

Amended by R.1992 d.79, effective February 18, 1992.
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).
Revised (b).

Petition for Rulemaking.

See: 32 N.J.R. 3499(a).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (b), substituted "at" for "on".

10A:9-3.9 Educational assignments

(a) Determining factors in referring an inmate to an educational program may include, but are not limited to:

1. Recommendation of the Supervisor of Educational Programs;
2. Test results;
3. Interest and aptitude of the inmate;
4. Sentence length; and/or
5. Community employment plan.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised section.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), added "but are not limited to" following "include" in the introductory paragraph.

10A:9-3.10 Counseling assignments

(a) Inmates with emotional and/or personal problems may be referred to the appropriate staff members for counseling or therapy.

(b) Inmates may be approved for group counseling and other therapy programs by the Institutional Classification Committee (I.C.C.) and may be assigned by the staff member in charge of the program.

(c) Inmates may be removed from these programs only by the decision of the I.C.C.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (a)-(b).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), added "for counseling or therapy" following "members".

10A:9-3.11 Reassignments

(a) Reassignments are cases referred to the Institutional Classification Committee (I.C.C.) for a change in some area of an inmate's program.

(b) Any change in or addition to the inmate's institutional program shall be made by the I.C.C. Reassignments may be made upon inmate or staff request, when deemed necessary.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (b), substituted "institutional" for "initial" and "when deemed necessary" for "as the need arises".

10A:9-3.12 Residential community programs

The Institutional Classification Committee (I.C.C.) may approve an eligible inmate for participation in a residential community program in accordance with applicable provisions of N.J.A.C. 10A:20 when the inmate has been classified to full minimum custody status and meets the criteria for assignment to the program.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised section.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Inserted "status" following "custody".

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Deleted "in which the inmate will participate" following "program".

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Rewrote the section.

Amended by R.2007 d.42, effective February 5, 2007.

See: 38 N.J.R. 4389(a), 39 N.J.R. 489(a).

Section was "Community release programs". Rewrote the section.

Petition for Rulemaking.

See: 46 N.J.R. 715(b).

10A:9-3.13 Transfers

(a) Except for inmates assigned to the Adult Diagnostic and Treatment Center (A.D.T.C.) and the Edna Mahan Correctional Facility for Women (EMCF), the I.C.C. of the correctional facility where the inmate is currently housed shall review an inmate's request for transfer to another correctional facility.

(b) When the I.C.C. has determined that the inmate meets the criteria for assignment to a correctional facility within the security level indicated by the inmate's custody status, the I.C.C. shall recommend such transfer to the Administrator where the inmate is currently housed.

(c) In cases where an inmate's correctional facility adjustment and/or custody status indicates that a transfer to another correctional facility is appropriate, or when transfer is requested by an inmate, Form CRAF-003, Agreement of Transfer, shall be initiated by the Administrator of the sending facility. If the Administrator of the correctional facility to which the inmate transfer is requested signs Form CRAF-003, the sending facility shall forward the completed form to the intake coordinator, or designee at the CRAF Intake Unit for submission to the Director, Division of Operations or designee for consideration for approval/disapproval.

(d) If, in the opinion of the Administrator of the correctional facility in which the inmate is housed, an immediate transfer is necessary, the Administrator shall notify the Assistant Commissioner or Director, Division of Operations of the proposed transfer. With the verbal approval of the Assistant Commissioner or designee, the transfer shall be made as soon as possible.

(e) Form 852-I Authorization for Emergency Transfer shall be utilized for disciplinary or administrative transfers of an emergency nature. Two copies of Form 852-I shall be forwarded to the Assistant Commissioner or designee from whom verbal approval was secured within three business days of the verbal approval.

(f) In determining the need for an inmate's emergency transfer, the Administrator shall consider the following factors, but is not limited to these factors:

1. The safety and welfare of the inmate;
2. The safety of other inmates and staff; and
3. The safe, orderly and secure operation of the correctional facility.

(g) All inmates transferred on an emergency basis shall be evaluated on the Reclassification Instrument at the receiving facility as soon as possible.

