

CHAPTER 5

CLOSE CUSTODY UNITS

Authority

N.J.S.A. 30:1B-6, 30:1B-10, 47:1A-1 et seq. and 2C:49-7.

Source and Effective Date

R.2002 d.388, effective December 2, 2002.
See: 34 N.J.R. 2929(a), 34 N.J.R. 4205(a).

Chapter Expiration Date

Chapter 5, Close Custody Units, expires on December 2, 2007.

Chapter Historical Note

Chapter 5, Close Custody Units, was adopted as R.1986 d.409, effective October 6, 1986. See: 18 N.J.R. 1067(a), 18 N.J.R. 2016(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Close Custody Units, was readopted as R.1991 d.358, effective June 17, 1991. See: 23 N.J.R. 1260(a), 23 N.J.R. 2143(a).

Subchapter 7, Temporary Close Custody, was adopted as R.1992 d.365, effective September 21, 1992. See: 24 N.J.R. 1676(a), 24 N.J.R. 3314(a). Pursuant to Executive Order No. 66(1978), Chapter 5, Close Custody Units, expired on June 17, 1996.

Chapter 5, Close Custody Units, was adopted as new rules by R.1996 d.369, effective August 5, 1996. As part of R.1996 d.369, Subchapter 6, Transitional Protective Custody, was repealed. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Subchapter 6, Security Threat Group Management Unit, was adopted as new rules by R.1998 d.465, effective September 8, 1998. See: 30 N.J.R. 2148(a), 30 N.J.R. 3242(b).

Pursuant to Executive Order No. 66(1978), Chapter 5, Close Custody Units, expired on August 5, 2001.

Chapter 5, Close Custody Units, was adopted as new rules by R.2002 d.388, effective December 2, 2002. See: Source and Effective Date.

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SUBCHAPTER 1. INTRODUCTION

10A:5-1.1 Purpose

(a) The purpose of this chapter is to establish rules for:

1. Assigning inmates to close custody units;
2. Reviewing the progress of inmates assigned to close custody units;
3. Releasing inmates from close custody units, when appropriate;
4. Operating the Management Control Unit, Administrative Segregation Unit, Capital Sentence Unit, Protective Custody Unit, and Security Threat Group Management Unit; and
5. Placement in Temporary Custody.

10A:5-1.2 Scope

This chapter shall be applicable to the Division of Operations unless otherwise indicated.

10A:5-1.3 Definitions

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

“Adjustment Committee” means the Committee within a correctional facility that is authorized to hear and adjudicate inmate violations or prohibited acts.

“Administrative segregation” means removal of an inmate from the general population of a correctional facility to a close custody unit because of one or more disciplinary infractions.

“Administrative Segregation Level Program” means a three level program established within an Administrative Segregation Unit. The levels are described as follows:

1. Level 1 is the program entry level in which an inmate's possessions, activities, privileges and amenities shall be most highly restricted;

2. Level 2 is the level in which an inmate's possessions, activities, privileges and amenities shall be less restricted than level 1 and more restricted than level 3; and

3. Level 3 is the level in which an inmate's possessions, activities, privileges and amenities shall be less than level 1 and level 2 but more restricted than general population.

"Capital Sentence Unit (C.S.U.);" means the close custody unit to which persons sentenced to death pursuant to N.J.S.A. 2C-11.3, are assigned until such time that the execution is carried out, or the sentence is commuted or changed to a lesser penalty.

"Close Custody Unit" means an area within a correctional facility designated for assigning inmates who are removed from the general population for disciplinary or administrative reasons.

"Custody status" means the degree of supervision that is required for an inmate to enter or leave a correctional facility.

"Disciplinary detention" means removal of an inmate from the general population of a correctional facility to a short-term close custody unit because of a disciplinary infraction(s).

"Disciplinary hearing officer" means a Departmental staff member designated to hear and adjudicate inmate violations of prohibited acts.

"Disciplinary report" means a form on which the violation of a prohibited act is recorded along with other pertinent information.

"Disciplinary sanction" means a prescribed penalty that is imposed for violation of a prohibited act.

"Identification process" means the investigative method of operation to include, but not be limited to, the gathering and accumulation of evidence and information used by the Intelligence Section of the Special Investigations Division to reasonably identify inmates as security threat group members and core group members.

"Intelligence section of the Special Investigations Division" means a section within the Special Investigations Division of the Department of Corrections that is responsible for the identification process and the collection, control, maintenance and dissemination of information regarding alleged and identified security threat group members and security threat groups.

"Management Control Unit (M.C.U.);" means a close custody unit to which an inmate may be assigned if the inmate poses a substantial threat to the safety of others; of damage to or destruction of property; or of interrupting the operation of a State correctional facility.

"Management Control Unit Review Committee (M.C.U.R.C.);" means the Committee that is responsible for hearing cases of inmates referred for placement in the Management Control Unit (M.C.U.) and for conducting three month status reviews of inmates assigned to M.C.U.

"On-the-spot correction" means the immediate imposition of a sanction upon an inmate for the violation of a minor prohibited act.

