

CHAPTER 95

SECURE FACILITIES

Authority

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

Source and Effective Date

R.2006 d.57, effective January 9, 2006.
See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Chapter Expiration Date

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

Chapter Historical Note

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

Chapter 95, Security and Control, was readopted as R.2006 d.57, effective January 9, 2006. As a part of R.2006 d.57, Chapter 95 was renamed Secure Facilities; Subchapter 2, Use of Force While On Duty, was repealed, and Subchapter 2, Keep Separate Status, was adopted as new rules; Subchapter 3, Use of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Force, was adopted as new rules; and Subchapters 4 through 21 were adopted as new rules, effective February 6, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 95, Secure Facilities, was scheduled to expire on July 8, 2011. See: 43 N.J.R. 158(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

13:95-1.1 Purpose

(a) The purpose of this chapter is to establish a comprehensive regulatory framework governing the operation of secure facilities under the jurisdiction of the Commission, as those terms are defined in N.J.A.C. 13:95-1.3.

(b) Among the policies and procedures established by this chapter are rules addressing:

1. The use of force by custody staff members, both on-duty and off-duty;
2. The use of firearms on-duty and off-duty;
3. Searches of juveniles and facilities in order to control and deter contraband;
4. Contraband and its seizure and disposal;
5. Testing for prohibited substances;
6. The transportation of juveniles outside the secure facility and from one jurisdiction to another;
7. Assignment of juveniles to housing, education, treatment, work and other programs;
8. Placement of juveniles in temporary close custody and protective custody;
9. Handling of juveniles' mail, visits to and by juveniles and juvenile access to courts;

10. Juvenile hygiene and grooming;

11. Housekeeping, sanitation, bedding and laundry; and

12. Issuance and updating of a juvenile handbook in each secure facility.

Amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Section was "Purpose and scope"; rewrote (a); deleted former (b); added new (b).

13:95-1.2 Scope

This chapter shall be applicable to Commission secure facilities unless otherwise indicated in this chapter.

New Rule, R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Former N.J.A.C. 13:95-1.2, Definitions, recodified as N.J.A.C. 13:95-1.3.

13:95-1.3 Definitions

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

"Assistant Superintendent" means the ranking assistant to a Superintendent of a secure facility.

"Attorney General" means the Attorney General of the State of New Jersey.

"Body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

"Central Communications Unit" means the centralized communication center within the Department of Corrections.

"Center Control" means the unit which coordinates the security and communication functions within a secure facility.

"Chemical agent" means an aerosol spray which may be used to gain control of individuals who resist arrest or for the purpose of self-defense against an attack.

"Classification Committee" means either a juvenile reception classification committee, or a juvenile reclassification committee, as those terms are defined in N.J.A.C. 13:100, an institutional classification committee, within the meaning of N.J.A.C. 13:95-8, or other classification committee responsible for:

1. Monitoring a juvenile's progress within a secure facility and for assigning the juvenile to appropriate programs or activities, or
2. Determining the secure facility or other Commission facility to which a juvenile is assigned and for approving requests for transfer from one Commission facility to another.

“Close observation” means intermittent monitoring of a juvenile either in person or by video monitor at 15 minute intervals.

“Commission” means the New Jersey Juvenile Justice Commission.

“Community program” means any community residential, substance abuse, assessment and treatment or similar program run by the Commission.

“Constant observation” means uninterrupted surveillance of one juvenile who is on special observation status that shall be conducted in person and that may be supplemented by video monitoring.

“Contact visit” means a visit between a juvenile and a visitor where there is no barrier (that is, window or wall) between them.

“Contraband” means:

1. Any item, article or material found in the possession of, or under the control of, a juvenile which is not authorized for retention or receipt;
2. Any item, article or material found within the facility or on its grounds which has not been issued by the secure facility or authorized as permissible for retention or receipt;
3. Any item, article or material found in the possession of, or under the control of, staff or visitors within the secure facility or on its grounds which is not authorized for receipt, retention or importation;
4. Any item, article or material which is authorized for receipt, retention or importation by juveniles, staff or visitors but which is found in an excessive amount or which has been altered from its original form. An amount shall be considered excessive if it exceeds stated secure facility limits or exceeds reasonable safety, security, sanitation or space considerations; or
5. Any article which may be harmful or presents a threat to the security and orderly operation of the secure facility shall be considered contraband.

Items of contraband shall include, but shall not be limited to: guns and firearms of any type; ammunition; explosives; knives, tools and other implements not provided in accordance with secure facility regulations; hazardous or poisonous chemicals and gases; unauthorized drugs and medications; medicines dispensed or approved by the secure facility but not consumed or utilized in the manner prescribed; intoxicants, including, but not limited to, liquor or alcoholic beverages; and, where prohibited, currency and stamps.

“Correspondence” means communication by the exchange of letters.

“Custody staff member” means any juvenile corrections officer working in a job title authorized under the provisions

of N.J.S.A. 52:17B-174, or successor thereto. Such titles include, but are not limited to:

1. Director of Custody Operations 1, Juvenile Justice Commission;
2. Director of Custody Operations 2, Juvenile Justice Commission;
3. Correction Captain, Juvenile Justice;
4. Correction Lieutenant, Juvenile Justice;
5. Correction Sergeant, Juvenile Justice;
6. Senior Correction Officer, Juvenile Justice; and
7. Correction Officer Recruit, Juvenile Justice.

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

“Deadly force” means force which is intended to cause, or is likely to cause, death or serious bodily harm.

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

“Department of Human Services” means the New Jersey Department of Human Services.

“Deputy Executive Director” means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.

“Director of Administration” means the Commission staff member, by whatever name or title, in charge of the Commission’s Office of Administration.

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

“Director of Education” means the Commission staff member, by whatever name or title, having overall responsibility for developing and administering educational programs for juveniles.

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

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

“Disciplinary sanction” means a prescribed penalty that is imposed for violation of a prohibited act.

“Emergency protective custody” means confinement of a juvenile to protective custody in a situation where the threat of injury or harm to the juvenile is reasonably believed to be immediate.

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

“Facility” means a facility of the Commission used to house, train or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.

“Facility Classification Office” means the office within a secure facility responsible for institutional classification functions.

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

“Health care provider” means the individual or the entity that is providing the medical, dental and/or mental health services to juveniles.

“Housing unit” means a cell, room, dormitory or other type of sleeping area within a secure facility.

“ICC” means institutional classification committee.

“Identification process” means the investigative method of operation to include, but not limited to, the gathering and accumulation of evidence and information used by the Office of Investigations to reasonably identify juveniles appropriate for protective and temporary close custody.

“Immediate corrective action” means those disciplinary sanctions set forth at N.J.A.C. 13:101-5.3, which may be imposed on a juvenile who has committed a minor violation.

“Imminent danger” means threatened harmful actions or outcomes that may occur during an encounter absent action by the custody staff member. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations.

“Indigent juvenile” means a juvenile who has no funds in his or her account and is not able to earn juvenile wages due to prolonged illness or other justifiable circumstances beyond the juvenile’s control, and who has been verified as having no outside source from which to obtain funds.

“Interoffice correspondence” means the exchange of correspondence between offices within the Commission.

“Juvenile” means, for the purpose of this chapter, an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission, and who is residing in or being transferred to a secure facility.

“Juvenile paralegal” means a juvenile who has been approved by a Classification Committee to render assistance to other juveniles in disciplinary or classification matters,

other proceedings before a Disciplinary Hearing Officer or matters pending before the family court.

“Keep separate status” means the intentional assignment of certain juveniles to different secure facilities or different units within a secure facility to maintain a separation between these juveniles to prevent the possibility of retaliation because of a previous act or occurrence.

“Legal correspondence” means the exchange of letters between a juvenile and:

1. An attorney of this State or any other state when properly identified as such on the outside of the envelope;
2. Offices of the Federal or State Public Defender;
3. The Office of the Attorney General;
4. Federal and State courts;
5. Federal and State court judges;
6. Offices of Legal Services;
7. Legal assistance clinics managed by accredited law schools of this or any other state;
8. The Administrative Office of the Courts;
9. Offices of the Federal or State Prosecutor;
10. The Bureau of Risk Management, New Jersey Department of the Treasury;
11. The Office of Investigations;
12. The Office of the Child Advocate;
13. The Office of Administrative Law; and
14. The New Jersey Division of Youth and Family Services.

“Legal material” means papers or documents that are required to be filed with the court and served upon opposing parties. Legal material includes:

1. Orders required by their terms to be served;
2. Written notices;
3. Written motions;
4. Demands, or answers to demands which the juvenile is required to serve, such as, for the production of documents or interrogatories;
5. Offers of judgment;
6. Designations of records on appeal;
7. Briefs;
8. Petitions;
9. Summons; and
10. Complaints.

“Legitimate public official” means the following:

1. An elected or appointed national, state, county or municipal government official; or
2. A director of a national, state, county or municipal government agency.

“Mechanical restraints” means restraining devices such as, but not limited to, handcuffs, flex cuffs, leg irons and belly chains.

“Non-deadly force” means force which is not likely to cause death or serious bodily harm.

“Notary service” means service provided by a notary public authorized by law to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

“Notice of violation” means a form on which the violation of a prohibited act is recorded along with other pertinent information.

“Office of Administration” means the office of administration located in the Commission’s central office.

“Office of Education” means the unit within the Commission established pursuant to N.J.S.A. 52:17B-178 responsible for developing, implementing and evaluating educational programs for juveniles.

“Office of Classification” means the unit within the Commission responsible for implementing procedures through which juveniles are assigned to custody levels, facilities and treatment programs, based on assessments of the juveniles’ supervision requirements and service needs.

“Office of Investigations” means the unit within the Commission responsible for conducting internal investigations.

“Ombudsman” means the individual(s) within the Commission responsible for resolving complaints made by juveniles about the facility, the action or inaction of staff or any other matter of concern to the juvenile.

“Orientation” means a program including one or more meetings or group sessions provided at a secure facility to familiarize juveniles with rules, procedures, units, services and programs.

“Police Training Commission” or “PTC” means the agency established in the Department of Law and Public Safety by the provisions of N.J.S.A. 52:17B-70 et seq., to, among other things, review and approve the development of an educational and training curriculum, including firearms instruction, for law enforcement officers.

“Program Separation Unit” means an area within a secure facility designated for assigning juveniles who are removed

from the general population for disciplinary or administrative reasons.

“Public Information Officer” means a staff member of the Commission designated by the Executive Director or designee to disseminate information to authorized persons or agencies.

“Reasonable belief” means an objective assessment based upon an evaluation of how a reasonable custody staff member with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronted and known by the custody staff member at the scene.

“Relative” means:

1. Parent;
2. Legal guardian;
3. Spouse;
4. Child; or
5. Sibling.

“Resident handbook” means a booklet that is provided to juveniles which contains site-specific secure facility rules and procedures and information about services and programs. A resident handbook may also mean a handbook specific to a unit within a secure facility when identified as such.

“Room restriction” means confining a juvenile for disciplinary or administrative reasons, either in the room in which he or she usually sleeps, or in a room in a program separation unit.

“Roving patrol” means observation of a facility by making rounds, on foot or in a vehicle, of the outer perimeter at specific intervals.

“Secure facility” means any Commission facility which houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

“Secure facility satellite unit” means a Juvenile Justice Commission secure unit located apart from the main secure facility and administered by Superintendent of the main secure facility.

“Shift supervisor” means the custody staff member responsible for the maintenance of security during a tour of duty in a secure facility or secure facility satellite unit.

“Special observation status” means monitoring the activities, emotional status and behavior of juveniles who are identified as emotionally troubled, mentally disturbed or otherwise deemed likely to inflict physical injury or death upon themselves.

“Strip search” means a thorough and systematic examination of an unclothed person’s body and orifices, including

visual inspection of external genital and anal areas, as well as the person's clothing and all personal possessions.

"Substantial risk" means, with respect to the discharge of a firearm, that there exists some risk of an unintended outcome. It exists when a custody staff officer disregards a foreseeable likelihood that innocent persons will be endangered.

"Superintendent" means the chief executive officer of a secure facility.

"Temporary close custody" means the non-punitive removal of a juvenile from his or her regularly assigned housing and to a close custody or other designated housing unit for a period not to exceed 72 hours, for purposes of special observation or investigation.

"Truck mail" means interoffice mail that is exchanged among Commission facilities, units and the Commission Central Office. Truck mail does not include mail sent by the United States Postal Service.

"Unusual incident or event" means any occurrence that has the potential of jeopardizing or disrupting the secure and orderly operation of a secure facility, including, but not limited to, escape or attempted escape, homicide or attempted homicide, suspicious death, serious injury to juvenile or staff member, suicide or suicide attempt, serious threat to the life of a juvenile or group of juveniles, taking of a hostage, riot, melee, acute medical emergency, use of a weapon or other use of force, introduction into the facility of a controlled substance, use of a controlled substance, commission of a crime, staff work stoppage, fire or natural disaster, and failure of heating, ventilation and air conditioning (HVAC), power, plumbing or other major mechanical systems.