(h) The I.C.C. at CRAF shall confirm all transfers and/or assignments of inmates to adult county correctional facilities contracted to house State-sentenced inmates.

Administrative Correction, effective January 27, 1989.
See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Rewrote (b) and added (c).

Amended by R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

In (b), inserted "within the security level indicated by the inmate's custody status," and substituted "Administrator" for "Superintendent"; rewrote (c).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), deleted "at Clinton" following "(EMCF)" and inserted "of the correctional facility where the inmate is currently housed" following I.C.C.

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Rewrote (c); added (d) through (h).

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In (c), substituted "an" for "a" following "requested by", and deleted "or the Special Classification Committee (S.C.C.);" preceding "for consideration".

10A:9-3.14 Required reviews

(a) Inmate records shall be rescored on the objective classification scoring instrument used at the last review when there is a change in sentencing or official record information that affects one or more of the following criteria assessed on an objective classification scoring instrument:

1. Severity of current offense;
2. Prior assaultive offense history;
3. Escape history;
4. Balance of term to be served to expiration of sentence—Initial Instrument only;

5. Alcohol/drug use history—Initial Instrument only;

6. Current detainer/open charges;

7. Prior felony convictions;

8. Stability factors—Initial Instrument only; or

9. Balance of term to parole eligibility date—Reclassification Instrument only.

(b) When a non-permissible detainer/open charge is received on an inmate assigned to reduced custody status:

1. The Administrator shall be notified by the Classification Officer IV or designee;

2. A temporary increase in custody status shall be placed on the inmate where deemed necessary; and

3. The inmate shall be scheduled for review at the next I.C.C. meeting following the temporary increase in custody status.

(c) If an override is required on an objective classification scoring instrument that has been rescored due to a change in inmate sentencing or official record information, or the receipt or return of a non-permissible detainer/open charge, the inmate shall be referred to the Director, Division of Operations for review.

(d) Inmates shall be reviewed and scored on the Reclassification Instrument upon a finding of guilt to a prohibited act(s) when:

1. A sanction imposed by the Disciplinary Hearing Officer includes a referral to I.C.C., except if administrative segregation is part of the imposed sanction;

2. A minimum custody status inmate is found guilty of a prohibited act in the highest or high level of the Severity of Offense—Disciplinary Infractions Scale; or

3. Referred by the Administrator.

(e) When a disciplinary sanction includes administrative segregation, the inmate shall be reviewed and scored on the Reclassification Instrument prior to release from the Administrative Close Supervision Unit (see N.J.A.C. 10A:5-3).

New Rule, R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Former N.J.A.C. 10A:9-3.14, Written procedures, recodified to N.J.A.C. 10A:9-3.15.

Amended by R.2014 d.027, effective February 3, 2014.

See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

In (d)1 and (e), substituted "administrative segregation" for "Administrative Segregation"; and in (e), substituted "Close Supervision" for "Segregation".

10A:9-3.15 Written procedures

(a) Each correctional facility shall develop written classification procedures that are in accordance with this subchapter.

(b) These written procedures shall be reviewed and updated annually and submitted to the Bureau of Correctional Information and Classification Services, Office of Policy and Planning, for review and approval.

Amended by R.1997 d.122, effective March 17, 1997.
See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

In (b), inserted reference to the Office of Policy and Planning.
Recodified from N.J.A.C. 10A:9-3.14 by R.2001 d.425, effective November 19, 2001.
See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

SUBCHAPTER 4. ELIGIBILITY CRITERIA FOR REDUCED CUSTODY CONSIDERATION

10A:9-4.1 Eligibility for reduced custody

(a) There are six categories of custody status within the New Jersey Department of Corrections:

1. Close custody;
2. Maximum custody;
3. Medium custody;
4. Gang minimum custody;
5. Full minimum custody; and
6. Community custody.

(b) The criteria set forth in this subchapter and the objective classification instrument score shall be applied by the Institutional Classification Committee (I.C.C.) to determine whether an inmate is eligible for reduced custody consideration.

Amended by R.1990 d.195, effective April 2, 1990.
See: 21 N.J.R. 3050(a), 22 N.J.R. 1143(a).
Added reference to I.C.C. in (a).
Amended by R.1992 d.79, effective February 18, 1992.
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).
Revised text.

