staff;

3. Relationship with parolee; and

4. Reliability.

(c) If the evaluation is unsatisfactory, a conference shall be scheduled with the volunteer, the District V.I.P.P. Coordinator, the immediate supervisor and any other appropriate staff member(s).

(d) Following the conference, the District V.I.P.P. Coordinator shall recommend to the District Parole Supervisor the retention or termination of the volunteer.



(e) The performance evaluation of a student intern shall be submitted according to the requirements of the educational institution attended by the student.

(f) A final evaluation using Form 608.7 VOLUNTEER PERFORMANCE EVALUATION shall be completed on all volunteers.

#### **10A:17-3.15 Recognition of volunteers**

The Bureau of Parole may schedule an annual event to acknowledge the contribution of volunteers.

#### **10A:17-3.16 Curtailing, suspending or discontinuing the services of a volunteer**

(a) The District Parole Supervisor may curtail, suspend or discontinue the services of a volunteer for reasons which include, but are not limited to:

1. Any breach of confidentiality (see N.J.A.C. 10A:22, Records);
2. An arrest of the volunteer;
3. A physical or emotional illness;
4. The inability to cooperate with staff;
5. Irregular attendance; or
6. Violation of the rules of the Volunteer in Parole Program (V.I.P.P.) as established in this chapter.

#### **10A:17-3.17 Reporting responsibilities**

The District Volunteers in Parole Program (V.I.P.P.) Coordinator shall submit annual reports to the V.I.P.P. Supervisor which shall include a list of all volunteers listed by category for the fiscal year who have been terminated and the corresponding date of action.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

#### **10A:17-3.18 Forms**

(a) Form 450-I VOLUNTEER APPLICATION related to the Volunteers in Parole Program (V.I.P.P.) shall be reproduced by each District Parole Office from an original that is available by contacting the Standards Development Unit or the Bureau of Parole, New Jersey Department of Corrections.

(b) The following forms related to the Volunteers in Parole Program (V.I.P.P.) shall be obtained from the Bureau of Parole, New Jersey Department of Corrections:

1. 608.5 V.I.P.P. VOLUNTEER RULES AND RESPONSIBILITIES;
2. 608.6 GENERAL WAIVER; and
3. 608.7 VOLUNTEER PERFORMANCE EVALUATION.

(c) The following forms related to the Volunteers in Parole Program (V.I.P.P.) shall be obtained from the District Volunteers in Parole Program (V.I.P.P.) Coordinator, Department of Corrections:

1. IAU-12 REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION; and
2. DOC-345 APPLICATION FOR CLEARANCE AND ISSUANCE OF A TEMPORARY IDENTIFICATION CARD.

Amended by R.1996 d.91, effective February 20, 1996.  
See: 27 N.J.R. 4847(a), 28 N.J.R. 1211(a).

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### **SUBCHAPTER 4. (RESERVED)**

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### **SUBCHAPTER 5. RELIGION**

#### **10A:17-5.1 Freedom of religious affiliation and voluntary worship**

(a) Each inmate has the right to freedom of religious affiliation and voluntary religious worship while incarcerated, but the exercise of such right may be subject to reasonable restrictions.

(b) Any inmate in the general population of a correctional facility who desires to participate in a religious service, meeting or activity shall be permitted to do so.

#### **10A:17-5.2 Religious proselytizing of inmates**

(a) No person shall disparage an inmate's religious beliefs or deliberately seek to persuade an inmate to change his or her religious affiliation.

(b) While under the jurisdiction of the New Jersey Department of Corrections, an inmate shall not be prevented from voluntarily changing religious preference.

(c) An inmate may change his or her religious affiliation upon approval by the chaplain who represents the faith group to which the inmate is seeking affiliation.

#### **10A:17-5.3 Inmate attendance of community religious activities**

(a) Inmates within the Division of Adult Institutions, including satellite units, and adult inmate paraprofessionals assigned to juvenile correctional facilities shall not be permitted to attend worship services and/or religious activities in the community.

(b) At the discretion of the Superintendent, inmates residing in community residential centers may be permitted to attend religious services in the community.

Amended by R.1988 d.433, effective September 6, 1988.

See: 20 N.J.R. 1332(a), 20 N.J.R. 2294(b).

Added (b).

#### **10A:17-5.4 Physical facilities and equipment**

(a) Dependent upon available resources and consistent with internal discipline, order, safety and security, the correctional facility shall provide adequate space and equipment so as to enable inmates to:

1. Participate in worship services or other religious rites;
2. Receive religious education; and
3. Receive religious counseling.

(b) During all phases of any religious program, the rules and policies related to the internal discipline, order, safety and security of the correctional facility shall be in effect.

#### **10A:17-5.5 Inmate orientation**

(a) During orientation, inmates shall be informed of the following:

1. Chaplaincy services;
2. Religious activities; and
3. Other aspects of the religious program.

#### **10A:17-5.6 Scheduling of religious activity**

(a) All religious services, activities or meetings shall be coordinated and scheduled by the Supervisor of Chaplaincy Service, Chaplain, or other designated staff person, subject to the approval of the Superintendent or his or her designee.

(b) Factors to be considered when scheduling religious activities shall include, but are not to be limited to:

1. Availability of staff;
2. Availability of space;
3. Availability of time; and
4. The maintenance of a secure and orderly operating correctional facility.

(c) The weekly schedule of religious services and activities shall be posted on each housing unit's bulletin area, and in conspicuous and accessible areas of the correctional facility. The schedule shall indicate the following:

1. Kind of religious service or activity being held;
2. Day(s) provided;
3. Time (beginning and ending);

4. Location; and

5. Person or group conducting activity.

(d) Any additions or changes in religious services and activity shall be promptly posted.

