

“Sanction” means a prescribed penalty or remedial action that is imposed for a violation.

“Secure facility” means any Commission facility which houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Shift supervisor” means the juvenile corrections officer of supervisory rank in those facilities employing custody personnel who is responsible for the maintenance of security during a tour of duty.

“Superintendent” means the chief executive officer of any Commission facility which houses juveniles.

“Unit manager” means the person designated by the Superintendent of a facility not employing custody personnel to be in charge of the shift in that facility.

“Weapon” means anything readily capable of lethal use or inflicting serious bodily injury.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

Added definition “Disciplinary Hearing Officer”, and deleted definition “Treatment Team”.

**13:101-1.4 Forms**

(a) The following forms related to juvenile discipline shall be reproduced or obtained by each facility through the office of the Superintendent, or designee.

1. Room Restriction/Separation Form;
2. Immediate Corrective Action Form;
3. Notice of Violation;
4. Disciplinary Review Report;
5. Disciplinary Review Appeal Form; and
6. Refusal to Attend Hearing Notice.

SUBCHAPTER 2. PUBLICATION OF RULES

**13:101-2.1 Notification to juveniles about rules and regulations**

(a) At the time of reception into the Commission, each juvenile shall receive a copy of the Handbook on Discipline and thereby be advised in writing of his or her rights and responsibilities, the acts and activities which are prohibited, the rules which shall be followed and the disciplinary process within the facilities of the Juvenile Justice Commission. Each juvenile shall be required to sign a form acknowledging receipt of the Handbook on Discipline. A refusal by the juvenile to sign shall be noted on the form by the issuing staff member.

(b) At the time of arrival at a facility, each juvenile shall receive a copy of the facility’s Juvenile Handbook which contains facility rules, procedures and information about services and programs. The facility’s Juvenile Handbook shall be provided as part of the admission and orientation program. Each juvenile shall be required to sign a form acknowledging receipt of the facility’s Juvenile Handbook. A refusal by the juvenile to sign shall be noted on the form by the issuing staff member.

(c) All changes in disciplinary rules shall be posted in the living and common areas of the Commission’s facilities and incorporated into the next revision of the Handbook on Discipline and when appropriate, in the facility’s Juvenile Handbook.

(d) When a facility has a juvenile in the population who does not speak and/or read English, the rules shall be printed and presented verbally in the juvenile’s primary language.

(e) For juveniles unable to read, the rules shall be verbally communicated and assistance shall be provided to those juveniles unable to provide written acknowledgment.

**13:101-2.2 Review of facility rules**

The Superintendent of each facility shall be responsible for maintaining an ongoing rule review process to ensure that the rules of the facility are current and appropriate. The facility’s Juvenile Handbook shall be revised accordingly.

**13:101-2.3 Promulgation of rules**

(a) The rules of a facility shall be approved by the facility’s Superintendent and published in the facility’s Juvenile Handbook.

(b) The Commission’s disciplinary rules shall be promulgated by the Commission’s Executive Board and published in the Handbook on Discipline.

SUBCHAPTER 3. JUVENILE RIGHTS AND RESPONSIBILITIES

**13:101-3.1 Notification to juveniles of their rights and responsibilities**

(a) Upon reception into the Commission each juvenile shall be given a Handbook on Discipline, which shall clearly and prominently inform the juvenile of his or her rights:

1. To be treated respectfully, impartially and fairly by all personnel;

2. To be informed of the rules, procedures and schedules concerning the operation of the facility;
3. To freedom of religious affiliation and voluntary religious worship within the facility;
4. To health care which includes medical and dental treatment;
5. To nutritious meals, proper bedding and clothing, a laundry schedule for cleaning bedding and clothing, an opportunity to shower regularly, sufficient warmth, proper ventilation, fresh air, a regular exercise period and toilet articles;
6. To correspond with and receive visits from family members and other persons where there is no threat to security or order in keeping with the rules and schedules of the facility;
7. To unrestricted and confidential access to the courts by correspondence;
8. To legal counsel from an attorney of the juvenile's choice, both through meetings and through correspondence, and the right to receive help when it is available through a legal assistance program;
9. To participate in the use of law reference materials to assist in resolving legal problems;
10. To a wide range of reading material for educational purposes and for the juvenile's enjoyment;
11. To participate in counseling, education, vocational training, and employment as far as resources are available and in keeping with the juvenile's interests, needs and abilities; and
12. To use the services of the Commission's Ombudsman.

