

**TITLE 10A
CORRECTIONS**

**CHAPTER 1
ADMINISTRATION, ORGANIZATION,
AND MANAGEMENT**

Authority

N.J.S.A. 2C:39-1, 30:1B-6, 30:1B-10, 30:4-123.47(c) and 52:27EE-26; the Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.; and the Federal Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§15601 et seq.

Source and Effective Date

R.2008 d.190, effective June 17, 2008.
See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 1, Administration, Organization and Management, expires on June 17, 2015. See: 43 N.J.R. 1203(a).

Subchapter 3, Disability Discrimination Grievance Procedure, is exempt from expiration pursuant to 28 C.F.R. Part 35.

Chapter Historical Note

Chapter 1, Administration, Organization and Management, was adopted as R.1987 d.282, effective July 6, 1987. See: 19 N.J.R. 620(a), 19 N.J.R. 1214(a).

Subchapter 2, General Provisions, was adopted as R.1988 d.240, effective June 6, 1988. See: 20 N.J.R. 493(a), 20 N.J.R. 1222(c).

Subchapters 3 through 10, (Reserved), and Subchapter 11, Personal Property of Inmates, were adopted as R.1988 d.306, effective July 5, 1988. See: 20 N.J.R. 494(a), 20 N.J.R. 1559(b).

Pursuant to Executive Order No. 66(1978), Chapter 1, Administration, Organization and Management, was readopted as R.1992 d.269, effective June 1, 1992. See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Subchapter 3, Disability Discrimination Grievance Procedure, was adopted as R.1993 d.617, effective December 6, 1993. See: 25 N.J.R. 1326(b), 25 N.J.R. 5474(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Operation and Procedures of the Department of Corrections; Subchapter 2, General Procedures; Subchapters 4 through 9, (Reserved); Subchapter 10, Research; and Subchapter 11, Personal Property of Inmates, expired on June 1, 1997.

Subchapter 1, Operation and Procedures of the Department of Corrections; Subchapter 2, General Procedures; Subchapters 4 through 9, (Reserved); Subchapter 10, Research; and Subchapter 11, Personal Property of Inmates, were adopted as R.1997 d.527, effective December 15, 1997. See: 29 N.J.R. 4231(a), 29 N.J.R. 5296(a).

Chapter 1, Administration, Organization and Management, was readopted as R.2003 d.176, effective April 9, 2003. See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

Subchapter 4, Inmate Remedy System, was adopted as new rules by R.2008 d.171, effective June 16, 2008. See: 39 N.J.R. 2188(a), 40 N.J.R. 3718(d).

Chapter 1, Administration, Organization and Management, was readopted as R.2008 d.190, effective June 17, 2008. See: Source and Effective Date. See, also, section annotations.

Chapter 1, Administration, Organization and Management, was renamed Administration, Organization, and Management by R.2013 d.006, effective January 7, 2013. See: 44 N.J.R. 957(a), 45 N.J.R. 34(b).

CHAPTER TABLE OF CONTENTS

**SUBCHAPTER 1. OPERATION, PROCEDURES AND
RULEMAKING ACTIVITY OF THE DEPARTMENT
OF CORRECTIONS**

- 10A:1-1.1 Functions of the agency
- 10A:1-1.2 Procedure to petition for rulemaking
- 10A:1-1.3 Public and inmate information requests
- 10A:1-1.4 Reimbursement for costs of copying
- 10A:1-1.5 Rulemaking activity
- 10A:1-1.6 Notice of a proposed rule and opportunity to be heard
- 10A:1-1.7 Calendar of Departmental rule activity

SUBCHAPTER 2. GENERAL PROVISIONS

- 10A:1-2.1 Scope
- 10A:1-2.2 Definitions
- 10A:1-2.3 Chief Executive Officer
- 10A:1-2.4 Rulemaking, policy and procedure making and exemption authority
- 10A:1-2.5 Expiration of rule exemptions
- 10A:1-2.6 Effective dates of adopted and exempted rules
- 10A:1-2.7 Procedure for requesting rule exemptions
- 10A:1-2.8 Forms

**SUBCHAPTER 3. DISABILITY DISCRIMINATION
GRIEVANCE PROCEDURE**

- 10A:1-3.1 Definitions
- 10A:1-3.2 Purpose
- 10A:1-3.3 Required ADA notice
- 10A:1-3.4 Designated ADA coordinator
- 10A:1-3.5 Grievance procedure
- 10A:1-3.6 Grievance contents
- 10A:1-3.7 Americans with Disabilities Act Grievance Form 100
- 10A:1-3.8 Investigation

SUBCHAPTER 4. INMATE REMEDY SYSTEM

- 10A:1-4.1 Purpose
- 10A:1-4.2 Definitions
- 10A:1-4.3 Forms
- 10A:1-4.4 General provisions regarding the Inmate Remedy System
- 10A:1-4.5 Submitting and handling a "Routine Inmate Request" or an "Interview Request"
- 10A:1-4.6 Submitting and handling an "Administrative Appeal"
- 10A:1-4.7 Responsibilities of the Administrator
- 10A:1-4.8 Responsibilities of the Coordinator of the Inmate Remedy System
- 10A:1-4.9 Responsibilities of correctional facility staff