#### **10A:17-5.7 Restrictions on congregate religious services**

When, in the opinion of the Institutional Classification Committee (I.C.C.) and the Superintendent, there is substantial evidence that disruptive or illicit activity has occurred or is likely to occur, one or more inmates may have their attendance at group worship restricted or denied, or a scheduled religious service, activity or meeting may be cancelled or terminated.

#### **10A:17-5.8 Control of religious ritualistic elements**

(a) Religious ritualistic elements, including but not limited to sacramental wine, fragrance oil in institution approved containers and matzo, which are necessary as part of the religious service, may be brought into the correctional facility only by the Chaplain or a volunteer religious group leader from the community.

(b) The custody shift supervisor shall be responsible for the secure storage of religious ritualistic elements.

(c) When religious ritualistic elements are to be used, these elements shall be issued by the custody shift supervisor only to the Chaplain or a volunteer religious group leader from the community.

(d) The Chaplain or a volunteer religious group leader from the community shall be responsible for the use and return of any excess religious ritualistic elements to the custody staff supervisor for secure storage following the use of the elements at religious services.

Amended by R.1988 d.433, September 6, 1988.

See: 20 N.J.R. 1332(a), 20 N.J.R. 2294(b).

Clarification of the responsibilities in the control of religious ritualistic elements.

#### **10A:17-5.9 Religious diets**

(a) Inmates may abstain from eating food items, served to the general population, which are prohibited by the inmate's religion. In such instances, upon approval by the Chaplaincy Department (see N.J.A.C. 10A:17-5.10, nutritionally balanced vegetarian meals shall be provided to all inmates who, due to religious beliefs, do not wish to eat meat. Such vegetarian meals shall be made available to inmates as an alternative to the "principal meal" which is provided to the rest of the inmate population.

(b) The vegetarian entree shall be provided at each of the three meals of the day (breakfast, lunch and dinner), seven days per week, except on those occasions when the principal meal being served does not contain any meat (for example, a breakfast of juice and cereal, etc.). In such instances, all inmates will receive the same meal.

(c) All vegetarian diets, unless otherwise indicated, will be served as a complete meal and not in supplement to, or as a choice between, dietary meals and regular meals.

(d) Vegetarian diets shall be provided to inmates only when requests for such diets have been reviewed and approved by the Chaplaincy Department.

Amended by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Revised text.

#### **10A:17-5.10 Placement on the religious vegetarian diet**

(a) In order to be considered for placement on the list of inmates approved for vegetarian diets, the inmate must complete Sections I and II of Form 370-I Religious Vegetarian Diet, which may be obtained on request from the housing unit Social Worker.

(b) The inmate shall forward Form 370-I Religious Vegetarian Diet, with sections I and II completed, to the Chaplaincy Department for review.

(c) The Chaplaincy Department may interview an inmate who has requested placement on the list of inmates approved for vegetarian diets if it is deemed necessary. In no case shall the interview be used to proselytize the inmate.

(d) If the inmate's request for placement on the list of inmates approved for vegetarian diets is approved, the Chaplain shall forward the completed Form 370-I Religious Vegetarian Diet to the Institutional Classification Committee (I.C.C.).

(e) The Institutional Classification Committee shall submit the name of an inmate who has been approved for placement on a vegetarian diet to the Food Service Department.

(f) If the inmate's request for placement on a vegetarian diet is disapproved, the Chaplain shall notify the inmate and file Form 370-I Religious Vegetarian Diet in the inmate's Classification folder. The Chaplain's decision is final and is not subject to being overruled by the Institutional Classification Committee (I.C.C.).

(g) When the inmate is notified by the Chaplain that the request for placement on a vegetarian diet is disapproved, the inmate may appeal in writing to the Superintendent or his or her designee. The Superintendent shall respond within five days giving statement of reasons for his or her decision.

(h) Any inmate who wishes to be added or deleted from the list of inmates approved for vegetarian diets shall provide 30 days written notice to the Chaplaincy Department using Form 370-I Religious Vegetarian Diet.

New Rule, R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.10 "Religious holidays" recodified to 10A:17-5.11.

#### **10A:17-5.11 Religious holidays**

(a) Religious holidays of recognized faith groups shall be acknowledged.

(b) Special religious services or activities may be scheduled for inmates of a particular faith so those inmates may observe their religious holidays. The scheduling of these special religious services and activities shall depend upon the following:

1. Availability of correctional facility space;
2. Availability of staff for supervision; and
3. Other essential operational considerations.

Recodified from 10A:17-5.10 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.11 "Receiving and sending religious material" recodified to 10A:17-5.12.

#### **10A:17-5.12 Receiving and sending religious material**

(a) Inmates shall be permitted to receive through the mail and retain religious literature and the indicia of religion, such as missals, prayer books, shawls and prayer rugs.

(b) Inmates shall be permitted to send out of the correctional facility religious literature or indicia of religion, such as missals, prayer books, shawls and prayer rugs.

(c) The receipt, retention or sending out of religious material is subject to the restrictions and procedures in N.J.A.C. 10A:3-6 CONTRABAND AND DISPOSITION OF CONTRABAND AND N.J.A.C. 10A:18 MAIL, VISITS AND TELEPHONE.

Recodified from 10A:17-5.11 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.12 "Interfaith religious activity within the correctional facility" recodified to 10A:17-5.13.

#### **10A:17-5.13 Interfaith religious activity within the correctional facility**

(a) Although the Chaplain shall serve the correctional facility as a minister of the faith which he or she represents, the Chaplain shall not limit counseling, pastoral or other ministerial activities and/or responsibilities to inmates of the Chaplain's religious preference and affiliation.

(b) Where only one Chaplain serves the correctional facility, he or she shall cooperate with representatives of other faith groups that have been approved to minister to inmates in the correctional facility.