(b) Upon reception into the Commission each juvenile shall be given a Handbook on Discipline, which shall clearly and prominently inform the juvenile of his or her responsibilities:

1. To treat others, both employees and juveniles, respectfully, impartially and fairly;
2. To know and abide by the rules, procedures and schedules concerning the operation of the facility;
3. To recognize and respect the rights of others to freedom of religious affiliation and voluntary religious worship within the facility;
4. To follow the laundry and shower schedules, to maintain neat and clean living quarters, to seek medical and dental care as needed;

5. To conduct himself or herself properly during visits, to refuse to accept or pass contraband, and to comply with Commission rules and State or Federal laws through the juvenile's correspondence;
6. To use the law library resources in keeping with the facility procedures and schedule prescribed and to respect the rights of other juveniles in the use of this legal material;
7. To seek and utilize reading material for personal benefit, without depriving others of their right to use same;
8. To take advantage of activities (such as counseling, education, vocational training and employment) that may help the juvenile live a successful and law abiding life within the facility and in the community. The juvenile will be expected to abide by the regulations governing the use of such activities; and
9. To attend compulsory educational programs conducted by the Commission as required by law.

SUBCHAPTER 4. VIOLATIONS

13:101-4.1 Violations

(a) A juvenile who commits one or more of the following numbered violations shall be subject to disciplinary action:

SECTION J1: CAUSING DEATH

Number	Violation	Description
J101	Causing Death	Intentionally or negligently causing the death of another juvenile, staff member, or other person.

SECTION J2: ASSAULTIVE, AGGRESSIVE, AND RELATED BEHAVIORS

J201	Assault	Intentionally inflicting bodily injury on another person.
J202	Assault with a Weapon	Inflicting bodily injury on another person with an item clearly identifiable as a weapon, or otherwise readily capable of inflicting serious bodily injury.
J203	Fighting	Engaging in a physical altercation with another person or persons.
J204	Throwing Bodily Fluid	Throwing bodily fluid at any person or otherwise purposely subjecting any person to contact with bodily fluid.

<u>Number</u>	<u>Violation</u>	<u>Description</u>	<u>Number</u>	<u>Violation</u>	<u>Description</u>
J205	Unauthorized Physical Contact	Unauthorized physical contact with any person, such as, but not limited to, physical contact not initiated by a staff member, volunteer, visitor, or other resident.	J503	Group Demonstration	Participating in the unauthorized assembly of three or more persons engaging in a collective action, such as, but not limited to, a sit-in, rally, or work stoppage.
J206	Threatening Another	Threatening another person with bodily injury or with any offense against his or her person.	SECTION J6: CONTRABAND AND RELATED ACTS		
J207	Cruelty to Animals	Physically abusing or otherwise subjecting any animal to harmful or injurious behavior.	J601	Weapons	Possession or introduction of any weapon, or of any item readily capable of serving as a weapon, including, but not limited to, a sharpened instrument, knife, or unauthorized tool.
SECTION J3: SEXUAL ASSAULT, PROHIBITED SEXUAL ACTS, AND RELATED BEHAVIORS			J602	Prohibited Equipment	Use or possession of electronic equipment not authorized for use or retention by a juvenile, including, but not limited to, a cellular telephone, two-way radio, or other communication device, or a computer or related equipment.
J301	Sexual Assault	Sexual intercourse or sexual contact through the use of force or threatened use of force.	J603	Prohibited Substances and Paraphernalia	Possessing, using, introducing, or making any prohibited substance, including controlled dangerous substances, alcohol, medications not prescribed for the juvenile by authorized medical or dental staff, tobacco products, similar intoxicants, or related paraphernalia, such as that used to deliver or make any prohibited substance.
J302	Consensual Sexual Acts	Engaging in any consensual sexual acts with any other person.	J604	Misuse of Medication	Using medication provided to the juvenile by authorized staff in a manner inconsistent with specific instructions for use.
J303	Sexual Proposals or Threats	Making intimidating sexual proposals or sexual threats to another.	J605	Distribution of Prohibited Substances	Distribution or sale of any prohibited substance, including controlled dangerous substances, alcohol, prescription medications, tobacco products, similar intoxicants, or related paraphernalia, such as that used to deliver or make any prohibited substance.
J304	Indecent Exposure	Intentionally exposing oneself to another, or otherwise exposing oneself knowing that he or she is likely to be observed by another.	J606	Interference with Substance Testing	Failure to comply with an order to submit a specimen for prohibited substance testing or tampering with said specimen.
J305	Refusing to Register	Refusing to register as a sex offender as prescribed by law.			
SECTION J4: ESCAPE					
J401	Escape	Leaving the grounds of a Commission facility without authorization.			
SECTION J5: RIOTING AND GROUP DEMONSTRATIONS					
J501	Rioting	Participating in a disturbance involving an assembly of three or more persons acting together, which by tumultuous and violent conduct may result in injury to another.			
J502	Encouraging Others to Riot	Engaging in behavior, verbal or otherwise, that directly leads to rioting by others, or that encourages a riot already in progress.			