Recodified from N.J.A.C. 13:95-1.2 and amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Rewrote the section; former N.J.A.C. 13:95-1.3, Oath of office form, repealed.

Administrative correction.

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

13:95-1.4 Forms

(a) The following forms related to secure facilities shall be reproduced by each facility from originals that are made available through the office of the Director of Custody Operations:

1. J156-I Oath of Office;
2. J171-I Seizure of Contraband Report;
3. J171-II Juvenile Receipt, Contraband Seizure;
4. J171-III Notice of Decision on Appeal, Contraband Seizure (Non-Disciplinary);
5. J173-I Placement In Keep Separate Status;

6. J173-II Removal From Keep Separate Status;
7. J173-III Transfer of Keep Separate Status juvenile;
8. J285-II Prohibited Substance Testing Request Summary;
9. JJ-001, Incident Report;
10. Trip Authorization Form;
11. J146-I Voluntary-Protective Custody Consent;
12. J146-II Notice of Protective Custody Hearing-Involuntary;
13. J146-III Protective Custody Hearing Adjudication;
14. J146-IV Protective Custody Release;
15. J360-I Remedial Action Plan Report;
16. JJC CO-1 Notice of Special Observation Status;
17. JJC CO-2 Notice of Change in Special Observation Status;
18. JJC CO-3 Special Observation Status Monitoring Report;
19. JJC CO-4 Daily Observation Status Monitoring Report;
20. JJC CO-5 Release from Special Observation Status;
21. JJC CO-6 Disciplinary Report from Mental Health Services;
22. Form 101-Request to Transfer to the New Jersey Department of Corrections;
23. J292-I Request for Attorney-Client Contact Visit; and
24. J081 Special Classification Request Form.

New Rule, R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Former N.J.A.C. 13:95-1.4, Confidentiality of information, recodified as N.J.A.C. 13:95-1.5.

13:95-1.5 Confidentiality of information

All information contained in the master lists or reports maintained or submitted by employees of the Commission pursuant to the requirements of N.J.A.C. 13:95-3 and 4 shall be confidential and such master lists and reports shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Recodified from N.J.A.C. 13:95-1.4 and amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Substituted "N.J.A.C. 13:95-3 and 4" for "this chapter"; substituted "Open Public Records Act," for "Right to Know Law,".

SUBCHAPTER 2. KEEP SEPARATE STATUS

13:95-2.1 Recommending placement of a juvenile in keep separate status

(a) Any staff person may recommend that a juvenile be placed in keep separate status.

(b) The staff person recommending that a juvenile be placed in keep separate status shall complete the recommendation section of Form J173-I Placement in Keep Separate Status, and submit Form J173-I to the Superintendent indicating the reason(s) for the recommendation.

(c) The Superintendent may order an immediate investigation be undertaken by the Office of Investigations and that a report of that investigation be submitted as soon as possible, but in no event more than one week after the request has been made, determining whether the information received is accurate and placement of the juvenile in keep separate status is warranted.

13:95-2.2 Authorization of placement of juvenile in keep separate status

(a) The Superintendent or designee shall authorize the placement of a juvenile in keep separate status in instances when the Superintendent or designee determines that such placement is warranted for safety of the juvenile, for the maintenance of security or for the orderly operation of the secure facility.

(b) If the Superintendent or designee authorizes that a juvenile be placed in keep separate status, the completed Form J173-I, along with supporting documents, shall be forwarded to:

1. The Facility Classification Office to be filed in the juvenile's classification folder; and
2. The secure facility housing the other juvenile(s) involved in this assignment of keep separate status.

(c) A "Keep Separate" notation should be prominently placed on the outside cover of the juvenile's institutional classification folder and in the appropriate files within the computerized juvenile information record keeping system.

13:95-2.3 Procedures for tracking transfers of juveniles in keep separate status

(a) A classification committee shall authorize the transfer of a juvenile in keep separate status to another secure facility when such transfer is determined to be warranted and appropriate. Emergency transfer procedures shall be followed in accordance with N.J.A.C. 13:100.

(b) Prior to the transfer of any juvenile in keep separate status, the Facility Classification Office shall:

1. Use the Commission's Juvenile Information Management System to confirm the juvenile's current location and the current location of other correlated juveniles in keep separate status;

2. Complete Form J173-III Transfer of Keep Separate Status for the juvenile who is to be transferred;

3. Advise by telephone and fax a copy of Form J173-III to the Superintendent of each secure facility housing the other correlated keep separate status juvenile(s); and

4. Forward, within three days, a hard copy of Form J173-III to each secure facility housing the other correlated keep separate status juvenile(s).

(c) The original Form J173-III, along with supporting documentation, shall be filed in the chronological section of the transferred juvenile's classification folder and shall be attached to Form J173-I. A copy of Form J173-III shall be added to the chronological section of each correlated juvenile's classification folder, and shall be attached to Form J173-I.

(d) Information recorded on Form J173-III shall be entered and maintained on a computerized bed-check or comparable system, in order to ensure that separation of juveniles on keep separate status is maintained at all times.

13:95-2.4 Recommending removal from keep separate status

(a) Any staff person may recommend that a juvenile be removed from keep separate status.

(b) Any staff person recommending that a juvenile be removed from keep separate status shall complete the removal recommendation section of Form J173-II Removal From Keep Separate Status, and submit Form J173-II to the Superintendent indicating the reason(s) for the recommendation.

(c) The Superintendent may order that an investigation be undertaken by the Office of Investigations and a report of that investigation be submitted determining whether the information received is accurate and removal of the juvenile from keep separate status is warranted.

13:95-2.5 Authorization for removal from keep separate status

(a) The Superintendent may authorize the removal of a juvenile from keep separate status when a review of the factors in the juvenile's case indicates that the keep separate status is no longer appropriate.

(b) Whenever a decision is made to remove a juvenile from keep separate status, the original Form J173-II along with the supporting documents shall be forwarded to the Facility Classification Office to be filed in the juvenile's classification folder.

(c) A copy of the removal notice Form J173-II shall be sent to the Facility Classification Office of the facility at which the other juvenile(s) involved in the keep separate status is housed.

(d) Computerized juvenile information recordkeeping systems shall be updated when a decision to remove a juvenile from keep separate status has been authorized by the Superintendent.

SUBCHAPTER 3. USE OF FORCE

13:95-3.1 Custody staff member authority

(a) Custody staff members are authorized to use appropriate means to enforce secure facility rules and regulations. Such means include, but are not limited to:

1. "Constructive authority," which means authority that does not involve actual physical contact with the individual, but involves the use of the custody staff member's authority to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures and warnings; and

2. "Physical contact," which means routine or procedural contact with an individual necessary to effectively accomplish a legitimate law enforcement objective. Examples of physical contact include, but are not limited to, holding an individual's arm while escorting the individual, handcuffing an individual, maneuvering or securing an individual for a search, and guiding the individual into a vehicle.

(b) Custody staff members are encouraged to interrupt the flow of events to help ensure that a fellow custody staff member does not resort to employing an inappropriate or excessive use of force.

(c) Custody staff members are required to report all situations in which inappropriate or excessive force is used by anyone against a juvenile.

13:95-3.2 Use of force

(a) In any case that a custody staff member uses force while on-duty, the custody staff member shall only use that force that is objectively reasonable and necessary under the totality of the circumstances as known by the custody staff member at the time force is used.

(b) A custody staff member may use the amount of force reasonably necessary to accomplish the law enforcement objective. If the individual resists, the custody staff member may increase the degree of force as necessary to accomplish the law enforcement objective, but as soon as the individual submits, the custody staff member shall reduce the degree of force used.

13:95-3.3 Non-deadly force; when justified

(a) A custody staff member may use non-deadly force against persons only under the following circumstances:

1. To protect self or others against the use of unlawful force;
2. To protect self or others against death or serious bodily harm;
3. To prevent damage to property;
4. To prevent escape;
5. To prevent or quell a riot or disturbance;
6. To prevent a suicide or attempted suicide; or
7. To enforce secure facility regulations where expressly permitted by Commission regulations or in situations where a custody staff member with the rank of Sergeant or above believes that the juvenile's failure to comply constitutes an immediate threat to security of the secure facility or personal safety.

(b) Non-deadly force includes, but is not limited to, the use of the following:

1. "Physical force" which means contact with an individual beyond that which is generally utilized to effect a law enforcement objective. Physical force is employed when necessary to overcome an individual's physical resistance to the exertion of the custody staff member's authority, or to protect persons or property. Examples of physical force include, but are not limited to, wrestling a resisting individual to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation; and

2. "Mechanical force" which means the use of some device or substance, other than a firearm, to overcome an individual's resistance to the exertion of the custody staff member's authority. Examples of mechanical force include, but are not limited to, the use of a baton or other object, canine physical contact with an individual, or use of a chemical or natural agent spray.

(c) Chemical or natural agent spray shall be used when appropriate to avoid having to use deadly force, and for no other purpose.

13:95-3.4 Deadly force; when deadly force is justified and when restricted; restrictions on issuance and use of firearms

(a) Deadly force includes, but is not limited to, the use of firearms and other lethal weapons.

(b) Deadly force may be used under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq., and with any applicable

training and semi-annual retraining in chemical or natural agent use and effects.

(d) After each instance of use, individuals who have been exposed to chemical or natural agents shall be referred to the medical staff for any necessary examination and treatment.

(e) Chemical or natural agents shall be safely stored, legibly labeled to show the chemical or natural name and expiration date, and properly inventoried to ensure security and an adequate unexpired supply.

(f) No chemical or natural agent shall be used by a custody staff member, except for those expressly approved and issued by the Commission.

13:95-3.10 Training

(a) Training in proper methods and techniques of using force and in the lawful and appropriate use of force shall be provided as part of the Basic Course for Juvenile Correction Officers provided by the Commission's Office of Training or equivalent.

(b) All security and custodial personnel shall receive semi-annual training in proper methods and techniques of using force and in the lawful and appropriate use of force. In addition to semi-annual training, retraining may be repeated as needed.

13:95-3.11 Penalties for violation

(a) Custody staff action that does not conform to the provisions of this subchapter and any internal management procedures implemented in connection with this subchapter may result in the following:

1. Disciplinary action pursuant to N.J.A.C. 4A:2;
2. Personal, civil or criminal liability;
3. Denial of indemnification; and/or
4. Refusal by the Office of the Attorney General to represent the custody staff officer.

(b) Decisions regarding (a)3 and 4 above shall be made by the Attorney General after an investigation of the facts of the case.

13:95-3.12 Secure facility internal management procedures

(a) Each secure facility shall prepare suitable written post orders and internal management procedures to govern the use of force and storage of chemical agents, consistent with this subchapter.

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

SUBCHAPTER 4. USE OF FIREARMS WHILE ON-DUTY AND USE OF PERSONAL FIREARMS WHILE OFF-DUTY

13:95-4.1 Custody staff members authorized to carry firearms while on-duty

(a) Prior to being permitted to carry a firearm on-duty, custody staff members shall:

1. Have taken and successfully completed the Police Training Commission (PTC) approved basic course for State juvenile correction officers as set forth in N.J.S.A. 52:17B-66 et seq.;
2. Have taken and successfully completed the firearms training course at the Commission's Office of Training; and
3. Have been sworn as peace officers by taking the oath of office.

13:95-4.2 On-duty firearms training, qualification and re-qualification

(a) As required by N.J.S.A. 2C:39-1 et seq., all custody staff members shall be initially trained and shall qualify in the use and handling of approved on-duty firearms.

(b) Custody staff members shall requalify in accordance with the New Jersey Attorney General's Semi-Annual Qualification and Re-qualification Standards for New Jersey Law Enforcement.

(c) Only those custody staff members who achieve and maintain the required level of proficiency during range qualification and re-qualification shall be authorized to possess firearms while on-duty.

(d) Once a custody staff member has qualified on his or her Commission approved firearm, the custody staff member shall receive the official State of New Jersey, Firearms Unit Weapons Card. Custody staff members shall be required to carry the weapons card, the official badge and photo identification card of the Commission while on-duty.

(e) The Director of Custody Operations, or designee, at each secure facility shall be responsible for preparing and maintaining a current list of each custody staff member authorized to carry a firearm, from a Commission-wide master list provided for that purpose by the Commission's Office of Training.

1. The master list shall be maintained by the Director of Custody Operations or designee to indicate the custody staff member's firearm qualification date (new or expired).

2. In the event that a custody staff member is assigned to a post that requires the issuance of a firearm for that custody staff member's exclusive use while on-duty, the

Director of Custody Operations or his or her designee shall maintain a list that indicates the custody staff member's issued firearm, model name and number, and serial number of the firearm.

