

CHAPTER 5

CLOSE CUSTODY UNITS

Authority

N.J.S.A. 30:1B-6 and 30:1B-10; and P.L. 2007, c. 204.

Source and Effective Date

R.2008 d.97, effective March 25, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 5, Close Custody Units, expires on March 25, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

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

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

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

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 As part of R.1996 d.369, Subchapter 6, Transitional Protective Custody, was repealed.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

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

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

Chapter 5, Close Custody Units, was adopted as new rules by R.2002 d.388, effective December 2, 2002. See: 34 N.J.R. 2929(a), 34 N.J.R. 4205(a).

Chapter 5, Close Custody Units, was readopted as R.2008 d.97, effective March 25, 2008. As a part of R.2008 d.97, Subchapter 1, Introduction, was renamed General Provisions; and Subchapter 4, Capital Sentence Unit (C.S.U.), was repealed, effective April 21, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:5-1.1 Purpose

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

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

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)4, deleted "Capital Sentence Unit" preceding "Protective Custody Unit"; and in (a)5, substituted "temporary close custody" for "Temporary Custody".

10A:5-1.2 Scope

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

10A:5-1.3 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Possession of security threat group literature, such as, correspondence, newsletters, publications, lessons, membership lists, and manuals;

2. Possession of security threat group paraphernalia, such as, beads, artwork, medallions, and clothing articles;

3. Known security threat group hand-signs or signals as observed by staff;

4. Participation in security threat group related assaults, disturbances, meetings, gatherings, incidents, or events;

5. Sending security threat group related correspondence; and

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

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

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

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

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

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

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

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

Amended by R.2006 d.151, effective May 1, 2006.
See: 38 N.J.R. 96(a), 38 N.J.R. 1836(a).

In the introductory paragraph, substituted “unless the context clearly indicates otherwise:” for a period; deleted the definitions for “Capital Sentence Unit (C.S.U.)”, “Close Custody Unit”, “Custody status”, “Disciplinary hearing officer”, “Disciplinary report”, “Disciplinary sanction”, “On-the-spot correction”, “Prehearing detention” and “Protective custody”.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In definition “Disciplinary detention”, inserted “or any other housing unit”; and deleted definition “Special Classification Committee (S.C.C.)”.

10A:5-1.4 Forms

(a) The following forms related to close custody units are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 141—I Authorization for Prehearing M.C.U.;
2. 146—I Voluntary—Protective Custody Consent; and
3. 147—III Authorization for Prehearing Security Threat Group Management Unit Status.

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

1. L.C. 36 Criteria Record Sheet.

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

1. 146—II Notice of Protective Custody Hearing - Involuntary;
2. 146—III Protective Custody Hearing Adjudication;
3. 147—I Notice of Security Threat Group Core Membership Hearing;
4. 147—II Security Threat Group Management Unit Hearing Committee Decision;
5. 147—IV Appeal of Security Threat Group Management Unit Hearing Committee Decision;
6. 147—V Disposition of Security Threat Group Management Unit Appeal;
7. 147—VI Notice of Security Threat Group Management Unit Phase Review; and
8. 147—VII Disposition of Security Threat Group Management Unit Phase Review.

Administrative change.

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

Amended by R.2006 d.419, effective December 4, 2006.

See: 38 N.J.R. 3226(a), 38 N.J.R. 5161(a).

In the introductory paragraph of (a), deleted “shall be reproduced by each correctional facility from originals that” preceding “are available” and inserted “by accessing the Department of Corrections computer

network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms”.

Petition and Action on Petition for Rulemaking.

See: 39 N.J.R. 5377(a).

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)2, inserted “and” at the end; deleted former (a)3 and (a)4; recodified former (a)5 as (a)3; added new (c)1 and (c)2; and recodified former (c)1 through (c)6 as (c)3 through (c)8.

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

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

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

1. The Director, Division of Operations;
2. The Institutional Classification Committee (I.C.C.);
3. The Disciplinary Hearing Officer/Adjustment Committee;
4. Special Administrative Segregation Review Committees;
5. The Administrator; and/or
6. The Director of Custody Operations.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)4, inserted “Special”.

10A:5-2.2 Composition of the Management Control Unit Review Committee (M.C.U.R.C.)

(a) The M.C.U.R.C. shall be composed of:

1. The Associate Administrator or Assistant Superintendent;
2. A representative from the Education or Social Services Department and a representative from Mental Health Services; and
3. The person designated as the Custody Supervisor of the M.C.U.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)2, inserted “and a representative from Mental Health Services”; and in (a)3, inserted “Custody”.

10A:5-2.3 Responsibilities of the Management Control Unit Review Committee (M.C.U.R.C.)

(a) The M.C.U.R.C. shall meet at least once a week, when necessary, to deliberate on matters related to its responsibilities. The M.C.U.R.C. shall be responsible for:

1. The initial need for placement in the Administrative Segregation Unit no longer exists;

2. The inmate has clearly demonstrated by his or her behavior that he or she can and will adequately conform to the rules and regulations of correctional facilities;

3. The inmate's presence in the general population will not pose a threat to the safe, secure and orderly operations of a correctional facility;

4. The inmate's presence in the general population prior to completion of the sanction as specified by the Disciplinary Hearing Officer/Adjustment Committee would not adversely affect the goals of a correctional facility; and/or

5. The inmate has a history or presence of mental illness and continued confinement in Administrative Segregation is likely to add to the inmate's mental decompensation.

(k) If the S.A.S.R.C. determines not to release the inmate from the Administrative Segregation Unit, the inmate shall be so advised in writing, together with the reasons therefor, unless security considerations preclude their disclosure, in which case a notation as to the Committee's reasons and an explanation of how security would be adversely affected shall be placed in the inmate's folder.

