

**CHAPTER 95  
SECURE FACILITIES**

**Authority**

N.J.S.A. 2A:4A-60, 2C:39-6a(9), 9:17A-1 and 4, 30:4-27.2, 30:4-27.24, 30:4-82.4, 30:4-123.53a, 47:1A-1, 52:17B-170e(8) and (9), 52:17B-170e(14) and (22), 52:17B-171, 52:17B-174, 52:17B-175, and 52:17B-176.

**Source and Effective Date**

R.2011 d.202, effective June 30, 2011.  
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

**Chapter Expiration Date**

Chapter 95, Secure Facilities, expires on June 30, 2018.

**Chapter Historical Note**

Chapter 95, Security and Control, was adopted as R.2000 d.329, effective August 7, 2000. See: 32 N.J.R. 1744(a), 32 N.J.R. 2909(c).

Chapter 95, Security and Control, was readopted as R.2006 d.57, effective January 9, 2006. As a part of R.2006 d.57, Chapter 95 was renamed Secure Facilities; Subchapter 2, Use of Force While On Duty, was repealed, and Subchapter 2, Keep Separate Status, was adopted as new rules; Subchapter 3, Use of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Force, was adopted as new rules; and Subchapters 4 through 21 were adopted as new rules, effective February 6, 2006. See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 95, Secure Facilities, was scheduled to expire on July 8, 2013. See: 43 N.J.R. 1203(a).

Chapter 95, Secure Facilities, was readopted as R.2011 d.202, effective June 30, 2011. As a part of R.2011 d.202, Subchapter 7, Behavior Accountability Unit, was adopted as new rules, effective August 1, 2011. See: Source and Effective Date. See, also, section annotations.

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1. Disciplinary records during the juvenile's present term of confinement;
2. Information provided by psychologists, social workers, psychiatrists and other professional staff;
3. Documented willful refusal to follow rules and obey orders;
4. Inability to maintain a satisfactory work record as indicated in reports by work supervisors and/or frequency of job changes;
5. Information indicating unsatisfactory adjustment to, or performance in, treatment, educational, vocational or rehabilitative programs;
6. Evidence of the juvenile's inability or unwillingness to house with other juveniles; and
7. Whether the juvenile may benefit from transitional placement in the BAU upon discharge from room restriction.

### **13:95-7.3 Behavior Accountability Unit Review Committee (BAURC)**

(a) The BAURC shall be formed by the Superintendent, and shall be composed of the Superintendent or Assistant Superintendent, who shall serve as chair, in addition to:

1. A representative from the secure facility education department;
2. A representative from the secure facility social services department;
3. A custody supervisor of at least the rank of lieutenant;
4. A representative from the secure facility classification department; and
5. Up to two additional staff members, when deemed necessary or appropriate by the Chairperson in order to ensure consideration of all relevant case information.

(b) A decision of the BAURC shall be in writing, shall be recorded majority vote of all members and shall be delivered to the office of the Superintendent on the same day it is made.

1. A copy of the BAURC decision shall be placed in the juvenile's classification file.

(c) Each member of the BAURC shall have one vote, except in the case of a tie vote, in which case the chair shall have two votes in order to break the tie.

### **13:95-7.4 Responsibilities of the Behavior Accountability Unit Review Committee (BAURC)**

(a) The BAURC has the authority and the responsibility to determine whether a juvenile is to be kept in or released from the Behavior Accountability Unit (BAU).

(b) The BAURC shall meet at least once a week or more frequently when necessary, to deliberate on matters related to its responsibilities. The BAURC shall be responsible for:

1. Reviewing the cases of juveniles referred for assignment to the BAU;
2. Reviewing the progress of each juvenile at least every two weeks to determine whether continued participation in the BAU program is appropriate; and
3. Reviewing appeals from initial assignment to the BAU, when requested by a juvenile under the provisions of N.J.A.C. 13:95-7.5.

### **13:95-7.5 Appeal of initial assignment**

(a) A juvenile may appeal his or her initial assignment to the Behavior Accountability Unit (BAU) by submitting to any staff member a request for a meeting of the Behavior Accountability Unit Review Committee (BAURC) on a Form BAU-03 (Behavior Accountability Unit Appeal).

1. Juveniles unable to complete the Form BAU-03 may request that the Superintendent or designee appoint another juvenile or staff member to provide assistance. When another person assists in completing the BAU-03 that person's name shall appear on the form.

(b) The BAURC shall meet to consider the appeal within 72 hours of receipt by a staff member of the BAU-03, exclusive of weekends and State holidays.

(c) When considering an appeal the BAURC shall follow the procedures and requirements set forth in N.J.A.C. 13:95-7.6 and 7.7 and, in addition, shall review any supplemental information provided on the BAU-03.