<u>Number</u>	<u>Violation</u>	<u>Description</u>	<u>Number</u>	<u>Violation</u>	<u>Description</u>
J607	Unauthorized Currency	Possession of money or currency not specifically authorized for retention by juvenile.	J711	Refusing Medical Testing	Refusing to submit to any mandatory medical testing, including DNA testing.
J608	Possessing Unauthorized Items	Possession of anything not authorized for retention or receipt by a juvenile or not issued to the juvenile through approved facility procedures.	J712	Absence or Lateness	Unexcused absence or lateness from work, school, or from any assignment.
SECTION J7: CONDUCT WHICH DISRUPTS THE SECURITY OR ORDER OF A FACILITY			J713	Feigning Illness	Pretending to be sick or injured.
J701	Extortion or Blackmail	Demanding or receiving favors, money, or anything of value from another in return for protection against others, to avoid bodily harm, or under threat of informing.	J714	Abusive or Obscene Language	Using abusive or obscene language to any staff member or official visitor to the Commission, or otherwise creating a hostile environment through the use of such language.
J702	Bribery	Giving or offering any official or staff member a bribe.	J715	Lying	Lying or providing a false statement to a staff member.
J703	Hostage Taking	Detaining another individual(s) against his or her will or under threat of violence with the purpose of forcing demands to be met.	J716	Counterfeiting or Forgery	Counterfeiting, forging, or unauthorized reproduction or use of any classification document, court document, psychiatric, psychological, or medical report, money, or any other official document.
J704	Setting a Fire	Intentionally setting a fire.	J717	Obtaining Personal Information	Obtaining or seeking to obtain unauthorized personal information regarding a victim, victim's family, staff member, or staff member's family.
J705	Fire Equipment	Tampering with any fire equipment, such as, but not limited to, fire alarms, fire extinguishers, or sprinklers.	J718	Unauthorized Area	Being in an unauthorized area.
J706	Property Damage	Damaging or altering government property or property belonging to another person.	J719	Misuse of Machinery	Using any equipment or machinery that is not specifically authorized, or contrary to the posted instructions or safety standards (refers to equipment not identified under J602).
J707	Stealing	Unauthorized taking of property belonging to the government or to another individual with the intent to deprive the rightful owner of said property.	J720	Interfering with Count	Interfering with or failing to stand count.
J708	Adulterating Food or Drink	Contaminating any food or drink with any substance foreign to the food or drink.	J721	Gambling	Gambling or possession of gambling paraphernalia.
J709	Refusing to Obey An Order	Refusing to follow any order issued by a staff member.	J722	Tattooing	Tattooing or self-mutilation.
J710	Violating Conditions of a Community Program	Violating the written and agreed conditions required for participation in a community residential program.	J723	Misuse of Mail or Phone	Unauthorized use of the mail or telephone.
			J724	Using Mail for Unlawful Purposes	Perpetrating frauds, deceptions, or con games through the mail, or otherwise using the mail to further an illegal activity or enterprise.

