

**CHAPTER 9  
CLASSIFICATION PROCESS**

**Authority**

N.J.S.A. 30:1B-6 and 30:1B-10.

**Source and Effective Date**

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

**Executive Order No. 66(1978) Expiration Date**

Chapter 9, Classification Process, expires on February 18, 1997.

**Chapter Historical Note**

Chapter 9, Classification Process, was adopted as R.1987 d.48, effective January 20, 1987. See: 18 N.J.R. 1649(a), 19 N.J.R. 218(a). Pursuant to Executive Order No. 66(1978), Chapter 9 expired on January 20, 1992 and was adopted as new rules, R.1992 d.79. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. INTRODUCTION**

- 10A:9-1.1 Purpose
- 10A:9-1.2 Scope
- 10A:9-1.3 Definitions
- 10A:9-1.4 Forms

**SUBCHAPTER 2. RECEPTION CLASSIFICATION**

- 10A:9-2.1 Reception activity

**SUBCHAPTER 3. INSTITUTIONAL CLASSIFICATION COMMITTEE (I.C.C.)**

- 10A:9-3.1 Responsibilities of the Institutional Classification Committee (I.C.C.)
- 10A:9-3.2 Composition of the Institutional Classification Committee (I.C.C.)
- 10A:9-3.3 Institutional Classification Committee (I.C.C.) decision making criteria
- 10A:9-3.4 Initial classification
- 10A:9-3.5 Review dates
- 10A:9-3.6 Special reviews
- 10A:9-3.7 Discussions
- 10A:9-3.8 Work assignments
- 10A:9-3.9 Educational assignments
- 10A:9-3.10 Counseling assignments
- 10A:9-3.11 Reassignments
- 10A:9-3.12 Community release programs
- 10A:9-3.13 Transfers
- 10A:9-3.14 Written procedures

**SUBCHAPTER 4. ELIGIBILITY CRITERIA FOR REDUCED CUSTODY CONSIDERATION**

- 10A:9-4.1 Eligibility for reduced custody
- 10A:9-4.2 No right to reduced custody
- 10A:9-4.3 Custody levels
- 10A:9-4.4 Authority of Classification Committees
- 10A:9-4.5 Discretion of Institutional Classification Committees (I.C.C.); factors to be considered
- 10A:9-4.6 Criteria for consideration for gang minimum custody status and full minimum custody status

- 10A:9-4.7 Criteria for consideration for gang minimum custody status only
- 10A:9-4.8 Not eligible to be considered for reduced custody status
- 10A:9-4.9 Assignment of inmates to satellite units, except Jones Farm

**SUBCHAPTER 5. COMMUTATION AND WORK TIME**

- 10A:9-5.1 Authority
- 10A:9-5.2 Exceptions; time in custody; failure to work
- 10A:9-5.3 Forfeiture of commutation credits
- 10A:9-5.4 Forfeiture of commutation credits by parolees
- 10A:9-5.5 Restoration of forfeited commutation credits
- 10A:9-5.6 Work credits for inmates housed in county correctional facilities
- 10A:9-5.7 Inmates in Vroom Readjustment Unit (V.R.U.)
- 10A:9-5.8 Reports of earned credits

**SUBCHAPTER 6. INTER-INSTITUTIONAL CLASSIFICATION COMMITTEE (I.I.C.C.)**

- 10A:9-6.1 Responsibilities of the Inter-Institutional Classification Committee (I.I.C.C.)
- 10A:9-6.2 Composition of the Inter-Institutional Classification Committee (I.I.C.C.)
- 10A:9-6.3 Criteria for assignment of inmates
- 10A:9-6.4 Transfers
- 10A:9-6.5 Emergency transfers

**SUBCHAPTER 7. SPECIAL CLASSIFICATION COMMITTEE (S.C.C.)**

- 10A:9-7.1 Responsibilities of the Special Classification Committee (S.C.C.)
- 10A:9-7.2 Composition of the Special Classification Committee (S.C.C.)
- 10A:9-7.3 Procedure for initiating transfer requests
- 10A:9-7.4 Procedure for reviewing nonemergency transfer requests
- 10A:9-7.5 Procedure for reviewing emergency transfer requests
- 10A:9-7.6 Criteria for reviewing transfer requests
- 10A:9-7.7 Procedures for transfers

**SUBCHAPTER 8. SPECIAL CLASSIFICATION REVIEW BOARD**

- 10A:9-8.1 Responsibilities
- 10A:9-8.2 Composition of the Special Classification Review Board (S.C.R.B.)
- 10A:9-8.3 Coordinator for the Special Classification Review Board (S.C.R.B.)
- 10A:9-8.4 Reviews of inmates housed at the Adult Diagnostic Treatment Center (A.D.T.C.)
- 10A:9-8.5 Review of inmates housed at other correctional facilities
- 10A:9-8.6 Decisions of the Special Classification Review Board (S.C.R.B.); in-person review
- 10A:9-8.7 Decisions of the S.C.R.B.; non in-person review
- 10A:9-8.8 Referrals to the State Parole Board
- 10A:9-8.9 Parole records
- 10A:9-8.10 Notice of release
- 10A:9-8.11 Confidentiality

**SUBCHAPTER 9. RECEPTION AND PLACEMENT PROCESS FOR MALE JUVENILES**

- 10A:9-9.1 Reception activity
- 10A:9-9.2 Composition of the Juvenile Reception Classification Committee (J.R.C.C.)
- 10A:9-9.3 Responsibilities of the Juvenile Reception Classification Committee (J.R.C.C.)
- 10A:9-9.4 Decision making criteria for initial assignment
- 10A:9-9.5 Noninstitutional programs
- 10A:9-9.6 Institutional programs
- 10A:9-9.7 Emergency transfer procedures
- 10A:9-9.8 Staff requested transfer procedures

- 10A:9-9.9 Resident requested transfer procedures  
 10A:9-9.10 Criteria for assignment or transfer of residents  
 10A:9-9.11 Written procedures

#### SUBCHAPTER 10. JUVENILE INSTITUTIONAL CLASSIFICATION COMMITTEE (J.I.C.C.)

- 10A:9-10.1 Members of the Juvenile Institutional Classification Committee (J.I.C.C.)  
 10A:9-10.2 Juvenile Institutional Classification Committee (J.I.C.C.) responsibilities  
 10A:9-10.3 Classification records and services  
 10A:9-10.4 Juvenile Institutional Classification Committee (J.I.C.C.) decision making factors  
 10A:9-10.5 Initial classification  
 10A:9-10.6 Review dates  
 10A:9-10.7 Special reviews  
 10A:9-10.8 Discussions  
 10A:9-10.9 Work assignments  
 10A:9-10.10 Education assignments  
 10A:9-10.11 Counselling assignments  
 10A:9-10.12 Reassignments or special referrals  
 10A:9-10.13 Community release programs  
 10A:9-10.14 Inmate requested transfers  
 10A:9-10.15 Written procedures

#### SUBCHAPTER 11. JUVENILE FEMALE CLASSIFICATION COMMITTEE (J.F.C.C.)

- 10A:9-11.1 Responsibilities of the Juvenile Female Classification Committee (J.F.C.C.)  
 10A:9-11.2 Composition of the Juvenile Female Classification Committee (J.F.C.C.) and frequency of meetings  
 10A:9-11.3 Initial assignment  
 10A:9-11.4 Decision making criteria for facility or program assignment  
 10A:9-11.5 Reception process  
 10A:9-11.6 Reviews, progress reports  
 10A:9-11.7 Emergency transfer procedures  
 10A:9-11.8 Nonemergency transfer procedures  
 10A:9-11.9 Criteria for transfers or reassignment

#### SUBCHAPTER 1. INTRODUCTION

##### 10A:9-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish criteria for eligibility for reduced custody status;
2. Establish procedures regarding the award and forfeiture of commutation time and work credits;
3. Provide an orderly process for deciding the degree of custody and appropriate correctional facility for each inmate;
4. Provide an orderly process for considering transfers of inmates between correctional facilities;
5. Establish a mechanism for deciding whether to recommend parole for persons confined pursuant to N.J.S.A. 2C:47 and 2A:164;
6. Provide a process for assignment and transfer of juvenile offenders; and

7. Establish rules and regulations to adequately fulfill the functions of the Department of Corrections as enumerated in N.J.A.C. 10A:1-1.1.

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

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

Added (a)7.

##### 10A:9-1.2 Scope

(a) Subchapter 2 through subchapter 6 shall be applicable to the Division of Adult Institutions.

(b) Subchapter 7 shall be applicable to the Division of Adult Institutions and the Division of Juvenile Services.

(c) Subchapter 8 shall be applicable to inmates sentenced under N.J.S.A. 2C:47 and 2A:164 who are housed at either the Adult Diagnostic and Treatment Center (A.D.T.C.) or other facilities.

(d) Subchapters 9 through 11 shall be applicable to the Division of Juvenile Services.

##### 10A:9-1.3 Definitions

The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

“A.D.T.C.” means the Adult Diagnostic and Treatment Center, the correctional facility designated to house persons who have been convicted pursuant to N.J.S.A. 2C:47 and 2A:164.

“Classification Committee” means a group of correctional staff persons that have been designated to make decisions related to the needs of inmates from admission to discharge.

“Classification material” means documents in the classification folder on which information regarding an inmate is recorded such as psychological or psychiatric evaluations, rap sheets, disciplinary charges, program participation, presentence reports, medical records, etc.

“Commissioner” means the Commissioner of the New Jersey Department of Corrections.

“Detainer” means a warrant or formal authorization to hold an inmate for prosecution or detention by a Federal, State or local law enforcement agency or the U.S. Immigration Department. Detainers may include, but are not limited to:

1. Adjudicated criminal charges for which sentence has been imposed;
2. Criminal charges resulting from indictment, for which there is no final disposition (open charges);
3. Warrants for violation of parole or probation; and
4. Immigration detainers.

“Division of Adult Institutions” means an administrative unit of the Department that is responsible for the operation of the adult correctional facilities.

“Division of Juvenile Services” means an administrative unit of the Department that is responsible for the operation of the juvenile correctional facilities.

“Gap time credit” means the credit awarded by the sentencing court for the period of time between dates of sentence when a defendant, who has previously been sentenced to imprisonment, is subsequently sentenced to another term for an offense committed prior to the former sentence, other than an offense committed while in custody.

“Indeterminate sentence” means a sentence of imprisonment which contains no fixed terms. See N.J.S.A. 30:4-148.

“Increased custody” means assignment of an inmate to a custody level that requires more supervision.

“Intensive Supervision Program” means the program which permits certain offenders sentenced to State correctional institutions to be sentenced by a Resentencing Panel of judges to an intermediate form of punishment between incarceration and probation.

“Jones Farm” means a community based satellite unit of the New Jersey State Prison, which houses inmates in full minimum custody status who meet the criteria for assignment to that facility.

“Prison Complex” means the state correctional facilities designated to house inmates serving prison sentences.

“Prison sentence” means a definite term of imprisonment having fixed minimum and maximum time limits.

“Reduced custody” means assignment of an inmate to a custody level that requires less supervision.

“Superintendent” means the chief executive officer of any State correction facility in the New Jersey Department of Corrections.

“Vroom Readjustment Unit” (V.R.U.) means the Administrative Segregation and Protective Custody Unit for inmates, located in the Vroom Building on the grounds of Trenton Psychiatric Hospital.

“Youth Complex” means state correctional facilities designated to house inmates between the ages of 15 and 26, who have not previously been sentenced to a state prison in New Jersey or in any other state.

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

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

Added “Intensive Supervision Program”.

Administrative correction, effective January 27, 1989.

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

Institutional name change.

Amended by R.1989 d.299, effective June 5, 1989.

See: 21 N.J.R. 664(a), 21 N.J.R. 1516(c).

Definition of “Gap time credit” added.

#### 10A:9-1.4 Forms

The following form related to classification shall be reproduced by each correctional facility from the original which is available by contacting the Standards Development Unit, New Jersey Department of Corrections.

1. 852-I Authorization for Emergency Transfer.