(l) If the S.A.S.R.C. determines to release the inmate, the Committee shall give the inmate written notice of the decision. The inmate shall be:

1. Released into the general population of the correctional facility in which he or she has been confined in the Administrative Segregation Unit;

2. Referred to the M.C.U.R.C. for placement in the M.C.U.;

3. Assigned to the Security Threat Group Management Unit (for those inmates who have been identified as core members of a security threat group by the Security Threat Group Management Unit Hearing Committee);

4. Referred for a protective custody hearing; or

5. Referred to the CRAF Intake Unit for transfer to a correctional facility as determined by the S.A.S.R.C.

(m) If the inmate is transferred to general population and wishes a transfer to another correctional facility, the inmate shall submit a request for transfer to the I.C.C.

(n) Inmates shall be scored with the Reclassification Instrument prior to release from the Administrative Segregation Unit and the score shall be considered by the S.A.S.R.C. when making inmate assignments. The S.A.S.R.C. is authorized to assign inmates to an appropriate correctional facility in accordance with the guidelines established for the I.I.C.C.

(o) The appropriate Director shall be contacted for assistance when the transfer of an inmate from administrative segregation status to another correctional facility cannot be completed because of a lack of available bed space.

(p) Following the decision of the S.A.S.R.C. to transfer an inmate to another correctional facility, the S.A.S.R.C. shall refer the inmate to the appropriate staff member of the CRAF Intake Unit who shall be responsible for immediately arranging transportation of the inmate to the designated correctional facility.

Amended by R.2005 d.445, effective December 19, 2005.

See: 37 N.J.R. 3200(a), 37 N.J.R. 5013(a).

In (l), recodified former 3 and 4 as 4 and 5, and added new 3.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Rewrote (h); in the introductory paragraph of (l), substituted "the Committee" for "it" and "the" for "its" preceding "decision"; in (l)2, inserted "placement in"; and in (p), inserted "the S.A.S.R.C. shall refer the inmate to the appropriate staff member of" and "who".

10A:5-3.3 Separate facilities

Whenever possible, areas utilized for Administrative Segregation Units shall be physically separate from other programs in the correctional facility.

10A:5-3.4 Ventilation, heating, lighting, sanitation and observation

(a) Ventilation and reasonable temperature shall be maintained on a 24-hour basis.

(b) Light of sufficient intensity shall be maintained to allow visual observation of inmates at all times.

(c) Partial curtains may be permitted over the cell door, at the discretion of the Administrator.

(d) When admitted, inmates shall not be placed in the cells that lack cleanliness or have malfunctioning sanitary fixtures or lights. Daily inspections shall be made to ensure that the cells are kept secure, clean and sanitary.

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

10A:5-3.5 Food

(a) Segregated inmates shall be served the regular correctional facility meals from the "Menu of the Day" unless a special diet is prescribed by a physician or a religious vegetarian diet has been approved by the correctional facility chaplain.

(b) Disposable utensils shall be used when necessary.

10A:5-3.6 Grooming, showering and shaving

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

(b) Each inmate in an Administrative Segregation Unit shall be given the opportunity to shave and shower not less than three times a week, unless permitting these activities would present an undue security hazard.

10A:5-3.7 Medical and psychiatric services

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

(b) Medical and psychiatric emergencies shall be attended to immediately. Requests for medical attention for inmates in non-emergency situations shall be responded to by the physician, or medical person designated by the physician.

(c) Whenever it appears that an inmate is suffering from an emotional or psychiatric disturbance, arrangements shall be made for a psychiatric or psychological evaluation.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (c), substituted "appears" for "shall appear".

10A:5-3.8 Personal items

(a) A Director, Division of Operations or designee shall, in accordance with the Administrative Segregation Level Program, develop a written list of authorized personal property items and the amounts of personal property items authorized for retention by inmates while confined in an Administrative Segregation Unit.

(b) All inmates admitted to an Administrative Segregation Unit shall be permitted to retain only those personal property items and amounts of personal property as are set forth on the list of authorized, permissible items for inmates in an Administrative Segregation Unit developed under (a) above.

(c) Unauthorized, non-permissible personal property shall be handled in accordance with N.J.A.C. 10A:1-11.

10A:5-3.9 Correctional facility clothing, bedding and linen

The issue and exchange of correctional facility clothing, bedding, linen, and the laundry service shall be handled in accordance with unit internal management procedures or on the same basis as is available to the general inmate population.

10A:5-3.10 Inmate legal service

Legal services shall be made available to inmates assigned to an Administrative Segregation Unit. Legal services shall be *in accordance with the provisions set forth in N.J.A.C. 10A:6, Inmate Access to Courts.*

10A:5-3.11 Reading material

Inmates in Administrative Segregation Units shall be permitted to retain in their possession a reasonable amount of reading material. Procedures shall be in effect permitting inmates access to books and periodicals from the correctional facility library and Inmate Law Library.

10A:5-3.12 Correspondence, visits and telephone calls

(a) Inmates in Administrative Segregation Units shall have the same correspondence opportunities as inmates in the general population.

(b) Each correctional facility that has an Administrative Segregation Unit shall provide each inmate in the Unit the opportunity to receive a minimum of one non-contact visit per 30 calendar days.

(c) Each correctional facility that has an Administrative Segregation Unit shall provide each inmate in the Unit the opportunity to make a minimum of one collect telephone call per week, excluding legal telephone calls (see N.J.A.C. 10A:6-2.8).

10A:5-3.13 Recreation

(a) Where physical facilities permit, each inmate in an Administrative Segregation Unit shall be allowed recreation and exercise outside the cell at least five hours per week, unless to do so would adversely affect the security or orderly operations of the correctional facility.

(b) Inmates in an Administrative Segregation Unit shall be given the opportunity for out-of-doors recreation for a minimum of one hour of the required five hours of recreation time per week, unless to do so would adversely affect the security or orderly operations of the correctional facility.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (b), deleted "who shall be retained" following "Inmates", inserted "an" preceding "Administrative" and inserted "Unit" and "hours of recreation time".

10A:5-3.14 Education

(a) Educational programs shall be comparable to those available to inmates in general population to the extent possible in accordance with security considerations, resources, budgetary constraints and Administrative Segregation Unit internal management procedures.

(b) A member of the educational staff shall be assigned to develop individualized educational programs for approved inmates who are assigned to administrative segregation.