(c) Inmates of various religious preferences and affiliations shall be permitted to participate in the religious activities.

ties and services of other faith groups whenever it is feasible and appropriate.

Recodified from 10A:17-5.12 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.13 "Community volunteers for religious activities" recodified to 10A:17-5.14.

#### **10A:17-5.14 Community volunteers for religious activities**

(a) Community volunteers for religious activities shall be recruited, oriented, trained and evaluated in accordance with N.J.A.C. 10A:17-2 VOLUNTEER SERVICE PROGRAM.

(b) The Chaplain shall be the immediate supervisor of volunteers for religious activities, and he or she shall familiarize the volunteers with the rules in this subchapter and any other rules pertaining to religious activities.

Recodified from 10A:17-5.13 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.14 "Chaplaincy services for inmates confined to the infirmary, hospital or Close Custody Units" recodified to 10A:17-5.15.

#### **10A:17-5.15 Chaplaincy services for inmates confined to the infirmary, hospital or Close Custody Units**

(a) Inmates confined to the infirmary, hospital or Close Custody Units of an institution shall be provided religious counseling or pastoral services upon request. These services shall be provided by the Chaplain or a volunteer religious group leader from the community.

(b) Inmates who are patients in a community hospital shall be visited by the Chaplain, upon request, to receive religious counseling or other pastoral services.

(c) The procedure for requesting religious counseling or pastoral services shall be outlined in the Inmate Handbook published pursuant to N.J.A.C. 10A:8-3.

Recodified from 10A:17-5.14 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.15 "Chaplaincy services for inmates in satellite units" recodified to 10A:17-5.16.

#### **10A:17-5.16 Chaplaincy services for inmates in satellite units**

Inmates assigned to satellite units may receive counseling or pastoral services provided by the Chaplain or a volunteer religious group leader from the community.

Recodified from 10A:17-5.15 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.16 "Nontraditional religions" recodified to 10A:17-5.17.

#### **10A:17-5.17 Nontraditional religions**

(a) Institutional officials shall not be required to provide every religious sect or group with:

1. Outside clergy;
2. Space; and/or
3. Schedule time for religious activity.

(b) An inmate belonging to a nontraditional religion may be permitted to practice his or her religion if the Superintendent determines, after consultation with the Chaplain and the Coordinator, Chaplaincy Services, that the religion is entitled to official recognition within a correctional facility, and that the practice of this religion would not threaten or otherwise interfere with the internal discipline, safety, security or orderly operation of the correctional facility.

Recodified from 10A:17-5.16 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.17 "Initiating religious groups within the correctional facility" recodified to 10A:17-5.18.

#### **10A:17-5.18 Initiating religious groups within the correctional facility**

(a) An inmate who wishes to organize a religious group which is not recognized in the correctional facility shall submit a written request to the Superintendent which contains the following information:

1. The official name of religious organization or religion;
2. The names of all present members;
3. The name, address and affiliation of the person(s) who is to lead the religious service; and
  - i. Such person must be able to pass a security check;
4. A description of religious beliefs or theology, including religious literature or scripture utilized;
5. A description of ritual practices, including time and manner of conducting religious services;
6. A statement of the group's religious goals and objectives; and
7. A list of the religious holidays, with explanations as to purpose of each.

(b) The Superintendent shall, after consultation with the Chaplain and the Coordinator, Chaplaincy Services, consider all relevant factors which shall include, but are not limited to, the following:

1. Safety of inmates and staff;
2. Security and the orderly operation of the correctional facility; and
3. The availability of time and space.

(c) The Superintendent shall determine whether the religious group shall be granted official recognition within the correctional facility, and shall provide a written notice of his or her decision to the following:

1. The Chaplain;
2. The Coordinator, Chaplaincy Services; and
3. The inmate(s) who submitted the request.

Recodified from 10A:17-5.17 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.18 "Ministerial services to the staff" recodified to 10A:17-5.19.

#### **10A:17-5.19 Ministerial services to the staff**

Upon request, the Chaplain shall provide pastoral services to the correctional facility staff, and shall be available for counseling especially in periods of bereavement, emergencies and other crisis situations.

Recodified from 10A:17-5.18 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.19 "Files and records" recodified to 10A:17-5.20.

#### **10A:17-5.20 Files and records**

(a) During reception into a correctional facility, each inmate's religious preference shall be recorded in his or her classification record.

(b) The inmate shall promptly notify the Classification Officer of any change in religious affiliation, which shall then be entered into the inmate's classification record.

(c) In accordance with the written procedures of the institution, the Chaplain shall have access to records of inmates. The Chaplain may enter into the records any information he or she may deem pertinent to the treatment of inmates.

(d) The Chaplain shall maintain a record of the following:

1. All religious denominations or groups which are represented in the correctional facility;
2. The names, addresses and religious affiliation of all part-time Chaplains;
3. Volunteer religious group leaders or groups from the community who are permitted to conduct religious activities in the correctional facility; and
4. Worship services and related activities that are scheduled weekly.

Recodified from 10A:17-5.19 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Old section 10A:17-5.20 "Reports" recodified to 10A:17-5.21.

#### **10A:17-5.21 Reports**

(a) The Supervisor of Chaplaincy Services, Chaplain or other designated staff person shall submit monthly and annual reports of chaplaincy activities to the Superintendent or his or her designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or designated staff person to the Coordinator, Chaplaincy Services.

Recodified from 10A:17-5.20 by R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

#### **10A:17-5.22 Forms**

Form 370-I RELIGIOUS VEGETARIAN DIET shall be reproduced by each correctional facility from an original that is available by contacting the Standards Development Unit.

New Rule, R.1992 d.49, effective February 3, 1992.

See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

### **SUBCHAPTER 6. INSTITUTIONAL CHAPLAINCY**

#### **10A:17-6.1 Coordinator, Chaplaincy Services**

(a) The Coordinator, Chaplaincy Services shall be responsible to the Office of the Deputy Commissioner for the overall planning and implementation of religious programs within State correctional facilities.