13:95-4.3 On-duty firearm

(a) The authorized on-duty firearm shall be the responsibility of the custody staff member at all times.

(b) The custody staff member shall not draw or exhibit his or her firearm except for one of the following circumstances:

1. For maintenance of the firearm;
2. To secure the firearm;
3. When commanded by the firearms staff during training exercises, range practice, qualification or re-qualification with the firearm, or by a supervisor for purposes of inspection;
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of the custody staff member's duties; or
5. When circumstances create a reasonable belief that display of a firearm as an element of constructive authority will help establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure custody staff safety.

(c) A custody staff member, if required to carry a firearm while on-duty, shall carry his or her on-duty firearm, together with Commission approved chemical or natural agent spray, on his or her person at all times unless otherwise instructed by a superior. The firearm shall:

1. Remain in the holster while in a rest room; and
2. Not be left in a motor vehicle or other unauthorized location except when necessary, such as when a custody staff member must remove his or her on-duty firearm and another authorized staff member is unavailable to take custody of the firearm. When necessary, a firearm may be stored in a Commission approved vehicle lock box.

(d) The custody staff member entering any facility of the Commission either shall temporarily transfer custody of his or her firearm to an authorized custody staff member, or shall store his or her firearm at the main secure facility, at a Commission authorized weapons storage unit or secrete it in a Commission approved vehicle lock box.

1. Except when firearms are issued under the provisions of N.J.A.C. 13:95-3.4(c), custody staff members are prohibited from carrying a firearm into any Commission facility beyond any posted weapons prohibited area, and into any area routinely dedicated for use by juveniles, including but not limited to areas for sleeping, living, eating, recreation, training, and education.

(e) When an authorized firearm is believed to have been lost or stolen, or is otherwise missing, the custody staff member shall immediately report this fact to local law enforcement authorities and to the Center Control supervisor at the secure facility to which he or she is assigned.

(f) When a State of New Jersey Firearms Unit Weapons Card, official photo identification card or badge of the Commission is believed to have been lost or stolen, or is otherwise missing, the custody staff member shall notify the local law enforcement authorities and the Director of Custody Operations or his or her designee as soon as practicable.

(g) Pursuant to N.J.S.A. 2C:58-15, a custody staff member who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the custody staff member's control shall:

1. Store the firearm in a securely locked box or container; and
2. Secure the duty firearm with a Commission approved trigger locking device.

13:95-4.4 Personnel authorized to carry firearms while off-duty

(a) Firearms may be carried off-duty only by custody staff members holding the rank of Senior Correction Officer, Juvenile Justice and higher who:

1. Have taken and successfully completed the Police Training Commission (PTC) approved basic course for State juvenile correction officers as set forth in N.J.S.A. 52:17B-66 et seq.;
2. Have qualified in the use and handling of approved off-duty firearms at the firearms training course of the Commission's Office of Training; and
3. Have been sworn as a peace officer by taking the oath of office.

13:95-4.5 Authorized off-duty firearms, ammunition, holsters and security

(a) Eligible custody staff members who are trained and meet qualification specifications shall be permitted to possess and carry one authorized firearm for off-duty use.

(b) A firearm intended for use as an off-duty weapon must have been obtained and registered pursuant to State and local laws of the State in which the custody staff member lives. Custody staff members may not loan or improperly transfer personal firearms.

(c) Only off-duty firearm makes and models approved and authorized by the Commission may be carried while off-duty.

(d) Ammunition for an off-duty firearm shall be approved and authorized by the Commission.

(f) Under no circumstances shall invasive body cavity searches be conducted in accordance with this section. Body cavity searches shall be conducted pursuant to N.J.A.C. 13:95-5.8.

13:95-5.8 Body cavity searches of juveniles

(a) A body cavity search shall not be conducted on a juvenile unless:

1. The highest ranking custody staff member on duty is satisfied that a reasonable suspicion exists that contraband will be found in the juvenile's body cavity; and

2. Approval for the specific search has been granted by the Superintendent or designee.

(b) In the event the highest ranking custody staff member on duty has reasonable suspicion to believe that contraband is being concealed in the juvenile's body cavity, the juvenile shall immediately be escorted to the infirmary or comparable facility of the secure facility and ordered to remove the contraband. The highest ranking custody staff member on duty shall advise the juvenile that medical assistance is available to the juvenile for removal of the contraband.

(c) The health care provider at the secure facility shall provide assistance to the juvenile under the following conditions:

1. The juvenile has requested assistance from the health care provider staff in order to remove the contraband from the juvenile's body cavity; or

2. If during or after removal of the contraband by the juvenile, the health care provider staff determines that the juvenile is in need of medical assistance, medical treatment shall be rendered to the juvenile unless the juvenile refuses such treatment.

(d) If the juvenile refuses to remove the contraband from his or her body cavity, the juvenile shall receive appropriate disciplinary charges and shall be:

1. Isolated and kept under constant visual surveillance until the contraband is eliminated from the juvenile's body cavity; or

2. Transported to an outside hospital or medical facility for removal of the contraband, if necessary for the well being of the juvenile, or the safe, secure and orderly operation of the secure facility. The health care provider staff at the secure facility shall make the necessary arrangements with the outside hospital or medical facility for any procedures that are necessary for the safe removal of the contraband.

(e) If the suspected contraband cannot be removed from the juvenile's body cavity without the use of force, a court order may be sought if the following circumstances exist:

1. The juvenile cannot be confined to a dry room until the contraband is eliminated from the juvenile's body,

because the nature of the suspected contraband presents a safety or security risk to the juvenile, staff, other juveniles or the facility; or

2. Suspected contraband has been secreted in a juvenile's vaginal cavity, the juvenile has been confined to a dry room for a 48-hour time period, and the juvenile continues to refuse to remove the contraband with or without the assistance of a health care professional.

(f) Any request for a court order must be approved by the Executive Director or designee. If approval by the Executive Director or designee has been granted, the Superintendent or designee of the secure facility in which the juvenile is housed shall contact the Division of Law. The Superintendent or designee shall provide the assigned Deputy Attorney General with a sufficient factual basis for concluding that a court order is necessary, in accordance with the criteria in (e) above.

(g) The highest ranking custody staff member on duty at the time the cavity search was authorized shall prepare a written report of the results of the body cavity search. A copy of the report shall be made part of the juvenile's record, and a copy shall be submitted to the Superintendent or designee. The report shall include, but shall not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;

2. The name of the custody staff member in charge who authorized the search;

3. The name(s) of the custody staff member(s), and any other persons, present during the search and the reason(s) for his or her presence;

4. The name(s) of the person(s) conducting the search;

5. An inventory of any item(s) found during the search; and

6. The reason(s) for use of force, if applicable.

(h) The secure facility health care providers shall document the medical assistance rendered or offered to the juvenile in the juvenile's medical record. The documentation shall include, but shall not be limited to, the following:

1. The name of the health care professional(s) providing medical assistance;

2. The names of all individuals present during the removal of the contraband;

3. An inventory of any item(s) removed from the juvenile's body cavity; and

4. A description of the medical assistance that was offered or provided to the juvenile.

(i) If the juvenile has been transported to an outside hospital or medical facility, the health care provider staff of the secure facility shall ensure that a report is made by the outside hospital or medical facility. This report, together with

the report of the custody staff member in charge, shall be entered into the juvenile's medical record. The report from the hospital or medical facility health care provider staff shall include, but shall not be limited to, the following:

1. The name of any health care professional(s) providing medical assistance; and
2. A description of the medical procedures that were conducted.

13:95-5.9 Canine searches

Juveniles' possessions and all secure facilities, areas, objects and properties under the jurisdiction of the Commission are subject to routine and random searches by canine teams, specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

13:95-5.10 Testing for prohibited substances

(a) Testing for prohibited substances may be conducted for the purpose of deterring and controlling the introduction of contraband or to detect the presence of any substance not authorized for possession or use by the juvenile.

(b) Juveniles shall be tested:

1. As part of the intake process for either a newly committed juvenile or juvenile parolee returning to secure care on a parole warrant;
2. When the name of the juvenile appears on a computer-generated randomly selected list of names, regardless of how often the name of the juvenile is randomly selected;
3. During the seven-day period prior to a juvenile's release from custody on parole or upon expiration of a maximum sentence;
4. In accordance with drug treatment program requirements;
5. When a custody staff member of the rank of Sergeant or above or an Investigator with the Office of Investigations believes, based upon his or her education and experience, that there is a reasonable factual basis to suspect the juvenile of using or possessing a non-alcoholic prohibited substance;
6. Randomly or for cause, when the Superintendent, Assistant Superintendent or the Director of Custody Operations orders all juveniles from a particular housing unit, work detail or other functional unit to be tested;
7. Upon a juvenile's return from any unsupervised temporary release from custody; and
8. When a Disciplinary Hearing Officer orders testing as part of a sanction for a prohibited substance related infraction.

(c) A juvenile's refusal to submit to testing, or failure to comply with an order to submit a specimen, shall subject the

juvenile to disciplinary action under the provisions of N.J.A.C. 13:101.

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

13:95-5.11 Collection, storage and analysis of specimens

(a) Testing shall be conducted by staff who have been trained to perform the test(s).

(b) Specimens shall be collected, labeled, handled and, when necessary, sealed, stored, and transported in accordance with the instructions/standards provided by the manufacturer of the test.

(c) Testing shall be conducted using methods deemed reliable by the Commission.

(d) If the initial test result is positive, the specimen shall be subject to a confirmation test of equal or greater sensitivity than the initial test.

(e) Each time a specimen is collected for the reasons stated in N.J.A.C. 13:95-5.10, a New Jersey Department of Health and Senior Services drugs of abuse urine (DAU) chain of custody form (Form LAB-45) and a shipping log (Form LAB-46) shall be completed and maintained with the specimen. Proper chain of custody procedures shall be observed at all times.

(f) If testing is conducted through urinalysis, specimens taken from juveniles shall be voided directly into an approved specimen container and immediately labeled in the presence of the juvenile and at least one custody staff member or other authorized staff member of the same gender as the juvenile.

1. A minimum of 50 milliliters must be voided to ensure a sufficient quantity for all required testing.
2. Urine specimen testing shall be performed on-site or at a licensed laboratory as determined by the Executive Director or designee.
3. For initial on-site and confirmatory on-site testing of a urine specimen, the labeled specimen shall be tested and handled in accordance with the instructions/standards provided by the manufacturer of the on-site test. Chain of custody of the specimen shall be maintained.
4. For initial laboratory and confirmatory laboratory testing of a urine specimen, the labeled specimen shall immediately be closed and sealed in the presence of the juvenile by the custody staff member or other authorized staff member. Chain of custody of the specimen shall be maintained.
5. The specimen label shall include the juvenile's name and number, the secure facility to which the juvenile is assigned, the name of the custody staff member or other authorized staff member who witnessed the voiding of the specimen, the date and time the specimen was voided, the current use or non-use of prescription medication by the

juvenile, and the juvenile's signature. Should the juvenile refuse to sign, the custody staff member or other authorized staff member who witnessed the voiding of the specimen shall indicate the refusal on the label and on the continuity of evidence form.

6. For laboratory confirmatory testing, the urine specimen shall be placed in a locked and secure refrigerator or freezer by the custody staff member or other authorized staff member responsible for maintaining custody over evidence as soon as reasonably practical, but in no event later than eight hours after the specimen was voided.

7. The custody staff member or other authorized staff member who receives custody of the urine specimen shall record on the continuity of evidence form, the date and time the specimen was received, the name of the staff member from whom it was received, and the date and time of specimen placement into the evidence locker and/or locked refrigerator.

8. Juvenile urine specimens transported out of the secure facility for laboratory testing shall be transported, where reasonably practical, in an iced cooler or similar device. The date and time of the removal of the urine specimen from the secure facility, as well as the date and time of specimen receipt by the testing facility shall be noted on the continuity of evidence form by the person(s) performing these functions.

9. Laboratory testing of urine specimens shall be conducted only when the urine specimen arrives at the testing facility in a sealed and approved urine specimen container.

(g) Juveniles charged with the use of prohibited substances not prescribed by the medical staff based upon the results of testing shall be advised of the results of any tests at least 24 hours prior to any disciplinary hearing ordered because of those charges.

(h) All testing shall be accomplished in a professional and dignified manner with maximum courtesy and respect for the juvenile's person.

(i) No juvenile shall be disciplined for refusing to provide a specimen or failing to comply with an order to submit a specimen unless that juvenile has been given a reasonable physical opportunity to comply with such order.

1. For the purposes of urine testing, a reasonable physical opportunity shall constitute a two-hour period from the time of the initial order, during which time the juvenile shall be offered water in amounts not to exceed eight ounces per 60-minute period. The juvenile may be required to remain in room restriction during this two-hour period.