(c) Educational programs and services shall be provided for all inmates up to age 20 and up to age 22 for inmates with educational disabilities. An inmate may choose not to participate in available educational programs after the inmate has reached the age of 16. A decision not to participate in an

non-emergency situations shall be responded to by the physician or medical person designated by the physician within 24 hours.

10A:5-5.10 Personal items

(a) All inmates shall be admitted to Protective Custody dressed in clothing issued by the correctional facility after a thorough search for contraband.

(b) Each inmate shall be provided with the following items for use in the cell to the same extent as such items are provided for inmates in the general population:

1. Clothing required for use in cell;
2. Bedding and mattress;
3. Personal hygiene supplies;
4. Eating utensils;
5. Eyeglasses;
6. A wristwatch;
7. Religious indicia;
8. Legal materials;
9. Postage stamps; and
10. Reading and writing materials.

(c) The possession and use of radios, televisions, typewriters and other appliances in Protective Custody shall be subject to the same guidelines as those developed by the Administrator or designee for the general population.

(d) Written internal management procedures shall be in effect permitting inmates access to books and periodicals from the correctional facility's library and Inmate Law Library.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).
In (c), inserted "or designee".

10A:5-5.11 Correctional facility clothing, bedding and linen

The issue and exchange of correctional facility clothing, bedding, linen, and the laundry service shall be handled in accordance with Unit internal management procedures or on the same basis as is available to the general inmate population.

10A:5-5.12 Inmate legal services

Inmates in Protective Custody shall be afforded legal access to courts pursuant to N.J.A.C. 10A:6, Inmate Access to Courts.

10A:5-5.13 Correspondence, visits and telephone calls

(a) Inmates in Protective Custody shall have the same correspondence opportunities that are available to inmates in the general population.

(b) Each correctional facility that has a Protective Custody Unit shall provide each inmate in the Unit with the opportunity to receive a minimum of one window visit per week, unless precluded by security conditions or other extraordinary circumstances.

(c) Each correctional facility that has a Protective Custody Unit shall provide each inmate in the Unit with the opportunity to make a minimum of one collect telephone call per week, excluding legal telephone calls (see N.J.A.C. 10A:6-2.8).

Amended by R.2010 d.054, effective April 5, 2010.
See: 41 N.J.R. 4663(a), 42 N.J.R. 721(a).

In (c), substituted "that" for "which" and "Unit with" for "unit".

10A:5-5.14 Recreation

(a) Where physical facilities permit, each inmate in Protective Custody shall be allowed recreation and exercise outside the cell at least five hours per week, unless to do so would adversely affect the security or orderly operations of the correctional facility.

(b) Inmates in Protective Custody shall be given the opportunity for out-of-doors recreation for a minimum of one hour of the required five hours of recreation time per week, unless to do so would adversely affect the security or orderly operations of the correctional facility.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (b), inserted "of recreation time" and inserted a comma following "week".

10A:5-5.15 Education

(a) A member of the educational staff shall be assigned to develop individualized educational programs for approved inmates who are assigned to Protective Custody.

(b) Educational programs and services shall be provided for all inmates up to age 20 and up to age 22 for inmates with educational disabilities. An inmate may choose not to participate in available educational programs after the inmate has reached the age of 16. A decision not to participate in an educational program(s) shall be in writing and signed by the inmate. Until the inmate reaches the age of 18, a parent or guardian must also sign a decision not to participate in an educational program(s). A decision to participate in an educational program(s) may be made at anytime thereafter, until the inmate reaches age 22.

(c) The educational opportunities available to inmates in Protective Custody shall be comparable to those available to inmates in general population to the extent possible in accordance with security considerations, resources, budgetary constraints and Protective Custody Unit internal management procedures.

10A:5-5.16 Visits by professional and correctional facility supervisory staff

(a) A member of the correctional facility social services staff shall make visits to the Protective Custody Unit five days per week and shall be available to interview individual inmates as soon as administratively possible when requested by the inmate. When appropriate, referrals to other departments or staff members shall be made.

(b) The correctional facility chaplain shall visit the Protective Custody Unit as soon as administratively possible when requested by individual inmates to provide religious counseling or other pastoral services.

(c) The Unit supervisor or designee in charge of the Protective Custody Unit shall make daily visits to the Unit and shall be available to interview individual inmates as soon as administratively possible when requested.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Section was "Visits by professional and correctional supervisory staff". In (a), substituted "services" for "work" and inserted "by the inmate".

10A:5-5.17 Work opportunities

Work opportunities shall be made available to inmates assigned to a Protective Custody Unit to the extent possible in accordance with security considerations, limited resources, and availability of physical facilities and budgetary constraints.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Substituted "accordance with" for "light of".

10A:5-5.18 Psychological examination

Every inmate assigned to a Protective Custody Unit shall have a psychological examination every six months, or whenever it appears that he or she is suffering from an emotional or psychological disorder.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Inserted a comma following "months".

10A:5-5.19 Withdrawal of personal items or activities

(a) Whenever, in the judgment of the custody supervisor of the Protective Custody Unit, there is imminent danger that an inmate will destroy property, clothing or any item usually permitted in the cell, or injure self, or another person, a custody staff member of the rank of Sergeant or above may

deprive the inmate of such items, if practicable. In such cases, however, every effort shall be made to supply a substitute for the item or to permit the inmate to use the item under the supervision of the custody staff member.

(b) Whenever an inmate is deprived of any usually authorized item or activity, a written report shall immediately be forwarded to the Administrator or designee and the supervisor of the Protective Custody Unit shall identify the inmate and the item.

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

(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.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a), inserted "property," deleted "the inmate" following "permitted" and "or to property with such items," following "another person," and substituted "injure self, or" for "do injury to self, to" and "cases" for "case".

10A:5-5.20 (Reserved)

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Inserted a comma following "custody" and inserted "/or".

Repealed by R.2010 d.054, effective April 5, 2010.

See: 41 N.J.R. 4663(a), 42 N.J.R. 721(a).

Section was "Selection of staff".