### **13:95-7.6 Procedures for Behavior Accountability Unit Review Committee (BAURC) case reviews**

(a) When a juvenile appears before the BAURC, the Chairperson shall explain to the juvenile the reason(s) for his or her appearance, the nature of the case review and the particular areas of BAURC concern.

(b) During the case review with the juvenile, the BAURC shall give guidance to the juvenile with respect to the rules and policies of the secure facility.

(c) Prior to rendering a decision to maintain a juvenile in the Behavior Accountability Unit (BAU), the BAURC shall consider alternatives to BAU placement as a means of addressing the secure facility's concerns related to the juvenile. These alternatives shall include, but not be limited to, transfer to another secure facility, reduction in privileges or transfer to another housing unit in general population.

(d) When the BAURC notes a particular treatment or rehabilitative need that can be met by existing services, and

the juvenile indicates a willingness to participate in such services, the BAURC shall make the appropriate referral.

(e) Records shall be maintained by the BAURC supporting and documenting each assignment of a juvenile to or removal from the BAU.

1. Copies of all such records and classification reviews shall be maintained in the juvenile's main classification folder and treatment folder.

### **13:95-7.7 Review of juveniles placed in the Behavior Accountability Unit (BAU)**

(a) When the Behavior Accountability Unit Review Committee (BAURC) determines that continued assignment to the BAU is appropriate for a particular juvenile, a preliminary determination shall also be made as to when the continued need for the BAU program will be reviewed. In any case, a formal review of each juvenile in the BAU shall be made a minimum of every two weeks.

(b) A written record shall be maintained by the BAURC on a BAU-02 (Behavior Accountability Unit Case Review Form) of all reviews of juveniles in the BAU. The BAU-02 shall be kept in the treatment folder in addition to being made a permanent part of the juvenile's main classification folder. The chairperson shall sign the BAU-02.

(c) Minutes from the reviews shall be recorded in the juvenile's progress notes.

(d) The juvenile shall be permitted to appear at all reviews of the juvenile's case, unless doing so would be unduly hazardous to the safety and security of the secure facility, or if the juvenile refuses to appear.

(e) Any member of the BAURC may request a review for a juvenile in the BAU earlier than was previously determined, when the member believes a meeting is appropriate to consider improvements in behavior or other support on behalf of the juvenile.

(f) At each review, the BAURC shall again review the information upon which the decision was based to assign the juvenile to the BAU. Such information shall include:

1. Disciplinary reports;
2. Programs participation, such as, but not limited to, education, counseling, recreation activities, etc.; and
3. Records of the juvenile's behavior and attitude while in the BAU, such as, custody and professional staff reports, which must periodically be filed describing pertinent observations, both positive and negative, of the juvenile's behavior and attitude while in the BAU.

(g) A juvenile shall be released from the BAU when, in the opinion of the BAURC, the juvenile no longer poses a threat either:

1. To the safety of the juvenile, staff or other juveniles;
2. To property; or
3. To the safe and orderly operation of the secure facility.

### **13:95-7.8 Ventilation, heating, lighting, sanitation, observation**

(a) When admitted to the Behavior Accountability Unit (BAU), a juvenile shall not be placed in housing unit that lack cleanliness or have malfunctioning sanitary fixtures or lights. Daily inspections shall be made to ensure the rooms are kept secure, clean and sanitary.

(b) Ventilation and reasonable temperature shall be maintained on a 24-hour basis. Light of sufficient intensity shall be maintained to allow visual observations of juveniles at all times.

(c) Toilets that are flush controlled from outside the rooms shall be flushed as often as is necessary to maintain good sanitary standards.

### **13:95-7.9 Food**

(a) Behavior Accountability Unit (BAU) juveniles shall be served the regular meals from the "Menu of the Day" unless a physician or advanced practice nurse prescribes a special diet or the secure facility chaplain has approved a religious vegetarian diet.

(b) Disposable utensils shall be used when necessary.

### **13:95-7.10 Grooming, showering and shaving**

(a) Barbering and hair care services shall be provided as needed.

(b) Each juvenile in the Behavior Accountability Unit (BAU) shall be given the opportunity to shave and shower daily, unless permitting these activities would present an undue security hazard.

### **13:95-7.11 Medical services**

(a) A member of the medical staff, which can be a registered nurse, advanced practice nurse, doctor or other authorized health care personnel, shall be available on a daily basis to assess medical needs. Any juvenile seeking medical attention shall notify a housing custody or social services staff member of their request.

(b) A medical or psychiatric emergency shall be attended to immediately. The response to a request for medical attention for a juvenile in a non-emergency situation shall be made by the physician or medical person designated by the physician, within 24 hours.