(b) The Coordinator, Chaplaincy Services, shall provide consultation, support and coordination to all administrative units on matters related to chaplaincy services and religious activities.

(c) The Coordinator, Chaplaincy Services, shall monitor and evaluate chaplaincy services and religious activities.

#### **10A:17-6.2 Consultation with the Coordinator, Chaplaincy Services**

The Superintendent or his or her designee shall consult with the Coordinator, Chaplaincy Services, on professional, technical and administrative matters related to institutional chaplaincy and religious activities.

#### **10A:17-6.3 Coordination and supervision of religious activities**

(a) The Supervisor of Chaplaincy Services, Chaplain or other designated staff person shall be responsible to the Superintendent or his or her designee for coordinating and supervising the religious activities of the institution, and ensuring that the requirements of N.J.A.C. 10A:17-5, RELIGION, are fulfilled.

(b) If the institution does not have a Supervisor of Chaplaincy Services, the Superintendent shall designate a staff person to be responsible for coordinating and supervising the religious activities of the institution.

#### 10A:17-6.4 Institutional Chaplains

(a) Each institutional Chaplain shall:

1. Serve as minister of the faith he or she represents;
2. Serve as liaison between institutional authorities, the inmates whose faiths are not represented in the institution and the representatives of those faiths in the community;
3. Provide ministerial services to staff members when requested;
4. Represent the institution in matters regarding religious activities in the community as they relate to the programs of the institution; and
5. Serve as liaison to community clergy, to encourage their understanding of confined persons with special needs, and to enlist the cooperation of community clergy in planning institutional religious activities.

(b) Each Chaplain shall keep informed of new developments and trends in institutional chaplaincy services.

(c) Each Chaplain shall remain in good standing with his or her denomination, and he or she shall be permitted to attend meetings and conferences that are essential to his or her professional standing.

(d) As a professional staff member, the Chaplain, along with his or her professional colleagues, may participate in therapy programs for inmates.

(e) The Supervisor of Chaplaincy Services or a staff person designated by the Superintendent shall prepare monthly and annual reports on the religious activities of the institution pursuant to N.J.A.C. 10A:17-5.20 and 10A:17-6.8.

#### 10A:17-6.5 Recruiting chaplains

(a) The Coordinator, Chaplaincy Services, and the Chaplaincy Consulting Committee shall be responsible for recruiting candidates for institutional chaplaincy positions and for increasing the public awareness of the vital need for chaplaincy services in an institutional setting. Recruitment may be done on a personal basis and/or by advertising.

(b) The Coordinator, Chaplaincy Services, may place advertisements for a vacant institutional chaplaincy position in the "Clinical Pastoral Education Newsletter", a national interdenominational newspaper which is published by the Association of Clinical Pastoral Education, and other appropriate publications.

(c) When recruiting on a personal basis for a vacant institutional chaplaincy position, or when application is made through a member of the institutional staff or a member of the Chaplaincy Consulting Committee, all documents obtained from the applicant, such as applications and resumes, shall be forwarded to the Coordinator, Chaplaincy Services, for review, verification of credentials, filing and reference pursuant to N.J.A.C. 10A:17-6.9.

(d) When recruiting candidates for institutional chaplaincy positions, emphasis shall be placed on the following:

1. Academic credentials;
2. Experience; and
3. Other qualifications needed to provide the services of the position.

#### 10A:17-6.6 Chaplaincy Consulting Committee

(a) The purpose of the Chaplaincy Consulting Committee is to ensure that high quality religious ministry is provided for persons in the institutions of the Departments of Corrections and Human Services, and to represent the concerns of the religious community in the development and implementation of religious policies practiced in institutions.

(b) The Chaplaincy Consulting Committee shall be responsible for recruiting, interviewing and recommending candidates to fill all institutional chaplaincy positions.

(c) The Chaplaincy Consulting Committee shall consist of the following:

1. Representatives from the religious community appointed as official representatives of their respective faith groups;
2. Representatives from the Departments of Corrections and Human Services designated by their respective Commissioners;
3. Representatives from the New Jersey State Institutional Chaplains Association; and
4. The Coordinator, Chaplaincy Services, who shall serve as an ex officio member of the Committee.

#### 10A:17-6.7 Selecting chaplains

(a) The Coordinator, Chaplaincy Services, shall maintain a file of resumes of applicants for chaplaincy positions pursuant to N.J.A.C. 10A:17-6.9.

(b) When a vacancy in a chaplaincy position occurs at an institution, the Superintendent or his or her designee shall notify the Coordinator, Chaplaincy Services, who shall be responsible for notifying the Chaplaincy Consulting Committee.

(c) The Chaplaincy Consulting Committee shall review all applications and arrange interviews for the applicants who meet the qualifications for the institutional chaplaincy position.

(d) Upon completion of the interviews, the Chaplaincy Consulting Committee shall recommend two or more candidates to the Superintendent.

1. The Superintendent may request that the Chaplaincy Consulting Committee submit the names of additional candidates for consideration should the Superintendent deem such action necessary.

(e) The Superintendent shall select the applicant to fill the vacancy.

(f) All requests for personnel actions involving the hiring of full-time or part-time chaplains must be approved by the Coordinator, Chaplaincy Services, prior to processing by the Department of Corrections' Office of Human Resources.

(g) All contracts for religious services must be reviewed and approved by the Coordinator, Chaplaincy Services, prior to processing.

#### 10A:17-6.8 Reports

(a) The Supervisor of Chaplaincy Services, Chaplain or a staff person designated by the Superintendent shall submit monthly and annual reports of chaplaincy activities to the Superintendent or his or her designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or a designated staff person to the Coordinator, Chaplaincy Services.