2. The juvenile shall not be deemed to have complied with the order to submit a specimen unless he or she provides a specimen in the presence of a custody staff member or other authorized staff member.

13:95-5.12 (Reserved)

13:95-5.13 Staff orientation and training

(a) Each Superintendent shall be responsible for ensuring that the requirements and guidelines set forth in this subchapter are followed.

(b) Post orders developed in accordance with this subchapter shall be made available to all custody staff members and support staff. All personnel shall receive training in the interpretation and applicability of post orders, so as to ensure effective and safe search techniques.

SUBCHAPTER 6. CONTRABAND AND DISPOSITION OF CONTRABAND

13:95-6.1 Procedures for handling contraband upon discovery

(a) Whenever an item, article or material is determined to be contraband, it shall be immediately seized.

1. The custody staff member or other staff making the seizure shall submit the contraband to the shift supervisor who shall submit it to the Office of Investigations or Center Control of the secure facility, together with a fully completed Form J171-I Seizure of Contraband Report. The contraband report must be submitted no later than the end of the shift during which the contraband was seized.

2. Care shall be taken at all times to accurately record the chain of possession of the contraband.

3. The custody staff member or staff member shall give the juvenile from whose control or possession contraband is taken, an itemized, signed and dated receipt (Form J171-II Juvenile, Receipt, Contraband Seizure), a copy of which shall also go to the Office of Investigations or to the secure facility Center Control. The contents of this form shall be either read or explained to the juvenile, if necessary.

4. When contraband is removed from mail, such as, letters or packages, the custody staff member or staff member making the seizure shall send the juvenile to whom the mail was addressed a completed copy of Form J171-II indicating that the specified items were removed.

5. The juvenile shall have three business days to appeal the seizure to the Superintendent or designee.

(b) The Office of Investigations and secure facility Center Control shall maintain logs of all Seizure of Contraband and Juvenile Receipt forms (Forms J171-I and J171-II). It shall be the responsibility of these units to record the disposition of the contraband on the Seizure of Contraband Report (Form J171-I).

(c) All contraband seized shall be clearly and appropriately marked and securely stored by the Office of Investigations or the secure facility Center Control.

(d) If disciplinary charges are issued in connection with the seizure of contraband, the Office of Investigations or the secure facility Center Control shall present evidence of the contraband at the disciplinary hearing unless the contraband was seized pursuant to N.J.A.C. 13:95-6.5. If the contraband was seized pursuant to N.J.A.C. 13:95-6.5, the Disciplinary Hearing Officer shall arrange to view the contraband outside the juvenile's presence.

(e) Contraband shall be disposed of by the Office of Investigations or by the secure facility Center Control in accordance with this subchapter.

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

13:95-6.2 Disposal of contraband personal property seized in reception units

(a) When a juvenile arrives at a Commission reception unit with items of personal property not authorized for retention or possession, the items shall be seized.

(b) The staff member making the seizure shall give the juvenile an itemized, signed and dated receipt for the property seized, and shall notify the juvenile that such items are contraband, and that the juvenile has three business days, from the date of the seizure of the contraband, to appeal the classification of any or all items as contraband to the Superintendent or designee.

1. If the Superintendent or designee determines that any or all of the items are not contraband, they shall be returned to the juvenile.

2. If the Superintendent or designee determines that any item is contraband, the juvenile shall be given two business days to indicate which of the following means of disposal should be used with respect to the property. The contraband shall be:

- i. Mailed to a designated relative or friend of the juvenile at the juvenile's expense;
- ii. Given to a visitor for disposal;
- iii. Donated by the juvenile to a charitable organization at the juvenile's expense; or
- iv. Destroyed at the juvenile's request.

3. If the juvenile fails to indicate the desired disposition, the property shall be disposed of at the option of the Superintendent of the secure facility in which the reception unit is located.

(c) Disciplinary reports shall not be issued to a juvenile entering a reception unit for possession of unauthorized or excessive personal property.

13:95-6.3 Disposal of contraband personal property seized within a secure facility

(a) When contraband is seized within a secure facility, appropriate disciplinary reports shall be written and issued pursuant to N.J.A.C. 13:95-6.7.

(b) The staff member making the seizure shall give the juvenile an itemized, signed and dated receipt (Form J171-II) for the property seized and shall notify the juvenile that such items are contraband and that the juvenile has the right to appeal the classification of any or all items as contraband through the disciplinary process.

1. If the Disciplinary Hearing Officer determines that any or all items are not contraband or if the Superintendent or designee, on appeal, determines that an item is not contraband, it shall be returned to the juvenile.

2. If the Disciplinary Hearing Officer determines that any or all items are contraband, the contraband shall be retained and shall not be disposed of until all appeal proceedings, including any appeal to the Appellate Division of the New Jersey Superior Court where appropriate, are exhausted. Otherwise, the juvenile shall be given two business days following receipt of the Disciplinary Hearing Officer's decision, or the decision of the Superintendent or designee if the disciplinary decision is appealed, to indicate to the Office of Investigations or Center Control which of the following means shall be used to dispose of the contraband. The contraband shall be:

- i. Mailed to a designated relative or friend of the juvenile at the juvenile's expense;
- ii. Donated by the juvenile to a charitable organization at the juvenile's expense; or
- iii. Destroyed at the juvenile's request.

3. Where the juvenile fails to indicate the desired disposition, the property shall be disposed of at the option of the Superintendent or designee.

4. For verifiable cases of juveniles who have no family and no visitors, special arrangements to store property at the facility in which the juvenile is housed may be approved on a case-by-case basis by the Superintendent or designee.

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

13:95-6.4 Disposal of contraband, State-issued property

Where State-issued personal property is confiscated as contraband, the juvenile shall not have any option with respect to its disposition. It shall be returned to the source for redistribution or subsequent disposal. Commissary items seized as contraband may be distributed among needy juveniles as determined by the Superintendent or designee.

13:95-6.5 Disposal of contraband threatening to security or disruptive to operations

(a) All contraband determined to pose a threat to security or to be disruptive to the orderly running of a secure facility shall be taken into the custody of the secure facility and under no circumstances shall be returned to the juvenile.

1. The staff member making the seizure shall immediately turn the contraband over to the Office of Investigations or Center Control of the secure facility, together with the completed Seizure of Contraband Report Form J171-I and Juvenile Receipt Form J171-II.

2. Appropriate disciplinary reports shall be written and issued, pursuant to N.J.A.C. 13:95-6.7.

(b) Suspected contraband narcotics or dangerous drugs may be forwarded to an approved laboratory for chemical analysis or, where appropriate, field tested at the secure facility. All weapons, ammunition, explosives, chemicals, liquor or items altered from original status may be sent to the laboratory for analysis. After analysis, the contraband shall be claimed at the laboratory and secured at the facility.

(c) Precautions shall be taken to assure the continuity of possession of contraband that will be used as evidence in accordance with accepted legal procedures. Unauthorized items determined to pose a threat or to be disruptive to the operations of a facility may be destroyed or properly disposed of by the facility only under the following circumstances:

1. With the permission of the Superintendent;
2. Upon completion of all disciplinary action; and
3. With the prior approval of the appropriate county prosecutor's office.

13:95-6.6 Confiscation and disposal of unauthorized currency or money

(a) All unauthorized money or currency found in a juvenile's possession shall be immediately seized and turned over to Center Control, Office of Investigations together with reports required by this subchapter.

1. Any juvenile found to be in possession of or to have control over such money or currency shall receive a disciplinary report.

2. A determination as to the manner in which the money or currency has been acquired shall be made by the Disciplinary Hearing Officer at the disciplinary hearing from the reports against the juvenile.

3. If the Disciplinary Hearing Officer concludes that the money or currency is unauthorized or has been acquired through improper means, the Disciplinary Hearing Officer shall recommend to the Superintendent that the money or currency shall be forfeited by the juvenile, deposited in the General Treasury Fund and recorded in

Commission accounts, as directed by the Executive Director or designee.

4. Subsequent to the Disciplinary Hearing Officer's conclusion, the money or currency shall be turned over to the secure facility Business Manager with a copy of the adjudicated disciplinary report. The Business Manager will be responsible for depositing and recording the funds to the appropriate account.

5. Money or currency forfeited by the juvenile which is not the subject of a disciplinary action as determined by the Disciplinary Hearing Officer or the Superintendent shall be deposited in the juvenile's account.

(b) All cash, checks, money orders or other form of payment or currency brought into a secure facility by a visitor shall be deemed contraband, and will not be accepted by a secure facility for deposit into juvenile accounts.

(c) Money orders and certified checks shall be the only approved form of money received through the mail which can be accepted by the secure facility for deposit in juvenile accounts.

(d) All cash and personal checks shall be deemed contraband and shall not be accepted by the facility for deposit in juvenile accounts.

(e) The following procedures shall be utilized for disposing of the personal checks and cash determined to be contraband:

1. All personal checks and cash shall be refused if brought in by a visitor. Personal checks received through the mail shall be returned to the sender, at the secure facility's expense. Personal checks returned via the mail shall include a note to the sender indicating that Commission policy prohibits acceptance. In addition, Form J171-I Seizure of Contraband Report shall be filled out and a copy sent to the juvenile.

2. All cash received through the mail shall be sent to the facility's Business Office whereupon a check, for each amount of cash received, shall be issued to the sender and mailed to the sender at the facility's expense. Accompanying the check shall be a note to the sender indicating that Commission policy prohibits the acceptance of cash through the mail and explaining that the money is being returned in check form to protect against theft. In addition, Form J171-I Seizure of Contraband Report shall be filled out and a copy sent to the juvenile.

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

13:95-6.7 Disciplinary reports

When disciplinary reports are issued resulting from application of this subchapter, such reports shall be issued and adjudicated in accordance with the provisions of N.J.A.C. 13:101-4.3.

13:95-6.8 Introduction or discharge of contraband into or from a facility by a visitor

(a) Any visitor present within the secure facility or on its ground shall surrender any item, article, or material which the Superintendent or designee shall determine to be contraband.

1. The custody staff member or staff member seizing any item, article or material determined to be contraband shall give the visitor an itemized, dated and signed receipt. When possession of the seized item, article or material does not appear to violate any Federal or State statute and the visitor exits the facility, the custody staff member shall, in return for the receipt, return the item to the visitor.

2. If there shall be reason to believe that possession of the contraband violates a Federal or State statute, the custody staff member shall detain such a visitor and notify the Office of Investigations.

(b) If there shall be reason to believe that a visitor has willfully introduced or was attempting to introduce contraband into the facility, such person shall be detained in the facility and the secure facility Office of Investigations shall be notified.

(c) Visitors may be subject to denial of future visits as specified by the Superintendent because of the presence of contraband in their possession or under their control. Where warranted, the case may be referred to the appropriate law enforcement authority for criminal prosecution.

13:95-6.9 Introduction or discharge of contraband into or from a facility by the mail

(a) Incoming correspondence and publications shall always be inspected for contraband. Any discovery of contraband in correspondence or publications shall be handled in accordance with N.J.A.C. 13:95-19.

(b) Unauthorized money or currency found in correspondence or publications shall be handled in accordance with N.J.A.C. 13:95-6.6.

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. INSTITUTIONAL CLASSIFICATION**13:95-8.1 Institutional classification committees**

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

designee. Each ICC shall be composed of the following personnel:

1. The Superintendent or designee;
2. The Director of Custody Operations or designee;
3. The Director of Social Services or designee;
4. The Director of the Commission's Office of Education or designee; and
5. Such other personnel, as may be designated by the Superintendent.

(b) An ICC shall:

1. Make determinations, as applicable, with respect to the assignment and reassignment of juveniles to:

- i. Housing;
- ii. Education;
- iii. Treatment;
- iv. Work; and
- vi. Any other programs to which juveniles may be assigned; and

2. Monitor and review the progress of all juveniles on a periodic basis, by reviewing and evaluating relevant reports from staff and by meeting with each juvenile, and shall make such changes to the juvenile's assignments as are deemed necessary or appropriate.

(c) A juvenile's request for transfer to another facility or program shall be considered by an ICC in accordance with the provisions of N.J.A.C. 13:95-8.5(b) and 13:100-2.7.

13:95-8.2 Juvenile classification files

Juvenile classification files shall be maintained at each secure facility with respect to the juveniles housed therein, or at such other location as may be determined by the Executive Director. An electronic back up file shall be kept at the Commission's Office of Classification.

13:95-8.3 Classification decisions

(a) Classification decisions by an ICC shall be made only after consideration of all factors relevant to the particular juvenile. Such factors shall include, but shall not be limited to, the juvenile's:

1. Age;
2. Expressed needs and interests;
3. Adjustment to facilities;
4. Educational needs and history;

5. Vocational needs and history;
6. Present offense, including its nature and circumstances;
7. Prior offense record;
8. Family history;
9. Records from previous confinements;
10. Detainers on file or pending;
11. Substance abuse assessment;
12. Escape history;
13. Current psychological and psychiatric reports;
14. Medical history and recommendations; and
15. Information provided by the State Parole Board.