<u>Number</u>	<u>Violation</u>	<u>Description</u>
J725	Refusing a Search	Refusal to submit to an authorized search.
J726	Violation of Written Rule or Regulation	Failure to comply with any written or otherwise explicitly stated rule or regulation of any Commission facility.
J727	Unsanitary Behavior	Engaging in behavior that is potentially hazardous to the health or hygiene of any person or persons.
J728	Contact with Public	Engaging in unauthorized communication with the public.
J729	Security Equipment	Tampering with or blocking any locking device, or possessing unauthorized security equipment, such as a key, key card, or other device that provides security access or clearance.
J730	Unauthorized Clothing	Possessing any clothing not specifically authorized for retention by the juvenile.
J731	Disrupting Security and Order of Facility	Engaging in conduct that disrupts or threatens the security, safety, or orderly operation of any Commission facility, and that is not otherwise defined herein as a distinct rule violation.

SECTION J8: GANG RELATED ACTIVITY

J801	Gang Activity	Participating in any activity or behavior that promotes the interests of a gang, or that is otherwise clearly gang-related.
J802	Gang Paraphernalia	Possession or exhibition of anything related to or signifying a gang, such as, but not limited to, gang-related literature, symbols, or signs.

SECTION J9: ACTIONS IN FURTHERANCE OF A VIOLATION

J901	Attempting, Aiding, Planning, Preparing	Attempting to commit, assisting another to commit, planning or conspiring to commit, or engaging in an act in preparation to commit, any violation. Any such action in furtherance of a violation shall be considered the same as committing the violation itself.
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**13:101-4.2 Mechanisms for responding to violations**

(a) When a juvenile is alleged to have committed a violation, the staff member witnessing the violation shall determine the initial mechanism for handling the violation based on the severity of the incident. All alleged violations shall be handled via a full disciplinary proceeding in accordance with N.J.A.C. 13:101-6 except those judged to be minor in nature, which shall be handled via immediate corrective action in accordance with N.J.A.C. 13:101-5.

(b) Pursuant to the provisions of N.J.A.C. 13:101-5 and 6, the determination made by the staff member pursuant to (a) above shall be subject to review and change by the appropriate supervisor and/or Disciplinary Hearing Officer.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (b), substituted "Disciplinary Hearing Officer" for "Treatment Team".

**13:101-4.3 Reports to the prosecutor on violations**

All violations which may constitute crimes of the first, second, third or fourth degree under the Criminal Code of the State of New Jersey (N.J.S.A. 2C:1-1 et seq.) shall be referred to the prosecutor of the county in which the facility is located. The referral shall be made by the Chief Investigator of the Commission's Office of Investigations with the approval of the Executive Director.

SUBCHAPTER 5. IMMEDIATE CORRECTIVE ACTION PROCEDURES

**13:101-5.1 Immediate corrective action report**

(a) When a violation as set forth at N.J.A.C. 13:101-4.1 that is considered minor in nature has occurred, the staff member witnessing the violation shall prepare an Immediate Corrective Action Form in triplicate, describing the violation and proposed corrective action. The form shall be completed immediately following the violation or as soon thereafter as practicable, but not later than the end of the shift on which the violation occurred. The form shall be distributed as follows:

1. One copy of the form shall be served on the juvenile; and
2. Two copies shall be forwarded immediately to the shift supervisor or unit manager, as appropriate.

**13:101-5.2 Immediate corrective action conference**

(a) The juvenile shall be afforded the right to challenge the violation and/or the proposed corrective action via an immediate corrective action conference held by the shift supervisor or unit manager. If the juvenile requests a conference, the shift supervisor or unit manager shall hold the conference prior to the expiration of the shift during which the Immediate Corrective Action Form was received.