Amended by R.1997 d.122, effective March 17, 1997.
See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Inserted close custody, medium custody, and community custody as additional categories; and deleted (b)1 through (b)3, specifying the available reduced custody options.

Amended by R.2001 d.425, effective November 19, 2001.
See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

In (b), inserted "and the objective classification instrument score" preceding "shall be applied".

Case Notes

Inmate's halfway house placement does not involve a liberty interest giving rise to due process rights; the return of an inmate from a halfway house to a prison does not impose an atypical or significant hardship on the inmate and an inmate does not have a protected liberty interest in serving his or her sentence in a particular correctional facility. *Shabazz v. New Jersey Dep't of Corrections*, 385 N.J. Super. 117, 896 A.2d 473, 2006 N.J. Super. LEXIS 103 (App.Div. 2006).

Commissioner of Corrections empowered to reclassify camp inmates whose records reflected convictions of homicide; Commissioner's non-individualized reclassification of prison camp inmates did not implicate prisoner's federally protected liberty interests or require due process

type hearing; Commissioner's reclassification was inconsistent with departmental regulations. *Jenkins v. Fauver*, 108 N.J. 239, 528 A.2d 563 (1987).

10A:9-4.2 No right to reduced custody

A reduction in custody status is a privilege and not a right.

Case Notes

Under governing regulations, neither the nature of an inmate's conviction, except for those offenses specifically excluded, nor the location of a correctional facility within a residential area alone, may permanently disqualify an inmate from consideration for "full minimum custody status." *Smith v. Dept. of Corrections*, 346 N.J. Super. 24, 786 A.2d 165 (A.D. 2001).

Decision of Institutional Classification Committee, initially withholding "full minimum custody status" from newly-transferred inmate with aggravated manslaughter conviction who had received that custody status at other prison facility, was not abuse of discretion. *Smith v. Dept. of Corrections*, 346 N.J. Super. 24, 786 A.2d 165 (A.D. 2001).

10A:9-4.3 Custody status

(a) Inmates classified as "close custody status" shall be assigned to selected activities such as work and recreation within the confines of the unit under continuous supervision.

(b) Inmates classified as "maximum custody status" shall be assigned to activities within the confines of the correctional facility under continuous supervision.

(c) Inmates classified as "medium custody status" shall be assigned to activities inside the security perimeter of the correctional facility under frequent and direct observation of staff.

(d) Inmates classified as "gang minimum custody status" may be assigned to activities or jobs which routinely require them to move outside the security perimeter of the correctional facility, but on the grounds of the facility and under continuous supervision of a custody staff member, civilian instructor or other employee authorized to supervise inmates. The time served in gang minimum custody status shall be at the discretion of the Institutional Classification Committee (I.C.C.).

(e) Inmates classified as "full minimum custody status" are those assigned to:

1. Work details, jobs or programs outside the main correctional facility, (on or off the grounds of the facility) with minimal supervision; and/or

2. A satellite unit or minimum security trailer unit.

(f) Inmates must be classified as "community custody status" in order to participate in residential community programs (see N.J.A.C. 10A:20) or to be assigned to community-based jobs. Community custody status may require periodic supervision in the community as appropriate to circumstances of work or activities. Full minimum custody status is a prerequisite to obtaining community custody status.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1990 d.195, effective April 2, 1990.

See: 21 N.J.R. 3050(a), 22 N.J.R. 1143(a).

Deleted references to "in-and-out custody status", throughout.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Inserted new (a) and (c); recodified former (a), (b), and (c) as (b), (d), and (e), respectively; deleted former (d) and (e), requiring completion of gang minimum custody to be eligible for minimum custody and requiring full minimum custody status to be eligible for community release programs; in (b), inserted "status" following "custody"; in (d), substituted "under continuous supervision" for "within eyesight" and added the last sentence; and added (f).

Petition for Rulemaking.

See: 31 N.J.R. 3537(a), 31 N.J.R. 4127(b).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (d), inserted "perimeter" following "security" and substituted "custody staff member" for "correction officer" preceding "civilian".