13:95-8.4 Classification upon assignment to a secure facility

The classification officer at the secure facility to which a juvenile is assigned shall obtain the juvenile's existent classification evaluations and reports. These evaluations and reports shall be available at the juvenile's initial appearance before an ICC, which shall occur within 15 days after admission to the secure facility.

13:95-8.5 Special reviews; juvenile requests for transfer to another Commission program or facility

(a) A juvenile has the right to make a request for a change in any assignment or status under the jurisdiction of an ICC. All such requests shall be submitted on a Special Classification Request Form, Form J081, and directed to a social worker. Upon receipt of the Form J081, the social worker shall forward it to other personnel, as appropriate.

(b) Requests for transfers to another Commission program or facility shall be processed in accordance with N.J.A.C. 13:100-2.7.

13:95-8.6 Early review

A juvenile's case may be scheduled for review by an ICC, prior to a regular review date, when referred for such review by secure facility staff.

13:95-8.7 Work assignments

(a) An ICC shall be responsible for confirming the assignment or approval of work details for juveniles. Decisions on work assignments shall be made based upon the availability of jobs, and upon the juvenile's:

1. Physical condition;
2. Mental and mechanical aptitudes;

3. Work experience;
4. Occupational interests; and
5. Needs and opportunities upon release.

13:95-8.8 Education assignments

(a) An ICC shall be responsible for confirming the assignment or approval of juveniles to participate in vocational, social or educational programs. Determining factors in assigning a juvenile to these programs shall include:

1. Recommendations of the Office of Education;
2. Relevant test results;
3. The interests and aptitude of the juvenile;
4. The length of the juvenile's sentence; and
5. The plan for community employment.

13:95-8.9 Counseling assignments

An ICC shall be responsible for confirming the assignment or approval of juveniles to counseling services based upon a review of all relevant factors. This review shall include, but shall not be limited to, review of the juvenile's psychological examination, predisposition report, identified risk factors and needs, and observation of the juvenile by staff.

13:95-8.10 Written procedures

The Superintendent or his or her designee shall be responsible for developing written procedures consistent with this subchapter, which procedures shall be reviewed and updated annually.

SUBCHAPTER 9. TRANSPORTATION OF JUVENILES

13:95-9.1 Use of State-owned and privately owned vehicles

(a) Transportation of juveniles shall be done only in State-owned vehicles, except when emergencies or other unusual circumstances require the use of privately-owned vehicles.

(b) If it is necessary for a juvenile to ride in an employee's private vehicle, the employee must secure approval from the Superintendent or designee of the facility responsible for the juvenile prior to such transportation.

1. If approval is granted, the employee shall be made aware of Commission policy regarding the use of private vehicles and the applicable liability provisions established by the Department of the Treasury, Division of Budget and Accounting.

2. When operating a private vehicle, the employee shall be in possession of a valid drivers license and proof that the vehicle is properly registered and insured.

3. The use of an employee's vehicle may be authorized, but not required, by the secure facility.

(c) Employees escorting juveniles shall carry in their possession a valid drivers license.

13:95-9.2 Transporting juveniles by aircraft

(a) When necessary to transport a juvenile by aircraft, the Director of Operations shall either:

1. Submit a request for assistance to Office of Interstate Services of the Department of Corrections; or
2. Select an alternative appropriate means of transport.

13:95-9.3 Transport of medium, maximum or close custody juveniles

(a) State-owned vehicles used to transport medium, maximum or close custody juveniles shall be equipped with protective screening devices to separate juveniles from the driver. Opening devices on the inner rear doors and windows of passenger sedans shall be made inoperable. The rear door locking mechanism shall be modified so that it is redirected, making it accessible to the custody staff member only when the front door is open.

1. All vehicles used to transport juveniles shall be equipped with first aid kits and with bloodborne pathogen protection kits.

(b) The standard passenger sedan or van shall be used only in lieu of more secure but unavailable vehicles. Use of such vehicles to transport medium, maximum or close custody juveniles shall be in accordance with written secure facility internal management procedures.

(c) Vans or buses shall be used to transport groups of juveniles. Those vehicles used to transport groups of medium, maximum or close custody juveniles shall comply with the following:

1. Windows or small ports must be protected by security screens or metal bars;
2. Security screen barricades with gates and locks must be located between driver and juveniles;
3. A section of the rear of the bus must be screened off for baggage storage;
4. Transportation custody staff members must be seated with a clear view of the bus compartment; and
5. The vehicle must be equipped with one 10-pound fire extinguisher (ABC Class).

(d) Vehicles used to transport medium, maximum or close custody juveniles shall be thoroughly searched for contraband by the escorting custody staff members before being used.

(e) Custody staff members escorting juveniles shall be provided by the secure facility as appropriate, with necessary mechanical restraints.

1. The use of mechanical restraints shall be governed by the use of force rules found in N.J.A.C. 13:95-3.

2. Federal Aviation Administration regulations and individual airline rules govern the use of mechanical restraints while in aircraft flight.

(f) Upon arrival at a courthouse, leg restraints shall not be removed until the juvenile has been placed in a secure area of the facility. Restraint belts and handcuffs shall not be removed unless otherwise ordered by the court. Immediately at the conclusion of the hearing, handcuffs and restraint belts that were removed by order of the court shall be replaced on the juvenile.

(g) Custody staff members escorting medium, maximum or close custody juveniles shall always be armed with State issued weapons, ammunition and Commission approved chemical or natural agent spray. Any use of deadly force shall be governed by the use of force rules found in N.J.A.C. 13:95-3.

(h) When escorting medium, maximum or close custody juveniles, the ratio of escorting custody staff members to juveniles shall be two custody staff members to transport from one to five juveniles unless security issues, such as, but not limited to, a juvenile's propensity to acts of violence or escape, require a larger number of escorting custody staff members.

(i) When transporting groups of more than five medium, maximum or close custody juveniles, the appropriate shift supervisor, sending secure facility Superintendent or designee shall determine the number of escorting custody staff members based upon a careful review of staffing and security needs.

(j) Written internal management procedures shall be developed by each secure facility regarding the security and staffing arrangements required when transporting juveniles.

(k) When transporting juveniles outside of a secure facility, at least one custody staff member shall be of the same gender as the juvenile being escorted. Additional custody staff members may be assigned regardless of gender.

(l) Only properly trained escorting custody staff members may transport medium, maximum or close custody juveniles. Such escort custody staff members shall have been fully trained in the following areas:

1. Use of weapons, restraint equipment and chemical or natural agent spray;

2. Effective search for contraband of juveniles, their personal property and transportation vehicles,

3. The use of Commission supplied bloodborne pathogen protection kits; and

4. Any other activities required for successful completion of a transportation assignment.

(m) A juvenile shall be strip searched by escorting custody staff members prior to the trip and at any time after the juvenile has been out of their sight. Strip searching upon return to the secure facility or delivery to the receiving secure facility is the responsibility of that secure facility. See N.J.A.C. 13:95-5.

(n) The strip search of a juvenile, as part of the transportation process, shall be conducted in compliance with the provisions of N.J.A.C. 13:95-5.

13:95-9.4 Transport of reduced custody juveniles

(a) The Superintendent or designee shall make a determination with respect to the specific staffing and security arrangements required when transporting a reduced custody juvenile. In these cases, a careful review shall be made of the individual case to determine the most appropriate staffing and security arrangements for each trip.

(b) The searching of juveniles shall be in accordance with the requirements of N.J.A.C. 13:95-5.

13:95-9.5 Transportation documents

(a) Prior to accepting escort responsibility for any juvenile, escorting custody staff members shall be informed of the following: juvenile's name and number, destination, custody designation, unusual medical, emotional, or mental conditions for which there is a need to know. Escorting custody staff members shall also be provided appropriate medical information setting forth any prescribed medication or instructions for special handling when transporting juveniles with medical or psychiatric conditions.

(b) Prior to escort to court and on inter-facility transfers, the escorting custody staff members shall ensure that they have all documents necessary to obtain custody and/or to effect delivery of the juvenile being escorted.

(c) Custody staff members escorting a juvenile on court trips shall ensure that the order to produce and trip authorization form are completed by the member of the court and returned to the parent secure facility.

(d) All escorting custody staff members shall carry the official badge and photo identification card of the Commission and the official State of New Jersey Firearms Unit Weapons Card.

13:95-9.6 Recall to court

(a) A juvenile shall only be produced in court by a writ of habeas corpus, writ of habeas corpus ad testificandum, post conviction relief order, or other order to produce which is to

be received by the Commission's Centralized Intake Unit 48 business hours prior to the scheduled court appearance.

1. It shall be improper to produce a juvenile in court on a subpoena only.

2. Writs of habeas corpus must be signed by either a New Jersey State Superior Court judge or a Federal court judge. No other writs to produce shall be honored.

3. Questions concerning the validity of any writ shall be referred to the Office of the Director of Operations.

4. Any requests for exception to this policy shall be referred to the Office of the Director of Operations.

(b) A county may send its own county escorting custody personnel to pick up a juvenile at any time provided the county escorting custody personnel have with them an appropriate writ for the juvenile.

13:95-9.7 Juvenile supervision

(a) During escort, juveniles shall be carefully guarded to prevent escape and receipt of contraband.

(b) No communication between juvenile and public shall be permitted at any time during escort.

(c) A juvenile's special requests during escort not related to the purpose of the trip shall not be honored. The juvenile shall be immediately returned to the secure facility upon completion of the trip's purpose.

(d) If, while at court, the judge approves an interview of the juvenile with an attorney, the escorting custody staff member shall be present during the interview. The escorting custody staff member shall not monitor the attorney-client conversation, and shall not discuss with the attorney any matter that involves custody staff operations.

(e) In accordance with N.J.A.C. 13:95-20, a juvenile shall be taken directly to the bedside of an ill relative, private viewing, or funeral visit. Side trips for any purpose shall not be permitted. A juvenile on such a trip shall not be allowed out of sight of the escorting custody staff member.

13:95-9.8 Emergencies

Escorting custody staff members shall immediately notify the Superintendent, or designee, if an emergency arises during the transportation of a juvenile. If time or other considerations makes it impossible to contact the Superintendent, the local law enforcement authorities may be notified by the escorting custody staff members without prior clearance by the Superintendent.

13:95-9.9 Transporting parole violators and escapees with physical injuries

(a) Prior to accepting responsibility for an injured parole violator or escapee to be escorted, the escort custody staff members shall make every effort to obtain written information on how the injury occurred and whether medical aid was administered. A copy of a medical report shall be obtained to aid medical authorities at the receiving secure facility.

(b) If a medical report is not available, the escort custody staff members shall request the supervisor on duty at the sending secure facility to provide a brief written statement that the injury was received prior to turning over the custody of the parole violator or escapee.

(c) Upon arrival at the receiving secure facility, Center Control shall be notified so that the parole violator or escapee may be promptly seen by staff in the medical department.

(d) The physical condition of the injured parole violator or escapee shall be photographed by the receiving secure facility. A full and accurate written description of the injury shall be provided.

(e) A brief written report of the injury shall be submitted to the shift supervisor.

13:95-9.10 Clothing

(a) Escorting custody staff members shall wear civilian clothing when going to any Federal court or when directed by the supervisor. All other escorting custody staff members shall wear uniforms.

(b) Juveniles shall wear civilian clothing on court trips.

13:95-9.11 Medical transportation

(a) In emergency situations when a non-ambulatory medium, maximum or close custody juvenile is in need of hospitalization or treatment outside of the secure facility, he or she shall be transported by ambulance, or by a State-owned vehicle if an ambulance is unavailable. A State-owned vehicle shall be used to transport an ambulatory juvenile who is in need of hospitalization or treatment outside of the facility.

(b) When a juvenile is transported by ambulance, a custody staff member shall accompany him or her in the ambulance and another custody staff member shall follow the ambulance in a back-up car. When a juvenile is transported by a State-owned vehicle, the ratio of escorting custody staff members to juveniles shall be governed by N.J.A.C. 13:95-9.3(h).

(c) The use of mechanical restraints and equipment when transporting a juvenile for hospitalization or treatment shall be governed by the use of force rules found in N.J.A.C. 13:95-3 and the nature of the illness or injury.

(d) When a reduced custody juvenile requires medical transport, the Superintendent or designee shall make a determination with respect to specific staffing and security arrangements required. In these cases, a careful review shall be made of the individual case to determine the appropriate vehicle, staffing and security arrangements for each trip.

