

**CHAPTER 101  
JUVENILE DISCIPLINE**

**Authority**

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**Source and Effective Date**

R.2011 d.203, effective June 30, 2011.  
See: 43 N.J.R. 168(a), 43 N.J.R. 1895(a).

**Chapter Expiration Date**

Chapter 101, Juvenile Discipline, expires on June 30, 2018.

**Chapter Historical Note**

Chapter 101, Juvenile Discipline, was adopted as new rules by R.2006 d.52, effective February 6, 2006. See: 37 N.J.R. 2612(a), 38 N.J.R. 1059(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 101, Juvenile Discipline, was scheduled to expire on August 5, 2013. See: 43 N.J.R. 1203(a).

Chapter 101, Juvenile Discipline, was adopted as new rules by R.2011 d.203, effective June 30, 2011. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 13:101-1.1 Purpose
- 13:101-1.2 Scope
- 13:101-1.3 Definitions
- 13:101-1.4 Forms
- 13:101-1.5 Confidentiality of information relating to juveniles; use of confidential information in disciplinary proceedings

**SUBCHAPTER 2. PUBLICATION OF RULES**

- 13:101-2.1 Notification to juveniles about rules and regulations
- 13:101-2.2 Review of facility rules
- 13:101-2.3 Promulgation of rules

**SUBCHAPTER 3. JUVENILE RIGHTS AND RESPONSIBILITIES**

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

**SUBCHAPTER 4. VIOLATIONS**

- 13:101-4.1 Violations
- 13:101-4.2 Mechanisms for responding to violations
- 13:101-4.3 Reports to the prosecutor on violations

**SUBCHAPTER 5. IMMEDIATE CORRECTIVE ACTION PROCEDURES**

- 13:101-5.1 Immediate corrective action report
- 13:101-5.2 Immediate corrective action conference
- 13:101-5.3 Authorized immediate corrective actions
- 13:101-5.4 Imposition of immediate corrective action
- 13:101-5.5 Record of immediate corrective action
- 13:101-5.6 Referral to the Disciplinary Hearing Officer for a disciplinary hearing

**SUBCHAPTER 6. DISCIPLINARY PROCEEDINGS**

- 13:101-6.1 Designation and Authority of the Disciplinary Hearing Officer
- 13:101-6.2 Disciplinary report
- 13:101-6.3 Use immunity
- 13:101-6.4 Investigation
- 13:101-6.5 Requiring further investigation of charges
- 13:101-6.6 Scheduling disciplinary hearings
- 13:101-6.7 Review of postponed cases
- 13:101-6.8 Failure to adhere to time limits
- 13:101-6.9 Right of juvenile to appear at disciplinary hearing
- 13:101-6.10 In absentia hearings
- 13:101-6.11 Aid in presentation of juvenile's case
- 13:101-6.12 Opportunity to call witnesses and present evidence
- 13:101-6.13 Confrontation and cross examination
- 13:101-6.14 Evidence required for sustaining charges
- 13:101-6.15 Modification of charge during disciplinary hearing
- 13:101-6.16 Disciplinary sanctions
- 13:101-6.17 Limitations on room restriction as a disciplinary sanction
- 13:101-6.18 Suspending sanctions
- 13:101-6.19 Guidance
- 13:101-6.20 Transfers
- 13:101-6.21 Disciplinary decision
- 13:101-6.22 Discipline record card
- 13:101-6.23 Expungement
- 13:101-6.24 Records of disciplinary reports

**SUBCHAPTER 7. APPEALS OF DISCIPLINARY DECISIONS**

- 13:101-7.1 Time limit to file an appeal
- 13:101-7.2 Processing appeal
- 13:101-7.3 Stay of sanctions pending appeal
- 13:101-7.4 Investigation of appeal
- 13:101-7.5 Disposition of appeal
- 13:101-7.6 Notification to juvenile of appeal results
- 13:101-7.7 Appeals resulting in rehearings

**SUBCHAPTER 8. PREHEARING ROOM RESTRICTION; CONDITIONS OF ROOM RESTRICTION GENERALLY**

- 13:101-8.1 Confinement in room restriction pending disciplinary hearing
- 13:101-8.2 Ventilation, heating, lighting and sanitation in room restriction
- 13:101-8.3 Visual observation
- 13:101-8.4 Personal items
- 13:101-8.5 Withdrawal of personal items or special activities
- 13:101-8.6 Medical and psychiatric services
- 13:101-8.7 Visits by social services and supervisory custody staff
- 13:101-8.8 Chaplain services
- 13:101-8.9 Food
- 13:101-8.10 Correspondence, visits and telephone calls
- 13:101-8.11 Grooming, showering and shaving
- 13:101-8.12 Recreation
- 13:101-8.13 Room restriction records

**SUBCHAPTER 1. GENERAL PROVISIONS**

**13:101-1.1 Purpose**

(a) The purpose of this chapter is to:

1. Establish a disciplinary system and corresponding disciplinary policies that promote prosocial behavior and discourage negative behavior among juveniles in Juvenile

Justice Commission facilities, and that provide staff with behavior management tools necessary for maintaining safety and security in the facilities;

2. Establish a comprehensive code of violations that explicitly describes behaviors prohibited in Juvenile Justice Commission facilities, so that proscribed behavior may be known by both juveniles and staff;

3. Establish administrative due process safeguards in the disciplinary process and impartial and fair disciplinary procedures, and by so doing, foster morale among juveniles and staff with regard to the disciplinary process; and

4. Establish a range of authorized sanctions for responding to inappropriate behavior and rules for imposing such sanctions.