10A:5-5.21 Records

(a) The following information on inmates confined to Protective Custody shall be available in the Unit for the use of appropriate staff members:

1. The inmate's name and number;
2. Religion;
3. The previous housing location;
4. The unit cell or room assignment;
5. The date admitted;
6. Special medical or psychiatric problems on an as needed basis; and
7. The date on which yearly review hearing is required.

(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. 10A:21, Reports.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)6, inserted "on an as needed basis".

10A:5-5.22 Disciplinary action within Protective Custody Units

(a) The rules set forth in N.J.A.C. 10A:4, Inmate Discipline, shall be in full force and effect in the Protective Custody Units.

(b) An inmate assigned to Prehearing Protective Custody or a Protective Custody Unit who requires an administrative transfer to another Close Custody Unit or who is found guilty of a prohibited act that results in a sanction that includes assignment to another Close Custody Unit shall be subject to the rules of that Unit.

Amended by R.2010 d.054, effective April 5, 2010.
See: 41 N.J.R. 4663(a), 42 N.J.R. 721(a).
Inserted designation (a); and added (b).

10A:5-5.23 Transfers; record maintenance

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

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).
Substituted "notes" for "record".

10A:5-5.24 Correctional facility procedures

(a) Each correctional facility that has a Protective Custody Unit shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) These written unit internal management procedures and/or post orders shall be forwarded to the Commissioner or designee, New Jersey Department of Corrections, for review and approval on or before September 15 of each year.

SUBCHAPTER 6. SECURITY THREAT GROUP MANAGEMENT UNIT**10A:5-6.1 Scope**

This subchapter shall be applicable to the Department of Corrections and provides rules regarding the identification of inmates as members and core members of a security threat group(s) and the placement of inmates identified as core members of a security threat group.

10A:5-6.2 Prohibited security threat group(s) and activity(ies)

(a) The Department of Corrections prohibits the organization and operation of a security threat group(s).

(b) The Department of Corrections prohibits security threat group activity(ies).

(c) The Department of Corrections prohibits the possession, receipt or exhibition of anything related to a security threat group such as, but not limited to, medallions, clothing, beads, artwork and literature.

(d) Evidence or information indicative of security threat group organization, operation or involvement in a security threat group activity(ies) shall result in disciplinary action and a finding of guilt shall subject the inmate to appropriate disciplinary sanctions.

10A:5-6.3 Security Threat Group Management Unit(s)

(a) The Commissioner shall designate a specific housing unit(s) to be utilized for inmates who have been identified as core members of a security threat group(s).

(b) There shall be no commingling of inmates in the Security Threat Group Management Unit with inmates in

general population except when authorized by the Administrator.

(c) Access to inmates in the Security Threat Group Management Unit shall be only as set forth in this subchapter and the Unit internal management procedures.

(d) The Commissioner shall designate a specific Security Threat Group Administrative Segregation Unit(s) to be utilized for inmates who have been identified as core members of a security threat group and who receive a sanction for a prohibited act that includes assignment to Administrative Segregation.

Amended by R.2005 d.445, effective December 19, 2005.

See: 37 N.J.R. 3200(a), 37 N.J.R. 5013(a).

Added (d).

10A:5-6.4 Responsibilities of the Intelligence Section of the Special Investigations Division

(a) The Intelligence Section of the Special Investigations Division shall be responsible for the gathering, accumulation, control, maintenance and dissemination of information regarding designated and alleged security threat group(s), identified and alleged group members and identified and alleged core group members.

(b) The Intelligence Section of the Special Investigations Division shall present findings, to include evidence, information and supporting documentation regarding designated and alleged security threat groups to the Commissioner or designee for review.

(c) The Intelligence Section of the Special Investigations Division shall:

1. Present findings, to include evidence, information and supporting documentation regarding identified and alleged security threat group members and core group members, to the Administrator of the correctional facility in which the inmates are housed; and

2. If reasonably sufficient evidence or information of inmate security threat group core membership exists, a written recommendation for the inmate to be placed into the Security Threat Group Management Unit shall be submitted to the Administrator of the correctional facility where the inmate is housed.

10A:5-6.5 Security threat group designation and member identification

(a) Only the Commissioner or Deputy Commissioner shall be authorized to designate a group of inmates as a security threat group. Such designation shall be based upon reasonably sufficient evidence and information.

(b) Only the Intelligence Section of the Special Investigations Division shall be authorized to identify inmates as security threat group members and security threat group core

members. Such identification shall be based upon reasonably sufficient evidence and information.

10A:5-6.6 Responsibilities of the Administrator and Assistant Commissioner

(a) Upon receipt of a recommendation from the Intelligence Section of the Special Investigations Division for placement of an inmate into the Security Threat Group Management Unit, the Administrator shall advise the appropriate Assistant Commissioner or designee.

(b) The Assistant Commissioner or designee shall arrange for the transfer of the inmate to the Security Threat Group Management Unit where the inmate shall be placed in Prehearing Security Threat Group Management Unit Status.

(c) Upon receipt of the inmate, the Administrator or designee of the correctional facility containing the Security Threat Group Management Unit shall initiate a Security Threat Group Core Membership Hearing as set forth in this subchapter.

10A:5-6.7 Prehearing Security Threat Group Management Unit Status

(a) An inmate may be placed in Prehearing Security Threat Group Management Unit Status by order of the Administrator or designee when there is reason to believe that there is evidence and/or information that the inmate is a member of a security threat group. Whenever possible, Form 147—III Authorization for Prehearing Security Threat Group Management Unit Status shall be completed prior to placement; however, in the event of an emergency, Form 147—III shall be completed as soon as conditions permit.

(b) The Administrator or designee shall complete Form 147—III Authorization for Prehearing Security Threat Group Management Unit Status.

(c) An inmate placed in Prehearing Security Threat Group Management Unit Status shall be given written notice, utilizing Form 147—I Notice of Security Threat Group Core Membership Hearing within 48 hours of placement in Prehearing Security Threat Group Management Unit Status.

10A:5-6.8 Security Threat Group Management Unit Hearing Committee

(a) A Security Threat Group Management Unit Hearing Committee shall be established by the Administrator of the correctional facility designated to contain a Security Threat Group Management Unit.