13:95-9.12 Transportation costs in a civil action

(a) The costs of transporting a juvenile to court for civil action will be paid by the Commission when:

1. The cause of action is related to the juvenile's confinement;
2. The cause of action is a Family Court matter such as, but not limited to, matrimonial and child custody; or
3. The juvenile is a defendant and the plaintiff is a governmental entity.

(b) The cost of transporting a juvenile to court for a civil action other than those listed in (a) above shall be paid in advance of the transportation by:

1. The juvenile or the juvenile's legal guardian;
2. The juvenile's attorney or representative; and/or
3. The person bringing the civil action against the juvenile or that person's representative.

(c) The secure facility Business Office shall prepare a detailed written statement of expenses using the following criteria to determine the cost of transportation due:

1. The number of custody staff members and/or supervisors required for the juvenile's custody status handled in accordance with this subchapter;
2. The fee per custody staff member/supervisor which is the maximum salary of each representative title at time and a half;
3. The State vehicle mileage cost which is established by the Director, Division of Budget and Accounting, Department of Treasury. The overall State vehicle cost shall be based on the mileage rate times the sum of the number of miles to and from the destination;
4. The cost of meals;
 - i. The projected number of meals for juveniles and custody staff members which shall be established in accordance with the State of New Jersey Travel Regulations, Department of Treasury.
 - ii. The fee charged for each meal (breakfast, lunch and/or dinner) which shall be based on the rate in the current State of New Jersey Travel Regulations, Department of Treasury; and
 - iii. The cost of meals which shall be the projected number of meals times the per meal fee established by

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

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

13:95-11.4 Appeal procedures for protective custody placement

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

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

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

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

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

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

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

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

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

13:95-11.5 Review of juveniles in protective custody

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

(b) A juvenile who is placed in protective custody involuntarily shall, in every case, have an in-person hearing once every three months in accordance with procedures specified in N.J.A.C. 13:95-11.3 and 11.4.

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

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

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

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

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

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

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

13:95-11.8 Food

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

(b) Disposable utensils shall be used when necessary.

13:95-11.9 Grooming, showering and shaving

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

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

13:95-11.10 Medical services

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

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

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

13:95-11.11 Personal items

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

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

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

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

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

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

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

13:95-11.13 Juvenile legal services

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

13:95-11.14 Correspondence visits and telephone calls

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

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

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

13:95-11.15 Recreation

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

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

13:95-11.16 Education

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

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

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

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

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

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

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

13:95-11.18 Work opportunities

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

13:95-11.19 Psychological examination

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

13:95-11.20 Withdrawal of personal items or activities

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

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

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

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

13:95-11.21 Records

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

1. The juvenile's name and number;
2. The juvenile's religion;

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

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

13:95-11.22 Disciplinary action within Protective Custody Units

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

13:95-11.23 Transfers; record maintenance

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

13:95-11.24 Secure facility procedures

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

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

13:95-11.25 Placement in temporary close custody

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

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

1. Reasonable suspicion exists to indicate that the juvenile is engaged in, or is planning a serious violation of secure facility rules, on which disciplinary action is considered premature;
2. Reasonable suspicion exists to indicate that the juvenile is in possession of, or plans to obtain, contraband which may pose a danger to the juvenile or others;
3. The juvenile exhibits assaultive, self-mutilating and/or threatening behavior related to a medical or

psychiatric condition, in the written opinion of a psychiatrist, psychologist or medical doctor; and/or

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

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

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

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

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

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

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

SUBCHAPTER 12. JUVENILE ORIENTATION AND HANDBOOK

13:95-12.1 Responsibility for orientation

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

13:95-12.2 Scheduling orientation

(a) Juveniles shall be provided an orientation session within one week of admission to a Reception Center, unless compelling security or safety reasons dictate otherwise, or to

do so would adversely affect the orderly operations of the secure facility.

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

(c) Ongoing orientation sessions shall be conducted, as needed, to inform juveniles of:

1. New or revised policies and rules;
2. New or revised procedures;
3. Programs;
4. Services; and
5. Activities.

(d) Orientation sessions shall be presented in a foreign language when necessary.

13:95-12.3 Content of orientation sessions

(a) Each secure facility shall have a resident handbook, the contents of which shall be used as a guide for orientation sessions.

(b) Topics of orientation sessions shall include, but shall not be limited to:

1. Rights and privileges of juveniles:
 - i. Correspondence;
 - ii. Visits;
 - iii. Telephone calls;
 - iv. Juvenile savings accounts;
 - v. Juvenile legal services;
 - vi. Juvenile business activities; and
 - vii. Ombudsman;
2. Work opportunities;
3. Secure facility services:
 - i. Medical;
 - ii. Dental;
 - iii. Psychological;
 - iv. Psychiatric;
 - v. Counseling (individual and group);
 - vi. Substance use disorder treatment;
 - vii. Social work;
 - viii. Educational;

- ix. Religious;
 - x. Video conferencing (VTC); and
 - xi. Clothing;
4. Recreation and leisure time activities;
 5. Grooming and hygiene;
 6. Personal property;
 7. Housekeeping;
 8. Juvenile Disciplinary Program;
 9. Time and sentences;
 10. Detainers;
 11. Community programs; and
 12. Parole/expiration of sentence:
 - i. Financial aid.

13:95-12.4 Staff participation

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

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

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

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

13:95-12.6 Resident handbook distribution

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

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

13:95-12.7 Resident handbook revision

(a) The secure facility resident handbook shall be updated at least every two years and bear the date of the most recent revision.

(b) The resident handbook revision shall provide an overall review of the secure facility's written policies and procedures.

13:95-12.8 Review of secure facility and unit-specific resident handbooks

(a) Prior to printing a revision of the resident handbook, two copies of the draft with the proposed revisions shall be submitted to the office of the Director of Operations for review and written approval.

(b) When the approved draft of the revised resident handbook has been printed, a copy of the revised resident handbook shall be submitted to the Office of the Director of Operations.

13:95-12.9 Secure facility and unit-specific resident handbook content

(a) The secure facility resident handbook shall contain an introduction which explains the philosophy of the secure facility.

(b) The secure facility resident handbook shall include, but shall not be limited to, an explanation and/or description of:

1. The reception process;
2. The classification process;
3. The rights and privileges of juveniles:
 - i. Correspondence;
 - ii. Visits;
 - iii. Telephone calls;
 - iv. Juvenile accounts;
 - v. Juvenile legal services;
 - vi. Juvenile business activities; and
 - vii. Ombudsman;
4. Work opportunities;
5. Secure facility services:
 - i. Medical;
 - ii. Dental;
 - iii. Psychological;
 - iv. Psychiatric;
 - v. Counseling (individual and group);
 - vi. Substance use disorder treatment;
 - vii. Social work;
 - viii. Educational;
 - ix. Religious;
 - x. Video conferencing (VTC); and
 - xi. Clothing;

6. Recreation and leisure time activities;
7. Grooming and hygiene;
8. Personal property;
9. Housekeeping;
10. Community programs;
11. Other programs and services; and
12. Parole/expiration of sentence:
 - i. Financial aid.

(c) Unit-specific resident handbooks shall contain those internal management procedures, provisions, privileges and services specifically related to juveniles assigned to the unit.

SUBCHAPTER 13. (RESERVED)

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

13:95-14.1 Purpose

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

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

13:95-14.2 Written secure facility internal management procedures

(a) Each secure facility shall develop written internal management procedures governing juvenile hygiene and

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

(b) New or revised written internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry shall be posted in each area housing juveniles and incorporated into the next publication of the secure facility resident handbook.

13:95-14.3 Juvenile orientation

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

13:95-14.4 Room restriction and Close Custody provisions

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

13:95-14.5 Sanitary/hygiene/grooming kit

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

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

13:95-14.6 Grooming, showering and shaving

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

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

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

13:95-14.7 Procedures for purchasing and issuing supplies

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

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

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

13:95-14.8 Time for grooming

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

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

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

13:95-14.9 Hair

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

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

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

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

13:95-14.10 Tobacco products prohibited

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

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

13:95-14.11 Juvenile identification (ID) photographs

(a) Replacement identification (ID) photographs shall be taken when:

1. A juvenile intentionally changes his or her appearance such as, but not limited to, a change in hair style, the growth or removal of facial hair, weight gain or weight loss;

2. A juvenile's appearance changes due to circumstances beyond the control of the juvenile such as, but not limited to, hair, weight gain or weight loss due to illness; or

3. A juvenile voluntarily changes his or her appearance in order to comply with a program safety, health or sanitation recommendation.

(b) Juveniles shall reimburse the secure facility for the cost of the ID photograph except when:

1. The juvenile is indigent as this term is defined in N.J.A.C. 13:95-1.3;

2. The juvenile's appearance changes due to circumstances beyond his or her control; or

3. The juvenile voluntarily changes his or her appearance in order to comply with a program safety, health or sanitation recommendation.

13:95-14.12 Housekeeping

(a) Housekeeping schedules of daily, weekly and periodic cleaning duties shall be developed and maintained by each secure facility. These schedules shall set forth the type and frequency of cleaning assignments necessary to maintain all areas of the facility and grounds in a clean, orderly and safe condition.

(b) Juveniles assigned to use housekeeping equipment shall be trained in the use of the equipment; cleaning activities shall be supervised to help ensure the work performed is appropriate, the equipment is in good working order and supplies are used in accordance with manufacturer instructions.

(c) Juveniles shall keep their immediate living and working areas clean.

13:95-14.13 Waste disposal

(a) Liquid, solid and recyclable wastes shall be appropriately separated, stored, collected and disposed of in a manner that will protect the health and safety of all persons within a secure facility and avoid the creation of a nuisance or hazard.

(b) Garbage shall be stored in durable rust-resistant, watertight, rodent-proof and cleanable containers with tight-fitting lids.

(c) Regulated medical waste shall be handled in accordance with N.J.A.C. 7:26-3A.

13:95-14.14 Control of vermin and pests

(a) Each secure facility shall provide for the control of vermin and pests under the direction of licensed pest control specialists.

(b) Pest control inspections shall be conducted on a regular basis.

13:95-14.15 Inspections by secure facility staff members

All areas of the secure facility shall be inspected for cleanliness at least weekly by a designated staff member(s) who shall submit a written report to the Superintendent or designee.

13:95-14.16 Inspections by the State Department of Health and Senior Services

(a) The Office of Administration shall coordinate sanitary inspections to be conducted by the New Jersey Department of Health and Senior Services.

(b) Each secure facility shall be inspected in accordance with a schedule agreed upon by both the Commission and the State Department of Health and Senior Services.

(c) Upon completion of the inspection, each secure facility receiving a rating other than satisfactory shall be required to respond to the cited deficiencies on Form J360-I Remedial Action Plan Report. The completed report shall be submitted to the Director of Administration or designee within 21 calendar days after the completion of the inspection.

(d) Form J360-I Remedial Action Plan Report shall be completed in the following manner:

1. All deficiencies cited in the inspection document shall be entered onto Form J360-I in the order in which the deficiencies appear on the document, together with the appropriate agency code/reference number(s), if indicated, and the area of the secure facility inspected;

2. The specific action(s) taken to correct each deficiency shall be briefly stated along with the scheduled completion date of each. Where work orders are involved, the secure facility shall indicate the scheduled completion

date of the action(s) required. Dates of work order submissions are not acceptable as completion dates; and

3. Secure facilities shall schedule completion of all corrective action(s) no later than 21 calendar days subsequent to receipt of the inspection report, except where the needed materials, supplies and/or services are documented to require additional acquisition or completion time. In these cases, the earliest possible completion dates shall be scheduled and entered on the form.

(e) Secure facilities unable to submit a plan within 21 calendar days must forward a justification with a request for a 14-calendar-day extension, in writing, to the Director of Administration or designee.

(f) Facilities receiving a rating other than satisfactory shall be subject to a reinspection within a time frame deemed appropriate by the New Jersey Department of Health and Senior Services.

13:95-14.17 Policies of the Office of Administration

(a) The Facilities Unit within the Commission's Office of Administration shall be responsible to formulate written policies to help ensure compliance with New Jersey health codes, acceptable water supply, waste disposal methods and control of vermin and pests.

1. These policies shall be reviewed annually and updated when necessary.

2. All policy revisions and annual updates shall be sent to each secure facility.

13:95-14.18 Basic clothing issue

(a) The designated reception facility shall provide an initial basic clothing issue to all juveniles, as deemed appropriate based on gender and weather conditions.

(b) The Director of Operations or designee shall be responsible for standardizing the basic clothing issue.

(c) Prior to the last working day of June each year, each secure facility shall submit to the Director of Operations or designee, for review and approval, a current listing of the basic clothing issue of the secure facility.

(d) The Director of Operations or designee shall annually review and authorize the basic clothing issue listing of each secure facility.

(e) During the course of the year, any additions to, deletions of and substitutions to the listed clothing issue shall be approved, in writing, by the Director of Operations or designee.