(c) Whenever it appears that a juvenile is suffering from an emotional or psychiatric disturbance, health care staff shall

immediately provide appropriate intervention services and shall make arrangements for a psychiatric or psychological evaluation. Documentation of the evaluation findings shall be forwarded to the Superintendent or designee by the health care staff member who conducted the evaluation prior to completion of the shift of the health care staff member on the day the evaluation is conducted. A copy of the findings of the evaluation shall be placed in the juvenile's medical record.

#### **13:95-7.12 Searches of juveniles; personal items**

(a) All juveniles admitted to the Behavior Accountability Unit (BAU) shall be dressed in clothing issued by the secure facility after a thorough pat search for contraband.

1. All searches of juveniles in the BAU, including pat searches upon admittance to the BAU, shall be carried out in accordance with the provisions of N.J.A.C. 13:95-5.

(b) Each juvenile shall be provided with the following items for use in the room to the same extent as such items are provided for juveniles in the general population:

1. Clothing required for use in the room;
2. Bedding and mattresses;
3. Personal hygiene supplies (including soap, deodorant, toothbrush and toothpaste, towel, toilet paper and female sanitary supplies for women);
4. Utensils and supplies for adequately cleaning the room;
5. Eyeglasses;
6. Reading material;
7. Stamped envelopes;
8. Religious items;
9. Writing materials; and
10. Legal materials.

(c) The possession and use of radios and other appliances in the BAU shall be subject to the same guidelines as those developed by the Superintendent for the general population.

(d) Written internal management procedures shall be in effect permitting juveniles' access to books and periodicals from the secure facility's library.

#### **13:95-7.13 Secure facility clothing, bedding and linen**

The issue and exchange of secure facility clothing, bedding, linen and the laundry service shall be handled on the same basis as is available to the general juvenile population.

#### **13:95-7.14 Juvenile legal services**

Juveniles in the Behavior Accountability Unit (BAU) shall be afforded legal access to courts pursuant to N.J.A.C. 13:95-15, Juvenile Access to Courts.

#### **13:95-7.15 Correspondence visits and telephone calls**

(a) Juveniles in the Behavior Accountability Unit (BAU) shall:

1. Have the same correspondence opportunities that are available to juveniles in the general population;
2. Be provided with the opportunity to receive a minimum of one contact visit per week, which may be accomplished as a special visit per N.J.A.C. 13:95-21, unless precluded by security conditions or other extraordinary circumstances; and
3. Be provided with the opportunity to make a minimum of one collect telephone call per week in addition to legal telephone calls (see N.J.A.C. 13:95-15.7).

#### **13:95-7.16 Recreation**

(a) Where physical facilities permit, each juvenile in the Behavior Accountability Unit (BAU) shall be allowed recreation and exercise outside the room at least five hours per week, unless to do so would adversely affect the security or orderly operations of the secure facility.

(b) Weather permitting, juveniles in the BAU shall be given the opportunity for out-of-doors recreation for a minimum of one hour of the required five hours per week unless to do so would adversely affect the security or orderly operations of the secure facility.

#### **13:95-7.17 Education**

(a) A member of the educational staff shall be assigned to develop individualized educational programs for juveniles who are assigned to the Behavior Accountability Unit (BAU).

(b) Educational programs and services shall be provided for all juveniles, including juveniles with educational disabilities.

(c) The educational opportunities available to juveniles in the BAU shall be comparable to those available to juveniles in the general population to the extent possible in accordance with security considerations.

#### **13:95-7.18 Visits by professional and correctional supervisory staff**

(a) A member of the secure facility social work staff shall visit juveniles in the Behavior Accountability Unit (BAU) five days per week and shall be available to interview individual juveniles, as soon as administratively possible, when requested. When appropriate, referrals to other departments or staff members shall be made.

(b) When requested by a juvenile, the secure facility chaplain shall visit the juvenile in the BAU, as soon as administratively possible, in order to provide personal religious counseling or other pastoral services.

(c) The custody supervisor in charge of a housing unit holding BAU juveniles shall make daily visits to the unit and shall be available to interview individual juveniles, as soon as administratively possible, after an interview is requested.

### 13:95-7.19 Work opportunities

Work opportunities shall be made available to juveniles assigned to a Behavior Accountability Unit (BAU) to the extent possible in light of security considerations.

### 13:95-7.20 Psychological examination

Every juvenile assigned to the Behavior Accountability Unit (BAU) shall have a psychological examination every three months or whenever it appears that the juvenile is suffering from an emotional or psychological disorder or distress.

### 13:95-7.21 Withdrawal of personal items, activities and incentive privileges

(a) Whenever, in the judgment of a custody staff member, there is imminent danger that a juvenile will destroy clothing or any item usually permitted the juvenile in the housing unit, or do injury to self, to another person or to property with such items, a custody staff member of the rank of Sergeant or above may deprive the juvenile of such items, if practicable. In such case, however, every effort shall be made to supply a substitute for the item or to permit the juvenile to use the item under the supervision of a custody staff member.