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

In (f), substituted "Except to participate in the Electronic Monitoring/Home Confinement Program, full" for "Full" following "activities".

Amended by R.2007 d.42, effective February 5, 2007.

See: 38 N.J.R. 4389(a), 39 N.J.R. 489(a).

In (f), substituted "residential community programs" for "community release programs", "or to be assigned" for "or be assigned" and "Full" for "Except to participate in the Electronic Monitoring/Home Confinement Program, full".

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Custody levels".

Petition for Rulemaking.

See: 46 N.J.R. 715(b).

Case Notes

Under governing regulations, neither the nature of an inmate's conviction, except for those offenses specifically excluded, nor the location of a correctional facility within a residential area alone, may permanently disqualify in inmate from consideration for "full minimum custody status." *Smith v. Dept. of Corrections*, 346 N.J. Super. 24, 786 A.2d 165 (A.D. 2001).

Decision of Institutional Classification Committee, initially withholding "full minimum custody status" from newly-transferred inmate with aggravated manslaughter conviction who had received that custody status at other prison facility, was not abuse of discretion. *Smith v. Dept. of Corrections*, 346 N.J. Super. 24, 786 A.2d 165 (A.D. 2001).

Decision of assistant superintendent at prison facility, denying newly-transferred inmate's application for the "full minimum custody status" he had been granted at other facility, was not a final, immutable determination due to inmate's aggravated manslaughter conviction and/or the location of the prison with respect to a residential area; applicable regulations allowed continuous review of inmate's custody status. *Smith v. Dept. of Corrections*, 346 N.J. Super. 24, 786 A.2d 165 (A.D. 2001).

For due process purposes, prisoner had no liberty interest in retaining "full minimum custody status" when he was transferred from one correctional facility to another. *Smith v. Dept. of Corrections*, 346 N.J. Super. 24, 786 A.2d 165 (A.D. 2001).

10A:9-4.4 Authority of classification committees

(a) Changes in inmate custody status within a particular correctional facility shall be made by the Institutional Classification Committee (I.C.C.).

1. In an emergency situation, or when additional information is received which negatively affects an inmate's suitability to remain in reduced custody, the inmate's custody level may be increased by order of the Administrator, Associate Administrator, Assistant Superintendent or Director of Custody Operations.

2. Custody level changes initiated due to conditions in (a)1 above must be reviewed and approved by the I.C.C. as soon as is reasonably feasible.

(b) The I.C.C. is authorized, at initial classification, to assign eligible inmates directly to full minimum custody status at Jones Farm and other minimum security correctional facilities without the prerequisite of a successful completion of time in gang minimum custody status.

(c) The I.C.C. at Edna Mahan Correctional Facility for Women (EMCF) is authorized to assign eligible inmates directly to full minimum custody status without the prerequisite of a successful completion of time in gang minimum custody status.

Amended by R.1990 d.195, effective April 2, 1990.

See: 21 N.J.R. 3050(a), 22 N.J.R. 1143(a).

At (a)2., changed time frame to reasonably possible.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (c).

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

In (b), deleted "whom it transfers or reassigns to another correctional facility or unit" following "status of any inmate"; and in (c), substituted "of a successful completion of time in gang minimum custody" for "service of time required for gang minimum custody".

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), substituted "Administrator, Associate Administrator" for "Superintendent" in 1, deleted "such" preceding "custody" and inserted "initiated due to conditions in (a)1 above" following "changes" in 2.

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Deleted (b); recodified (c) as (b).

Amended by R.2004 d.355, effective September 20, 2004.

See: 36 N.J.R. 2293(a), 36 N.J.R. 4316(b).

Added (c).

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In the introductory paragraph of (a), substituted "status" for "levels"; and in (b), substituted "I.C.R.C." for "I.I.C.C.".

10A:9-4.5 Discretion of Institutional Classification Committee (I.C.C.); factors to be considered

(a) In making decisions to reduce an inmate's custody status, the I.C.C. shall take into consideration all relevant factors. These factors may include, but are not limited to:

1. Field account of the present offense;
2. Prior criminal record;
3. Previous incarcerations;
4. Correctional facility adjustment;
5. Residential community program adjustment;

(h) Any inmate housed at a residential community release agreement program must submit an application for restoration of commutation credits to the Administrator of the regional correctional facility with responsibility for the inmate. The classification officer of that correctional facility shall review the application. A review of the inmate's eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the Administrator, who shall make the restoration determination.