SUBCHAPTERS 5 THROUGH 9. (RESERVED)

SUBCHAPTER 10. RESEARCH

- 10A:1-10.1 General research and experimentation provisions
- 10A:1-10.2 Departmental Research Review Board (DRRB)
- 10A:1-10.3 Procedure for submitting and handling requests to conduct research projects to the Departmental Research Review Board (DRRB)
- 10A:1-10.4 Express written inmate informed consent requirement
- 10A:1-10.5 Refusal to participate in research

- 10A:1-10.6 Inmate records
 10A:1-10.7 Research findings
 10A:1-10.8 Written internal management procedures

SUBCHAPTER 11. PERSONAL PROPERTY OF INMATES

- 10A:1-11.1 Inmate's responsibility for personal property
 10A:1-11.2 Permissible personal property
 10A:1-11.3 Non-permissible personal property
 10A:1-11.4 Storage of non-permissible personal property
 10A:1-11.5 Marking inmate personal property
 10A:1-11.6 Inventory of inmate personal property
 10A:1-11.7 Disposition of personal property when an inmate is transferred
 10A:1-11.8 Responsibility for personal property when an inmate is released from custody of the Department of Corrections
 10A:1-11.9 Responsibility for personal property when inmate escapes
 10A:1-11.10 Responsibility for personal property when an inmate dies
 10A:1-11.11 Records
 10A:1-11.12 Written internal management procedures

SUBCHAPTER 1. OPERATION, PROCEDURES AND RULEMAKING ACTIVITY OF THE DEPARTMENT OF CORRECTIONS

10A:1-1.1 Functions of the agency

(a) The Department of Corrections (DOC), created by statute in 1976, is a principal Department in the Executive Branch of New Jersey State Government (see N.J.S.A. 30:1B-2). The functions of the DOC are to:

1. Protect the public and provide for the custody, care, discipline, training and treatment of persons committed to State correctional facilities;
2. Supervise and assist in the treatment and training of persons in local correctional and detention facilities, so that such persons may be prepared for release and reintegration into the community;
3. Cooperate with other law enforcement agencies of the State to encourage a more unified system of criminal justice.
4. Provide maximum security confinement for offenders whose demonstrated propensity to acts of violence requires that these offenders be separated from the community;
5. Develop alternatives to conventional incarceration for offenders who can be dealt with more effectively in less restrictive community based facilities and programs;
6. Provide an environment for incarcerated persons which encourages rehabilitation and reintegration into the community; and
7. Protect the incarcerated offender from victimization within the correctional facilities of the DOC.

Amended by R.2003 d.176, effective May 5, 2003.
 See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

In (a)1, deleted "or released on parole" following "committed to State correctional facilities".

Amended by R.2011 d.022, effective January 18, 2011.

See: 42 N.J.R. 2194(a), 43 N.J.R. 188(a).

In the introductory paragraph of (a) and in (a)7, substituted "DOC" for "D.O.C." throughout; and in the introductory paragraph of (a), inserted "(see N.J.S.A. 30:1B-2)".

Case Notes

Department of Corrections was authorized to discipline a prisoner, who tested positive for cocaine and opiates upon his return to a State prison after escaping from a halfway house, for violating the Department's regulation prohibiting the use of drugs; under N.J.S.A. 30:1B-3 and N.J.S.A. 30:4-91.3, the Commissioner of Corrections maintains authority over adult offenders committed to State correctional institutions, even at times when they are physically outside prison walls. *Ries v. Dep't of Corr.*, 396 N.J. Super. 235, 933 A.2d 638, 2007 N.J. Super. LEXIS 328 (App.Div. 2007).

10A:1-1.2 Procedure to petition for rulemaking

(a) Pursuant to N.J.S.A. 52:14B-4(f), an interested person may petition for the promulgation of a new rule, or amendment or repeal of any existing rule of the Department of Corrections. A petition shall:

1. Be in writing;
2. Be legible and intelligible; and
3. Be signed by the petitioner.

(b) Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. Citation of the rule for which the petition is made, using N.J.A.C. references, where applicable;
3. A clear and concise statement summarizing the substance of the rule sought or change to be suggested that may include the text of the suggested new rule or amended rule;
4. A specific statement explaining why the suggestion is being offered and summary of reasons therefor; and
5. A citation of statutory authority under which the Department of Correction is authorized to act.

(c) The petition shall be sent to the Supervisor, Administrative Rules Unit, Office of the Commissioner, Department of Corrections, Cubberly Building, PO Box 863, Trenton, New Jersey 08625-0863.

(d) A document submitted as a petition for rulemaking shall be reviewed by the Commissioner or designee. The document shall be deemed to be a petition for rulemaking based upon, but not limited to, substantial compliance with (a) through (c) above and the following guidelines, as applicable to the suggested new rule, amended rule or repealed rule (see definition of an "administrative rule" at N.J.S.A. 52:14B-2(e)):

1. The Department has the legal authority to promulgate the suggested rule;