(b) Whenever a juvenile is deprived of any usually authorized item or activity, a written report identifying both the juvenile and the item or activity shall immediately be forwarded to the shift supervisor, who shall forward a copy of the report to the Superintendent or designee.

(c) The Superintendent or designee shall review any such restriction within one week. Any continued restriction shall be permitted only with the written authorization of the Superintendent or designee.

(d) Such restrictions shall be reviewed on a weekly basis to determine whether there is reasonable certainty that the danger to person or property is no longer imminent and the restriction may be lifted.

(e) In addition to any other withdrawal of personal items or activities provided for under this section, all privileges and awards otherwise accruing to a juvenile under any incentive program shall be suspended during the time the juvenile is in the Behavior Accountability Unit.

### 13:95-7.22 Records

(a) The following information on juveniles confined to the Behavior Accountability Unit shall be available for the use of appropriate staff members:

1. The juvenile's name and number;
2. Religion;
3. The previous housing location;
4. The room or other housing unit assignment;
5. The date admitted; and
6. Special medical or psychiatric issues.

(b) All unusual behaviors shall be noted in the unit log-book together with the time and date of the incident. Unusual incidents shall also be reported pursuant to N.J.A.C. 13:95-21, Reports.

### 13:95-7.23 Disciplinary action within the Behavior Accountability Unit (BAU)

To the extent not otherwise covered by provisions of this chapter, the rules set forth in N.J.A.C. 13:101, Discipline, shall be in full force and effect in the BAU.

### 13:95-7.24 Transfers; record maintenance

All transfers into or out of a Behavior Accountability Unit shall be entered on the juvenile's classification progress record.

### 13:95-7.25 Secure facility procedures

(a) Every secure facility shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) All written post orders and procedures developed in accordance with this subchapter shall be submitted to the Deputy Executive Director - Operations or designee for approval before implementation.

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## SUBCHAPTER 8. INSTITUTIONAL CLASSIFICATION

### 13:95-8.1 Institutional classification committees

(a) Each secure facility, except for the Juvenile Reception and Assessment Center and the Life Skills and Leadership Academy, shall have one or more institutional classification committee (ICC). The jurisdiction of each individual ICC shall be subject to the discretion of the Executive Director, or designee. Each ICC shall be composed of the following personnel:

1. The Superintendent or designee;
2. The Director of Custody Operations or designee;
3. The Director of Social Services or designee;
4. The Director of the Commission's Office of Education or designee; and

decision and a summary of the evidence relied upon on Form J146-III Protective Custody Hearing Adjudication.

Administrative correction.  
See: 40 N.J.R. 6822(b).

#### **13:95-11.4 Appeal procedures for protective custody placement**

(a) The juvenile shall be advised of the opportunity to appeal to the Superintendent or designee at the time that the juvenile is provided with the protective custody hearing decision (Form J146-III Protective Custody Hearing Adjudication).

(b) The juvenile shall have five business days from the date he or she receives the protective custody decision to submit a letter of appeal.

(c) All appeals shall be reviewed by the Superintendent and the following factors shall be considered:

1. Whether there was compliance with this subchapter;
2. Whether the decision was based on reliable information; and
3. Whether the decision to place the juvenile in protective custody was justifiable considering the juvenile's safety and the continued secure, orderly operation of the secure facility.

(d) Within 10 business days of receipt of the appeal, the Superintendent shall either:

1. Approve the Disciplinary Hearing Officer's decision;
2. Modify the Disciplinary Hearing Officer's decision; or
3. Order further hearings.

(e) In all cases, the juvenile shall be notified in writing of the Superintendent's decision.

(f) Illiterate juveniles or juveniles otherwise unable to adequately present their appeal shall receive the assistance of a counsel substitute assigned by the Disciplinary Hearing Officer or Superintendent. An interpreter shall be utilized, if needed, at the discretion of the Disciplinary Hearing Officer.

Administrative correction.  
See: 40 N.J.R. 6822(b).

#### **13:95-11.5 Review of juveniles in protective custody**

(a) Each juvenile in protective custody, whether voluntary or involuntary, shall be reviewed at least monthly by the Classification Committee.

(b) A juvenile who is placed in protective custody involuntarily shall, in every case, have an in-person hearing

once every three months in accordance with procedures specified in N.J.A.C. 13:95-11.3 and 11.4.

#### **13:95-11.6 Release of juveniles in Protective Custody Units**

(a) A juvenile who has voluntarily signed himself or herself into protective custody may sign himself or herself out upon completion of a Form J146-IV, provided the Classification Committee and the Superintendent or designee are satisfied that there is no known danger to the juvenile's well-being.