### SUBCHAPTER 2. RECEPTION CLASSIFICATION

#### 10A:9-2.1 Reception activity

(a) Adult male offenders are admitted to the Garden State Reception and Youth Correctional Facility or the Adult Diagnostic and Treatment Center (A.D.T.C.) at Avenel, and female offenders are admitted to the Edna Mahan Correctional Facility for Women (EMCF) where they begin a reception classification process.

(b) Upon admission to the reception unit, assignment to housing shall be made based upon the inmate's:

1. Age;
2. Size;
3. Offense;
4. Sentence;
5. Previous incarcerations;
6. Mental status; or
7. Security needs.

(c) The reception process shall be completed within three weeks, unless unusual circumstances arise.

(d) During the reception classification process the inmate shall be:

1. Photographed;
2. Fingerprinted;
3. Given orientation;
4. Given medical and dental examinations; and
5. Interviewed by the psychologist, social worker and other staff members.

(e) At the end of the reception process, a male inmate admitted to the Garden State Reception and Youth Correctional Facility shall appear before the Inter-Institutional Classification Committee (I.I.C.C.) and the decisions on the degree of custody and the appropriate correctional facility to which the inmate will be assigned shall be made.

(f) At the end of the reception process, a male inmate admitted to the A.D.T.C. shall appear before the Institutional Classification Committee (I.C.C.) and decisions on the inmate's program (for example, housing, therapy, education, etc.) while he is at the A.D.T.C. shall be made at that time.

(g) At the end of the reception process, a female inmate admitted to the EMCF shall appear before the Institutional Classification Committee (I.C.C.) and decisions on the inmate's program (for example, housing, degree of custody, education, job, etc.) while she is at EMCF shall be made at that time.

Amended by R.1987 d.460, effective November 16, 1987.

See: 19 N.J.R. 1395(a), 19 N.J.R. 2195(a).

(d)5 deleted; old (d)6 renumbered (d)5.

Administrative correction, effective January 27, 1989.

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

Institutional name change.

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

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

Revised (e).

### SUBCHAPTER 3. INSTITUTIONAL CLASSIFICATION COMMITTEE (I.C.C.)

#### 10A:9-3.1 Responsibilities of the Institutional Classification Committee (I.C.C.)

(a) Each correctional facility shall establish an Institutional Classification Committee(s) (I.C.C.) which shall be responsible for:

1. Assigning inmates to work, educational, vocational and treatment programs appropriate to their needs;
2. Monitoring the progress of inmates by scheduling periodic reviews to ensure that rehabilitative efforts are being maximized;
3. Reviewing the applications of inmates for changes in custody status;
4. Reviewing the requests of inmates for transfers to other facilities;
5. Making changes in the housing or program assignments of inmates;
6. Assigning the inmate to community release programs;
7. Approving the application for restoration of commutation time;
8. Reviewing the imposition of Administration Segregation;
9. Reviewing Restrictive Activities Program assignments at the Adult Diagnostic and Treatment Center (A.D.T.C.);

10. Reviewing referrals by the Disciplinary Hearing Officer; and

11. Reviewing and approving or disapproving applications for the Electronic Monitoring Home Confinement Program.

Recodified from 10A:9-3.2 by R.1992 d.79, effective February 18, 1992. See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Repealed section 10A:9-3.1 was "Composition of the Institutional Classification Committee (I.C.C.)". Revised text.

#### 10A:9-3.2 Composition of the Institutional Classification Committee (I.C.C.)

(a) The members of the Institutional Classification Committee (I.C.C.) at each of the adult correctional facilities shall be composed of the:

1. Superintendent or Assistant Superintendent;
2. Director of Psychology;
3. Director of Education;
4. Social Work Supervisor;
5. Director of Custody Operations or Correction Captain;
6. Supervisor of State Use Industries; and
7. Classification Officer (non-voting member).

(b) Staff members other than those listed above, may be designated by the Superintendent to serve as members or alternate members of the I.C.C.

(c) The I.C.C. shall meet weekly, and more often as required.

New Rule, R.1992 d.79, effective February 18, 1992.

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

Old section 10A:9-3.2, Responsibilities of the Institutional Classification Committee (I.C.C.) recodified to 10A:9-3.1.

#### 10A:9-3.3 Institutional Classification Committee (I.C.C.) decision making criteria

(a) Decisions on transfers and assignments to housing; work, educational, vocational, or treatment programs, custody status and community release programs shall be made after consideration of the following factors:

1. Needs and interests expressed by inmate;
2. Age;
3. Family status;
4. Social contacts with family and friends;
5. Correctional facility adjustment;
6. Educational history and needs;
7. Vocational history and needs;
8. Military history;

9. Nature and circumstance of present offense;
10. Prior offense record;
11. Records from previous confinement;
12. Detainers on file or pending;
13. Drug dependency and/or involvement;
14. Sexual adjustment;
15. History of escape, attempted escape or propensity for escape;
16. Current psychological and/or psychiatric reports;
17. Medical history and recommendations;
18. Arson history;
19. Needs of the correctional facility; and/or
20. Any other factor pertinent to the inmate's case.

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

#### 10A:9-3.4 Initial classification

(a) Upon assignment to an adult correctional facility or its satellite, an inmate shall be interviewed and may be tested to determine the inmate's aptitudes, abilities, interests and problems.

(b) The inmate's appearance before the Institutional Classification Committee (I.C.C.) shall occur within 21 days after admission to the correctional facility.

(c) At the initial classification, the I.C.C. shall, subject to availability, assign an inmate to a program which may include:

1. A work assignment;
2. A treatment program;
3. An education program; and/or
4. A vocational training program.

(d) An inmate may be referred by the I.C.C. to a subcommittee or department head for consideration for individual components of the program.

(e) A review date shall be set and the decision of the I.C.C. shall be forwarded to the appropriate departments.

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

#### 10A:9-3.5 Review dates

(a) An inmate shall be scheduled for a review date at his or her initial classification that is no more than 12 months from the date of initial classification.

(b) The frequency of case review shall be dependent on the review date determined by the Institutional Classification Committee (I.C.C.) or a change in the inmate's status. Factors that may be considered include:

1. Parole date changes;
2. Sentence changes;
3. Changes in personal needs;
4. Referrals from the Disciplinary Hearing Officer; or
5. Other situations arising which make a case review appropriate.

(c) The Classification Officer shall be responsible for scheduling all reviews set by the I.C.C.

(d) An update of the inmate's psychological status shall occur on a yearly basis, or more often as the need arises.

(e) An inmate shall be notified of his or her review date no later than 48 hours prior to its occurrence. When the inmate appears before the I.C.C., he or she may submit a request for reassignment in the areas of:

1. Housing;
2. Work;
3. Education;
4. Vocational training;
5. Counseling or treatment; and
6. Custody status.

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

#### 10A:9-3.6 Special reviews

(a) Inmates desiring a special review of their cases because of a change in status may submit a written request which indicates the reason for the review to the staff member(s) designated by the Superintendent.

(b) It shall be the responsibility of the staff member to determine if the requested review is appropriate, and the reports that will be necessary for consideration. If the review is recommended, the staff member will forward all appropriate information to the Institutional Classification Committee (I.C.C.).

#### 10A:9-3.7 Discussions

(a) An inmate's case may be brought to the attention of the Institutional Classification Committee (I.C.C.) prior to his or her review date if it has been referred by a staff member or an institutional committee for the purpose of making a change in:

1. Work assignment;

2. Custody status;
3. Housing assignment; or
4. Program assignment.

#### 10A:9-3.8 Work assignments

(a) Decisions on inmate work assignments shall be made by the Institutional Classification Committee (I.C.C.) based upon:

1. Physical condition;
2. Mental and mechanical aptitudes;
3. Past work experience;
4. Occupational interests;
5. Vocational needs of the inmate;
6. Opportunities upon release; and
7. Availability of jobs within the correctional facility.

(b) When the I.C.C. has assigned an inmate to a job, the inmate may not request a job change until at least two months of work has been completed on the job.

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

#### 10A:9-3.9 Educational assignments

(a) Determining factors in referring an inmate to an educational program may include:

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

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

#### 10A:9-3.10 Counseling assignments

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

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

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

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

Revised (a)-(b).

#### 10A:9-3.11 Reassignments

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

(b) Any change in or addition to the inmate's initial program shall be made by the I.C.C. Reassignments may be made upon inmate or staff request, as the need arises.

#### 10A:9-3.12 Community release programs

The Institutional Classification Committee (I.C.C.) may assign an inmate to a community release program when the inmate has been classified as full minimum custody and meets the criteria for assignment to the program in which the inmate will participate.

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

#### 10A:9-3.13 Transfers

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

(b) When it has been determined that the inmate meets the criteria for assignment to the correctional facility he or she has requested, the request for transfer shall be referred to the Inter-Institutional Classification Committee (I.I.C.C.), the Garden State Reception Classification Committee (G.S.R.C.C.) or the Special Classification Committee (S.C.C.) for consideration.

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

#### 10A:9-3.14 Written procedures

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

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

### SUBCHAPTER 4. ELIGIBILITY CRITERIA FOR REDUCED CUSTODY CONSIDERATION

#### 10A:9-4.1 Eligibility for reduced custody

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

1. Maximum custody;
2. Gang minimum; and
3. Full minimum.

(b) The criteria set forth in this subchapter shall be applied by Institutional Classification Committee (I.C.C.) to determine whether an inmate is eligible for reduced custody consideration, as follows:

1. Eligible to be considered for full minimum custody status, preceded by the successful completion of a period of time in gang minimum status, except as provided by N.J.A.C. 10A:9-4.4;
2. Eligible to be considered for gang minimum custody status only; or
3. Not eligible to be considered for any type of reduced custody status.

Amended by R.1990 d.195, effective April 2, 1990.  
See: 21 N.J.R. 3050(a), 22 N.J.R. 1143(a).

Added reference to I.C.C. in (a).  
Amended by R.1992 d.79, effective February 18, 1992.  
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).  
Revised text.

#### Case Notes

Commissioner of Corrections empowered to reclassify camp inmates whose records reflected convictions of homicide; Commissioner's non-individualized reclassification of prison camp inmates did not implicate prisoner's federally protected liberty interests or require due process type hearing; Commissioner's reclassification was inconsistent with departmental regulations. *Jenkins v. Fauver*, 108 N.J. 239, 528 A.2d 563 (1987).

#### 10A:9-4.2 No right to reduced custody

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

#### 10A:9-4.3 Custody levels

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

(b) Inmates classified as "gang minimum custody status" shall be assigned to activities or jobs which routinely require them to move outside the security of the correctional facility, but on the grounds of the facility and within eyesight of a correction officer, civilian instructor or other employee authorized to supervise inmates.

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

1. Work details, jobs or programs outside the main correctional facility, (on or off the grounds of the facility) with minimal supervision;
2. A satellite unit or minimum security trailer unit; or
3. Both (c)1 and 2 above.

(d) Except as provided by N.J.A.C. 10A:9-4.4, the successful completion of a period of time in gang minimum custody status shall be a prerequisite for full minimum custody status.

1. The amount of time in gang minimum custody status shall be at the discretion of the Institutional Classification Committee (I.C.C.).

2. Inasmuch as the Mountainview Youth Correctional Facility is classified as a minimum security facility, inmates at that facility are not required to fulfill the prerequisite time in gang minimum custody status.

(e) Full minimum custody status is a prerequisite for participation in all community release programs.

Administrative correction, effective January 27, 1989.

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

Institutional name change.

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

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

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

#### 10A:9-4.4 Authority of Classification Committees

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

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

2. Such custody level changes must be reviewed and approved by the I.C.C. as soon as is reasonably feasible.

(b) The Inter-Institutional Classification Committee (I.I.C.C.) is authorized to change the custody status of any inmate whom it transfers or reassigns to another correctional facility or unit.

(c) The I.I.C.C. is authorized, at initial classification, to assign eligible inmates directly to full minimum custody status at Jones Farm and other minimum security correctional facilities without the prerequisite service of time required for gang minimum custody status.

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

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

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

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

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

Revised (c).