(b) The Committee shall be composed of:

1. An Associate Administrator or Assistant Superintendent as chairperson;

2. A professional staff member designated by the Administrator; and

3. A custody staff supervisor.

(c) The Security Threat Group Management Unit Hearing Committee shall meet when necessary to conduct:

1. The Security Threat Group Core Membership Hearing to make a determination regarding inmates recommended for assignment to the Security Threat Group Management Unit; and

2. Security Threat Group Management Unit phase reviews for inmates already assigned to the Security Threat Group Management Unit and to authorize phase movements when appropriate.

(d) The Security Threat Group Management Unit Hearing Committee shall be responsible to ensure that when written notices are required to be provided to inmates, verbal notices shall also be provided to illiterate inmates and inmates not sufficiently conversant with the English language.

10A:5-6.9 Procedure for conducting the Security Threat Group Core Membership Hearing

(a) An inmate being considered for assignment to the Security Threat Group Management Unit shall be provided written notice, utilizing Form 147—I Notice of Security Threat Group Core Membership Hearing, at least 48 hours prior to appearing before the Security Threat Group Management Unit Hearing Committee. The staff member delivering the notice shall indicate the time and date of the delivery and sign Form 147—I.

(b) Form 147—I Notice of Security Threat Group Core Membership Hearing shall:

1. Indicate the basis upon which a recommendation for placement to the Security Threat Group Management Unit has been made;

2. Contain concise statements of a factual basis, not merely conclusions, on which the recommendation is based;

3. Not contain information deemed confidential as established in this section;

4. Provide written notice that the inmate may obtain the help of another inmate paralegal to act as a counsel substitute to assist in collecting the facts in the inmate's case and to be present at the hearing as a spokesperson (see N.J.A.C. 10A:6-2.12 and 2.14); and

5. Provide written notice that an illiterate inmate or inmate otherwise demonstrating or requesting a need for assistance such as an interpreter shall receive the assistance of a consenting inmate, or a staff member approved or assigned to this function by the Security Threat Group Management Unit Hearing Committee.

(c) Unless there are exceptional circumstances, unavoidable delays, or reasonable postponements, the inmate shall be

provided a hearing within 15 business days of the receipt of Form 147—I.

(d) The inmate shall be permitted to appear in person or through video teleconference and to speak on the inmate's own behalf at the hearing, unless the Security Threat Group Management Unit Hearing Committee determines that the presence of the inmate would pose a threat to the safe, secure or orderly operation of the correctional facility. When the Committee determines an inmate shall not be permitted to be present, written notice shall be provided to the inmate. In such cases, the inmate shall be permitted to present the case through a counsel substitute and/or through the submission of such written materials as the inmate believes appropriate. An inmate is not required to attend the hearing.

(e) When the inmate, counsel substitute, or consenting inmate appears before the Security Threat Group Management Unit Hearing Committee, the Chairperson shall explain to the inmate, counsel substitute, or consenting inmate the reasons for the recommendation for placement to the Security Threat Group Management Unit, the nature of the proceeding and information and evidence bearing on the case.

(f) Evidence and/or information designated confidential by the Security Threat Group Management Unit Hearing Committee shall be either:

1. Provided to the inmate in the form of a concise summary of the confidential evidence and/or information in language that is factual, not conclusive; or

2. If the proposed recommendation for the Security Threat Group Management Unit placement is based in part on information from a confidential informant, the inmate shall be provided with a concise statement of facts establishing that the informant is credible or the information is reliable and the informant's statement (either in writing or as reported) is in language that is factual, not conclusive and is based upon the informant's personal knowledge of the matters contained in the informant's statement.

(g) When evidence and/or information utilized by the Security Threat Group Management Unit Hearing Committee is deemed confidential and cannot be fully disclosed, the Committee shall direct the inmate, counsel substitute and the consenting inmate to leave the meeting while this information is being presented or discussed.

(h) The Chairperson of the Security Threat Group Management Unit Hearing Committee shall call those witnesses deemed to be reasonably available and whose testimony is necessary for a proper understanding of the circumstances of the particular case. Repetitive witnesses need not be called. For purposes of this subsection, "repetitive witnesses" are witnesses who provide the same account as a previous witness(es). "Repetitive witnesses" are not intended to refer to the calling of a witness(es) who previously provided written documentary evidence. The Chairperson shall have the discretion to refuse to call witnesses that may create a risk

of reprisal. Unavailable witnesses may be asked to submit written statements. Witnesses requested by the inmate who are called may be questioned by members of the Committee or the counsel substitute. Inmates without a counsel substitute may request that certain questions be directed by Committee members to witnesses.

(i) The Security Threat Group Management Unit Hearing Committee Chairperson shall have the discretion to keep the hearing within reasonable limits and to refuse to permit the collection and presentation of evidence and information which is not necessary for an adequate understanding of the case. The Chairperson shall exercise control of all presentations to prevent lack of relevancy, harassment, abuse or repetitiveness.

(j) The Chairperson may direct a further investigation in any case where the Chairperson is of the opinion that the evidence or information regarding the particular case is not sufficient to set forth a determination.

(k) Hearings that have been postponed for further investigation shall be reviewed by the Security Threat Group Management Unit Hearing Committee within 48 hours of postponement to determine if further postponement is warranted. Further postponements shall be granted only in exceptional circumstances.

(l) An inmate shall be placed in the Security Threat Group Management Unit when, after considering the facts presented at the hearing, the Security Threat Group Management Unit Hearing Committee has determined that reasonably sufficient information or evidence exists that the inmate is a core member of a security threat group.

(m) Within 10 business days after the hearing has concluded, the Security Threat Group Management Unit Hearing Committee shall notify the inmate in writing utilizing Form 147—II Security Threat Group Management Unit Hearing Committee Decision advising the inmate of the decision regarding Security Threat Group Management Unit placement.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (b)4, inserted "paralegal" and "(see N.J.A.C. 10A:6-2.12 and 2.14)".

10A:5-6.10 Use of Prehearing Security Threat Group Management Unit Status during an emergency

(a) In the event an emergency is declared, inmates may be placed into Prehearing Security Threat Group Management Unit Status.