"Prehearing detention" means the removal of an inmate from the general population pending an investigation and a hearing into an alleged violation of a prohibited act.

"Prehearing Security Threat Group Management Unit Status" means the nonpunitive removal of an inmate from the inmate general population or other housing unit pending the outcome of a Security Threat Group Management Unit Committee placement hearing.

"Protective custody" means confinement to a secure unit designated to restrict or limit an inmate's activities and contacts with others, in order to provide protection to the inmate from injury or harm actually threatened, or reasonably believed to exist based on events, investigative reports, informants' reports or other reliable sources of information.

"Security threat group" means a group of inmates possessing common characteristics, interests and goals which serve to distinguish the group or group members from other inmate groups or other inmates and which, as a discrete entity, poses a threat to the safety of the staff, other inmates, the community, or causes damage to or destruction of property, or interrupts the safe, secure and orderly operation of the correctional facility(ies).

"Security threat group activity(ies)" means an activity(ies) or action(s) of an inmate that relate either directly or indirectly to the goals of a security threat group. These activities include, but are not limited to:

1. Possession of security threat group literature, such as, correspondence, newsletters, publications, lessons, membership lists, and manuals;
2. Possession of security threat group paraphernalia, such as, beads, artwork, medallions, and clothing articles;
3. Known security threat group hand-signs or signals as observed by staff;
4. Participation in security threat group related assaults, disturbances, meetings, gatherings, incidents, or events;

5. Sending security threat group related correspondence; and

6. Recruiting other inmates to join a security threat group.

“Security threat group core member” means an inmate who has been identified as being a member of a security threat group and whose documented security threat group activity(ies) or behavior as a recognized security threat group member or leader poses a threat to the safety of the staff, other inmates, or the community, or a threat of damages or destruction of property, or a threat of interruption of the safe, secure and orderly operation of the correctional facility(ies).

“Security Threat Group Management Unit” means a close custody unit to which inmates may be assigned if reasonably sufficient evidence and/or information exists that the inmate is a security threat group core member.

“Security Threat Group Management Unit Hearing Committee” means a committee appointed by the Administrator of the correctional facility designated to contain a Security Threat Group Management Unit, composed of professional correctional staff, and responsible for hearing the cases of inmates referred for placement into the Unit; for the review, monitoring and evaluation of inmate progress in each phase of the Security Threat Group Management Unit Phase Program; and for the determination of inmate phase movement.

“Security Threat Group Management Unit Phase Program” means a three phase program established to reintegrate inmates assigned to the Security Threat Group Management Unit back into the inmate general population.

“Security threat group member” means an inmate who has been identified as a member of a security threat group based upon reasonably sufficient evidence and/or information.

“Special Administrative Segregation Review Committee (S.A.S.R.C.)” means the committee members designated by the Director, Division of Operations responsible for the bimonthly review of the status of the inmates assigned to all Administrative Segregation Units.

“Special Classification Committee (S.C.C.)” means the committee composed of Departmental Administrative staff that considers the transfer of inmates between the prison and youth complexes.

“Temporary close custody” means the non-punitive removal of an inmate from the inmate general population, or other assigned housing, with restriction to the inmate's cell or to a close custody unit for a period not to exceed 72 hours, for special observation or investigation.

10A:5-1.4 Forms

(a) The following forms related to close custody units shall be reproduced by each correctional facility from originals that are available by contacting the Administrative Rules Unit, New Jersey Department of Corrections.

1. 141—I Authorization for Prehearing M.C.U.;
2. 146—I Voluntary—Protective Custody Consent;
3. 146—II Notice of Protective Custody Hearing—Involuntary;
4. 146—III Protective Custody Hearing Adjudication; and
5. 147—III Authorization for Prehearing Security Threat Group Management Unit Status.

(b) The following form related to the Management Control Unit is available by contacting the New Jersey State Prison:

1. L.C. 36 Criteria Record Sheet.

(c) The following forms shall be printed by the Bureau of State Use Industries—DEPTCOR and each correctional facility shall purchase a supply of needed forms by contacting DEPTCOR:

1. 147—I Notice of Security Threat Group Core Membership Hearing;
2. 147—II Security Threat Group Management Unit Hearing Committee Decision;
3. 147—IV Appeal of Security Threat Group Management Unit Hearing Committee Decision;
4. 147—V Disposition of Security Threat Group Management Unit Appeal;
5. 147—VI Notice of Security Threat Group Management Unit Phase Review; and
6. 147—VII Disposition of Security Threat Group Management Unit Phase Review.

Administrative change.
See: 35 N.J.R. 1137(a).

SUBCHAPTER 2. MANAGEMENT CONTROL UNIT (M.C.U.)

10A:5-2.1 Referrals for placement in the Management Control Unit (M.C.U.)

(a) Recommendations for placement of inmates in the M.C.U. may be submitted to the Management Control Unit Review Committee (M.C.U.R.C.) by:

1. The Director, Division of Operations;

2. The Institutional Classification Committee (I.C.C.);