(b) A juvenile who has been placed in protective custody involuntarily may be released by the Superintendent or designee, upon recommendation by the Classification Committee when they are satisfied that the conditions giving rise to the juvenile's placement in protective custody have abated or do not exist.

#### **13:95-11.7 Ventilation, heating, lighting, sanitation, observation**

(a) When admitted to protective custody, juveniles shall not be placed in housing units that lack cleanliness or have malfunctioning sanitary fixtures or lights. Daily inspections shall be made to ensure the rooms are kept secure, clean and sanitary.

(b) Ventilation and reasonable temperature shall be maintained on a 24-hour basis. Light of sufficient intensity shall be maintained to allow visual observations of juveniles at all times.

(c) Toilets that are flush controlled from outside the rooms shall be flushed as often as is necessary to maintain good sanitary standards.

#### **13:95-11.8 Food**

(a) Protective Custody juveniles shall be served the regular secure facility meals from the "Menu of the Day" unless a special diet is prescribed by a physician or advanced practice nurse, or a religious vegetarian diet has been approved by the secure facility chaplain.

(b) Disposable utensils shall be used when necessary.

Amended by R.2011 d.202, effective August 1, 2011.  
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).  
In (a), inserted "or advanced practice nurse."

#### **13:95-11.9 Grooming, showering and shaving**

(a) Barbering and hair care services shall be provided as needed.

(b) Each juvenile in protective custody shall be given the opportunity to shave and shower daily, unless permitting these activities would present an undue security hazard.

**13:95-11.10 Medical services**

(a) A member of the medical staff, which can be a registered nurse, advanced practice nurse, doctor or other authorized health care personnel, shall be available on a daily basis to assess medical needs. Any juvenile wishing to see a doctor shall notify the medical staff member or the housing custody staff member of his or her sick call request.

(b) A medical or psychiatric emergency shall be attended to immediately. The response to a request for medical attention for a juvenile in a non-emergency situation shall be made by the physician, or medical person designated by the physician, within 24 hours.

(c) Whenever it appears that a juvenile is suffering from an emotional or psychiatric disturbance, health care staff shall immediately provide appropriate intervention services and shall make arrangements for a psychiatric or psychological evaluation. Documentation of the evaluation findings shall be forwarded to the Superintendent or designee by the health care staff member who conducted the evaluation prior to completion of the shift of the health care staff member on the day the evaluation is conducted. A copy of the findings of the evaluation shall be placed in the juvenile's medical record.

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In (a), substituted "advanced practice nurse" for "nurse practitioner".

**13:95-11.11 Personal items**

(a) All juveniles admitted to protective custody shall be dressed in clothing issued by the secure facility after a thorough search for contraband.

(b) Each juvenile shall be provided with the following items for use in the room to the same extent as such items are provided for juveniles in the general population:

1. Clothing required for use in the room;
2. Bedding and mattresses;
3. Personal hygiene supplies (including soap, deodorant, toothbrush and toothpaste, towel, toilet paper, and female sanitary supplies for women);
4. Utensils and supplies for adequately cleaning the room;
5. Eyeglasses;
6. Reading material;
7. Stamps;
8. Religious items;
9. Writing materials; and
10. Legal materials.

(c) The possession and use of radios and other appliances in protective custody shall be subject to the same guidelines

as those developed by the Superintendent for the general population.

(d) Written internal management procedures shall be in effect permitting juveniles access to books and periodicals from the secure facility's library.

**13:95-11.12 Secure facility clothing, bedding and linen**

The issue and exchange of secure facility clothing, bedding, linen, and the laundry service shall be handled on the same basis as is available to the general juvenile population.

**13:95-11.13 Juvenile legal services**

Juveniles in protective custody shall be afforded legal access to courts pursuant to N.J.A.C. 13:95-15, Juvenile Access to Courts.

**13:95-11.14 Correspondence visits and telephone calls**

(a) Juveniles in protective custody shall have the same correspondence opportunities that are available to juveniles in the general population.

(b) Juveniles in protective custody shall be provided with the opportunity to receive a minimum of one contact visit per week, unless precluded by security conditions or other extraordinary circumstances.

(c) Juveniles in protective custody shall be provided with the opportunity to make a minimum of one collect telephone call per week in addition to legal telephone calls (see N.J.A.C. 13:95-15.7).

**13:95-11.15 Recreation**

(a) Where physical facilities permit, each juvenile in protective custody shall be allowed recreation and exercise outside the room at least five hours per week, unless to do so would adversely affect the security or orderly operations of the secure facility.

(b) Juveniles in protective custody shall be given the opportunity for out-of-doors recreation for a minimum of one hour of the required five hours per week unless to do so would adversely affect the security or orderly operations of the secure facility.

**13:95-11.16 Education**

(a) A member of the educational staff shall be assigned to develop individualized educational programs for approved juveniles who are assigned to protective custody.