(b) The following procedures shall be implemented and remain in effect until normal operations resume:

1. Inmates identified as members of a security threat group shall be placed in Prehearing Security Threat Group Management Unit Status. Each inmate shall receive written notice as soon as possible that states:

- i. An emergency exists;
- ii. The inmate is a candidate for placement into the Security Threat Group Management Unit; and
- iii. The inmate shall receive a hearing as soon as possible.

(c) The Security Threat Group Management Unit Hearing Committee schedule of hearings may be affected by:

1. The number of inmates involved;
2. The time necessary for the identification process to be completed; and
3. The need to ensure the safe, secure and orderly operation of the correctional facility.

(d) A schedule of Security Threat Group Management Unit Hearing Committee hearings shall be issued by the Administrator or designee.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (d), inserted "or designee".

10A:5-6.11 Security Threat Group Management Unit placement appeal

(a) When the inmate has been advised of the determination for placement into the Security Threat Group Management Unit, the inmate may appeal the decision in writing within seven calendar days to the Administrator of the correctional facility where the inmate is housed.

(b) The Administrator shall consider the information and evidence presented and may:

1. Uphold the decision;
2. Rescind the decision; or
3. Order an additional hearing(s).

(c) The written decision of the Administrator shall be forwarded to the inmate within 10 business days following the receipt of the appeal.

10A:5-6.12 Security Threat Group Management Unit Phase Program

(a) The Security Threat Group Management Unit Phase Program is a means by which inmates who are assigned to the Unit may be reintegrated into the general population after successful completion of the phase program. The progression through the phase program depends upon:

1. Successful completion of each phase; and

2. Satisfactory correctional facility behavior as regulated by Unit internal management procedures and the rules set forth in N.J.A.C. 10A:4, Inmate Discipline.

(b) Inmates entering the Security Threat Group Management Unit shall participate in an orientation program and be provided a Unit Inmate Handbook that shall include, but not be limited to:

1. The provisions, philosophy and mission of the Security Threat Group Management Unit Phase Program; and

2. The provisions established in N.J.A.C. 10A:8, Inmate Orientation and Handbook.

10A:5-6.13 Security Threat Group Management Unit Hearing Committee phase review

(a) The Security Threat Group Management Unit Hearing Committee shall meet when necessary to review the cases of inmates assigned to the Security Threat Group Management Unit.

(b) The purpose of this review is to:

1. Monitor the progress of inmates; and
2. Make determinations regarding phase movements of inmates.

(c) The case of each inmate assigned to the Security Threat Group Management Unit shall be reviewed a minimum of every three months by the Security Threat Group Management Unit Hearing Committee.

(d) Staff assigned to the Security Threat Group Management Unit may, at any time, make referrals to the Security Threat Group Management Unit Hearing Committee Chairperson to review a phase level of an inmate. These referrals shall be submitted through correctional facility departmental supervisors. The Chairperson shall determine whether and when to schedule review hearings based on the referrals.

10A:5-6.14 Procedure for conducting the review hearing to determine Security Threat Group Management Unit inmate phase movement

(a) The Security Threat Group Management Unit Hearing Committee shall review the progress of inmates and authorize phase movements when appropriate.

(b) Inmates shall be provided written notice, utilizing Form 147—VI Notice of Security Threat Group Management Unit Phase Review, at least 48 hours prior to the review hearing. Form 147—VI shall include a statement of the reason for conducting the review hearing.

(c) Illiterate inmates or inmates otherwise demonstrating or requesting a need for assistance such as an interpreter shall receive the assistance of a consenting inmate, or a staff member approved or assigned to this function by the Security Threat Group Management Unit Hearing Committee.

(d) An inmate shall be permitted to appear in person or through video teleconference at the Security Threat Group Management Unit Hearing Committee review hearing and to speak on the inmate's own behalf at the review hearing, unless the inmate refuses to appear or the inmate's presence poses a threat to the safe, secure and orderly operation of the correctional facility.

(e) The Security Threat Group Management Unit Hearing Committee Chairperson shall have the discretion to keep the review hearing within reasonable limits and to refuse to permit the collection and presentation of evidence that is not necessary for an adequate understanding of the case. The Chairperson shall exercise control of all presentations to prevent lack of relevancy, harassment, abuse or repetitiveness.

(f) The Security Threat Group Management Unit Hearing Committee shall determine to:

1. Continue the programming for the inmate in the current phase;
2. Advance the inmate to the next phase; or
3. Revert the inmate to a previous phase.

(g) The Security Threat Group Management Unit Hearing Committee shall notify the inmate in writing of the decision, utilizing Form 147—VII Disposition of Security Threat Group Management Unit Phase Review, within 15 business days.

10A:5-6.15 Inmate appeal of Security Threat Group Management Unit Hearing Committee phase review decision

(a) Within seven calendar days of the inmate's receipt of Form 147—VII Disposition of Security Threat Group Management Unit Phase Review, an inmate may appeal the decision of the Security Threat Group Management Unit Hearing Committee to the Administrator of the correctional facility that contains the Security Threat Group Management Unit. Form 147—IV Appeal of Security Threat Group Management Unit Hearing Decision shall be used by the inmate for the purpose of filing an appeal.

(b) The Administrator shall:

1. Review the Security Threat Group Management Unit Hearing Committee decision;
2. Review the testimony, evidence, information and supporting documentation; and
3. Order additional hearings if deemed necessary.

(c) The Administrator may modify the decision of the Security Threat Group Management Unit Hearing Committee.

(d) The written decision of the Administrator shall be forwarded to the inmate using Form 147—V Disposition of Security Threat Group Management Unit Appeal within 10 business days following the receipt of the appeal.

10A:5-6.16 Compliance with all rules and placements

(a) In addition to the rules contained in this subchapter, N.J.A.C. 10A rules of general application shall apply to inmates assigned to the Security Threat Group Management Unit with equal force.