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

(a) In making decisions to reduce an inmate's custody status, Institutional Classification Committees (I.C.C.) shall take into consideration all relevant factors which, in their professional judgment, bear upon the inmate's suitability for

reduced custody status. These factors may include, but not be limited to:

1. Field account of the offense;
2. Prior criminal record;
3. Previous incarcerations;
4. Correctional facility adjustment;
5. Reports from professional and custody staff; and
6. Any reason which, in the opinion of the Superintendent and Institutional Classification Committee, relates to the best interests of the inmate or the safe, orderly operation of the correctional facility or the safety of the community or public at large.

(b) When considering inmates whose present offense or past history involves arson, escape, assault, murder or sexual offenses, or who have been known to have psychological problems, the Institutional Classification Committees (I.C.C.) shall utilize psychiatric or psychological evaluations which are not more than six months old and which address suitability for reduced custody status.

(c) Institutional Classification Committees (I.C.C.) shall not be compelled by these criteria to automatically grant a reduction in custody status to every inmate who is eligible for consideration.

(d) Institutional Classification Committees (I.C.C.) have no authority to grant reductions in custody status to inmates who fall outside the eligibility guidelines unless appropriate requests for rule exemptions are filed and approved, pursuant to N.J.A.C. 10A:1-2, General provisions.

(e) An inmate who has been granted reduced custody status may have his or her custody status increased for any of the following reasons, subject to confirmation by the Institutional Classification Committee (I.C.C.):

1. On recommendation of the Disciplinary Hearing Officer in connection with disciplinary actions;
2. Upon receipt of a non-permissive detainer;
3. Upon receipt of credible, reliable information from official authorities or informants, that the inmate may be an escape risk;
4. Failure of the inmate to adjust to the social or programmatic needs of the reduced custody unit;
5. Serious health problems as determined by the correctional facility physician; and/or
6. Any reason which, in the opinion of the Superintendent and Institutional Classification Committee, relates to the best interests of the inmate or the safe, orderly operation of the correctional facility or the safety of the community or public at large.

(f) The inmate shall receive a written notice of the reason(s) for the return to increased custody status within five working days.

Amended by R.1988 d.30, effective January 19, 1988.  
See: 19 N.J.R. 1782(b), 20 N.J.R. 194(b).

Added text to (f)6 "or the safety of the public at large or community."

Amended by R.1988 d.106, effective March 7, 1988.

See: 19 N.J.R. 2235(a), 20 N.J.R. 533(a).

Added (b)6.

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

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

Deleted (a), recodified and added references to I.C.C.

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

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

Revised (a)6 and (e)6.

**10A:9-4.6 Criteria for consideration for gang minimum custody status and full minimum custody status**

(a) Except as provided in N.J.A.C. 10A:9-4.7 and 10A:9-4.8, inmates who meet the criteria set forth in this section are eligible to be considered for full minimum custody status preceded by the successful completion of a period of time in gang minimum custody status. Pursuant to N.J.A.C. 10A:9-4.3(d)1, the amount of time in gang minimum custody status shall be at the discretion of the Institutional Classification Committee (I.C.C.).

(b) Institutional Classification Committees (I.C.C.) are not obligated to advance an inmate from gang minimum custody status to full minimum custody status even though the inmate qualifies for consideration under the criteria set forth in this section.

(c) When considering inmates for reduced custody status who are serving ordinary or extended prison sentences with no mandatory minimum, the I.C.C. shall take into account all New Jersey County Jail credits awarded prior to commitment on the instant offense. Inmates must have served the following number of years of their sentences in maximum custody to be eligible to be considered for gang minimum custody status and full minimum custody status.

Length of Sentence	Years in Maximum
Over 30 years to life	5
Over 25 and up to 30 years	4
Over 20 and up to 25 years	3
Over 15 and up to 20 years	2
Over 10 and up to 15 years	1
10 years and under	None

(d) Inmates sentenced to serve mandatory minimum terms of 24 months or less are eligible to be considered for gang minimum custody status and full minimum custody status immediately following admission to a correctional facility.

(e) Inmates who were considered for reduced custody status prior to April 2, 1990, and were sentenced to serve mandatory minimum terms of more than 24 months are eligible to be considered for gang minimum custody status and full minimum custody status when the following service of time has been met. Any New Jersey county jail credit awarded on the instant offense shall be counted. No credit toward this requirement is to be given on any prior sentence which an inmate may currently be serving.

1. If the mandatory minimum is one-half or greater than one-half of the term imposed, the inmate shall serve one-half of the mandatory minimum. (EXAMPLE: If the term is 20 years and the mandatory minimum is 10 years, the inmate must serve five years.)

2. If the mandatory minimum is less than one-half of the term imposed, the inmate shall serve one-third of the mandatory minimum. (EXAMPLE: If the term is 20 years and the mandatory minimum is 8 years, the inmate must serve two years and eight months.)

3. However, in any instance where the application of (e)2 above would result in an inmate being eligible for consideration in less time than if he or she had no mandatory minimum, then the formula set forth in (c) above shall be applied such that the greater amount of time shall be spent in maximum custody. (EXAMPLE: If the inmate has a 20 year term and a mandatory minimum of three years, he or she shall serve the two years required in (c) above instead of the one year which would be required under (e)2 above.)

(f) Inmates who were considered for reduced custody status on or after April 2, 1990, and were sentenced to serve mandatory minimum terms of more than 24 months are eligible to be considered for gang minimum custody status and full minimum custody status when the inmate has served one-half of the mandatory minimum or is within 24 months of the expiration of the mandatory minimum term, whichever is less. (EXAMPLE 1: If the inmate has a mandatory minimum of three years, one-half of three years is equal to one year and six months. However, after the inmate serves one year on his or her three year mandatory minimum he or she is within 24 months of the expiration date. The inmate is therefore eligible for reduced custody after having served only one year in maximum custody because one year is less. EXAMPLE 2: If the inmate has a mandatory minimum of five years, one-half of five years is two and one-half years. However, the inmate must serve three years prior to being within 24 months of the expiration date. The inmate is therefore eligible for reduced custody after having served only two and one-half years in maximum custody because two and one-half years is less.) Any New Jersey presentence jail credit awarded on the instant offense shall be counted. Time served on a prior sentence may not be applied to satisfy this requirement.

(g) In any instance where the application of (f) above would result in an inmate being eligible for consideration in less time than if he or she had no mandatory minimum, then the formula set forth in (c) above shall be applied such that the greater amount of time shall be spent in maximum custody. (EXAMPLE: If the inmate has a 20 year term and a mandatory minimum of three years, he or she shall serve the two years required in (c) above instead of the one and one-half years which would be required under (f) above.)

(h) When considering inmates with indeterminate sentences for reduced custody status, the I.C.C. shall take into account all New Jersey County Jail credits awarded prior to commitment on the instant offense.

(i) Inmates with indeterminate sentences must have served the following number of months of their sentences to be eligible to be considered for gang minimum custody status and full minimum custody status:

Length of Sentence	Months in Maximum
30 years to life	42
25 through 29 years	30
20 through 24 years	18
15 through 19 years	6
Up to 15 years	None

(j) Inmates presently serving sentences for controlled dangerous substance (C.D.S.) offenses shall be eligible to be considered for gang minimum custody status and full minimum custody status. When considering these offenders the I.C.C. shall take into account the following:

1. Nature of the offense;
2. Type of C.D.S.;
3. Amount of C.D.S.;
4. Dollar value of the substance involved;
5. Inmates's drug offense history; and
6. Any statement by the sentencing judge as to the severity or commercial aspect of the offense.

(k) Inmates with detainers from other jurisdictions outside New Jersey shall be eligible as follows:

1. Inmates with detainers for adjudicated offenses shall be eligible to be considered for gang minimum custody status and full minimum custody status provided the detainers are for concurrent sentences which do not exceed the maximum of the term currently being served.
2. Inmates with detainers for open charges (unadjudicated offense, parole violation or immigration) are not eligible unless the detainer is more than five years old.
3. Inmates with detainers for open charges more than five years old shall be eligible to be considered for gang minimum custody status and full minimum custody status provided the charges are not included on the list of serious offenses in (l) below, and the I.C.C. believes the inmate is not an escape risk.
4. In those cases in which application has been made under the Interstate Agreement on Detainers (I.A.D.) for disposition of the detainer, if the inmate is not brought to trial within 180 days from the date of the inmate's request and no court-ordered continuances were granted, the detainer shall be disregarded for classification purposes.

(l) Inmates who have New Jersey detainers, New Jersey open charges less than five years old or who are on bail, are eligible to be considered for gang minimum custody status and full minimum custody status unless the detainer, the open charge or the bail is for one of the following:

1. Homicide;
2. Arson;
3. Controlled dangerous substance offenses, if 1st, 2nd or 3rd degree crimes;
4. Sex offense;
5. Offense of an assaultive nature as defined by N.J.S.A. 2C:12-b (Aggravated Assault) or N.J.S.A. 2A:90-1 et seq.;
6. Kidnapping as defined by N.J.S.A. 2C:13 or 2A:118-1 et seq.;
7. Burglary as defined in N.J.S.A. 2C:18-2b and 2A:94-1 et seq.;
8. Escape;
9. Bail jumping as defined in N.J.S.A. 2C:29-7 and 2A:15-1 et seq.;
10. Prohibited weapons and devices as defined in N.J.S.A. 2C:39-3, 4, 5, 7, 9, 10 and 2A:151;
11. Criminal or malicious mischief as defined in N.J.S.A. 2C:17-3 and 2A:122-1;
12. Robbery as defined in N.J.S.A. 2C:15-1 and 2A:141.1 et seq.; and/or
13. Terroristic threats as defined in N.J.S.A. 2C:12-3.

(m) Inmates who have escaped or attempted escape and who are not excluded from reduced custody pursuant to N.J.A.C. 10A:9-4.8(e) shall be eligible for reduced custody as follows:

1. If an inmate is presently serving a sentence for escape or attempted escape from inside the security of a main correctional facility or county jail, within or outside New Jersey, he or she shall be eligible to be considered for gang minimum custody status and full minimum custody status only when five years have elapsed since the date of apprehension of the escape or the date of attempted escape and he or she is otherwise eligible according to the criteria set forth in this subchapter.
2. If an inmate is presently serving a sentence for escape or attempted escape from a minimum security detail or unit, within or outside New Jersey, he or she shall be eligible to be considered for gang minimum custody status and full minimum custody status when two years have elapsed from the date of apprehension of the escape or two years from the date of the attempted escape and he or she is otherwise eligible according to the criteria set forth in this subchapter.

3. An inmate who presently is serving a sentence for escape or attempted escape from any type of correctional facility or setting and who has a previous adult conviction for escape or attempted escape from any type of correctional facility or setting, is not eligible to be considered for any type of reduced custody.

Amended by R.1987 d.156, effective April 6, 1987.

See: 19 N.J.R. 178(c), 19 N.J.R. 534(c).

Added (d); old (d) through (j) renumbered (e) through (k).

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

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

Added new (f) and (g), recodified and deleted references to "in-and-out custody status".

Administrative correction to (f).

See: 22 N.J.R. 1378(a).

Administrative correction to (k)3: changed (j) below to (l) below.

See: 22 N.J.R. 2969(a).

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

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

Revised (e), (f), (i); added (k)4; revised (l)3.

Amended by R.1994 d.197, effective April 18, 1994.

See: 26 N.J.R. 728(a), 26 N.J.R. 1658(b).

#### 10A:9-4.7 Criteria for consideration for gang minimum custody status only

(a) Inmates who meet the criteria set forth in this section shall be eligible to be considered for gang minimum custody status but not for full minimum custody status.

(b) In no case shall offenses adjudicated by a juvenile court be the sole basis for excluding an inmate from consideration.

(c) An inmate who is presently serving a sentence for one count of a sexual offense and has no prior adult convictions for sexual offenses, or an inmate who is presently serving a sentence for a nonsexual offense but who has a prior adult conviction for one count of a sexual offense may be considered for gang minimum custody status provided:

1. The inmate is otherwise eligible according to the criteria set forth in this subchapter; and
2. There is a psychiatric or psychological evaluation, not more than six months old, which focuses specifically on the inmate's criminal sexual behavior and his or her likelihood for success in reduced custody status; or
3. The inmate is housed at the Adult Diagnostic and Treatment Center (A.D.T.C.) and is approved for reduced custody status by the Institutional Classification Committee (I.C.C.) and Superintendent of A.D.T.C., only for job assignment on A.D.T.C. property.