#### 10A:17-6.9 Files and records of the Coordinator, Chaplaincy Services

(a) The Coordinator, Chaplaincy Services, shall maintain files containing up-to-date resumes and applications of qualified candidates who are interested in institutional chaplaincy positions.

(b) The Coordinator, Chaplaincy Services, shall maintain copies of the monthly and annual reports of religious activities submitted to the Superintendent or his or her designee.

#### 10A:17-7.1 Procedure for submitting a request to marry

(a) An inmate, who is 18 years of age or older and wishes to marry while serving sentence at a State correctional facility, shall submit a written request to marry to the Superintendent of the correctional facility at which the inmate is currently assigned at least 90 days in advance of the proposed date of the wedding.

(b) An inmate may submit a request to marry outside of the correctional facility if the inmate is eligible for escorted or unescorted furlough, or the inmate may submit a request to marry within the correctional facility if the inmate is ineligible for furlough or prefers that the marriage ceremony be performed at the correctional facility.

(c) A request to marry shall not qualify an inmate for furlough who is otherwise ineligible for furlough.

(d) The request to marry, of an inmate whose marriage ceremony will be conducted in the community while on escorted or unescorted furlough, shall include:

1. The name of inmate;
2. The number of inmate;
3. The name of intended spouse;
4. The address of intended spouse;
5. The age of intended spouse and the inmate;
6. The present marital status of intended spouse;
7. The proposed date of ceremony;
8. The address of the place where the marriage ceremony will be performed;
9. A request for a furlough to coincide with the proposed date of marriage;
10. A summary of the action, if any, the inmate has taken regarding compliance with the requirements for:
  - i. A marriage license;
  - ii. Blood tests; and
  - iii. Other provisions of State law;
11. A signed statement that indicates that the inmate and/or his or her intended spouse will pay all expenses incurred, and that there are no legal restrictions which would prohibit the marriage under the law; and
12. A statement authorizing the release of information to the intended spouse which includes the inmate's custody status, the length and type of sentence and any active detainers.

(e) The request to marry of an inmate whose marriage ceremony will be conducted within the correctional facility shall include:

1. The name of inmate;

## SUBCHAPTER 7. INMATE MARRIAGE

### Source and Effective Date

R.1992 d.55, effective February 3, 1992.  
See: 23 N.J.R. 3422(a), 24 N.J.R. 469(a).

2. The number of inmate;
3. The name of intended spouse;
4. The address of intended spouse;
5. The age of intended spouse and the inmate;
6. The present marital status of intended spouse;
7. The request for approval to use the correctional facility chapel, on a proposed date, for the marriage ceremony;
8. The type of ceremony preferred (civil or religious);
9. A summary of the action, if any, the inmate has taken regarding compliance with the requirements for:
  - i. A marriage license;
  - ii. Blood tests; and
  - iii. Other provisions of State law,
10. A signed statement that indicates that the inmate and/or his or her intended spouse will pay all expenses incurred, including the costs for:
  - i. The blood tests;
  - ii. The marriage license;
  - iii. The provision of correction officers;
  - iv. The use of a State vehicle;
  - v. The meals of inmates and escorts; and
  - vi. The tolls and parking expenses;
11. A signed statement that indicates that there are no legal restrictions which would prohibit the marriage under the law; and
12. A statement authorizing the release of information to the intended spouse, which includes the inmate's custody status, the length and type of sentence and any active detainers.

#### 10A:17-7.2 Decision on requests to marry

(a) The decision of approval or disapproval of an inmate's request to marry shall be made by the Superintendent who shall make use of a committee, designated by him or her, to assist in the decision making. The committee shall consist of:

1. The Social Work Supervisor;
2. A chaplain;
3. A custody staff person with the rank of Lieutenant or above; and
4. Any other staff member(s) designated by the Superintendent.

(b) Upon receipt of the inmate's request to marry, the Superintendent shall refer the request to the committee for an in-depth review.

#### 10A:17-7.3 Committee considerations

(a) The committee shall consider all of the relevant factors pertaining to an inmate's request to marry and submit written recommendations for approval or disapproval to the Superintendent within 30 days of the request.

(b) Consideration by the committee shall not be construed as an assurance that an inmate's request to marry will be approved.

(c) An inmate's request to marry may be considered for approval if:

1. The inmate has made a satisfactory correctional facility adjustment;
2. The inmate's marriage would not present a risk to security or the orderly operation of the correctional facility;
3. The inmate's intended spouse is not presently incarcerated; and
4. The inmate is able to comply with all of the requirements of the State laws governing marriage.

(d) The committee may consider other factors such as:

1. The inmate's maturity;
2. The inmate's emotional stability;
3. The length and type of sentence;
4. The inmate's ability to make a rational, informed decision concerning entering the marriage relationship; and/or
5. Other factors deemed appropriate by the committee for consideration.

(e) The committee may request an updated psychological and/or psychiatric evaluation when such is deemed necessary to properly deliberate upon the inmate's maturity, emotional stability or ability to make a rational and informed decision concerning marriage.

(f) An inmate's request to marry may be considered and recommended for approval when the inmate can meet all the above stated criteria.

(g) The final decision on an inmate's request to marry shall be made at the discretion of the Superintendent.

#### 10A:17-7.4 Notification of decision

(a) The Superintendent shall give to the inmate written notification of approval or disapproval of the request to marry as soon as possible after receiving it.



(b) The notification shall indicate:

1. Whether the inmate's request for a furlough to coincide with the proposed date of marriage has been approved; or

2. Whether the inmate's request for use of the correctional facility for the marriage ceremony on the proposed date is approved.

(c) If the correctional facility is to be used for the ceremony and the date requested by the inmate is in conflict with previously scheduled activities, the Superintendent may select an alternate date which is mutually convenient for the correctional facility and the inmate.