(b) Placement of an inmate into the Security Threat Group Management Unit shall not preclude placement into any other close custody unit. All applicable Security Threat Group Management Unit internal management procedures and phase program restrictions, in addition to the applicable internal management procedures of the other close custody unit shall apply to those Security Threat Group Management Unit inmates who have been assigned to any other close custody unit. Inmates assigned to any other close custody unit for disciplinary purposes shall not be permitted to participate in Security Threat Group Management Unit programs designed to advance them through the phase program.

(c) An inmate assigned to the Security Threat Group Management Unit who is found guilty of a prohibited act may receive a sanction that includes assignment to the Security Threat Group Administrative Segregation Unit. For the duration of the assignment to the Security Threat Group Administrative Segregation Unit, the inmate's possessions, activities, privileges, and amenities shall be highly restricted. Upon successful completion of the sanction to the Security Threat Group Administrative Segregation Unit and placement back into the Security Threat Group Management Unit, the inmate shall be placed in phase 1 of the Security Threat Group Management Unit and shall be permitted to participate in programs designed to advance through the phase program.

Amended by R.2005 d.445, effective December 19, 2005.
See: 37 N.J.R. 3200(a), 37 N.J.R. 5013(a).

Rewrote (b); added (c).

10A:5-6.17 Personal items

(a) All inmates admitted to the Security Threat Group Management Unit shall be dressed in clothing issued by the correctional facility after a thorough search for contraband.

(b) The following items, as approved by the Administrator or designee, shall be permitted or made available to inmates upon admission to the Security Threat Group Management Unit as soon as reasonably practicable and in accordance with Security Threat Group Management Unit internal management procedures.

1. Personal hygiene supplies;

2. Eating utensils;
3. A wristwatch;
4. Corrective eyeglasses;
5. One plain smooth ring with no stones;
6. Religious indicia;
7. Legal materials;
8. Postage stamps; and
9. Reading and writing materials.

(c) The possession and use of radios, televisions and other appliances in the Security Threat Group Management Unit shall be permitted in compliance with Unit internal management procedures unless precluded by phase program provisions or a threat to the safe, secure or orderly operation of the correctional facility exists.

(d) Personal items, as approved by the Administrator or designee, shall be:

1. Permitted in accordance with Security Threat Group Management Unit internal management procedures; and
2. Purchased from the correctional facility commissary or an authorized source of sale.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (b)5, substituted "smooth ring with no stones" for "wedding band".

10A:5-6.18 Disposition of inmate personal possessions not authorized in the Security Threat Group Management Unit

(a) Inmate personal possessions not authorized for retention in the Security Threat Group Management Unit shall not be stored by the correctional facility.

(b) Disposition of non-permissible personal possessions shall be handled in accordance with N.J.A.C. 10A:1-11, Personal Property of Inmates.

10A:5-6.19 Ventilation, heating, lighting and sanitation

(a) Proper ventilation, lighting, room temperatures, cleanliness and properly functioning sanitary fixtures shall be maintained in cells within the Security Threat Group Management Unit.

(b) The Administrator or designee shall ensure that daily inspections are conducted so that cells, corridors, toilets, showers and other areas within the Security Threat Group Management Unit are kept secure, clean and sanitary.

10A:5-6.20 Food

Security Threat Group Management Unit inmates shall be served the regular correctional facility meals from the "Menu of the Day" unless a special diet is prescribed by a physician

or a religious vegetarian diet has been approved by the correctional facility chaplain.

10A:5-6.21 Commissary

Pursuant to Security Threat Group Management Unit internal management procedures, inmates with sufficient funds may order commissary items that have been approved for inmates in the Unit.

10A:5-6.22 Grooming, showering and shaving

(a) Hair care services shall be provided as needed.

(b) Each inmate in the Security Threat Group Management Unit shall be permitted to shower and shave at least three times a week, unless permitting these activities would present an undue security hazard.

10A:5-6.23 Recreation

Inmates shall be permitted outdoor recreation a minimum of five hours per week, weather and security considerations permitting.

10A:5-6.24 Legal services

Legal services shall be available to inmates assigned to the Security Threat Group Management Unit in accordance with N.J.A.C. 10A:6, Inmate Access to Courts.

10A:5-6.25 Correctional facility library and Inmate Law Library

Inmates in the Security Threat Group Management Unit may be permitted to borrow library materials in accordance with the correctional facility library internal management procedures and the Unit internal management procedures.

10A:5-6.26 Education

(a) Educational programs, unless precluded by phase program provisions, shall be made available to inmates assigned to the Security Threat Group Management Unit.

(b) A member of the education staff shall be assigned to develop individualized educational programs for approved inmates who are assigned to the Security Threat Group Management Unit. Educational programs and services shall be provided for all inmates up to age 20 and up to age 22 for inmates with educational disabilities. An inmate may choose not to participate in available educational programs after the inmate has reached the age of 16. A decision not to participate in an educational program(s) shall be in writing and signed by the inmate. Until the inmate reaches the age of 18, a parent or guardian must also sign a decision not to participate in an educational program(s). A decision to participate in an educational program(s) may be made at any time thereafter, until the inmate reaches age 22.

(c) The educational opportunities available to inmates in the Security Threat Group Management Unit shall be comparable to those available to inmates in general population to the extent possible in accordance with security considerations, resources, budgetary constraints and Unit internal management procedures.

10A:5-6.27 Work opportunities

Work opportunities, unless precluded by phase program provisions, may be made available to inmates assigned to the Security Threat Group Management Unit to the extent possible in accordance with security considerations, resources, budgetary constraints, and the Unit internal management procedures.

10A:5-6.28 Medical and psychiatric services

(a) Emergency medical and psychiatric services for inmates assigned to the Security Threat Group Management Unit shall be provided equivalent to that of those services provided to inmates in the general population.

(b) Routine medical and psychiatric services for inmates assigned to the Security Threat Group Management Unit shall be provided equivalent to that of those services provided to inmates in the general population.

10A:5-6.29 Mail, visits and telephone

(a) Inmates in the Security Threat Group Management Unit shall have the same correspondence and legal correspondence opportunities that are available to inmates in the general population except inmates assigned to the Security Threat Group Management Unit shall not be permitted to send mail to, or receive mail from, any other incarcerated inmate.