(d) An inmate who presently is serving a sentence for one conviction of arson or fire setting or malicious destruction involving arson, with no previous such adult convictions; or an inmate presently serving a sentence for a nonarson offense but who has a prior adult conviction for arson, fire setting or malicious destruction involving arson, is eligible to be considered for gang minimum custody status provided:

1. He or she is otherwise eligible according to the criteria set forth in this subchapter; and

2. There is a psychiatric or psychological evaluation, no more than six months old, which focuses specifically on the inmate's likelihood for success in gang minimum custody status in light of the present or past conviction for arson.

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

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

(c)3. deleted and replaced, reference to "in-and-out custody status" deleted.

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

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

Revised (c)2.

**10A:9-4.8 Not eligible to be considered for reduced custody status**

(a) Inmates serving sentences for the offenses described below are not eligible to be considered for any type of reduced custody status, except those inmates housed at the Adult Diagnostic Treatment Center (A.D.T.C.) described in N.J.A.C. 10A:9-4.7(c)3.

(b) In no case may offenses adjudicated by a juvenile court be the sole basis for excluding an inmate from consideration.

(c) An inmate who presently is serving a sentence for one count of a sexual offense and who has a prior adult conviction for one count of a sexual offense under the laws of this State, any other state or the United States; an inmate who presently is serving a sentence for more than one count of a sexual offense under the laws of this State, any other state or the United States; or, an inmate who presently is serving a sentence for a nonsexual offense and has prior adult convictions for more than one count of a sexual offense under the laws of this State, any other state of the United States, is not eligible for reduced custody.

1. For purposes of this subchapter, a sexual offense shall include a conviction obtained in a court of competent jurisdiction of another state, or of the Federal government, or a conviction obtained under the following New Jersey Statutes:

- 2C:14-2 Sexual assault; aggravated sexual assault;
- 2C:14-3 Aggravated criminal sexual contact; criminal sexual contact;
- 2C:24-4 Endangering welfare of children where the official version of the crime indicates that the inmate engaged in sexual contact pursuant to 2C:24-4(a) or committed an offense under 2C:24-4(b)(3, 4 or 5);
- 2C:5-1 Criminal attempt to commit any offense under 2C:14-2, 14-3, 23-4;
- 2C:5-2 Conspiracy to commit an offense under 2C:14-3, 24-4;
- 2C:47-1 Et seq. any conviction obtained under this section;
- 2A:86-3 Abduction of female under age 18 for purpose of marriage or carnal abuse;

- 2A:90-2 Assault with intent to commit rape or sodomy, or to carnally abuse a female under the age of 16, with or without her consent;
- 2A:96-3 Debauching or impairing the morals of a child under the age of 16;
- 2A:138-1 Rape or carnal abuse;
- 2A:138-2 Carnal knowledge of female inmates of a home or institution for the feeble minded or mentally ill;
- 2A:143-1 Sodomy;
- 2A:143-2 Sodomy with children under 16;
- 2A:85-5 Attempt to commit any of the foregoing offenses;
- 2A:85-14 Aiding and abetting the commission of any of the foregoing offenses;
- 2A:98-1 Conspiracy to commit any of the foregoing offenses; and/or
- 2A:164-3 Any conviction obtained under this section, except lewdness.

(d) An inmate who presently is serving a sentence for one count of an arson offense and who has a prior adult conviction for an arson offense; an inmate who presently is serving a sentence for more than one count of an arson offense; or an inmate who presently is serving a sentence for a non-arson offense but who has more than one prior adult conviction for an arson offense, may not be considered for reduced custody.

(e) An inmate who presently is serving a sentence for escape or attempted escape from any type of correctional facility or setting and who has a previous adult conviction for escape or attempted escape from any type of correctional facility or setting, is not eligible to be considered for any type of reduced custody.

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

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

Exception to A.D.T.C. inmates added in (a).

**10A:9-4.9 Assignment of inmates to satellite units, except Jones Farm**

(a) Only those inmates who are classified as full minimum custody status may be assigned to satellite units.

(b) When assigning inmates to satellite units, the Institutional Classification Committee (I.C.C.) may consider the following factors:

- 1. Notoriety or reputation of a particular inmate in the surrounding community;
- 2. Proximity of the satellite unit to the local community;
- 3. Impact on community relations with the parent institution, considering the inmate's criminal history and present record of incarceration; and
- 4. Any other factor which the Superintendent or Institutional Classification Committee (I.C.C.) deems relevant to the inmate's successful placement at a satellite unit.

(c) Each parent institution shall develop written guidelines consistent with this subchapter. These guidelines shall

be submitted to the Deputy Commissioner, New Jersey Department of Corrections, for review.

(d) At the time of initial placement of an inmate in the correctional system, the Inter-Institutional Classification Committee (I.I.C.C.) may assign an eligible inmate directly to an appropriate satellite unit.

New Rule, R.1990 d.195, effective April 2, 1990.  
See: 21 N.J.R. 3050(a), 22 N.J.R. 1143(a).

## SUBCHAPTER 5. COMMUTATION AND WORK TIME

### 10A:9-5.1 Authority

(a) Commutation credit is awarded to inmates pursuant to N.J.S.A. 30:4-140, which provides:

1. For every year or fractional part of a year of sentence imposed upon any person committed to any State correctional facility for a minimum-maximum term there shall be remitted to him or her from both the maximum and minimum terms of his or her sentence, for continuous orderly department, the progressive commutation credits indicated in the schedule herein.

2. Commutation credits are not awarded until after the expiration of the mandatory minimum portion of the sentence. When the mandatory minimum part of the sentence has been served, commutation credits are awarded on the full sentence.

3. When a sentence contains a fractional part of a year in either the minimum or maximum thereof, then commutation credits in reduction of such fractional part of a year shall be calculated at the rate set out in the schedule for each full month of such fractional part of a year of sentence.

4. No commutation credits shall be calculated as provided for in this subchapter on time served by any person in custody between his or her arrest and the imposition of sentence.

5. In case of any flagrant misconduct, commutation credits may be declared to be forfeited pursuant to N.J.A.C. 10A:9-5.3.

(b) Work time credit is awarded to inmates pursuant to N.J.S.A. 30:4-92, which provides:

1. The inmates of all correctional, charitable, hospital, relief and training institutions within the jurisdiction of the State Board of Institutional Trustees (Commissioner) shall be employed in such productive occupations as are consistent with the inmate's health, strength and mental capacity and shall receive such compensation therefor as the State Board of Institutional Trustees (Commissioner) shall determine.

2. Compensation for inmates of correctional facilities may be in the form of cash or remission of time from sentence or both. Such remission from the time of sentence shall not exceed one day for each five days of productive occupation, but remission granted under this section shall in no way affect deductions for good behavior or provided by law.

3. All inmates classified as minimum security and who are considered sufficiently trustworthy to be employed in honor camps, farms or details shall receive further remission of time from their sentences at the rate of three days per month for the first year of such employment and five days per month for the second and each subsequent year of such employment.

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

### Case Notes

Murder defendant's 30-year mandatory minimum term of imprisonment was not subject to reduction through application of commutation and work credits. *Merola v. Department of Corrections*, 285 N.J.Super. 501, 667 A.2d 702 (A.D.1995), certification denied.

### 10A:9-5.2 Exceptions; time in custody; failure to work

(a) No commutation or work credits shall be given to any inmate sentenced for sex offenses under the provisions of N.J.S.A. 2A:164. However, those inmates who have been sentenced or resentenced under N.J.S.A. 2C are eligible to receive commutation and work credits from the effective date of that law, September 1, 1979.

(b) In all cases where the sentence includes a mandatory minimum term of imprisonment, commutation credits, work credits, gap time and minimum credits may not be applied to the mandatory minimum term, but may only reduce the maximum term.

(c) In no case may commutation credits, work credits, gap time and minimum credits be used to reduce a maximum sentence to a period of incarceration that is less than the judicial or statutory mandatory minimum term.

(d) No commutation credits shall be given for any time served in custody between arrest and imposition of sentence. Work credits may be given for work performed in the county jail prior to sentencing if the work time is verified in writing by the County Jail Superintendent.

(e) Work credits may not be applied in cases where an inmate does not work because of choice, unavailability of sufficient job assignments, medical lay-in (except for job related injuries), court remand, disciplinary lock-up or similar incapacity. Inmates who refuse to perform assigned work shall receive disciplinary charges in accordance with N.J.A.C. 10A:4.

Added new (c); redesignated existing (c)-(e) as (d)-(f).  
Amended by R.1992 d.79, effective February 18, 1992.  
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).  
Revised text.

#### 10A:9-5.7 Inmates in Vroom Readjustment Unit (V.R.U.)

Inmates who have been assigned to the Vroom Readjustment Unit (V.R.U.) shall receive commutation time and may also earn work credits provided they perform work assignments.

#### 10A:9-5.8 Reports of earned credits

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

### SUBCHAPTER 6. INTER-INSTITUTIONAL CLASSIFICATION COMMITTEE (I.I.C.C.)

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

(a) The Inter-Institutional Classification Committee (I.I.C.C.) shall be responsible for the initial assignment, to an appropriate facility, of adult male inmates who have been committed to the Garden State Reception and Youth Correctional Facility by the Courts.

(b) Inmates shall be assigned to either the New Jersey, East Jersey, Northern, Bayside and Riverfront State Prisons and the Mid-State or Southern State Correctional Facility or to the Garden State, Albert C. Wagner or Mountainview Youth Correctional Facilities when appropriate.

(c) The I.I.C.C. shall also have the following responsibilities:

1. Decide requests for transfer to correctional facilities within the Prison Complex;
2. Assign parole violators, escapees and inter-state compact transferees;
3. Reassign inmates referred back to the I.I.C.C. by an Institutional Classification Committee (I.C.C.) for administrative transfer;
4. Confirm assignment of State sentenced inmates directly to the county jails under contractual agreement to house them;
5. Review assignments to Vroom Administrative Segregation (see N.J.A.C. 10A:5);
6. Recommend appropriate inmates for Protective Custody (see N.J.A.C. 10A:5);

7. Review emergency transfers, including those to the Vroom Readjustment Unit (see N.J.A.C. 10A:5); and

8. Decide whether inmates from the Vroom Readjustment Unit shall be returned to the general population upon recommendation by the Vroom Readjustment Unit Review Team.

(d) Adult female inmates are assigned to the Edna Mahan Correctional Facility for Women at Clinton (EMCF). The I.I.C.C. is not responsible for decisions regarding the assignment or transfer of female inmates.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.  
Amended by R.1992 d.79, effective February 18, 1992.  
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).  
Revised (b).

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

(a) The Deputy Director of the Division of Adult Institutions shall serve as permanent Chairperson of the Inter-Institutional Classification Committee (I.I.C.C.). In addition, the I.I.C.C. shall be composed of the Superintendents of the New Jersey, East Jersey, Northern, Bayside and Riverfront State Prisons and the Mid-State and Southern State Correctional Facilities.

1. Each Superintendent may appoint a substitute to act in his or her behalf, provided that the substitute shall be a highly qualified staff member with prior Institutional Classification Committee (I.C.C.) experience. The substitute shall be selected from a level not lower than Assistant Superintendent.

2. The Superintendent of New Jersey State Prison may appoint an Assistant Superintendent or the civilian Supervisor of the Vroom Readjustment Unit to substitute at I.I.C.C. meetings and act in his or her behalf.

(b) Representatives from Garden State, Albert C. Wagner and Mountainview Youth Correctional Facilities may be designated to attend and participate in meetings of the I.I.C.C. when cases involving inmate assignments to their correctional facilities are being considered.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.  
Amended by R.1992 d.79, effective February 18, 1992.  
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).  
Revised (a).