(i) Any inmate serving a State prison sentence in an adult county correctional facility must submit an application for restoration of commutation credits to the Administrator of the Central Reception and Assignment Facility (CRAF). The classification officer of that facility shall review the application. A review of the inmate's eligibility on restoration of credits by the classification officer shall be made in accordance with this subchapter and forwarded to the Administrator, who shall make the restoration determination.

Amended by R.1991 d.346, effective July 1, 1991.
See: 23 N.J.R. 1261(a), 23 N.J.R. 2043(a).

Amended to permit an inmate, who has forfeited commutation time as a result of a disciplinary charge and will reach the expiration of his or her maximum sentence in the third year after the loss of commutation time and has been free of disciplinary charges for both the first and second years, to have the commutation credits which he or she could earn in the third year restored, on a prorated basis, at the discretion of the Superintendent.

Amended by R.1992 d.79, effective February 18, 1992.
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (a).

Amended by R.1993 d.636, effective December 6, 1993.

See: 25 N.J.R. 4553(a), 25 N.J.R. 5476(a).

Amended by R.1996 d.557, effective December 2, 1996.

See: 28 N.J.R. 4155(a), 28 N.J.R. 5073(b).

Amended by R.1999 d.165, effective May 17, 1999.

See: 31 N.J.R. 708(b), 31 N.J.R. 1335(a).

Rewrote the section.

Amended by R.2001 d.222, effective July 2, 2001.

See: 33 N.J.R. 1043(a), 33 N.J.R. 2297(a).

Inserted a new (b), recodified former (b) as (c), and inserted " , except as otherwise set forth in this section" following "May 24, 1979" in the introductory paragraph; recodified former (c) and (d) as (d) and (e); recodified former (e) as (f) and inserted " , except as otherwise set forth in this section" following "May 24, 1979" in the introductory paragraph; recodified former (f) through (h) as (g) through (i).

Amended by R.2003 d.324, effective August 4, 2003.

See: 35 N.J.R. 1761(a), 35 N.J.R. 3558(b).

Rewrote (b).

Petition for Rulemaking.

See: 36 N.J.R. 4330(b).

Petition for Rulemaking.

See: 41 N.J.R. 2149(b).

Petition for Rulemaking.

See: 46 N.J.R. 562(c).

10A:9-5.6 Work credits for State-sentenced inmates housed in adult county correctional facilities

(a) State-sentenced inmates eligible for work credit who are being housed in adult county correctional facilities shall be credited with one day work credit for every five days worked beginning on the 16th day after sentencing. All inmates confined in adult county correctional facilities are charged with the responsibility to keep their cells clean; such

assignments shall be considered as five day per week jobs. Work credits prior to sentencing must be certified by county authorities.

(b) Inmates eligible for work credit who are parole violators without additional charges who are held in an adult county correctional facility on a parole warrant will receive work credits beginning on the 16th day after they have been in custody.

(c) Inmates eligible for work credit who are Intensive Supervision Program (I.S.P.) violators who are in adult county correctional facilities will receive work credits beginning on the 16th day after they have been in custody.

(d) Parolees housed in adult county correctional facilities on additional charges and sentenced on additional charges may receive work credits beginning on the 16th day after sentencing. If an inmate's parole is revoked prior to sentencing, the effective date on which to begin work credits shall be the date of the parole revocation.

(e) Parolees serving county jail sentences in conjunction with parole violations may receive work credits beginning on the date of parole revocation.

(f) Inmates with approved parole dates who are transferred to adult county correctional facilities prior to parole shall receive work credits as if the inmates were still assigned to a five day or seven day per week job in a State correctional facility. Inmates in minimum custody status at the time of transfer shall continue to receive compensation for that status during their stay in the adult county correctional facility in accordance with N.J.S.A. 30:4-92.

Amended by R.1987 d.332, effective August 17, 1987.