(b) All mail shall be carefully screened for the following reasons:

1. To determine the identity of the sender;
2. For evidence of contraband; and
3. For evidence or information that poses an identifiable threat to:
 - i. The safety of others or the inmate;
 - ii. The security of the correctional facility;
 - iii. Damage to or destruction of property; or
 - iv. The orderly operation of a correctional facility.

(c) Custody staff shall examine purported legal correspondence to the extent necessary to ensure that it does in fact originate from, or is directed to, a source as defined in N.J.A.C. 10A:1-2.2, and that it does not contain any contraband.

(d) Each correctional facility that has a Security Threat Group Management Unit shall provide each inmate in the Unit the opportunity to receive a minimum of one non-contact visit per month, unless precluded by the phase program, security conditions or other extraordinary circumstances.

(e) All visits shall be arranged and conducted according to correctional facility internal management procedures and are subject to cancellation as determined by the Administrator or designee to maintain the safe, secure and orderly operation of the correctional facility.

(f) Telephones shall be available to Security Threat Group Management Unit inmates in accordance with the Unit internal management procedures.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (c), substituted "correspondence" for "mail", "10A:1-2.2" for "10A:18, Mail, Visits and Telephone", and "does not contain any" for "contains no".

10A:5-6.30 Packages

(a) The Administrator or designee shall establish and provide written notice to Security Threat Group Management Unit inmates that includes:

1. A written list of items that may be received in a package; and
2. A limit on the number and weight of packages that may be received by an inmate.

(b) Security Threat Group Management Unit inmates shall be permitted to receive packages from an authorized source of sale only as determined by the Department of Corrections. All packages must be prepaid.

(c) The inspection of incoming packages shall be handled in accordance with N.J.A.C. 10A:18-5.3.

(d) Every incoming package shall be clearly marked with the name and address of the source of sale and the inmate's name and number. Packages without both the inmate's name and number shall be returned to the source of sale. If the name and address of the source of sale does not appear on the outside of the incoming mailed package, it shall be examined to identify the source of sale when it is opened (see N.J.A.C. 10A:18-5.3). If the source of sale of an incoming mailed package cannot be identified, the contents of the package shall be destroyed.

(e) Outgoing packages shall be handled in accordance with N.J.A.C. 10A:18-5.5.

10A:5-6.31 Reassignment to Security Threat Group Management Unit

(a) Inmates who were released from custody while assigned to the Security Threat Group Management Unit and

who are returned to the custody of the New Jersey Department of Corrections shall be placed into Prehearing Security Threat Group Management Unit Status and shall receive a hearing pursuant to N.J.A.C. 10A:5-6.8.

(b) Inmates who were assigned to the Security Threat Group Management Unit prior to placement in another close custody unit shall be reassigned to the appropriate phase of the Security Threat Group Management Unit upon completion of the other close custody placement (see N.J.A.C. 10A:5-6.16).

Amended by R.2005 d.445, effective December 19, 2005.

See: 37 N.J.R. 3200(a), 37 N.J.R. 5013(a).

In (b), added "the appropriate phase of" and "(see N.J.A.C. 10A:5-6.16)."

10A:5-6.32 Staff training

(a) All staff and alternate staff selected for regular assignment to the Security Threat Group Management Unit shall be given training in management, custody support services and Unit internal management procedures before being assigned to the Unit.

(b) In the event of an emergency, at the discretion of the Administrator or designee, other staff may be temporarily assigned as deemed necessary.

10A:5-6.33 Custody status

Security Threat Group Management Unit inmates shall be classified as "close custody status" and shall be assigned to selected activities within the confines of the Unit under continuous supervision.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Section was "Custody level".

10A:5-6.34 Inmate records

(a) The assignment of an inmate to the Security Threat Group Management Unit shall be noted in the inmate's classification file via the Correctional Management Information System.

(b) The following Security Threat Group Management Unit inmate information shall be available as soon as reasonably practical after admission to the Unit for use by appropriate staff members:

1. The name and number;
2. The previous housing location;
3. The unit cell or room assignment;
4. The date admitted;
5. A special diet as prescribed by a physician or approved by the correctional facility chaplain; and
6. Special medical or psychiatric problems on an as needed basis.

(c) All unusual behavior shall be noted in the Unit log book together with the time, date of the incident and the name of the staff member making the entry. Unusual incidents shall also be reported pursuant to N.J.A.C. 10A:21, Reports.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (b)6, inserted "on an as needed basis".

SUBCHAPTER 7. TEMPORARY CLOSE CUSTODY

10A:5-7.1 Placement in temporary close custody

(a) An inmate may be placed in temporary close custody for a period not to exceed 72 hours unless exceptional circumstances, such as, but not limited to, other information received or other substantial evidence found warrant extension of this time period.

(b) Criteria for placement of an inmate in temporary close custody status are:

1. Reasonable suspicion exists to indicate that the inmate is engaged in, or is planning a serious violation (asterisked offenses under N.J.A.C. 10A:4-4.1(a)) of correctional facility rules, on which disciplinary action is considered premature;
2. Reasonable suspicion exists to indicate that the inmate is in possession of, or plans to obtain, contraband which may pose a danger to the inmate or others;
3. The inmate 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 Administrator, or designee, requires temporary close custody confinement to protect the inmate, staff, general public, and/or the security and control of the correctional facility.

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

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

1. The general population;
2. Prehearing detention;
3. Detention in connection with a disciplinary action pursuant to N.J.A.C. 10A:4;
4. A medical or psychiatric housing unit for continued observation, treatment, or commitment procedures (N.J.A.C. 10A:16-13); or
5. Another close custody unit in accordance with procedures set forth in this chapter, such as, Protective Custody or the Management Control Unit.

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

(f) In consideration of the reason for an inmate'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 inmate may be afforded while in temporary close custody.

(g) The Administrator shall forward a monthly written report of all placements and releases from temporary close custody to the Assistant Commissioner, Division of Operations for review.

Petition for Rulemaking.
See: 40 N.J.R. 1711(a).
Petition for Rulemaking.
See: 41 N.J.R. 2733(c).