#### 10A:9-6.3 Criteria for assignment of inmates

(a) Decisions regarding the degree of custody required for each inmate and the correctional facility of assignment shall be made by the Inter-Institutional Classification Committee (I.I.C.C.) while the inmate is in the reception process. These decisions shall be based on:

1. Length of sentence;
2. Type of offense;
3. Age of inmate;
4. Previous history; and
5. Review of pertinent pre-sentence report documents.

(b) Inmates assigned to the New Jersey State Prison shall generally be men who, in the opinion of the I.I.C.C., require a higher degree of custody and more constant supervision than inmates in other State prisons. Known instigators and agitators, and extreme assaultive types, shall be assigned to the New Jersey State Prison. Other criteria which shall be considered in an assignment to New Jersey State Prison, include, but are not limited to:

1. Maximum sentence in excess of 20 years; or
2. Maximum sentence of less than 20 years but history of poor adjustment in previous incarcerations; and/or
3. Serious medical conditions that require specialized care or diets.

(c) Inmates who, in the opinion of the I.I.C.C., are not extreme escape risks, extreme assaultive types, known agitators or instigators may be assigned to East Jersey State Prison. Other criteria which shall be considered in making an assignment to East Jersey State Prison include:

1. Maximum sentence in excess of 15 years, but less than 20 years; or
2. Maximum sentence of less than 15 years but inmate is otherwise ineligible for assignment to Bayside State Prison.

(d) Inmates who have a maximum sentence of up to and including 15 years may be assigned to Northern State Prison. An inmate shall not be assigned to Northern State Prison if he:

1. Is a known instigator or agitator; or
2. Has an aggressive homosexuality record.

(e) Inmates who have a maximum sentence of up to and including 20 years may be assigned to Bayside State Prison. An inmate shall not be assigned to Bayside State Prison if he has:

1. An aggressive homosexuality record;
2. A chronic psychiatric history;
3. A serious escape risk history;
4. A repetitive sex offender history; or
5. A known agitator or instigator history.

(f) Inmates eligible for parole within three years may be assigned to Mid-State Correctional Facility. An inmate shall not be assigned to Mid-State Correctional Facility if he has:

1. An aggressive homosexuality history;
2. A chronic psychiatric history;
3. A serious escape risk history; or
4. A known agitator or instigator history.

(g) Inmates with a maximum sentence of up to and including 20 years may be assigned to Southern State Correctional Facility. An inmate shall not be assigned to Southern State Correctional Facility if he has:

1. An aggressive homosexuality history;
2. A chronic psychiatric history;
3. A serious escape risk history; or
4. A known agitator or instigator history.

(h) Inmates with a maximum sentence of up to and including 20 years may be assigned to Riverfront State Prison. An inmate shall not be assigned to Riverfront State Prison if he has:

1. A serious escape risk history; or
2. A known agitator or instigator history.

(i) An inmate may be assigned directly to Jones Farm if he meets the following requirements:

1. A maximum sentence of five years or less;
2. No previous history of failure at Jones Farm;
3. A psychological examination administered during the reception period which reflects that he is capable of handling the responsibilities inherent in assignment to Jones Farm; and
4. He is classified as minimum custody pursuant to N.J.A.C. 10A:9-4.

(j) Assignment to Jones Farm shall be permitted for those individuals who have previous convictions for assaultive offenses, if the present offense(s) and sentence(s) fall within the presently established criteria for assignment to Jones Farm.

(k) An inmate shall be assigned to one of the youth correctional facilities, such as, Garden State, Albert C. Wagner or Mountainview Youth Correctional Facility if, in the opinion of the I.I.C.C., the inmate is younger and less sophisticated than other prison inmates or the inmate can benefit from the educational, vocational, therapeutic and rehabilitative programs available at those correctional facilities.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).  
 Institutional name change.  
 Amended by R.1992 d.79, effective February 18, 1992.  
 See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).  
 Revised text.

#### 10A:9-6.4 Transfers

(a) Upon referral from an Institutional Classification Committee (I.C.C.), the Inter-Institutional Classification Committee (I.I.C.C.) shall make decisions on inmate requests for transfer to another correctional facility within the Prison Complex.

(b) The I.I.C.C. shall confirm all transfers of State sentenced inmates from the Prison and/or Youth Complex to county jails under contract to house them.

(c) The I.I.C.C. shall make decisions on referrals from an I.C.C. in cases where an inmate's correctional facility adjustment and/or custody status shall indicate that a transfer to another correctional facility is appropriate.

#### 10A:9-6.5 Emergency transfers

(a) Superintendents may effect the transfer of inmates within the same Complex, prior to review by Inter-Institutional Classification Committee (I.I.C.C.) only for reasons of emergency. (See N.J.A.C. 10A:4-9.20.)

(b) If, in the opinion of the Superintendent of the correctional facility in which the inmate is housed, an immediate transfer is necessary, the Superintendent shall notify the Assistant Commissioner or Deputy Director of the proposed transfer. With the verbal approval either of the Assistant Commissioner or the Deputy Director, the transfer shall be made as soon as possible. If both the Assistant Commissioner and Deputy Director are unavailable, the Deputy Commissioner shall be contacted for approval.

(c) Form 852-I AUTHORIZATION FOR EMERGENCY TRANSFER shall be utilized for disciplinary or administrative transfers of an emergency nature. Two copies of Form 852-I shall be forwarded to the individual from whom verbal approval was secured within three working days of the verbal approval.

(d) In determining whether an emergency transfer is necessary the Superintendent shall consider the following factors, but is not limited to these factors:

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

(e) All emergency transfers shall be reviewed by the I.I.C.C. at its next regularly scheduled meeting.

## SUBCHAPTER 7. SPECIAL CLASSIFICATION COMMITTEE (S.C.C.)

### 10A:9-7.1 Responsibilities of the Special Classification Committee (S.C.C.)

(a) The Special Classification Committee (S.C.C.) shall be responsible for considering the following types of transfers:

1. Youth Correctional inmates serving indeterminate sentences to the Prison Complex;
2. Training School residents to an adult unit within the Youth Correctional Complex;
3. Prison or Youth Correctional inmates to or from the Adult Diagnostic and Treatment Center (A.D.T.C.);
4. Youth Correctional Complex inmates to the Training School; and
5. Prison and Youth Complex inmates to Division of Juvenile Services facilities.

### 10A:9-7.2 Composition of the Special Classification Committee (S.C.C.)

(a) The Deputy Director of the Division of Adult Institutions shall serve as permanent Chairperson of the Special Classification Committee (S.C.C.). In addition, the S.C.C. shall be made up of a staff member from the Commissioner's Office and a Superintendent or Assistant Superintendent from the Prison and Youth Complexes.

(b) The Superintendent or the Assistant Superintendent of the Adult Diagnostic and Treatment Center (A.D.T.C.) and the Deputy Director of the Division of Juvenile Services shall participate as members when transfer cases involving their correctional facilities are considered by the S.C.C.

(c) The Superintendents or Assistant Superintendents who represent the Prison and Youth Correctional Complexes on the S.C.C. shall alternate annually with other Superintendents or Assistant Superintendents of their respective Complexes so that their terms of service shall be no longer than one year at a time.

(d) A Superintendent may designate a substitute member from a level not lower than Assistant Superintendent to represent his or her correctional facility at a S.C.C. meeting in the event he or she is unable to attend.

(e) The S.C.C. shall meet at least once a month on a date that is designated by the Chairperson at alternate sites so that no individual member is unduly inconvenienced.

### 10A:9-7.3 Procedure for initiating transfer requests

(a) Requests for transfer to another Complex within the Department of Corrections may be initiated by the inmate or by the Superintendent of the correctional facility in which the inmate is confined.

(b) Requests for transfer also may be initiated by the Commissioner, Deputy Commissioner, Assistant Commissioner of the Division of Adult Institutions or Assistant Commissioner of the Division of Juvenile Services.

(c) All requests for transfer and the reason(s) therefor shall be submitted, in writing, to the appropriate Institutional Classification Committee (I.C.C.). No request shall be considered without an accompanying statement of reasons.

(d) Requests for transfer received from attorneys or other third parties on behalf of an inmate shall not be considered. All third party individuals making such requests shall be advised that the inmate must initiate the request. However, third parties shall be advised that they may submit written comments to the appropriate I.C.C. in conjunction with an inmate request, all of which shall be considered by the I.C.C. and the Special Classification Committee (S.C.C.) when they review the inmate's request.

#### **10A:9-7.4 Procedure for reviewing nonemergency transfer requests**

(a) All requests for nonemergency transfers are submitted first to the Institutional Classification Committee (I.C.C.) at the correctional facility where the inmate is housed.

(b) When the request is initiated by the Superintendent or any person other than the inmate authorized by N.J.A.C. 10A:9-7.3, the I.C.C. shall send a written notice to the inmate advising him or her that a transfer request has been made and advising him or her that the request will be considered at its next regularly scheduled meeting. The I.C.C. shall also advise the inmate that he or she may submit written comments to the I.C.C. regarding the proposed transfer.

(c) The I.C.C. may direct that the inmate appear at its meeting if the Committee determines that an appearance is necessary.

(d) After considering all information which the I.C.C. shall deem relevant, the Committee shall render a decision to recommend or deny the transfer request. A notice of decision and a statement of reasons therefor shall be sent to the inmate and to the Superintendent.

(e) If the I.C.C. recommends approval of the transfer request, the Superintendent shall submit the recommendation to the Special Classification Committee (S.C.C.) together with a full set of classification materials and any other information upon which the recommendation was made. The Superintendent shall also submit a letter to the Chairperson of the S.C.C. which shall state whether the Superintendent supports the I.C.C. recommendation and the reasons therefor.

(f) The S.C.C. shall consider all information submitted at its next regularly scheduled meeting and shall determine whether the requested transfer shall be approved.

1. The inmate shall not appear at this meeting.

2. The S.C.C. shall determine the appropriate correctional facility to which the inmate shall be assigned if the transfer is approved.

(g) The S.C.C. shall send a written notification of its decision and the reasons therefor to:

1. The Superintendent;

2. The authorized person who made the request; and

3. The I.C.C.

(h) The I.C.C. shall give written notice of the final decision to the inmate.

#### **10A:9-7.5 Procedure for reviewing emergency transfer requests**

(a) Whenever, in the opinion of the Superintendent of the correctional facility in which the inmate is housed, an immediate transfer is necessary, the Superintendent shall notify the Assistant Commissioner or Deputy Director having responsibility for the correctional facility to which the transfer is proposed.

(b) With the verbal approval either of the Assistant Commissioner or the Deputy Director, the transfer shall be made as soon as possible. If both the Assistant Commissioner and Deputy Director are unavailable, the Deputy Commissioner shall be contacted for approval.

(c) Form 852-I AUTHORIZATION FOR EMERGENCY TRANSFER shall be utilized for disciplinary or administrative transfers of an emergency nature. Two copies of Form 852-I shall be forwarded to the individual from whom verbal approval was secured within three working days of the verbal approval.

(d) In determining whether an emergency transfer is necessary, the Superintendent shall consider the following factors but is not limited to these factors.

1. The safety and welfare of the inmate;

2. The safety of other inmates and staff; and

3. The safe, orderly and secure operation of the correctional facility.

(e) The Superintendent shall refer the emergency transfer of the inmate to the Institutional Classification Committee (I.C.C.) for consideration at its next regularly scheduled meeting. The I.C.C. shall make its review and recommendation and shall then refer the transfer to the Special Classification Committee (S.C.C.).

(f) When the S.C.C. confirms or fails to confirm the transfer, it shall notify in writing the following:

1. The inmate;
2. The Superintendent; and
3. The I.C.C.

(g) A copy of the written notice shall be placed in the inmate's file.

(h) If the S.C.C. fails to confirm the transfer, the correctional facility to which the inmate was transferred shall make arrangements to return the inmate to his or her previous correctional facility as soon as possible.

#### 10A:9-7.6 Criteria for reviewing transfer requests

(a) In reviewing requests for transfer or reassignment to correctional facilities in other Complexes, the Institutional Classification Committee (I.C.C.) and the Special Classification Committee (S.C.C.) shall consider all relevant factors including, but not limited to:

1. Disciplinary reports;
2. Correctional facility adjustment;
3. Progress in programs;
4. Nature and circumstances of present offense(s);
5. Records from previous confinement(s);
6. Current psychological and psychiatric reports;
7. History of escape, attempted escape or propensity for escape;
8. Educational needs and history;
9. Prior offense record;
10. Drug dependency or involvement;
11. Age; and
12. Medical condition.