See: 19 N.J.R. 843(a), 19 N.J.R. 1560(b).

Deleted text in (b) and substituted new; deleted text in (d) "upon completion of . . . has been revoked" and substituted "on the date of parole revocation".

Amended by R.1988 d.332, effective July 18, 1988.

See: 20 N.J.R. 879(b), 20 N.J.R. 1716(a).

Added new (c); redesignated existing (c)-(e) as (d)-(f).

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised text.

Amended by R.1999 d.340, effective October 4, 1999.

See: 31 N.J.R. 1848(a), 31 N.J.R. 2891(b).

In (d), deleted "and wages" preceding "beginning", and deleted "wages and" following "begin", and in (e), deleted "wages and" following "receive".

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Inserted "adult" preceding "county correction facility" throughout.

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Work credits for inmates housed in adult county correctional facilities".

Amended by R.2011 d.012, effective January 3, 2011.

See: 42 N.J.R. 2195(a), 43 N.J.R. 53(b).

In (a), substituted "State-sentenced inmates eligible for work credit" for "State sentenced inmates"; in (b) and (c), substituted "eligible for work credit who" for "that"; in (b), substituted "violators" for "violators"; and in (c), substituted "correctional" for "correction" and deleted a comma following "facilities".

10A:9-5.7 Reports of earned credits

Regular reports of earned credits should be forwarded to the parent correctional facility when inmates are housed in county correctional facilities or in half-way house assignments.

Recodified from 10A:9-5.8 and amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Deleted "at V.R.U.," following "inmates are housed". Section was "Inmates in Vroom Readjustment Unit (V.R.U.)."

10A:9-5.8 (Reserved)

Recodified to 10A:9-5.7 by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

SUBCHAPTER 6. INSTITUTIONAL CLASSIFICATION RECEPTION COMMITTEE (I.C.R.C.)

10A:9-6.1 Responsibilities of the Institutional Classification Reception Committee (I.C.R.C.)

(a) The I.C.R.C. shall be responsible for:

1. The initial custody status and correctional facility assignments of inmates who have been committed to the custody of the Commissioner, Department of Corrections;

2. The custody status and correctional facility assignment of male parole violators, escapees and Interstate Corrections Compact transferees; and

3. Recommending inmates at the Central Reception Assignment Facility (CRAF) who are considered appropriate for Protective Custody (see N.J.A.C. 10A:5).

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (b).

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

In (a), substituted "correctional facility, of male inmates" for "facility, of adult male inmates" and "custody of the Commissioner, Department of Corrections" for "Garden State Reception and Youth Correctional Facility by the Courts"; rewrote (b); in (c)1, substituted "Division of Operations" for "Prison Complex"; in (c)5, substituted "Confirm all transfers to or from" for "Review assignments to Vroom" and deleted an N.J.A.C. reference; in (c)7, deleted reference to transfers to Vroom Readjustment Unit; rewrote (c)8; and deleted (d), relating to assignment of female inmates.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote (a); in (c), inserted "adult" preceding "county" and substituted "correctional facilities" for "jails" in 4 and deleted "Institutional Classification Committee" preceding "I.C.C." in 8.

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Rewrote the section.

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Responsibilities of the Inter-Institutional Classification Committee (I.I.C.C.)". In the introductory paragraph of (a), substituted

"I.C.R.C." for "I.I.C.C."; and in (a)1, deleted "male" preceding "inmates".

10A:9-6.2 Composition of the Institutional Classification Reception Committee (I.C.R.C.)

(a) An Administrator or designee shall serve as Chairperson of the I.C.R.C.

(b) A Classification Department representative shall serve as a member of the I.C.R.C.

(c) A representative from the Division of Programs and Community Services shall serve as a member of the I.C.R.C.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (a).

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

In (a), changed official serving as Chair and deleted provision specifying other members of the I.I.C.C.; and rewrote (b).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote (a); in (b), inserted "Associate Administrators or" following "two".

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Added (c).

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Composition of the Inter-Institutional Classification Committee (I.I.C.C.)". In (a), substituted "I.C.R.C." for "I.I.C.C."; rewrote (b); and in (c), deleted "classification officer and a" preceding "representative" and substituted "a member of the I.C.R.C." for "members of the I.I.C.C.".