(d) The Superintendent shall also provide the following information to the intended spouse which shall specify:

1. The time, date and place of the impending marriage;

2. The custody status of the inmate, the length and type of sentence, any active detainees; and

3. The requirement of a premarital conference to clarify any issues regarding the marriage.

#### 10A:17-7.5 Social Services Department

(a) Upon approval of the inmate's request to marry, the Superintendent shall notify the Social Services Department.

(b) A staff member from the Social Services Department shall be assigned to act as an advisor to assist the inmate and the intended spouse.

(c) A premarital conference meeting with the inmate and the intended spouse shall be held at the correctional facility to clarify any social, legal or financial issues regarding the impending marriage.

(d) If there is to be a civil ceremony, the staff member of the Social Services Department shall review, arrange and coordinate plans for the ceremony, including the request to a civil official who will perform the ceremony (see N.J.S.A. 37:1-13 for persons authorized to solemnize marriages).

#### 10A:17-7.6 Correctional facility chaplain

(a) If the inmate requests a religious service, the Superintendent shall notify the chaplain upon approval of the inmate's request to marry.

(b) The chaplain shall interview the inmate to determine the specific faith-group requirements which need to be met.

(c) The decision as to whether the chaplain shall perform a marriage is within the chaplain's sole discretion.

(d) The chaplain, clergy person, or other authorized religious leader who will perform the ceremony shall be granted the opportunity to conduct pre-marital sessions, such as

counseling, in preparation for the solemnization of the marriage. Such sessions shall be arranged with the least disruption to the security and good order of the correctional facility. Where appropriate, the attorney visit room will be made available for this purpose.

(e) The chaplain shall review, arrange or coordinate plans for the ceremony, including the notification of the officiating clergy person or authorized religious leader, if the ceremony is not to be performed by the chaplain.

#### 10A:17-7.7 Marriage ceremony

(a) A marriage ceremony conducted within the correctional facility shall be private with no attendant publicity.

(b) The marriage ceremony may be performed by:

1. The correctional facility chaplain;

2. A religious leader from the community who visits the correctional facility; or

3. A person from the community who is authorized by law to perform marriages in the State of New Jersey.

(c) Witnesses shall not exceed six in number, excluding the officiating clergy person, except in instances in which the inmate and the intended spouse have a large number of verified close relatives who wish to attend, for example, mother, father, son, daughter, sister, brother, grandfather and grandmother.

(d) The Superintendent may permit relatives in excess of six people to attend the marriage ceremony if the relatives' attendance does not violate the security or the orderly operation of the correctional facility.

(e) The witnesses from the community must be on the inmate's approved visiting list or receive special permission from the Superintendent to attend the marriage ceremony. Normal security measures concerning visits shall be employed.

(f) Inmates from the same correctional facility may attend the marriage ceremony but their attendance shall not increase the maximum number of six witnesses. The correctional facility may also limit the number of inmates permitted to attend the marriage ceremony in order to maintain security and good order.

(g) The correctional facility may refuse to permit an inmate to attend a marriage ceremony in the interests of security and good order.

(h) Flowers may be used, pictures may be taken, and a record player or tape recorder may be used to provide music at the marriage ceremony if these activities do not present a risk to the maintenance of security or the orderly operation of the correctional facility.

(i) Outside photographers and/or musical groups shall not be permitted to attend the marriage ceremony under any circumstances.

#### **10A:17-7.8 Reception activities and consummation of the marriage**

There will be no reception activities after a marriage ceremony has been performed within a correctional facility, and the correctional facility will not provide accommodations for the consummation of the marriage following the marriage ceremony.

#### **10A:17-7.9 Fees and costs**

(a) The correctional facility shall not be responsible for any costs incurred by inmates who marry.

(b) Financial obligations for such items as marriage licenses, serological (blood) tests and fees for the person officiating, other than a full or part-time staff member of the correctional facility, shall be assumed by the marriage partners.

(c) Blood tests for the inmate shall be performed at the correctional facility and the appropriate deduction shall be made from the inmate's business account.

4. Referees;
5. Officials;
6. Equipment managers;
7. Clerks;
8. Arts and crafts aides; and/or
9. Aides in other recreational related tasks.

(c) Inmate recreation aides or paraprofessionals shall be trained by the recreation staff and receive close supervision from a staff member.

(d) Inmate paraprofessionals under the jurisdiction of the Division of Adult Institutions who are assigned to work in a juvenile correctional facility may accompany athletic teams to athletic activities held at high schools or other correctional facilities if approved by the Deputy Commissioner. Inmate paraprofessionals shall not be permitted to participate in any other type of community based trip (see N.J.A.C. 10A:17-8.15).

(e) In instances when inmate participation in the Recreation and Leisure Time Activities Program constitutes a regular work assignment, he or she shall be paid as an inmate recreation aide or paraprofessional.

### **SUBCHAPTER 8. RECREATION AND LEISURE TIME ACTIVITIES**

#### **10A:17-8.1 Staff assigned to Recreation and Leisure Time Activities Program**

(a) The Superintendent shall designate a staff person who shall be responsible for the direction and supervision of the Recreation and Leisure Time Activities Program of the institution, and this staff person must meet the requirements established by the New Jersey Department of Personnel for the position of Supervisor of Recreation.

(b) Volunteers may be used to assist the recreation staff in designated Recreation and Leisure Time Program activities (see N.J.A.C. 10A:17-2, Volunteer Service Program).

#### **10A:17-8.2 Inmate recreation aides or paraprofessionals**

(a) Inmates may be assigned to the Recreation and Leisure Time Activities Program to serve as inmate recreation aides or paraprofessionals.