### 13:101-1.2 Scope

This chapter shall apply to all committed juveniles in Juvenile Justice Commission facilities.

### 13:101-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Bodily fluid” means saliva, blood, urine, feces, seminal fluid or any other fluid produced by the body.

“Bodily injury” means physical pain, illness or any impairment of physical condition.

“Chief Investigator, Office of Investigations” means the Commission staff member who heads the unit responsible for conducting investigations within the Commission at the direction of the Executive Director.

“Commission” means the New Jersey Juvenile Justice Commission.

“Committed juvenile” or “juvenile” means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission. For the purpose of this chapter, “committed juvenile” or “juvenile” shall only refer to those individuals residing in a Juvenile Justice Commission facility.

“Counsel substitute” means an individual, such as a juvenile paralegal, teacher or social worker, who represents and defends a juvenile at a disciplinary hearing which is conducted within a facility under the jurisdiction of the Juvenile Justice Commission.

“Custody status” means the degree of supervision that is assigned to a juvenile in a Commission facility.

“Director of Custody Operations” means the Commission staff member at each secure facility of the Commission responsible for supervising the custody work force.

“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure and non-secure facilities.

“Disciplinary Hearing Officer” means a staff member of the Juvenile Justice Commission designated to hear and adjudicate juvenile violations.

“Executive Board” means the Executive Board of the Commission.

“Executive Director” means the Executive Director of the Commission.

“Extra work duty” means a task in addition to those related to a juvenile’s work or program assignment to which a juvenile has been assigned as a sanction for committing a violation.

“Facility” means any facility operated by the Commission which houses juveniles.

“Facility restriction” means the restriction of the juvenile to the confines of the facility’s building or grounds.

“Gang” means a group of juveniles possessing common characteristics, interests and goals which serve to distinguish these juveniles from other juveniles or groups of juveniles and which, as a discrete entity, poses a threat to the safety of staff, other juveniles, the community or to the orderly operation of the facility.

“Handbook on Discipline” means a handbook prepared by the Commission and provided to juveniles which contains a juvenile’s rights and responsibilities, the acts and activities which are prohibited and the disciplinary procedures and sanctions imposed.

“Institutional Classification Committee (I.C.C.)” means a group of Commission staff members that have been designated to make decisions related to the assignment or reassignment of juveniles to programs and activities within a Commission facility and to conduct initial reviews of juvenile requests for transfer to another such facility.

“Juvenile Handbook” means a booklet prepared by the Commission and provided to juveniles which contains a facility’s rules, procedures and information about a facility’s services and programs.

“Office of Investigations” means the unit responsible for conducting investigations within the Commission at the direction of the Executive Director.

“Program Separation Unit” means an area within a secure facility designated for assigning juveniles who are removed from the general population for disciplinary or administrative reasons.

(b) A juvenile in either a non-secure facility, or in any other facility without an assigned Disciplinary Hearing Officer, shall be transferred to a secure facility with an assigned Disciplinary Hearing Officer when assigned to prehearing room restriction.

(c) Factors that may be considered by the Superintendent or designee in determining whether confinement in prehearing room restriction is warranted include whether:

1. The juvenile has been charged with an assault upon another person and, in the opinion of the staff, there is a substantial possibility that the juvenile may assault another juvenile or staff member;

2. The juvenile has been charged with threatening another person and, in the opinion of the staff, there is a substantial possibility that the juvenile will act on his or her threat;

3. The juvenile has been charged with being under the influence of drugs or intoxicants and, in the opinion of the staff, the juvenile's behavioral controls appear to be impaired;

4. The juvenile has been charged with inciting others to engage in an assault upon another person, causing serious destruction of property or participating in a group demonstration or work stoppage and, in the opinion of the staff, there is a substantial possibility the juvenile will continue such incitement;

5. The juvenile has been charged with arson or serious destruction of property and, in the opinion of the staff, there is a substantial likelihood that the juvenile may engage in additional arson or destruction of property;

6. The juvenile has received a disciplinary charge and, in the opinion of the staff, there is a substantial possibility that the juvenile will attempt to harm, threaten or intimidate potential witnesses or will attempt to organize or encourage others to harm, threaten or intimidate potential witnesses;

7. The juvenile has been charged with participating in an unauthorized gathering or group demonstration and the juvenile refuses to abandon his or her participation; and

8. The juvenile has been charged with escape or attempted escape and evidence has been produced which indicates that the juvenile presents a serious escape risk if permitted to remain in the general population.

(d) Time spent in prehearing room restriction shall be credited against any sanction of room restriction imposed by the Disciplinary Hearing Officer.