10A:9-6.3 Criteria for assignment of inmates

(a) Decisions regarding the degree of custody required and the correctional facility assignment for inmates shall be made by the I.C.R.C. while the inmate is in the initial classification process. These decisions shall be based on:

1. Length of sentence;
2. Type of offense;
3. Age of inmate;
4. Previous criminal and/or correctional facility history;
5. Review of pertinent presentence investigation report documents;
6. The objective classification score;
7. The security level that matches the inmate's scored custody status;
8. The Department of Corrections housing security level designation assigned to each correctional facility;
9. Current psychological and/or psychiatric reports; and
10. Other professional and/or administrative reports.

1. An Administrator or designee of a correctional reception center;
2. A Classification Department representative;
3. A Division of Operations representative;
4. Two Division of Community Programs representatives; and
5. A Division of Drug Programs representative.

10A:9-9.3 C-4 decision making criteria

(a) Decisions regarding the assignment to a correctional facility or a residential community program and the recommendation of a custody status when an inmate has been returned from a residential community program or Electronic Monitoring Program (EMP) shall be based upon:

1. The length of the sentence;
2. The type of the sentence;
3. The age of the inmate;
4. The previous criminal and/or correctional facility history of the inmate;
5. A review of the pre-sentence investigation report;
6. The objective classification score;
7. The security level that corresponds with the custody status score of the inmate;
8. The housing security level designation assigned to each correctional facility;
9. Current psychological, psychiatric and/or assessment center evaluations;
10. Disciplinary reports;
11. Other professional and/or administrative reports; and
12. Eligibility for a residential community program.

SUBCHAPTER 10. RESIDENTIAL COMMUNITY PROGRAM NOTIFICATION COMMITTEE

10A:9-10.1 Responsibilities of the Residential Community Program Notification Committee

(a) The Residential Community Program Notification Committee shall be responsible for:

1. Providing notice to the prosecutor of the county in which the inmate was convicted or the Attorney General, if the matter was prosecuted by the Attorney General in accordance with N.J.S.A. 30:4-91.8;
2. Ensuring the notice includes the inmate's name, number, identifying factors, and offense history;

3. Reviewing comments from victims, nearest relatives of victims if the offense resulted in death, the county prosecutor, and the Attorney General concerning the participation of an inmate in a community-based program in order to give all due consideration to the information contained in those comments when considering the participation of that inmate;

4. Ensuring that all comments submitted are deemed confidential and shall not be disclosed to anyone who is not authorized to receive or review them; and

5. Determining inmate suitability for placement in a residential community program.

10A:9-10.2 Composition of the Residential Community Program Notification Committee

(a) The Residential Community Program Notification Committee shall be chaired by a representative of the Division of Programs and Community Services. The Chairperson shall be responsible for casting the deciding vote when a tie in the voting occurs.

(b) The following units shall provide a representative to be a voting member of the Committee:

1. The Office of Community Programs;
2. The Division of Operations;
3. The Office of Internal Support and Outreach Services;
4. The Office of Drug Programs; and
5. The Office of Transitional Services.

(c) A representative from the Office of Victims Services shall serve as a non-voting member of the Committee.

10A:9-10.3 Residential Community Program Notification Committee decision making criteria for placement in a Residential Community Program

(a) The determination to approve/disapprove the placement of an inmate identified in N.J.S.A. 30:4-91.8 to a residential community program shall be based upon the following criteria:

1. Comments, information, arguments or views provided to the Department of Corrections from the victim, the relatives of the victim, county prosecutor, and the Office of the Attorney General;
2. The length of the sentence;
3. The present offense;
4. The age of the offender;
5. The previous criminal and/or correctional facility history of the inmate;

- 6. A review of the pre-sentence investigation report;
- 7. Assessments;
- 8. Participation in relevant programming;
- 9. Current psychological, psychiatric and/or assessment center evaluations;

10. Disciplinary reports; and

11. Other professional and/or administrative reports.

Petition for Rulemaking.
See: 46 N.J.R. 715(b).