(b) A juvenile may waive the conference or may forfeit the right to attend if the juvenile's behavior justifies his or her removal from the conference. A waiver or removal shall be documented on the Immediate Corrective Action Form. In either case, the shift supervisor or unit manager shall review the form and appropriateness of the proposed sanction.

(c) Following the conference or review, the shift supervisor or unit manager shall:

1. Sustain the violation of a disciplinary rule and concur with the proposed corrective action or change the proposed sanction to another authorized corrective action (N.J.A.C. 13:101-5.3);

2. Conclude that a more serious sanction is necessary and refer the matter to the Disciplinary Hearing Officer for a disciplinary hearing in accordance with N.J.A.C. 13:101-5.6; or

3. Determine that there is no cause for action and dismiss the charge.

(d) The shift supervisor or unit manager shall enter the results of the conference or review on the Immediate Corrective Action Form.

(e) At the conclusion of the conference or review, the juvenile shall receive a completed copy of the Immediate Corrective Action Form. If the charges are sustained, the remaining copy of the form shall be submitted to the Superintendent who shall determine where the form shall be maintained. If the charges are not sustained, the remaining copy of the form shall be destroyed.

(f) Immediate corrective action is minor in nature and the right afforded to the juvenile to appear at the conference shall be the final appeal of such discipline.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (c)2, substituted "Disciplinary Hearing Officer for a disciplinary hearing" for "Treatment Team".

### **13:101-5.3 Authorized immediate corrective actions**

(a) The following are authorized immediate corrective actions:

1. Withdrawing a privilege or an individual or group activity, for example, recreation, television or radio privileges, for no more than five days; meals and snacks provided by the facility are not permitted to be used as a sanction;

2. Requiring a juvenile to pay for repair of damaged property; to repair the damage, or to complete a work task;

3. Room restriction not to exceed four hours;

i. Room restriction in other than a secure facility may take place only in an unlocked room; in a secure

facility room restriction may take place either in an unlocked or a locked room;

ii. Staff shall visually make contact every 30 minutes with a juvenile on room restriction unless the circumstances require more frequent contact. Juveniles shall be within sight or sound at all times;

iii. Juveniles who receive room restrictions shall discuss their behavior and the results of their behavior with a staff member prior to rejoining the general population; and

iv. Room restriction not issued as a sanction under N.J.A.C. 13:101-6.16 shall be entered in the housing unit log book;

4. Facility restriction;

i. Facility restriction shall not exceed 48 hours without approval of the Superintendent;

ii. Juveniles who receive facility restrictions shall discuss their behavior and the results of their behavior with a staff member prior to rejoining the general population; and

iii. Facility restrictions shall be entered in the facility or housing unit log book;

5. Formal reprimand communicated to a juvenile by a Sergeant, or above; and

6. Up to four hours of extra work duty.

### **13:101-5.4 Imposition of immediate corrective action**

If the shift supervisor or unit manager sustains the violation of a disciplinary rule, the approved sanction shall be imposed within 24 hours of the conference.

### **13:101-5.5 Record of immediate corrective action**

(a) The Immediate Corrective Action Form shall be retained separately from the juvenile's classification folder and in accordance with the internal management procedures of the facility.

(b) Information regarding immediate corrective actions shall not be entered onto progress notes or be included in the reports presented to the New Jersey State Parole Board.

### **13:101-5.6 Referral to the Disciplinary Hearing Officer for a disciplinary hearing**

(a) Should the shift supervisor or unit manager conclude that a more serious sanction may be appropriate, the matter shall be referred to the Disciplinary Hearing Officer for a disciplinary hearing and disposition.

(b) A Notice of Violation shall be filed containing all the required information, including a statement of reasons for the referral and any recommendations. The Notice and copies of

Officer. Such action may include, but not be limited to, the following:

1. Recommending transfer to a more appropriate facility or unit;
2. Increasing custody status;
3. Changing work or housing assignments; and/or
4. Assigning to a treatment program.