#### 10A:9-7.7 Procedures for transfers

Upon approval of a requested transfer by the Special Classification Committee (S.C.C.), the sending correctional facility shall arrange for processing the inmate through the proper identification and change of number procedures, if appropriate, and then coordinate with the receiving correctional facility the date and time of the transfer of the inmate along with his or her records and property.

## SUBCHAPTER 8. SPECIAL CLASSIFICATION REVIEW BOARD

### 10A:9-8.1 Responsibilities

(a) The Special Classification Review Board (S.C.R.B.) shall decide whether inmates sentenced under N.J.S.A.

2C:47 and 2A:164 shall be recommended for parole, as required by N.J.S.A. 2C:47-5 and 2A:164-8.

(b) Any person committed to confinement under the terms of this chapter shall be released under parole supervision when it shall appear to the satisfaction of the State Parole Board, after recommendation by the Special Classification Review Board appointed by the Commissioner that such person is capable of making an acceptable social adjustment in the community.

### 10A:9-8.2 Composition of the Special Classification Review Board (S.C.R.B.)

(a) The Commissioner shall appoint five persons to serve on the Special Classification Review Board (S.C.R.B.). The S.C.R.B. membership shall be composed of the following:

1. A representative from the Bureau of Parole;
2. A representative from another administrative unit within the Department; and
3. Three persons from the community at large who are professionals in fields associated with mental health and criminal justice.

(b) Terms of membership shall be three years and shall be staggered so that no more than two members are replaced or reappointed in any one year.

(c) Members shall elect a Chairperson and Vice Chairperson annually at the S.C.R.B.'s July meeting. These offices shall be rotated among members, when practicable.

(d) The S.C.R.B. shall meet at the Adult Diagnostic and Treatment Center (A.D.T.C.) once per month or more often as deemed necessary, on a day and at a time agreed on by S.C.R.B. members. Special meetings may be held when called by the Chairperson or Vice Chairperson. A majority of S.C.R.B. members must be present to conduct official business.

### 10A:9-8.3 Coordinator for the Special Classification Review Board (S.C.R.B.)

(a) A staff member of the Adult Diagnostic and Treatment Center (A.D.T.C.) shall be designated by the Superintendent to serve as Coordinator for the Special Classification Review Board (S.C.R.B.).

(b) The Coordinator shall be responsible for the following duties:

1. Maintaining S.C.R.B. statistics and records;
2. Maintaining minutes of S.C.R.B. meetings;
3. Informing S.C.R.B. members and maintaining a file of all court decisions regarding the New Jersey Sex Offender Program;

4. Providing notice to each inmate scheduled for in-person review by the S.C.R.B., at least three working days in advance of the scheduled hearing date;

5. Providing each S.C.R.B. member with copies of written materials for review prior to each scheduled hearing date;

6. Notifying the Commissioner at least six months prior to the termination of a S.C.R.B. member's term to provide adequate time to review prospective applicants for possible appointment; and

7. Providing other services as requested by the Superintendent or S.C.R.B. members.

**10A:9-8.4 Reviews of inmates housed at the Adult Diagnostic Treatment Center (A.D.T.C.)**

(a) The Superintendent of the Adult Diagnostic and Treatment Center (A.D.T.C.) shall report in writing (Form SCRIB 2A) at least twice per year to the Special Classification Review Board (S.C.R.B.) concerning the physical and psychological condition of each inmate eligible for parole consideration.

(b) The Superintendent shall include in each report a recommendation as to whether the inmate should continue to be confined or should be considered for release on parole.

(c) The Superintendent shall also recommend whether the inmate shall have an in-person or non in-person review by the S.C.R.B. Generally, only inmates being recommended for consideration for parole will receive an in-person review.

(d) During in-person reviews, the inmate appears before the S.C.R.B. and shall be afforded the opportunity to present any matter which he or she believes is related to his or her possible parole. S.C.R.B. members may question the inmate regarding:

1. Criminal conduct;
2. Record of adjustment to incarceration;
3. Progress in therapy; or
4. Any matter which the S.C.R.B. members think is relevant.

(e) During non in-person reviews, the inmate does not appear before the S.C.R.B. The S.C.R.B. shall review all documents provided pursuant to (g) below.

(f) The following shall apply to all reviews:

1. The Board shall not be bound by judicial rules of evidence;
2. Attorneys shall not be permitted to appear before the S.C.R.B. at meetings;

3. Letters from attorneys, relatives or other interested persons shall be considered and, if relevant, may be made part of the record;

4. News media representatives shall be permitted to attend reviews only as authorized by N.J.A.C. 10A:19.

5. Other observers may be permitted to attend by the Chairperson, with the approval of the Superintendent.

(g) In preparation for all reviews, the Coordinator shall provide each S.C.R.B. member with copies of the following:

1. Report of the primary therapist, which shall include a summary of the inmate's overall adjustment and progress of therapy;
2. Staff recommendations;
3. Chronological semiannual reviews;
4. Outpatient report; and
5. Presentence report.

(h) For in-person reviews, the Coordinator shall provide each S.C.R.B. member with copies of the Parole Plan formulated by the Bureau of Parole along with any progress notes.

**10A:9-8.5 Review of inmates housed at other correctional facilities**

(a) All inmates sentenced under N.J.S.A. 2A:164 who are transferred from the Adult Diagnostic and Treatment Center (A.D.T.C.) to other correctional facilities for disciplinary or other reasons requiring temporary relocation outside of the A.D.T.C. shall be subject to review by the Special Classification Review Board (S.C.R.B.).

1. The Superintendent of a correctional facility other than the Adult Diagnostic Treatment Center (A.D.T.C.) where an inmate sentenced under N.J.S.A. 2A:164 is housed shall forward in writing (Form SCRIB 2A) the required semiannual reports (see N.J.A.C. 10A:9-8.4) to the Superintendent of the A.D.T.C. The report shall contain a recommendation as to the inmate's continued confinement or consideration for release on parole.

2. If the inmate is recommended for consideration for parole, the inmate shall be transported to the A.D.T.C. for the day to appear before the A.D.T.C.'s treatment staff. If the A.D.T.C. treatment staff concurs with the recommendation, the inmate shall remain at the A.D.T.C. for an in-person review before the Special Classification Review Board (S.C.R.B.).

3. If the inmate is not recommended for parole, the S.C.R.B. shall conduct a non in-person review.

(b) Inmates sentenced under N.J.S.A. 2A:164 who are transferred permanently from the A.D.T.C. are subject to resentencing under N.J.S.A. 2C:47. These inmates are no longer subject to S.C.R.B. review.

**10A:9-8.6 Decisions of the Special Classification Review Board (S.C.R.B.); in-person review**

(a) After each in-person review, a vote shall be taken to determine whether the Special Classification Review Board (S.C.R.B.) will recommend parole. A tie vote shall be deemed a rejection.

(b) An inmate who has been rejected shall not be re-scheduled for an in-person review for at least six months, except as permitted by (c) below.

(c) The S.C.R.B. may defer its decision in appropriate cases, or in those cases where additional information is requested. Such cases may be presented for in-person review in three months.

(d) SCR Form 2A shall be signed by each S.C.R.B. member in attendance so as to provide documentation as to its decision and the date reviewed.

(e) Within 10 working days after each in-person hearing, the S.C.R.B. shall provide the inmate with a copy of its written decision on A.D.T.C. Form 296 (R-1). The form shall be signed by the S.C.R.B. chairperson or his or her designee.

(f) The S.C.R.B. shall summarize in its written decision the reasons for its conclusion. The reasons are within the S.C.R.B.'s sole discretion, and may include therapeutic issues deemed to require additional work.

(g) The Coordinator shall prepare a summary of each inmate's presentation to the S.C.R.B. The summary shall be reviewed and signed by the Chairperson and placed in the inmate's classification and S.C.R.B. folders.

**10A:9-8.7 Decisions of the S.C.R.B.; non in-person review**

(a) S.C.R.B. Form 2A shall be signed by each S.C.R.B. member in attendance so as to provide documentation as to its decision and the date reviewed.

(b) Within 10 working days after each non in-person review, the S.C.R.B. shall provide the inmate with a copy of its written decision on A.D.T.C. Form 296 (R-1). The form shall be signed by the Chairperson or his or her designee.

**10A:9-8.8 Referrals to the State Parole Board**

(a) The Coordinator shall notify the State Parole Board of those inmates whom the Special Classification Review Board (S.C.R.B.) has recommended for parole, and forward the necessary documents to the State Parole Board for its use in reaching a decision as to parole.

(b) No inmate shall be referred to the State Parole Board for reconsideration within a period of less than three months following his denial of parole by the State Parole Board, except under unusual circumstances.

**10A:9-8.9 Parole records**

(a) For all parolees who were sentenced under N.J.S.A. 2C:47 and 2A:164, the Coordinator shall receive copies of the following:

1. Parole Certificates;
2. Supervisory reports;
3. Special reports;
4. Arrest reports;
5. Termination Certificates; and
6. Notices of discharge of inmates from parole.

(b) The Coordinator shall advise the Special Classification Review Board (S.C.R.B.) of those cases in which probable cause to revoke parole has been established.

(c) The Coordinator shall also notify the Board when a parolee is returned as a violator or as a new commitment.

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

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

Revised (a).

**10A:9-8.10 Notice of release**

A copy of the notice of release at the expiration of maximum sentence shall be forwarded by the housing correctional facility to the Coordinator, who shall so advise the Special Classification Review Board (S.C.R.B.) members.

**10A:9-8.11 Confidentiality**

(a) The Special Classification Review Board (S.C.R.B.) members shall not discuss or give information to any unauthorized person regarding specific inmates reviewed.

(b) Confidentiality of inmate/parolee records shall be governed by N.J.A.C. 10A:22.

**SUBCHAPTER 9. RECEPTION AND PLACEMENT PROCESS FOR MALE JUVENILES****10A:9-9.1 Reception activity**

(a) Male juvenile offenders are committed by the courts to the New Jersey Training School for Boys.

(b) Male juveniles, under the age of 16 years, 11 months, that have been committed to the New Jersey Training School for Boys, may be placed at the Lloyd McCorkle Training School for Boys and Girls within 24 hours.

(c) Upon admission to the New Jersey or Lloyd McCorkle Training Schools, male juveniles shall be assigned to housing within the juvenile reception unit.

(d) The reception process shall be completed in as short a period as possible, usually within two weeks.

(e) During the reception process, an orientation program shall be presented which familiarizes the resident with the details of correctional facility life.

(f) A social history shall be prepared and medical and dental examinations shall be given. The resident shall also be given psychological, education and/or vocational tests.

(g) The needs of the resident shall be assessed by reviewing the social history and the results of:

1. Medical and dental examinations;
2. Psychological tests; and
3. Education and/or vocational tests.

(h) An admissions summary shall be developed from a compilation of the information listed in (g) above. The summary shall include a recommended initial program statement and a description of the resident's:

1. Current offense;
2. Previous criminal history;
3. Family situation;
4. Psychiatric or psychological report summaries;
5. Medical condition; and
6. Academic and vocational assessment.

(i) At the end of the reception process, the resident shall appear before the Juvenile Reception Classification Committee (J.R.C.C.) and he will be assigned to the appropriate correctional facility.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

#### **10A:9-9.2 Composition of the Juvenile Reception Classification Committee (J.R.C.C.)**

(a) The Chairperson of the Juvenile Reception Classification Committee (J.R.C.C.) shall be the Assistant Commissioner of the Division of Juvenile Services or his or her designee.

(b) The J.R.C.C. shall also be composed of the:

1. Superintendent of the New Jersey Training School for Boys;
2. Superintendent of the Lloyd McCorkle Training School for Boys and Girls;
3. Superintendent of the Juvenile Medium Security Facility at Bordentown; and
4. Chief, Bureau of Community and Residential Services, Division of Juvenile Services.