(b) Educational programs and services shall be provided for all juveniles, including juveniles with educational disabilities.

(c) The educational opportunities available to juveniles in protective custody shall be comparable to those available to

secure facility rules, on which disciplinary action is considered premature;

2. Reasonable suspicion exists to indicate that the juvenile is in possession of, or plans to obtain, contraband which may pose a danger to the juvenile or others;

3. The juvenile exhibits assaultive, self-mutilating and/or threatening behavior related to a medical or psychiatric condition, in the written opinion of a psychiatrist, psychologist or medical doctor; and/or

4. Any other reason, which, in the opinion of the Superintendent, or designee, requires temporary close custody confinement to protect the juvenile, staff, general public, and/or the security and control of the secure facility.

(c) When placement of a juvenile in temporary close custody is ordered by the Superintendent's designee, the designee shall, as soon as administratively possible within 72 hours, inform the Superintendent and shall provide a written report to the Superintendent setting forth the reason for such placement.

(d) On or before the expiration of the 72-hour period, unless there are emergent reasons for extension, the juvenile shall be released from temporary close custody to:

1. The general population;
2. Prehearing room confinement;
3. Disciplinary room confinement in connection with a disciplinary action pursuant to N.J.A.C. 13:101;
4. Medical or psychiatric housing for continued observation, treatment, or commitment procedures; or
5. Protective custody in accordance with procedures set forth in this chapter.

(e) Release from temporary close custody may be ordered only by the Superintendent or designee.

(f) In consideration of the reason for a juvenile's placement in temporary close custody, the Director of Custody Operations or designee shall determine the personal property and other services, such as, but not limited to, visits and telephone calls, which the juvenile may be afforded while in temporary close custody.

(g) The Superintendent shall forward a monthly written report of all placements and releases from temporary close custody to the Director of Operations.

## SUBCHAPTER 12. JUVENILE ORIENTATION AND HANDBOOK

### 13:95-12.1 Responsibility for orientation

The Superintendent of the secure facility shall designate a staff person to be responsible for orientation of juveniles.

### 13:95-12.2 Scheduling orientation

(a) Juveniles shall be provided an orientation session within one week of admission to a Reception Center, unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(b) When assigned or transferred to another secure facility, juveniles shall be provided an orientation session within one week following admission to the new secure facility unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(c) Supplemental orientation sessions shall be held whenever necessary or appropriate to explain updated or changed subject matter that would require an amendment to the juvenile handbook required under the provisions of N.J.A.C. 13:95-12.3.

(d) When necessary or appropriate for adequate comprehension, orientation sessions shall be presented in a language other than English.

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Rewrote (c).

Amended by R.2012 d.098, effective May 21, 2012.

See: 43 N.J.R. 3123(a), 44 N.J.R. 1618(a).

Rewrote (d).

### 13:95-12.3 Content of orientation; resident handbook

(a) The Superintendent or designee shall prepare and issue to all juveniles as part of their standard issue a resident handbook, the contents of which shall be used as a guide for orientation sessions.

1. Prior to distribution to juveniles, a resident handbook shall be reviewed and approved by the Director of Operations, or designee.

2. The resident handbook shall be reviewed and updated as required, but in any event not less frequently than annually; all updates are subject to review and approval by the Director of Operations or designee.

(b) The resident handbook and orientation sessions shall include, material clearly describing all material rights, privileges, services, programs and obligations of juveniles under the provisions of this chapter, under N.J.A.C. 13:101, Juvenile Discipline, under the Prison Rape Elimination Act of 2003, 42 U.S.C. §§15601 et seq., under Commission internal management procedures and related policies, and under any other material deemed relevant by the Director of Operations or designee.

juveniles in the general population to the extent possible in accordance with security considerations.

#### **13:95-11.17 Visits by professional and correctional supervisory staff**

(a) A member of the secure facility social work staff shall make visits to juveniles in protective custody five days per week and shall be available to interview individual juveniles as soon as administratively possible when requested. When appropriate, referrals to other departments or staff members shall be made.

(b) The secure facility chaplain shall visit a juvenile in protective custody as soon as administratively possible when requested by the juvenile to provide religious counseling or other pastoral services.

(c) The supervisor in charge of a housing unit holding protective custody Juveniles shall make daily visits to the unit and shall be available to interview individual juveniles as soon as administratively possible after an interview is requested.

#### **13:95-11.18 Work opportunities**

Work opportunities shall be made available to juveniles assigned to a Protective Custody Unit to the extent possible in light of security considerations.

#### **13:95-11.19 Psychological examination**

Every juvenile assigned to protective custody shall have a psychological examination every three months or whenever it appears that he or she is suffering from an emotional or psychological disorder.