(b) Inmate recreation aides or paraprofessionals may be utilized as:

1. Scorekeepers;
2. Demonstrators;
3. Projectionists;

#### **10A:17-8.3 Physical facilities utilized by the Recreation and Leisure Time Activities Program**

(a) Each institution shall provide the following for the inmate general population:

1. An auditorium or a large area for the assemblage of inmates; and
2. A gymnasium of sufficient size to accommodate athletic activities.

(b) The gymnasium shall contain standard facilities and equipment for a wide variety of activities which may include:

1. Ping-pong;
2. Basketball;
3. Racquetball;
4. Volleyball;
5. Tumbling;
6. Weight lifting;
7. Gymnastics;
8. Rubber horseshoes and quoits;
9. Handball;
10. Boxing; and
11. Dance.

(c) The auditorium should contain a stage, screen and enough seats to accommodate, at one time, at least one half of the inmate population eligible to attend activities scheduled in this area. The stage facilities shall include:

1. A sound system;
2. Curtains;
3. A lighting system; and
4. Other equipment necessary for multipurpose use.

(d) The outdoor recreation area shall contain standard facilities and equipment for a wide variety of activities which may include:

1. Baseball;
2. Football;
3. Softball;
4. Soccer;
5. Basketball;
6. Volleyball;
7. Handball;
8. Weight lifting;
9. Horseshoes; and
10. Track and field events.

(e) Each institution shall provide sufficient indoor and outdoor recreation areas for inmates in Administrative Segregation and other specialized housing units, in accordance with N.J.A.C. 10A:5, Close Custody Units.

(f) Each institution shall establish policies and procedures for the provision of recreation and leisure time activities to inmates assigned to the satellite unit(s) under the jurisdiction of the institution.

#### **10A:17-8.4 Recreational equipment**

(a) Regulation recreational equipment shall be used for all athletic activities when improvised equipment would prove hazardous.

(b) Inmates shall be instructed in the proper use and care of recreational equipment.

(c) Each institution, except the New Jersey State Prison, shall provide adequate facilities for television viewing, by each inmate, a minimum of twice per week. Television viewing at the New Jersey State Prison shall be provided equitably to inmates a minimum of once per week on a rotational basis.

(d) Except at the New Jersey State Prison and the East Jersey State Prison, each housing unit shall be supplied with a television set and sufficient quiet games. At the New

Jersey State Prison and the East Jersey State Prison, one or more indoor areas shall be equipped with television sets for the use of inmates.

(e) Inmates shall be permitted to have personal electronic devices, such as record players, records, radios and television sets, subject to restrictions established by the correctional facility based upon the following factors:

1. The maintenance of security;
2. The suppression of unnecessary noise;
3. The availability of space;
4. The capability of the electrical system; or
5. Other factors related to the orderly operation of the institution.

(f) Each institution and its satellite unit(s) shall utilize sound movie projectors or VHF recorders of appropriate size to accommodate classroom or general inmate entertainment use.

#### **10A:17-8.5 Recreation and leisure time needs assessment**

As a part of the orientation process, each institution shall complete an assessment of the recreation and leisure interests and skills of newly admitted inmates, and provide the inmates with information related to the recreation and leisure time activities that are available at the institution.

#### **10A:17-8.6 Scheduling active and quiet recreation**

(a) Planned recreation program activities shall be scheduled year round, and athletic activities shall be scheduled according to the season.

(b) Active recreation shall include all phases of organized or unorganized athletics, dance, aerobics or other recreational activities.

(c) Inmates shall be given the opportunity to participate in a minimum of one hour of active recreation per day.

(d) Inmates shall also be given the opportunity to participate in a minimum of one hour of quiet recreation per day. Inmates may watch television, read, play quiet games, participate in some organized club, or work in arts and crafts.

(e) When weather permits, appropriate quiet activities may be moved to an outdoor area.

(f) When all scheduled activities and other assignments are completed, inmates shall be permitted to do hobby work in their cells, dormitories, cottages or other locations in the institution unless such activity interferes with the maintenance of security or the orderly operation of the institution.

(g) Recreation for inmates in Close Custody Units shall be provided in accordance with N.J.A.C. 10A:5, Close Custody Units.

## Case Notes

Failure to comply with requirement in consent judgment, that each inmate be given an opportunity for one hour of exercise; fine of \$20 per day per inmate. *Essex County Jail Inmates v. Amato*, D.N.J.1989, 726 F.Supp. 539.

**10A:17-8.7 Instruction in athletic and other recreation skills**

In order to encourage inmates to participate in a variety of recreational activities, instruction in the rules and skills required for participation shall be provided, when appropriate.

**10A:17-8.8 Showers**

The opportunity to shower shall be available to inmates after participating in an active recreation program, unless such activity interferes with the maintenance of security or the orderly operation of the institution.

**10A:17-8.9 Arts and crafts program**

(a) An organized arts and crafts program may be provided, when available, under the direction of an assigned instructor on a regular basis.

(b) Inmates may participate in arts and crafts activities in classrooms, cells, dormitories, cottages or other locations in the institution, unless such activity interferes with the maintenance of security or the orderly operation of the institution.

(c) Hobby kits and materials for arts and crafts, that have been approved by the Superintendent, may be purchased at the canteen.

(d) Inmates shall not engage in stamp collecting as a hobby.

**10A:17-8.10 Music**

(a) The music program, when available, shall be directed by a qualified music instructor who shall adapt the music program to the needs of the inmates.

(b) A separate practice area, with sufficient storage space is desirable for the music program, so long as sufficient room is available.

(c) Inmate vocal groups, instrumental groups and soloists may perform for the inmate general population and for groups who visit the institution.

(d) Appearances of guest artists may be arranged, when appropriate.

**10A:17-8.11 Publications**

(a) Appropriate institutional publications, such as newsletters and pamphlets, written by inmates shall be encouraged.