(c) Each Superintendent and the Chief of the Bureau of Community and Residential Services may appoint a substitute to act in his or her behalf.

(d) The J.R.C.C. shall meet weekly and the Classification Officer and clerical staff shall be in attendance.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

#### **10A:9-9.3 Responsibilities of the Juvenile Reception Classification Committee (J.R.C.C.)**

(a) The Juvenile Reception Classification Committee (J.R.C.C.) shall be the decision making body for the Division of Juvenile Services regarding classification, placement and transfer of male juveniles.

(b) The J.R.C.C. shall be responsible for:

1. Classifying all male juvenile residents in the reception units of the New Jersey Training School for Boys and the Lloyd McCorkle Training School for Boys and Girls.
2. Deciding on the initial placement of residents within the Division of Juvenile Services;
3. Informing the residents on the decisions regarding placement and assignments; and
4. Reviewing and considering cases for transfer or reassignment to other correctional facilities. Types of transfer shall include, but are not limited to:
  - i. Transfer of Training School or other juvenile facility residents to or from units within the Youth Correctional complex;
  - ii. Transfer of residents to community based facilities from correctional facilities or transfer of residents from community based facilities to correctional facilities;
  - iii. Transfer of residents to other correctional facilities for disciplinary or administrative reasons;
  - iv. Transfer of residents to more appropriate programs within other correctional facilities because of exceptionally good facility adjustment;
  - v. Transfer to other correctional facilities that are requested by the residents; and
  - vi. Transfer of residents for emergency reasons.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

#### **10A:9-9.4 Decision making criteria for initial assignment**

(a) The decisions on the initial assignment of residents shall be made by the Juvenile Reception Classification Committee (J.R.C.C.) based on:

1. Length of sentence;

2. Type of offense;
3. Diagnostic reports; and
4. Previous history.

#### 10A:9-9.5 Noninstitutional programs

(a) Noninstitutional programs are provided by the Division of Juvenile Services at:

1. Residential group centers;
2. Community treatment centers; and
3. Community release status placements.

(b) These noninstitutional programs may be assigned to juveniles by the Juvenile Reception Classification Committee (J.R.C.C.).

(c) Assignment to these programs are generally made to juveniles who are being incarcerated for the first time for relatively minor offenses and are not considered to be chronic escape or serious assault risks.

(d) Juveniles not eligible for noninstitutional program assignments are those who have been committed for:

1. Homicide;
2. Rape;
3. Arson; or
4. Sexual assault.

#### 10A:9-9.6 Institutional programs

(a) Institutional programs are provided by the Division of Juvenile Services at the Lloyd McCorkle Training School for Boys and Girls, the New Jersey Training School for Boys and the Juvenile Medium Security Facility at Bordentown.

(b) The Lloyd McCorkle Training School for Boys and Girls was established to accept the youngest juvenile offender and is designed to be the least restrictive juvenile facility. Male juveniles over the age of 16 years and 11 months shall not be assigned to this facility.

(c) The New Jersey Training School for Boys is for juveniles who are 13 years of age or older and who, in the opinion of the Juvenile Reception Classification Committee (J.R.C.C.), appear to be able to function in open program units. Juveniles who are in need of assignment to self-contained units within a minimum security correctional facility may also be assigned to this facility.

(d) The Juvenile Medium Security Facility at Bordentown is for juveniles who:

1. Have serious behavioral problems;
2. Have a history of escape or attempted escape;
3. Have been committed for serious offenses; or

4. Are not appropriate for placement at other facilities, within the Division of Juvenile Services.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

#### 10A:9-9.7 Emergency transfer procedures

(a) A Superintendent who wishes to request an emergency transfer shall contact the Deputy Director of the Division of Juvenile Services, by telephone, and state the reasons for which the request is made.

(b) The Deputy Director, Division of Juvenile Services, shall immediately review the reasons given for the request and approve or reject the transfer. If the Deputy Director approves, he or she shall make the necessary arrangements and contact the Superintendent, by telephone, to notify him or her that the transfer can be made.

(c) All emergency transfers shall be reviewed by the Juvenile Reception Classification Committee (J.R.C.C.) at the next scheduled meeting.

#### 10A:9-9.8 Staff requested transfer procedures

(a) The Juvenile Institutional Classification Committee (J.I.C.C.) shall review and consider staff recommended requests for non-emergency transfers of residents to other correctional facilities.

(b) Upon approval of the request by the J.I.C.C., the request shall be referred to the Juvenile Reception Classification Committee (J.R.C.C.) by the Superintendent.

(c) The Superintendent shall submit a set of classification material on the resident along with a cover letter to the Deputy Director of the Division of Juvenile Services which shall state the detailed reasons for recommending that a transfer be made.

(d) The J.R.C.C. shall make a decision on the appropriateness of the request for transfer to another correctional facility at its next regularly scheduled meeting.

#### 10A:9-9.9 Resident requested transfer procedures

(a) A resident may request a transfer to another correctional facility by submitting a written request, which states his reasons, to the Juvenile Institutional Classification Committee (J.I.C.C.).

(b) If the J.I.C.C. determines that the resident can satisfy the criteria for assignment to the facility he has requested and if the J.I.C.C. approves the request, it shall be referred to the Superintendent.

(c) The Superintendent shall refer the request, along with a set of classification material on the resident, to the Juvenile Reception Classification Committee (J.R.C.C.) for consideration.

**10A:9-9.10 Criteria for assignment or transfer of residents**

(a) Decision making criteria for transfer or reassignment to other facilities shall include, but shall not be limited to:

1. Disciplinary reports;
2. Correctional facility adjustment;
3. Progress in programs;
4. Educational needs and history;
5. Nature and circumstances of present offense;
6. Prior offense record;
7. Records from previous confinement(s);
8. Drug dependency and/or involvement;
9. Current psychological and psychiatric reports;
10. History of escape or attempted escape or propensity for escape;
11. Expressed needs and interests;
12. Age;
13. Social contacts with family and friends;
14. Sexual adjustment; and
15. Medical history.

**10A:9-9.11 Written procedures**

The Assistant Commissioner of the Division of Juvenile Services or his or her designee shall be responsible for developing written procedures consistent with this subchapter. These procedures shall be reviewed and updated annually.

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**SUBCHAPTER 10. JUVENILE INSTITUTIONAL CLASSIFICATION COMMITTEE (J.I.C.C.)**

**10A:9-10.1 Members of the Juvenile Institutional Classification Committee (J.I.C.C.)**

(a) The Juvenile Institutional Classification Committee (J.I.C.C.) at the New Jersey Training School for Boys shall be composed of the:

1. Superintendent;
2. Assistant Superintendent;
3. Director of Professional Services;
4. Director of Education;
5. Director of Social Services;
6. Supervisors of the cottages;
7. Director of Custody Operations; and

8. Classification Officer.

(b) The J.I.C.C. is called the Administrative Case Review Committee at the Lloyd McCorkle Training School for Boys and Girls. This Committee shall be composed of the:

1. Superintendent;
2. Assistant Superintendents;
3. Director of Professional Services;
4. Director of Custody Operations;
5. Supervisor of Education;
6. Social Work Supervisor;
7. Cottage Supervisors; and
8. Classification Officer.

(c) The Juvenile Institutional Classification Committee (J.I.C.C.) at the Juvenile Medium Security Facility shall be composed of the:

1. Superintendent;
2. Assistant Superintendent;
3. Director of Custody Operations;
4. Director of Education;
5. Unit Supervisors; and
6. Classification Officer.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

**10A:9-10.2 Juvenile Institutional Classification Committee (J.I.C.C.) responsibilities**

(a) The Juvenile Institutional Classification Committee (J.I.C.C.) shall provide the decision making process whereby male juvenile offenders are assigned after admission and during their correctional experience to:

1. Housing;
2. Education;
3. Treatment;
4. Therapy;
5. Work; and/or
6. Other programs according to need.

(b) In order to ensure that the needs of male juvenile offenders shall be assessed and met from commitment to recall, discharge or parole, the J.I.C.C. shall:

1. Gather, analyze and evaluate the results of diagnostic studies of each resident;
2. Plan programs to meet the needs of each resident; and

3. Assign residents to facilities that are appropriate for their training, treatment and/or security.

(c) After a resident has been assigned, the J.I.C.C. shall monitor the resident's progress regularly by reviewing and evaluating the reports from:

1. Work supervisors;
2. Custody staff;
3. Education staff; and
4. Social work staff.

(d) The resident shall be encouraged to verbalize his goals and frustrations to the J.I.C.C. so that his thinking can be considered when adjustments are made in the resident's program.

(e) The J.I.C.C. shall make changes in a resident's job, housing and custody status upon written recommendations from appropriate staff members.

(f) Resident requests for transfer to other correctional facilities or programs shall be considered by the J.I.C.C. and appropriate requests shall be referred to the Juvenile Reception Classification Committee (J.R.C.C.).

#### 10A:9-10.3 Classification records and services

(a) The records of male juveniles assigned to the New Jersey Training School for Boys and to community based facilities, except for Turrell and Cedar Run, shall be maintained at the New Jersey Training School for Boys. The classification services for these juveniles shall be provided by the Juvenile Institutional Classification Committee (J.I.C.C.) at the New Jersey Training School for Boys.

(b) The records of male juveniles assigned to the Lloyd McCorkle Training School for Boys and Girls, Turrell Residential Group Center and Cedar Run Residential Group Center shall be maintained at the Lloyd McCorkle Training School for Boys and Girls. The classification services for these juveniles shall be provided by the Administrative Case Review Committee at the Lloyd McCorkle Training School for Boys and Girls.

(c) The records of male juveniles assigned to the Juvenile Medium Security Facility at Bordentown shall be maintained at that correctional facility. The classification services for these juveniles shall be provided by the Juvenile Institutional Classification Committee (J.I.C.C.) at the Juvenile Medium Security Facility.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

#### 10A:9-10.4 Juvenile Institutional Classification Committee (J.I.C.C.) decision making factors

(a) Decisions on assignments to housing, work, educational, vocational and treatment programs, custody status, transfers and participation in community release programs shall be made after consideration of the following factors:

1. Resident's expressed needs and interests;
2. Age;
3. Family status;
4. Social contacts with family and friends;
5. Correctional facility adjustments;
6. Educational needs and history;
7. Vocational needs and history;
8. Nature and circumstances of present offense;
9. Prior offense record;
10. Records from previous confinement;
11. Detainers on file or pending;
12. Drug dependency or involvement;
13. Sexual adjustment;
14. Escape history;
15. Current psychological and psychiatric reports; and
16. Medical history and recommendations.

#### 10A:9-10.5 Initial classification

(a) Upon assignment to the New Jersey Training School for Boys, the Lloyd McCorkle Training School for Boys and Girls or the Juvenile Medium Security Facility at Bordentown by the Juvenile Reception Classification Committee (J.R.C.C.), a resident shall undergo a series of tests and interviews to determine his or her aptitudes, abilities, interests and problems.

(b) Psychological, educational and social work reports shall be obtained by the Classification Officer. These reports shall be available at the resident's initial appearance before the J.I.C.C. which will occur within 15 days after admission to the correctional facility. At the initial classification, a program will be developed which includes:

1. Work assignments;
2. Treatment;
3. Education program; and
4. Vocational training program.

(c) Upon assignment to the Lloyd McCorkle Training School for Boys and Girls, a resident shall be assigned immediately to the educational program by the education staff. The Administrative Case Review Committee shall

evaluate the appropriateness of his assignments and the extent of his program adjustment at the admission summary review.

Administrative correction, effective January 27, 1989.

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

Institutional name change.

#### 10A:9-10.6 Review dates

(a) A resident's program shall be reviewed after his initial classification to determine the extent of his progress. This program review may occur within a range of time from one to no more than 12 months from the date of initial classification.

(b) The frequency of the program review shall be determined by the Juvenile Institutional Classification Committee (J.I.C.C.) or when there is a change in the resident's status such as:

1. Parole date;
2. Length of commitment;
3. Personal needs; or
4. Situations which make a program review appropriate.

(c) The Classification Office shall be responsible for scheduling all reviews set by the J.I.C.C.