#### **13:95-11.20 Withdrawal of personal items or activities**

(a) Whenever, in the judgment of a custody staff member, there is imminent danger that a juvenile will destroy clothing or any item usually permitted the juvenile in the housing unit, or do injury to self, to another person, or to property with such items, a custody staff member of the rank of Sergeant or above may deprive the juvenile of such items, if practicable. In such case, however, every effort shall be made to supply a substitute for the item or to permit the juvenile to use the item under the supervision of a custody staff member.

(b) Whenever a juvenile is deprived of any usually authorized item or activity, a written report identifying both the juvenile and the item or activity shall immediately be forwarded to the shift supervisor, who shall forward a copy of the report to the Superintendent or designee.

(c) The Classification Committee shall review any such restriction within one week. Any continued restriction shall be permitted only with the written authorization of the Classification Committee.

(d) Such restrictions shall be reviewed on a weekly basis to determine whether there is reasonable certainty that the

danger to person or property is no longer imminent and the restriction may be lifted.

#### **13:95-11.21 Records**

(a) The following information on juveniles confined to protective custody shall be available for the use of appropriate staff members:

1. The juvenile's name and number;
2. The juvenile's religion;
3. The previous housing location;
4. The room or other housing unit assignment;
5. The date admitted;
6. Special medical or psychiatric problems; and
7. The date on which three month review hearing is required, in accordance with N.J.A.C. 13:95-11.3(b).

(b) All unusual behavior shall be noted in the unit log book together with the time and date of the incident. Unusual incidents shall also be reported pursuant to N.J.A.C. 13:95-21, Reports.

#### **13:95-11.22 Disciplinary action within Protective Custody Units**

To the extent not otherwise covered by provisions of this chapter, the rules set forth in N.J.A.C. 13:101, Discipline, shall be in full force and effect in the Protective Custody Units.

#### **13:95-11.23 Transfers; record maintenance**

All transfers into or out of a Protective Custody Unit shall be entered on the juvenile's classification progress record.

#### **13:95-11.24 Secure facility procedures**

(a) Every secure facility shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) All written post orders and procedures developed in accordance with this subchapter shall be submitted to the Executive Director or designee for approval before implementation.

#### **13:95-11.25 Placement in temporary close custody**

(a) A juvenile shall not be placed in temporary close custody for a period in excess of 72 hours unless exceptional circumstances warrant an extension of time. Exceptional circumstances may include, but are not limited to, information received or substantial evidence found.

(b) Criteria for placement of a juvenile in temporary close custody status are:

1. Reasonable suspicion exists to indicate that the juvenile is engaged in, or is planning a serious violation of

1. Subject to review by the Executive Director or designee, the Director of Operations shall maintain and shall update not less frequently than annually a list of all subject matters to be covered in juvenile orientation.

Amended by R.2011 d.202, effective August 1, 2011.  
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Content of orientation sessions". Rewrote the section.

#### 13:95-12.4 Staff participation

Staff members from various units within the secure facility may participate in orientation sessions to describe the programs, services and/or activities of their units.

#### 13:95-12.5 Responsibility for secure facility and unit-specific juvenile resident handbooks

(a) The Superintendent shall designate a staff person to be responsible for developing, reviewing, revising, printing and issuing the secure facility resident handbook.

(b) When deemed necessary, the Director of Operations shall designate staff to be responsible for developing, reviewing, revising, printing and issuing unit-specific resident handbooks.

#### 13:95-12.6 Resident handbook distribution

(a) Each juvenile shall be provided a copy of the resident handbook within two business days of admission to the secure facility unless compelling security or safety reasons dictate otherwise; or to do so would adversely affect the orderly operations of the secure facility.

(b) Pursuant to N.J.S.A. 30:4-8.5, a Spanish translation of the resident handbook shall be provided to Spanish speaking juveniles not conversant with the English language.

#### 13:95-12.7 Unit-specific resident handbooks

As appropriate, and subject to review and approval by the Director of Operations, unit-specific resident handbooks shall be issued and amended by the Superintendent or designee that explain internal management procedures, provisions, privileges and services specifically related to juveniles assigned to the unit.

Recodified from N.J.A.C. 13:95-12.9 and amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Secure facility and unit-specific resident handbook content". Rewrote the section. Former N.J.A.C. 13:95-12.7, Resident handbook revision, repealed.

#### 13:95-12.8 (Reserved)

Repealed by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Review of secure facility and unit-specific resident handbooks".

#### 13:95-12.9 (Reserved)

Recodified to N.J.A.C. 13:95-12.7 by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Secure facility and unit-specific resident handbook content".