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

Section was "Confinement in room restriction pending Treatment Team hearing". Substituted "Disciplinary Hearing Officer" for "Treatment Team" throughout.  
Petition for Rulemaking.  
See: 45 N.J.R. 1971(b), 2277(a).

**13:101-8.2 Ventilation, heating, lighting and sanitation in room restriction**

(a) 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.

(b) Juveniles shall not be placed in housing units that lack cleanliness or have malfunctioning sanitary fixtures or lights.

(c) Daily inspections shall be made to ensure the rooms are kept secure, clean and sanitary.

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

**13:101-8.3 Visual observation**

(a) A juvenile in room restriction shall be observed directly by custody staff on a regular basis, and in no event less frequently than hourly.

1. There shall be no physical obstruction to visual observation at any time; full or partial curtains and other items shall not be permitted over the room door or room door window.

**13:101-8.4 Personal items**

(a) A juvenile shall be admitted to room restriction dressed in standard clothing, or other clothing deemed appropriate for the custody level of the juvenile, after a thorough search for contraband, except that belts and shoestrings shall not be permitted.

(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 or powder, towel, toilet paper, and female sanitation supplies for women);
4. Utensils and supplies for adequately cleaning the room;
5. Eyeglasses;
6. Reading material;
7. Writing materials; and
8. Legal materials.

**13:101-8.5 Withdrawal of personal items or special activities**

(a) Whenever in the judgment of the supervisor of the unit where the juvenile is being held in room restriction there is imminent danger that a juvenile will destroy any item or will injure himself or herself, another person, or damage property with any item, the supervisor may direct that the juvenile be deprived of the item, if practicable. In such a case, however, every effort shall be made to supply a substitute for the item or to permit the juvenile to use the item under supervision of a custody staff member.

(b) Whenever a juvenile is deprived of any usually authorized item or activity, a written report shall be immediately forwarded to the Superintendent or his or her designee, identifying the juvenile, the item or activity of which the juvenile has been deprived and the reason thereof.

(c) Whenever the circumstances are such that all the juvenile's clothing is removed, the Superintendent or his or her designee shall be contacted immediately for approval of this action.

(d) Arrangements shall be made for a physician or other appropriate staff to visit the juvenile as soon as possible after the withdrawal of personal item(s) or activities.

(e) In all cases, the item or activity shall be restored to the juvenile as soon as restoration appears to be consistent with safety.

(f) No juvenile shall ever, under any circumstances, be deprived of any of these items or activities for the purposes of punishment or discipline.

**13:101-8.6 Medical and psychiatric services**

(a) Juveniles in room restriction shall receive a daily visit by a member of the health care staff, which can be a nurse, paramedic, doctor or other authorized health care personnel.

(b) Medical and psychiatric emergencies shall be attended to immediately. Requests for medical attention for juveniles in non-emergency situations shall be responded to by the physician, or a health care staff member 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 his or her 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.

**13:101-8.7 Visits by social services and supervisory custody staff**

(a) A member of the facility's social services staff shall visit juveniles in room restriction daily to determine any emergencies or unusual needs of the juveniles.

(b) Juveniles shall receive at least daily visits from the custody staff supervisor in charge of the unit where the juvenile is being held in room restriction.

**13:101-8.8 Chaplain services**

(a) Juveniles held in room restriction shall be provided with access to pastoral services.

(b) The secure facility chaplain, or an outside religious leader approved by the chaplain and Superintendent, shall visit a juveniles in response to a written request for religious counseling or other pastoral services.

**13:101-8.9 Food**

(a) Juveniles in room restriction shall be served the regular secure facility meals from the "Menu of the Day" unless a special diet is prescribed by a physician or mental health professional, or a religious vegetarian diet has been approved by the secure facility chaplain.

(b) Disposable utensils shall be used when appropriate.

**13:101-8.10 Correspondence, visits and telephone calls**

(a) Juveniles held in room restriction shall have the same opportunities to send and receive written correspondence that are available to juveniles in the general population.

(b) Juveniles held in room restriction shall not be provided with visit or telephone opportunities while in room restriction with the exception of legal telephone calls.

1. The Superintendent or his or her designee may authorize a special visit or telephone call for a juvenile when there are compelling reasons to do so.

2. Every effort shall be made to notify expected social visitors prior to the next regularly scheduled visiting period of the restriction on ordinary visiting procedures for juveniles held in room restriction.

**13:101-8.11 Grooming, showering and shaving**

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

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

**13:101-8.12 Recreation**

When conditions permit, facilities shall provide recreation outside of the rooms at least five hours per week.

**13:101-8.13 Room restriction records**

(a) The following information regarding juveniles held in room restriction shall be available for the use of the custody staff:

1. The juvenile's name;
2. The juvenile's number;
3. The housing location;

4. The unit;
5. The room assignment;
6. The date admitted;
7. The disciplinary charge leading to room restriction;
8. The expiration date of room restriction; and
9. Special medical or psychiatric problems.

(b) Visits by medical, psychiatric, social services or custody supervisory staff and all unusual behavior shall be noted in the unit log book together with the time and date of occurrence.