(d) Reports from the social worker, custody staff, work supervisor and all others involved in the resident's assigned program will be submitted during the month preceding the review. An update of the resident's psychological status shall occur on a yearly basis.

(e) A resident shall be notified one week prior to his review date. At that time, he may submit a written request for reassignment in the areas of:

1. Housing;
2. Work;
3. Education;
4. Vocational; and
5. Counselling or treatment.

#### 10A:9-10.7 Special reviews

(a) A resident desiring a special review of his case because of a change in status may submit a written request to the social worker or Social Work Supervisor which indicates the reason(s) for the request. It shall be the responsibility of the social worker or Social Work Supervisor to determine:

1. If review is appropriate; and
2. The reports that will be necessary for the review.

(b) If the review is recommended, the social worker or Social Work Supervisor shall forward all appropriate information to the Juvenile Institutional Classification Committee (J.I.C.C.).

#### 10A:9-10.8 Discussions

(a) A resident's case may be brought to the attention of the Juvenile Institutional Classification Committee (J.I.C.C.) prior to his review date if it has been referred by a staff member or an institutional committee. Any staff member may request a review of a resident's case for the purpose of making a change in:

1. Job;
2. Custody;
3. Housing; or
4. Program.

#### 10A:9-10.9 Work assignments

(a) The Juvenile Institutional Classification Committee (J.I.C.C.), except at the Lloyd McCorkle Training School for Boys and Girls, shall be responsible for the decisions on all resident work assignments. Decisions on work assignments shall be made based upon:

1. Physical condition;
2. Mental and mechanical aptitudes of the resident;
3. Work experience;
4. Occupational interests;
5. Needs and opportunities upon release; and
6. Availability of jobs within the correctional facility.

Administrative correction, effective January 27, 1989.

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

Institutional name change.

#### 10A:9-10.10 Education assignments

(a) The Juvenile Institutional Classification Committee (J.I.C.C.) shall be responsible for the assignment or approval of residents to participate in vocational, social or academic education programs.

(b) Determining factors in assigning a resident to these programs are:

1. The recommendation of the Supervisor of Education Programs;
2. The results of tests;
3. The interests and aptitude of the resident;
4. The length of sentence; and
5. The plan for community employment.

**10A:9-10.11 Counselling assignments**

(a) Residents with emotional and/or personal problems shall be referred to the appropriate program supervisor.

(b) Residents shall be approved for group counselling and other therapy problems by the Juvenile Institutional Classification Committee (J.I.C.C.).

**10A:9-10.12 Reassignments or special referrals**

(a) Reassignments or special referrals shall be cases referred to the Juvenile Institutional Classification Committee (J.I.C.C.) for a change in some area of a resident's program.

(b) Any change or addition to the resident's initial program shall be made by the J.I.C.C. Reassignments shall be made upon resident or staff request, as the need arises.

**10A:9-10.13 Community release programs**

The Juvenile Institutional Classification Committee (J.I.C.C.) may make the assignment of a resident to a community release program when he can satisfy the criteria of the program.

**10A:9-10.14 Inmate requested transfers**

(a) The Juvenile Institutional Classification Committee (J.I.C.C.) shall review a resident's request for transfer to another facility.

(b) When it has been determined that the resident can satisfy the criteria for assignment to the facility he has requested, the resident's request shall be referred to the Juvenile Reception Classification Committee (J.R.C.C.) for consideration.

**10A:9-10.15 Written procedures**

(a) The Superintendent or his or her designee shall be responsible for developing written procedures consistent with this subchapter.

(b) These procedures shall be reviewed and updated annually.

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**SUBCHAPTER 11. JUVENILE FEMALE  
CLASSIFICATION COMMITTEE (J.F.C.C.)**

**10A:9-11.1 Responsibilities of the Juvenile Female Classification Committee (J.F.C.C.)**

(a) The Juvenile Female Classification Committee (J.F.C.C.) is the initial decision-making body which determines the appropriate correctional facility and/or program to which a female juvenile is assigned.

(b) The J.F.C.C. shall also review and consider female juvenile cases in which requests have been made for transfer

or reassignment to other facilities or programs. These requests may include, but shall not be limited to, the following:

1. Transfers of residents to community based facilities from correctional facilities or transfers from community based facilities to correctional facilities.
2. Transfers of residents to another correctional facility for disciplinary or other administrative reasons;
3. Transfers of residents to more appropriate programs within other correctional facilities because of exceptionally good adjustments;
4. Transfers that are requested by a resident; and
5. Transfers that are made immediately for emergency reasons.

(c) The J.F.C.C. shall maintain responsibility for ensuring that the educational, medical, social and vocational needs of residents are met while in placement under the jurisdiction of the Division of Juvenile Services.

(d) The J.F.C.C. shall review progress reports and make recommendations to the State Parole Board.

(e) The J.F.C.C. shall ensure that the placements that are planned for female juveniles when they are released are appropriate to the female juvenile's needs.

**10A:9-11.2 Composition of the Juvenile Female Classification Committee (J.F.C.C.) and frequency of meetings**

(a) The Supervisor of Juvenile Female Programs shall serve as permanent Chairperson of the Juvenile Female Classification (J.F.C.C.). He or she may appoint a designee to act in his or her absence or in the absence of other Juvenile Female Classification Committee (J.F.C.C.) members.

(b) The J.F.C.C. shall also be composed of the:

1. Superintendent of the Female Unit at the Lloyd McCorkle Training School for Boys and Girls;
2. Superintendent of Turrell; and
3. Superintendent of Alpha House.

(c) The staff psychologist and/or other persons may attend the J.F.C.C. meetings at the request of or upon the approval of the Chairperson.

(d) The J.F.C.C. shall meet every two weeks.

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

**10A:9-11.3 Initial assignment**

(a) Female juveniles are committed by the courts to the New Jersey Training School for Boys.

(b) Upon arrival at the New Jersey Training School for Boys, female juveniles shall be medically screened.

(c) Immediately following the receipt of numbers and the medical screening, female juveniles are transported to the Division of Juvenile Services facility to which they have been assigned by the Juvenile Female Classification Committee (J.F.C.C.)

Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

**10A:9-11.4 Decision making criteria for facility or program assignment**

(a) The Juvenile Female Classification Committee (J.F.C.C.) may assign female residents to community and non-correctional facility programs or to correctional facility programs. Decisions to assign residents to a particular program shall be based on:

1. Type of offense;
2. Length of sentence;
3. History;
4. Diagnostic reports; and
5. Correctional facility or program criteria.

(b) Criteria for assignment to a correctional facility or program are as follows:

1. Alpha House Community Treatment Center is a community program to which female juveniles between 13 and 18 years of age are assigned directly by the courts as a condition of probation. The J.F.C.C. may assign a committed female juvenile to this program for a short period of time until a recall can be obtained, or until she is released. A female juvenile shall not be assigned to Alpha House if she has:

- i. Severe alcohol or drug addiction history;
- ii. A homicide offense;
- iii. An arson offense; or
- iv. An aggravated assault offense.

2. Turrell Residential Group Center provides a residential program to which committed female juveniles between 13 and 18 years of age may be assigned by the J.F.C.C.

3. Skillman Unit located at the Lloyd McCorkle Training School for Boys and Girls provides a structured, closely supervised treatment program for female juvenile offenders between 13 and 18 years of age requiring a controlled environment.

4. The Girls Unit at the Lloyd McCorkle Training School for Boys and Girls provides a disciplinary unit for female juvenile offenders when behavior is of such a nature that they can no longer be contained at the Turrell Residential Group Center or the Alpha House Community Treatment Center.

i. Transfers to the Girls Unit at the Lloyd McCorkle Training School for Boys and Girls must be approved by the Supervisor of Juvenile Female Programs. In his or her absence, the Deputy Director or the Assistant Commissioner of the Division of Juvenile Services shall be contacted for approval.

ii. Whenever a female juvenile is transferred to the Girls Unit at the Lloyd McCorkle Training School for Boys and Girls, it shall be considered a disciplinary action, subject to the due process requirement stated in N.J.A.C. 10A:4 INMATE DISCIPLINE.

Amended by R.1988 d.467, effective October 3, 1988.  
See: 20 N.J.R. 1645(a), 20 N.J.R. 2456(b).

Substituted "Girls Unit at the Training School for Boys at Skillman" for "Jamesburg Detention Unit".  
Administrative correction, effective January 27, 1989.  
See: 21 N.J.R. 558(a).  
Institutional name change.

**10A:9-11.5 Reception process**

(a) The facility or program to which a female juvenile is assigned shall conduct reception procedures and an orientation program.

(b) The needs of the resident shall be assessed by reviewing the:

1. Medical and dental examination results;
2. Psychological tests;
3. Education and/or vocational tests; and
4. Social history.

(c) An admissions summary shall be prepared which shall include a description of:

1. Current offense;
2. Previous criminal history;
3. Family situation;
4. Psychiatric or psychological report summaries;
5. Medical condition;
6. Academic and vocational assessment; and
7. Recommended initial program statement.

(d) The reception process shall be completed within three weeks, whenever possible.

#### 10A:9-11.6 Reviews, progress reports

(a) Each female juvenile shall have her case reviewed by the Juvenile Female Classification Committee (J.F.C.C.) at least every three months.

(b) A female juvenile's case may be brought to the attention of the J.F.C.C. prior to her review date by a staff member. A staff member may request a review of a female juvenile's case at any time for adjustments in the female juvenile's program.

(c) Whenever a review is scheduled, the facility or program where the female juvenile is assigned shall be responsible for preparing a progress report for the J.F.C.C. The report shall include, but is not limited to, the following information:

1. Adjustment in the facility or program;
2. Educational/vocational progress;
3. Work responsibility and participation;
4. Group/individual counseling progress;
5. Medical status;
6. Family involvement and relationship; and
7. Ultimate placement planning.

(d) Progress reports shall be maintained in the resident's main file at the Lloyd McCorkle Training School for Boys and Girls and a copy shall be retained in the duplicate file at the resident's assigned facility.

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

Institutional name change.

#### 10A:9-11.7 Emergency transfer procedures

(a) A Superintendent or a Supervisor of a female unit who wishes to request an emergency transfer shall contact the Supervisor of Juvenile Female Programs, by telephone, and state the reasons for which the request is made.

(b) In the absence of the Supervisor of Juvenile Female Programs, the Superintendent or the Supervisor of a female unit shall contact the Deputy Director or the Assistant Commissioner of the Division of Juvenile Services.

(c) The Supervisor of Juvenile Female Programs or, in his or her absence, the Deputy Director or Assistant Commissioner shall immediately review the reasons given for the request and determine whether to approve the transfer.

(d) If the request is approved, the necessary arrangements shall be made and the Superintendent or the Supervisor of the female unit shall be contacted, by telephone, to give notification that the transfer can be made.

(e) All emergency transfers shall be reviewed by the Juvenile Female Classification Committee (J.F.C.C.) at the next scheduled meeting.

#### 10A:9-11.8 Nonemergency transfer procedures

(a) Requests for nonemergency transfers may be submitted in writing by the Superintendent or Supervisor of a female unit to the Supervisor of Juvenile Female Programs. The request shall state the reasons for requesting the transfer.

(b) A female resident may request a transfer to another facility or program by submitting a written request to the Juvenile Female Classification Committee (J.F.C.C.).

(c) The J.F.C.C. shall review any requests for non-emergency transfers at the next scheduled meeting.

#### 10A:9-11.9 Criteria for transfers or reassignment

(a) The Juvenile Female Classification Committee (J.F.C.C.) shall consider the following factors when deciding whether to approve a request for transfer or reassignment. The J.F.C.C. is not limited to these criteria in exercising its decision making responsibilities.

1. Disciplinary reports;
2. Correctional facility or program adjustment;
3. Program progress;
4. Educational needs and history;
5. Nature and circumstances of present offense;
6. Prior offense record;
7. Records from previous confinement(s);
8. Drug dependency and/or involvement;
9. Current psychological and psychiatric reports;
10. History of escape or attempted escape or propensity for escape;
11. Expressed needs and interests;
12. Age;
13. Social contacts with family and friends;
14. Medical history; and
15. Previous associations with presently incarcerated residents.