13:95-14.19 DEPTCOR, State Use Industries

(a) The basic clothing issue, footwear, special issue/work detail clothing, bedding and towels shall be ordered through DEPTCOR, State Use Industries (see N.J.S.A. 30:4-95).

(b) Thirty calendar days prior to the July 1 commencement of each fiscal year, each secure facility shall submit in writing to State Use Industries its estimate of basic issue items needed for the ensuing fiscal year.

13:95-14.20 Replenishing juvenile basic issue

(a) When items of a juvenile's basic issue are lost, stolen or condemned, they shall be replaced without delay.

(b) Previously used basic issue clothing shall not be reissued to juveniles unless the clothing is in good condition.

13:95-14.21 Juvenile accountability for State-issued clothing

(a) Juveniles shall be held accountable for their issue of clothing.

(b) Juveniles who mutilate, destroy or alter basic issue items may be subject to disciplinary action and may be required to make restitution.

13:95-14.22 Special issue/work detail clothing

(a) Each secure facility shall issue appropriate special protective clothing such as caps or hairnets and clothing related to weather conditions to juveniles assigned to specific work details such as, but not limited to, food service, hospital, farm, sanitation, and mechanical services.

(b) Juveniles scheduled for court trips, death bed visits or attendance at funerals in the community shall be provided with authorized civilian clothing when deemed necessary by the Superintendent.

(c) Each secure facility shall, in accordance with written internal management procedures, require juveniles to wear special clothing while working outside the facility perimeter.

(d) Additional work clothing shall be issued if requested by the juvenile and approved by the Superintendent or designee.

13:95-14.23 Clothing handling at juvenile release

(a) Juveniles and/or their families may make arrangements to provide suitable clothing for juveniles upon release.

(b) When clothing is not otherwise provided, the secure facility shall issue clothing to juveniles being released. The issue of clothing shall be gender and weather appropriate.

13:95-14.24 Personal clothing

Juveniles shall not be permitted to retain and wear personal clothing while confined in a secure facility except for those personal clothing items that are approved for purchase from the secure facility commissary.

13:95-14.25 Marking State-issued clothing

State issued clothing shall be marked and or coded in a legible and uniform manner when deemed necessary in accordance with the internal management procedures of the secure facility.

13:95-14.26 Condemning clothing

A secure facility staff person shall be designated and given the authority to condemn and replace State issued clothing that cannot reasonably be repaired.

13:95-14.27 Clothing storage

Except in unusual circumstances, each juvenile shall be provided with a bureau, locker, closet or shelving that can be used for the storage of clothing.

13:95-14.28 Bedding towels and washcloths

(a) The secure facility shall be responsible for issuing the following clean items to juveniles in general population in accordance with facility internal management procedures:

1. Bedding, to include a pillow, pillow case, mattress, sheets, and sufficient blankets to provide comfort under existing temperature conditions; and
2. Towels and washcloths.

13:95-14.29 Secure facility/unit laundry services

(a) Unless laundry facilities are provided in housing areas, the secure facility shall be responsible for having juvenile clothing laundered at a central laundry a minimum of once a week.

(b) Linens and towels shall be exchanged on at least a weekly basis.

(c) Blankets shall be processed through a central laundry a minimum of once every six months.

13:95-14.30 Secure facility central laundry policies and procedures

(a) The Superintendent shall be responsible for formulating written guidelines for the operation of any central laundry within a secure facility that shall include, but not be limited to, procedures for:

1. Collecting;
2. Bagging;

3. Counting;
4. Transporting;
5. Preparing a laundry budget;
6. A preventative maintenance of equipment and laundry areas;
7. A cleaning program, such as, but not limited to, routine lint removal from dryers;
8. Monitoring and reporting laundry activity; and
9. Purchasing and replacing equipment.

(b) The handling of laundry shall be governed by written procedures or post orders, which shall be reviewed annually to determine compliance with any applicable bloodborne pathogen protocols.

13:95-14.31 Records

(a) A clothing and bedding record shall be maintained for each juvenile. This record shall include, at a minimum, the following:

1. The juvenile's name;
2. The juvenile's number;
3. The juvenile's housing area;
4. The juvenile's sizes;
5. The items issued to the juvenile and the date of issue; and
6. A notation as to whether the issued items were new or used.

SUBCHAPTER 15. JUVENILE ACCESS TO COURTS

13:95-15.1 Juvenile access to courts

(a) Juveniles have a constitutional right of access to the courts and appropriate access to reasonable legal services, which shall include the following:

1. Establishment and use of a juvenile law library or access to legal reference materials;
2. Photocopying services;
3. Opportunity to make legal telephone calls (see N.J.A.C. 13:95-15.7);
4. Provision of supplies, such as pens and paper, when needed;
5. Use of word processing resources to the extent that they are available;
6. Notary service;

7. Assistance of juvenile paralegals; and
8. Payment of postage for indigent juveniles.

13:95-15.2 Allocation of legal services

(a) Juvenile legal services are available to all juveniles.

(b) Based on the availability of space, supervisory staff and the security needs of the secure facility, the Superintendent or designee shall determine those juveniles who may have direct personal access to legal reference materials and related services.

(c) Juveniles who, in the discretion of the Superintendent or designee, may not have direct personal access to legal reference materials and related services shall receive legal reference materials and related services from assigned juvenile paralegals.

13:95-15.3 Law library

(a) In consultation with the Director of Education, each secure facility Superintendent or designee shall be responsible for establishing and maintaining a law library and for developing internal management procedures for library use and supervision. The procedures shall specify:

1. Law library hours;
2. The number of juveniles who may use the library at one time;
3. Persons responsible for the supervision of juveniles;
4. Limitation(s) on removal of legal reference materials;
5. The provision of supplies such as pens and paper;
6. The use of word processing resources; and
7. Any additional rules deemed necessary by the Superintendent or designee.

(b) Consideration shall be given to the following factors regarding the use of the law library:

1. Space and staff limitations;
2. The availability of supplies;
3. The availability of word processing resources;
4. The secure and orderly operation of the secure facility; and
5. The verified need of certain juveniles to meet time requirements for filing legal documents.

(c) The Director of Education is responsible for the initial purchase of legal reference materials.

(d) The initial purchase of legal reference material shall be consistent with law and secure facility needs.

13:95-16.4 Decision making criteria for placing a juvenile on or releasing a juvenile from special observation status

(a) In determining whether to place a juvenile on special observation status or to release a juvenile from special observation status, the factors to be considered include, but are not limited to:

1. Mood or attitude;
2. Behavior;
3. Participation in activities;
4. Personal hygiene;
5. Sleeping patterns;
6. Eating habits;
7. Previous suicide attempts, if known; and/or
8. Current life situation and other information deemed relevant.

13:95-16.5 Temporary placement on special observation status

(a) The following secure facility staff persons are authorized to order that a juvenile be placed on temporary special observation status:

1. Any physician;
2. Any mental health staff person;
3. The highest ranking custody supervisor on duty;
4. The Superintendent;
5. The Director of Custody Operations; or
6. Another staff person as designated by the Superintendent.

(b) Form JJC CO-1 Notice of Special Observation Status shall be completed by the staff person who ordered the initial placement of the juvenile on special observation status and this notice shall be submitted to the Superintendent or designee for review and approval as soon as possible, but in any event within two hours of placement on special observation status. A copy of Form JJC CO-1 shall be forwarded by the staff person who ordered the initial placement of the juvenile on special observation status to the Office of Classification for placement in the juvenile's classification file and medical record.

13:95-16.6 Psychological/psychiatric review

(a) A psychologist, psychiatrist or psychiatric advanced practice nurse shall interview the juvenile as soon as possible, but in no event later than 24 hours after placement on special observation status and the juvenile shall be interviewed daily

thereafter by a psychologist, psychiatrist, psychiatric advanced practice nurse or mental health clinician.

(b) Form JJC CO-4 Daily Observation Status Monitoring Report shall be completed by a psychologist, psychiatrist, psychiatric advanced practice nurse or mental health clinician after each visit. This report shall be filed daily in the juvenile's medical record.

13:95-16.7 Special psychological/psychiatric assessment required of juvenile on special observation status prior to discipline

Within 48 hours of any scheduled disciplinary hearing before a Disciplinary Hearing Officer, a juvenile on special observation status shall be evaluated by a staff psychologist, psychiatrist or psychiatric advanced practice nurse to ascertain the appropriateness of going forward with the hearing as scheduled. The findings of the psychologist, psychiatrist or psychiatric advanced practice nurse shall be presented on Form JJC CO-6 Disciplinary Report from Mental Health Services shall be submitted to the Superintendent or designee, and shall be placed in the juvenile's medical record.

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

13:95-16.8 Change in type of observation

(a) After the initial placement of a juvenile on special observation status, a psychiatrist, psychologist or psychiatric advanced practice nurse may change the type of observation of a juvenile from close observation to constant observation or from constant observation to close observation by filling out Form JJC CO-2 Notice of Change in Special Observation Status. The original of JJC CO-2 shall be filed in the juvenile's medical record and a copy shall be forwarded by the staff person ordering the change to the Facility Classification Office for placement in the juvenile's classification file.

(b) The recommendation for a change in observation status that involves a lower level of supervision shall be subject to review and approval by the Superintendent or designee before action is taken to change the type of observation.

13:95-16.9 Daily written report

(a) The custody staff member on each shift, who is assigned to the special observation status post, shall complete Form JJC CO-3 Special Observation Status Monitoring Report.

(b) The completed Form JJC CO-3 shall be submitted to the highest ranking custody supervisor on duty at the conclusion of the shift, and copies of Form JJC CO-3 shall be forwarded by the third shift highest ranking custody supervisor to:

1. The Director of Custody Operations;

2. The Superintendent; and
3. The supervising psychologist of the secure facility.

(c) Form JJC CO-3 shall be placed in the juvenile's medical record by the supervising psychologist of the secure facility.

13:95-16.10 Personal property

The highest ranking custody supervisor on duty, after consultation with the lead psychologist of the secure facility or other psychologist or psychiatrist, shall determine the items of personal property which a juvenile on special observation status is permitted to possess in the juvenile's room.

13:95-16.11 Release from special observation status

(a) A psychiatrist, psychologist, or psychiatric advanced practice nurse employed or retained by the secure facility may recommend that the juvenile be released from special observation status by filling out Form JJC CO-5 Release from Special Observation Status.

(b) The recommendation to release a juvenile from special observation status (Form JJC CO-5) shall be subject to review and approval by the Superintendent or designee.

(c) The highest ranking custody supervisor on duty shall be notified by the Superintendent or designee of an order to release a juvenile from special observation status.

(d) If the juvenile's release from special observation status involves a transfer of the juvenile and space is unavailable to accommodate an immediate transfer, the highest ranking custody supervisor on duty shall determine the time the transfer will take place.

(e) Form JJC CO-5 shall be forwarded to the Facility Classification Office and a copy shall be filed in the juvenile's medical record.

13:95-16.12 Attempt to commit suicide

(a) A custody staff member or other staff person who becomes aware that a juvenile is attempting to commit suicide, or apparently has already committed suicide, shall immediately notify Center Control.

(b) Center Control shall advise the custody staff member or other staff person on actions to take and shall send such additional supervisory, emergency, medical or other staff as are deemed necessary.

(c) A custody staff member shall enter the room to take action necessary and appropriate to preventing a suicide or injury to a juvenile, provided that doing so does not pose an undue risk to his or her own safety or to the safety of others.

(d) Factors which should be considered when determining whether to enter the room include, but are not limited to:

1. The availability and location of back-up staff;
2. The staff present at location of incident;
3. The availability of keys;
4. The potential for hostage situations; and
5. The emergent nature of present circumstances.

(e) When determining the action to take, security of the housing unit and secure facility shall be of primary concern.

13:95-16.13 Cutting tool

A special cutting tool known as a "911 rescue tool" shall be available to a custody staff officer for purposes of cutting down a hanging juvenile.

13:95-16.14 Required post orders and management procedures relating to juveniles on special observation status

(a) Each secure facility shall develop written post orders and management procedures consistent with this subchapter.

(b) Such post orders and management procedures shall have as their primary goal the objectives set forth in N.J.A.C. 13:95-16.3(a), while giving due consideration to maintaining security of the secure facility and the safety of other juveniles and staff.

(c) The post orders and management procedures required hereunder shall be updated on a yearly basis, subject to review and approval of the Director of Operations.

SUBCHAPTER 17. PREGNANT JUVENILES AND CRITICAL INJURY OR DEATH OF JUVENILES

13:95-17.1 Purpose

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

1. Providing assistance to pregnant juveniles and placement of her newborn; and
2. Providing notification to next of kin in the event of a juvenile's critical illness or death.