Amended by R.2008 d.354, effective December 1, 2008.

See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In the introductory paragraph of (c), substituted "Disciplinary Hearing Officer" for "Treatment Team".

**13:101-6.17 Limitations on room restriction as a disciplinary sanction**

(a) A juvenile may receive up to five days in room restriction as a sanction for each violation charged, whether arising out of a single or separate incidents. However, no juvenile may spend more than five consecutive days in room restriction, whether because of separate sanctions imposed for distinct charges or for any other reason, except as set forth in (e) below.

(b) A period of no less than two full days must separate distinct terms of room restriction.

(c) A juvenile shall not serve an aggregate time in room restriction in excess of 10 days in any 30-day period.

(d) Time spent by a juvenile in prehearing room restriction, as provided for in N.J.A.C. 13:101-8.1, shall be counted as days spent in room restriction for purposes of determining compliance with the time limitations set forth in this section.

(e) Nothing in this section shall prevent the placement of a juvenile in room restriction for the minimum time necessary to eliminate an immediate threat to the safety of either the juvenile, staff or other juveniles, or to the orderly operation of the facility.

**13:101-6.18 Suspending sanctions**

(a) The Disciplinary Hearing Officer may, in his or her discretion, suspend a sanction(s) for 30 days, when such action is warranted by the particular circumstances of the case.

(b) When a sanction(s) is suspended and the juvenile's behavior conforms to the required code of behavior throughout the period of suspension, the juvenile shall be relieved of the sanction(s).

(c) If the juvenile commits further violations of the facility's rules or regulations during the period of the suspension, the Disciplinary Hearing Officer shall enforce the sanction(s) that was suspended and impose an additional sanction(s) for the new violation(s).

Amended by R.2008 d.354, effective December 1, 2008.

See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (a), substituted "Disciplinary Hearing Officer" for "Treatment Team" and "his or her" for "its"; and in (c), substituted "Disciplinary Hearing Officer" for "Treatment Team" and "that" for "which".

**13:101-6.19 Guidance**

The Disciplinary Hearing Officer shall give guidance to the juvenile with respect to the reason for the rules and policies of the facility. The elements of the juvenile's behavior or attitude that are deemed to be unsatisfactory shall be pointed out.

Amended by R.2008 d.354, effective December 1, 2008.

See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

Substituted "Disciplinary Hearing Officer" for "Treatment Team".

**13:101-6.20 Transfers**

(a) A juvenile in either a non-secure facility or in any other facility without an assigned Disciplinary Hearing Officer, who is charged with a violation, other than one handled by immediate corrective action, shall be transferred to a secure facility with an assigned Disciplinary Hearing Officer for adjudication of his or her disciplinary charges.

(b) In those instances in (a) above, and in all others involving the transfer of a juvenile to another facility as a result of a disciplinary charge, the Notice of Violation shall be served and the disciplinary hearing shall be granted after the transfer.

(c) The sending facility shall be responsible for preparing the disciplinary charges and forwarding them to the facility receiving the juvenile.

(d) The receiving facility shall be responsible for conducting the investigation of the charges.

(e) The Disciplinary Hearing Officer assigned to the receiving facility shall conduct the hearing.

(f) All due process safeguards shall be provided as soon after the transfer as practicable and shall be in compliance with this subchapter except that written statements of unavailable witnesses shall be liberally accepted instead of live testimony.

(g) Except as set forth in (a) above, no juvenile in a Commission secure facility shall be transferred to a more secure facility as a result of a disciplinary charge unless the Superintendent and the Director of Operations have determined that there are conditions justifying the transfer.

Amended by R.2008 d.354, effective December 1, 2008.

See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (a) and (e), substituted "Disciplinary Hearing Officer" for "Treatment Team" throughout.