#### SUBCHAPTER 13. (RESERVED)

#### SUBCHAPTER 14. JUVENILE HYGIENE AND GROOMING; PROHIBITION AGAINST TOBACCO PRODUCTS; JUVENILE IDENTIFICATION PHOTOGRAPHS; HOUSEKEEPING AND SANITATION; CLOTHING, BEDDING AND LAUNDRY

##### 13:95-14.1 Purpose

(a) The purpose of this subchapter is to establish policies and procedures for:

1. The maintenance and practice of good hygiene and grooming habits for juveniles;
2. The purchase and distribution of sanitary, hygienic and grooming supplies to non-indigent and indigent juveniles;
3. The provision of sufficient time for grooming;
4. Provisions for juvenile identification photographs;
5. The establishment of guidelines governing housekeeping and sanitation;
6. The establishment of guidelines governing clothing, bedding and laundry;
7. A juvenile orientation program that includes the provisions of this chapter; and
8. The establishment of secure facility internal management procedures that include the provisions of this chapter.

##### 13:95-14.2 Written secure facility internal management procedures

(a) Each secure facility shall develop written internal management procedures governing juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry. These written procedures shall be incorporated into the secure facility resident handbook (see N.J.A.C. 13:95-12).

(b) New or revised written internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry shall be posted in each area

housing juveniles and incorporated into the next publication of the secure facility resident handbook.

### **13:95-14.3 Juvenile orientation**

Secure facility internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry shall be fully explained to all juveniles as a formal part of the secure facility orientation program in accordance with N.J.A.C. 13:95-12.

### **13:95-14.4 Room restriction and Close Custody provisions**

The provisions established in this chapter shall apply to all juveniles, including those in pre-hearing room restriction pursuant to N.J.A.C. 13:101 and in protective custody pursuant to N.J.A.C. 13:95-11, unless otherwise established by internal management procedures for pre-hearing room restriction or protective custody.

### **13:95-14.5 Sanitary/hygiene/grooming kit**

(a) A sanitary/hygiene/grooming kit which includes a minimum of the following items shall be provided at no cost to all juveniles upon initial admission to a secure facility:

1. Soap;
2. Deodorant;
3. A toothbrush and toothpaste;
4. A comb or brush;
5. Shaving supplies;
6. Toilet paper; and
7. Feminine hygiene supplies for women.

### **13:95-14.6 Grooming, showering and shaving**

(a) Juveniles in general population shall be permitted to shower and shave daily, unless an emergency situation or security hazard exists.

(b) All juveniles are expected to maintain an adequate level of personal cleanliness and hygiene in accordance with the internal management procedures established by the secure facility.

(c) Juveniles who do not maintain an adequate level of personal cleanliness and hygiene may be subject to disciplinary action as set forth in N.J.A.C. 13:101.

### **13:95-14.7 Procedures for purchasing and issuing supplies**

(a) General population juveniles shall be permitted to purchase sanitation and grooming articles from the commissary of the secure facility at regularly scheduled times.

(b) Sanitary/hygiene/grooming items shall be provided to all juveniles who have been determined to be indigent as this term is defined in N.J.A.C. 13:95-1.3.

(c) Personal sanitary/hygiene/grooming needs shall not be denied to juveniles for punitive reasons.

### **13:95-14.8 Time for grooming**

(a) Sufficient time for grooming shall be provided to general population juveniles in the morning, at mealtime, and at bedtime.

(b) Sufficient time for grooming shall be provided to general population juveniles at times deemed necessary by the Superintendent or designee such as, but not limited to, before or after an juvenile's job detail (for example, food, medical, sanitation or mechanical service details).

(c) The time for general population juvenile grooming shall be coordinated with work schedules and other program activities.

### **13:95-14.9 Hair**

(a) Juveniles shall be permitted to have a hair-style of personal choice, including facial hair such as beards and mustaches, provided their hair is kept clean and does not present a safety hazard, health, sanitation or security problem.

(b) When the length, style or condition of a juvenile's hair is found to present a safety hazard, health, sanitation or security problem, the juvenile shall be required to trim or cut his or her hair.

(c) Barbering, shaving and hair care services, for both male and female juveniles, shall be provided as needed. Hair shall be cut under sanitary conditions and in an area that can easily be observed by staff. Hair care equipment shall be stored securely when not in use. A current inventory of hair cutting equipment shall be maintained.

(d) Juveniles shall not be permitted to possess or wear wigs or artificial hairpieces, unless the Superintendent has authorized use, such as for medical reasons.

### **13:95-14.10 Tobacco products prohibited**

(a) Smoking shall not be permitted in any secure facility building or Commission vehicle, including recreational yards and other outdoor areas, and juveniles are prohibited from possessing any tobacco products of any kind without limitation.

(b) A juvenile who violates rules or secure facility or unit internal management procedures regarding the prohibition against tobacco products shall be subject to disciplinary procedures in accordance with N.J.A.C. 13:101.