(b) A staff member shall be assigned to supervise the content and production of publications.

(c) Articles and materials that are written by inmates shall be reviewed for content by the Superintendent or his or her designee and approved or disapproved prior to publication (see N.J.A.C. 10A:18-4.9).

**10A:17-8.12 Motion pictures**

Full length sound motion pictures or VCR cassettes for general entertainment shall be available to inmates in the general population a minimum of once per week, except when such general entertainment interferes with the maintenance of security or the orderly operation of the institution.

**10A:17-8.13 Clubs and special interest groups**

(a) Clubs shall be formed for inmates interested in specific games such as chess and bridge.

(b) Groups shall be formed for inmates who are interested in current events, book discussions and other interests.

(c) All clubs and groups shall be supervised by staff members.

**10A:17-8.14 Inside entertainment**

(a) Entertainment, such as variety shows and choral groups, may be brought into the institution from the outside community on a regular basis, at the discretion of the Superintendent.

(b) Inmates may be permitted to utilize their talents by participating in dramatic skits, variety shows and other similar activities.

**10A:17-8.15 Community entertainment**

(a) Inmates assigned to institutions within the Division of Adult Institutions shall not be permitted to participate in any community based trip.

(b) Inmate paraprofessionals under the jurisdiction of the Division of Adult Institutions, who are assigned to work in a juvenile correctional facility, shall not be permitted to participate in any community based trip, except the paraprofessionals that have been approved by the Deputy Commissioner to accompany athletic teams to athletic activities held by high schools or other correctional facilities.

(c) Juvenile inmates may be permitted to participate in recreation and leisure time activities in the community if their custody status and Department of Corrections policies and procedures permit the juveniles to leave the institution.

**Cross References**

Athletic activities, see N.J.A.C. 10A:17-8.2.

**10A:17-8.16 Staff reference area on recreation**

(a) Each institution shall subscribe to several recreation and physical education journals and newsletters.

(b) Each institution shall provide a reference area where current books on recreation and physical education shall be available for use by recreation staff members.

**10A:17-8.17 Budget requests**

The staff person responsible for the Recreation and Leisure Time Activities Program shall submit an annual budget request to the Superintendent or his or her designee which specifies the resources necessary to purchase materials, equipment and supplies to conduct the Recreation and Leisure Time Activities Program.

**10A:17-8.18 Report of major recreation and leisure time activities**

At the end of each month, the staff person responsible for the Recreation and Leisure Time Activities Program shall submit a report to the Superintendent or his or her designee which indicates all major recreation and leisure time activities conducted that month and the number of inmates who participated in each activity.

## SUBCHAPTER 9. REFERRAL OF HANDICAPPED CHILDREN FOR ADULT EDUCATIONAL SERVICES

**10A:17-9.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings.

"Multidisciplinary treatment team" means an evaluation team consisting of a psychologist, a learning disability teacher consultant, a social worker and any other professional who may be involved in the evaluation or treatment of a child in a State facility.

"Student" means those individuals between the ages of 18 and 21 years, residing in a State facility which is operated by, or under contract with the State, who have not received a high school diploma and who have been determined eligible for special education.

"Age 21" means the attainment of the 21st birthday before July 1.

**10A:17-9.2 Referral process**

(a) The Multidisciplinary Team at a State facility shall provide written notice to the parent or legal guardian of a student who is placed in the facility when the student attains the age of 18, or, if the student is over the age of 18 when

placed in the facility, that the student is not entitled to receive tuition free education services after the age of 21.

(b) Educationally handicapped pupils attaining age 21 during the school year shall be provided required services for the balance of that school year.

(c) Written notice shall describe in detail the parent's or guardian's opportunity to consent to having the student's name or other relevant information forwarded in a report to the Office of Educational Services and the Commissioner of the Department of Corrections for the purpose of determining whether the student will need educational services after the age of 21 and, if so, recommend possible adult educational services consistent with N.J.A.C. 6:28.

(d) Upon the written consent of the parent or legal guardian, the Multidisciplinary Team shall forward the student's name and other relevant information in a report to the Office of Educational Services, Department of Corrections, for the development of a recommendation for adult educational services. A copy of this report shall be forwarded, by the Office of Educational Services to the Commissioner of the Department of Corrections and the Commissioner of the Department of Education.

(e) The report shall contain such information as defined in N.J.A.C. 6:28, which contributes to the evaluation of the student's handicapping condition, including but not limited to:

1. Results of physical and psychological examinations;
2. Relevant information presented by the parent or legal guardian and teacher;
3. Most recent individualized education plan; and,
4. Results of the most recent examinations and evaluations performed.

(f) The Multidisciplinary Team is not required to perform any examinations or evaluations not otherwise required by law.

(g) The Office of Educational Services, Department of Corrections, in consultation with the Commissioner of the Department of Education or his designee, shall determine whether a student will need adult educational services and, if the need will exist, shall recommend appropriate educational programs operated or approved by the Departments of Corrections and Education which may be available when the student attains the age of 21.

(h) The Commissioner of the Department of Corrections may conduct an evaluation of the student to determine if adult educational services will be needed.

(i) The recommendation for all programs shall be made available to the parent or guardian of the student no later than six months before the student attains the age of 21.

(j) If the Commissioner of the Department of Corrections determines that the student will not require adult educational services, the Commissioner of the Department of Corrections, or his or her designee, shall notify the student's parent or guardian in writing of the determination no later than six months before the student attains the age of 21.

(k) The Office of Educational Services, Department of Corrections, shall compile and submit an annual report, to the Departments of Corrections and Education on October 1, 1987 and thereafter on or before October 1 of each year, which shall not contain individually identifying information. The annual report shall contain:

1. The number of cases submitted to the Office of Educational Services;
2. The type and severity of the handicapping condition involved in each case; and
3. Any other necessary information.