**13:101-6.21 Disciplinary decision**

(a) After the hearing has been completed, written findings shall be given to the juvenile by the Disciplinary

Hearing Officer. This statement shall include evidence relied upon, the decision and the reason for the disciplinary action taken, unless doing so would, in the discretion of the Disciplinary Hearing Officer, jeopardize facility security. The written statement shall also indicate the reason for refusing to call a witness or to disclose items of evidence whether it be for irrelevance, lack of necessity or other special circumstances presented in individual cases. When a juvenile has been denied the opportunity for confrontation and cross-examination, the reason for such denial shall be entered in the record and made available to the juvenile.

(b) A copy of the disciplinary decision shall be kept in the Disciplinary Hearing Officer's records and in the juvenile's classification folder unless the charge(s) against the juvenile has not been sustained in which case, the records of the charge(s) shall be expunged from the juvenile's classification folder.

(c) If the charges against the juvenile are sustained, the decision shall be entered on the juvenile's progress notes and included in reports submitted to the New Jersey State Parole Board.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (a), substituted "Disciplinary Hearing Officer" for "Treatment Team" twice; and in (b), substituted "Disciplinary Hearing Officer's" for "Treatment Team's".

### 13:101-6.22 Discipline record card

For the purpose of assisting the Disciplinary Hearing Officer in determining the appropriate sanction to impose, each facility shall have available at the hearing a Disciplinary Record Card for each juvenile. This card shall accompany the juvenile should he or she be transferred to another Commission facility.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

Substituted "Disciplinary Hearing Officer" for "Treatment Team".

### 13:101-6.23 Expungement

(a) If a charge against a juvenile is not sustained, the results of the hearing shall not be entered onto the juvenile's progress sheet. In addition, all references to the disciplinary charges (including any entry onto the progress sheet, the disciplinary report, the investigation report and the adjudication sheet) shall be removed from the juvenile's classification folder. Copies of the disciplinary report, investigation and adjudication sheet shall be maintained by the facility and the Disciplinary Hearing Officer in the event of judicial review and for statistical and accounting purposes only. These records shall be maintained separately from the juvenile's classification folder.

(b) In the event that a charge that was sustained is rescinded on appeal and no further disciplinary action is taken, the juvenile's records shall be expunged in accordance with

the above procedure. Copies of the appeal and the disposition on appeal shall be forwarded to the Disciplinary Hearing Officer for his or her records.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (a) and (b), substituted "Disciplinary Hearing Officer" for "Treatment Team"; and in (b), substituted "his or her" for "their".

### 13:101-6.24 Records of disciplinary reports

(a) A disciplinary report result sheet containing the following information regarding juveniles who received disciplinary actions shall be prepared by the Disciplinary Hearing Officer no less than weekly and submitted to the Superintendent or his or her designee:

1. The names of the juveniles;
2. The juveniles' numbers;
3. The juveniles' housing locations;
4. The violations of the juveniles;
5. The names of staff members who wrote the reports;
6. The disposition of the charges; and
7. The names of staff members who adjudicated the cases.

(b) The result sheet shall be kept on file for two years.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In the introductory paragraph of (a), substituted "Disciplinary Hearing Officer" for "Treatment Team Tracking Coordinator".

## SUBCHAPTER 7. APPEALS OF DISCIPLINARY DECISIONS

### 13:101-7.1 Time limit to file an appeal

(a) The juvenile shall be advised in writing by the Disciplinary Hearing Officer of the opportunity to appeal to the Superintendent or his or her designee, who shall be an Assistant Superintendent, at the time the juvenile is provided with the disciplinary decision. Juveniles shall have 48 hours from receipt of the disciplinary decision to make such appeal.

(b) In all cases, the Superintendent or his or her designee may, for good cause shown, accept appeals submitted after the prescribed deadline.

Amended by R.2008 d.354, effective December 1, 2008.  
See: 40 N.J.R. 98(a), 40 N.J.R. 6817(a).

In (a), substituted "Disciplinary Hearing Officer" for "Treatment Team".

### 13:101-7.2 Processing appeal

(a) The juvenile shall use the Disciplinary Review Appeal Form to request an appeal of a disciplinary decision. The