13:95-17.2 Care of pregnant juveniles

(a) The Commission shall provide a pregnant juvenile with medical and social services, which at a minimum shall include:

1. Prenatal medical evaluation and care, including the routine pregnancy tests given to all female juveniles upon admission to the secure facility;
2. Nutritional supplements and diet as prescribed by a physician, advance practice nurse or certified nurse midwife;

3. Counseling regarding:
 - i. Family planning;
 - ii. Prenatal Counseling and Education
 - iii. Birth control;
 - iv. Test results;
 - v. Termination of pregnancy;
 - vi. Child placement services; and
 - vii. Religious counseling, if desired by the juvenile; and
4. Appropriate postpartum care, including counseling for trauma related to surrender of baby.

13:95-17.3 Obstetrical services

When the pregnant juvenile elects to carry the pregnancy to term, arrangements shall be scheduled in advance for the delivery at an appropriate medical facility.

13:95-17.4 Maternity clothes, housing assignments, exercise and work schedules

(a) The secure facility shall provide the pregnant juvenile with:

1. Suitable maternity clothes;
2. Appropriate housing assignments, as may be recommended by a physician, advanced practice nurse or certified nurse midwife; and
3. Appropriate exercise and reduced work schedules, as deemed medically advisable by a treating physician, advance practice nurse or certified nurse midwife.

13:95-17.5 Termination of pregnancy

(a) As soon as possible after the pregnancy is diagnosed, a physician, advanced practice nurse or certified nurse midwife shall provide the pregnant juvenile with appropriate medical care, and the pregnant juvenile shall be given religious and social counseling to aid her in making the decision to continue or to terminate the pregnancy.

(b) Should the pregnant juvenile elect to terminate the pregnancy, arrangements shall be made by the health care provider without undue delay to schedule and complete the procedure, unless a treating physician, advance practice nurse or certified nurse midwife determines that the pregnancy cannot be terminated.

(c) A juvenile who elects to terminate a pregnancy shall be required to sign a form indicating her desire to terminate the pregnancy and acknowledging that she has received medical care and has been offered religious and social counseling in reaching her decision.

(d) A pregnancy shall be terminated, and follow-up care shall be provided, only at a medical facility or hospital licensed in New Jersey.

13:95-17.6 (Reserved)

13:95-17.7 Placement of infants and infant's medical costs

(a) Unless alternative legal custody arrangements have been made by the juvenile's family or others, temporary custody of an infant born to a pregnant juvenile shall be assumed, or otherwise determined, by the appropriate state child protective services agency, but at no time shall custody be vested in the Commission.

(b) At no time shall the Commission assume or otherwise be responsible for any of the infant's medical costs.

13:95-17.8 Critical illness or death of a juvenile; notification of next of kin

(a) In the event of a juvenile's critical illness or death, the juvenile's next of kin shall be notified within 24 hours by the Superintendent or designee of the secure facility that maintains the classification and medical files of the juvenile.

(b) "Next of kin" shall be interpreted to mean:

1. Spouse;
2. Mother;
3. Father;
4. Guardian;
5. Persons connected by birth or marriage; or
6. Other persons indicated on official records.

(c) Initial contact with the next of kin shall be by telephone. In cases where the next of kin cannot be reached by telephone, the local law enforcement authority or New Jersey State Police shall be contacted and requested to advise the next of kin to contact the secure facility immediately.

(d) A letter confirming the telephone conversation shall be forwarded to the next of kin, and a copy of the letter shall be placed in the juvenile's classification file.

(e) In the event the juvenile is removed from the critical list, the next of kin shall again be informed in accordance with this section.

(f) In the case of a death of a juvenile, the Superintendent or designee shall be responsible to ensure that the following individuals have immediately been notified:

1. The juvenile's next of kin;
2. The Director of Operations;
3. The county medical examiner's office; and

4. The appropriate state child protective services agency.

(g) All reports shall be prepared in accordance with N.J.A.C. 13:95-21, Reports.

13:95-17.9 Advance directive for juvenile age 18 or older

At the request of a juvenile who is 18 years old or older, an advance directive that complies with N.J.S.A. 26:2H-55 et seq. shall be placed in the juvenile's medical record.

13:95-17.10 Security procedures upon the death of a juvenile

(a) The appropriate state child protective services agency shall be notified promptly of the death of any juvenile under the age of 18.

(b) If death is confirmed other than in a hospital, the body cannot be moved to a hospital without the approval of the county medical examiner.

(c) Prior to release of a body from the secure facility, hospital or medical examiner, photographs and fingerprints shall be obtained by the Office of Investigations for the records.

(d) Subject to any religious tenets of the juvenile or intervening rights of a parent or guardian, an autopsy shall be performed when regulations by the county medical examiner so require and/or when requested by the medical or surgical staff of the medical facility where the juvenile expired.

13:95-17.11 Claiming bodies of deceased juveniles

(a) Persons claiming the body of a deceased juvenile must contact the hospital where the juvenile expired or appropriate medical examiner's office where the body was taken in order to obtain the release of the body.

(b) The Commission shall not be responsible for the costs of burial or cremation for bodies of deceased juveniles that are claimed.

13:95-17.12 Burial or cremation of unclaimed bodies

(a) The Commission shall arrange for the burial or cremation of unclaimed bodies of juveniles. The county medical examiner's office shall be contacted for assistance in such cases.

(b) An unclaimed body shall be cremated where it is reasonably believed that it would not violate the religious tenets of the deceased juvenile.

(c) The Social Security Administration, Veteran's Administration and the New Jersey Department of Human Services shall be contacted by the secure facility for any possible death benefits.

(d) Money remaining in the account of a deceased juvenile may be used for burial or cremation expenses.

13:95-17.13 Distribution of money and personal belongings of deceased juveniles

(a) Prior to any money remaining in the account of a deceased juvenile is distributed, those funds shall be used to pay:

1. Court ordered penalty assessments, restitution and fines;
2. Other revenue obligations or fees;
3. Fees for medical and/or dental treatment; and
4. Fees for prescription or nonprescription drugs or medicine.

(b) When a juvenile who is younger than age 18 expires, money in the juvenile's account and other property of the juvenile shall be turned over to the juvenile's parent or guardian.

(c) When a juvenile aged 18 or older expires without a will, and the amount of money in the juvenile's account and/or the value of personal property is \$2,000 or less, such money and personal property may be turned over to the next-of-kin shown in the most recent classification records. The next-of-kin shall be required to sign an itemized list/receipt of such money and personal property, and a statement in which the next-of-kin certifies no knowledge of the existence of an official will. The Superintendent or designee shall take the necessary steps to verify the identity of the next-of-kin.

(d) When a juvenile aged 18 or older expires without a will, and the amount of money in the account and/or the value of personal property exceeds \$2,000, these assets may be released to the juvenile's relative or other claimant only after the relative or claimant presents to the Superintendent or designee a certified, filed copy of Letters Testamentary, Letters of Administration, or a filed Affidavit from the Office of County Probate which entitles the claimant to assets without administration (see N.J.S.A. 3B:10-3 and 4).

(e) In the event a juvenile aged 18 or older dies without leaving a will, and there are no known relatives, the funds in the juvenile's account, if any, shall be closed out and pursuant to the Uniform Unclaimed Property Act (1981), N.J.S.A. 46:30B-1 et seq., transferred to the Department of Treasury after deductions for burial or cremation.

13:95-17.14 Written procedures

The Superintendent or designee shall be responsible for the development and implementation of written procedures consistent with the requirements of this subchapter and shall incorporate these procedures in the secure facility resident handbook.

SUBCHAPTER 18. (RESERVED)

SUBCHAPTER 19. MAIL: CORRESPONDENCE,
LEGAL CORRESPONDENCE, PUBLICATIONS
AND PACKAGES**13:95-19.1 Notice to juveniles**

(a) Juveniles shall be informed of all existing, new or revised rules and procedures regarding the mailing and receipt of correspondence, legal correspondence, publications and packages by posting appropriate notices in each housing area and other areas of the secure facility.

(b) During the admission orientation program, juveniles shall be given a description and explanation of all such rules and procedures.

(c) All current rules and procedures regarding correspondence, legal correspondence, publications and packages shall be incorporated into the next revision of the resident handbook, as provided for in N.J.A.C. 13:95-12.7.

13:95-19.2 Limitation on number of correspondents

The number of approved correspondents and the amount of correspondence a juvenile may receive or send shall be unlimited.

13:95-19.3 Limitation on number of postage stamps

Each secure facility shall establish a limit of stamps that juveniles may possess that is consistent with the maintenance of security and the orderly operation of the secure facility.

13:95-19.4 Limitation on source of publications

(a) Juveniles in general population shall be permitted to receive hardcover books, paperback books, magazines and other soft cover publications from the publisher or source of sale only.

(b) Juveniles shall be permitted to receive newspapers only by subscription mailed directly from the publisher.

(c) The Superintendent or designee may impose reasonable restrictions on the number of publications a juvenile in general population may receive to the extent appropriate for purposes of ensuring the safe, secure and orderly operation of the secure facility or operational unit.

(d) All books, magazines, publications and newspapers must be prepaid.

(e) Limitations regarding publications for juveniles confined in protective custody and temporary close custody shall be set forth in the unit internal management procedures.

13:95-19.5 Limitations on packages

(a) Each secure facility Superintendent or designee shall promulgate:

1. Internal management procedures written in accordance with this section that include a written list of items which may be received in a package; and

2. A limit on the number and weight of packages which may be received by a juvenile each month.

(b) Each juvenile shall be given written notice of package limitations as established in this section.

(c) Juveniles shall not be permitted to receive packages except from source of sale.

(d) All packages must be prepaid.

13:95-19.6 Correspondence in language other than English

All secure facilities shall permit incoming and outgoing correspondence of the juveniles to be in a language other than English.

13:95-19.7 Correspondence to or from other juveniles and inmates of adult correctional facilities

(a) Correspondence to juveniles from inmates of adult correctional facilities may be read to ensure that the correspondence does not contain any content prohibited by N.J.A.C. 13:95-19.24. Mail between juveniles may not be read except as provided for N.J.A.C. 13:95-19.8(a).

(b) The superintendent or designee shall be authorized to limit correspondence to or from other juveniles and inmates of adult correctional facilities, for purposes of ensuring the safe, secure and orderly operation of the secure facility or operational unit.

13:95-19.8 Inspection and identification of incoming correspondence

(a) Incoming correspondence shall be opened and inspected for contraband, but it shall not be read unless there is reason to believe that the correspondence contains disapproved content pursuant to N.J.A.C. 13:95-19.24. If there is reason to believe that the correspondence contains disapproved content, the correspondence shall be read only upon prior authorization of the Superintendent or designee.

(b) A confidential list of the names of juveniles whose incoming correspondence is authorized to be read shall be established and maintained in the secure facility's mail room, or wherever the confidentiality of the list can be maintained.

(c) The sender's name and address and the juvenile's name and number should appear legibly on the outside of all incoming correspondence.

(d) Correspondence without either the juvenile's name or number shall be returned to the sender. When both the juvenile's name or number and the sender's name and address do not appear on the outside of the incoming correspondence, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(e) If either the sender's name or address does not appear, but the juvenile's name or number do appear on the outside of the incoming correspondence, the correspondence may be delivered to the juvenile after the correspondence has been opened and inspected for contraband.

(f) If it is necessary to return correspondence to a sender and the return address is incomplete, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

13:95-19.9 Inspection of outgoing correspondence

(a) Outgoing correspondence shall be reviewed to determine the sender. If the sender of the correspondence cannot be identified, the correspondence shall be destroyed.

(b) Outgoing mail shall not be opened, read or censored if it is considered legal correspondence, or if it is addressed to:

1. Public officials such as:
 - i. The President of the United States;
 - ii. The Vice-President of the United States;
 - iii. Members of Congress;
 - iv. The Governor;
 - v. Members of the State Legislature;
 - vi. Members of the County Board of Freeholders; or
 - vii. The Mayor;
2. Governmental agency officials, such as:
 - i. The Director of the Federal Bureau of Prisons;
 - ii. The Executive Director of the Juvenile Justice Commission;
 - iii. The Office of The Child Advocate.
 - iv. Members of the Federal Parole Board;
 - v. Members of the State Parole Board; or
3. News media representatives.

(c) Outgoing mail from juveniles to public officials, governmental agency officials and news media representatives may be held, for a maximum of 72 hours, in order to verify that the addressee is a legitimate public official, governmental agency official or news media representative.

(d) Any outgoing correspondence addressed to someone other than those cited in (b) above shall not be opened, read or censored unless there is reason to believe that the correspondence contains disapproved content pursuant to N.J.A.C. 13:95-19.24 and then only with the prior approval of the Superintendent or designee.

(e) Outgoing correspondence which is opened pursuant to this subchapter shall, once reviewed and approved, be resealed and mailed promptly.

(f) A confidential list of all correspondence which is read pursuant to this subchapter shall be maintained in the secure facility's mail room, or wherever the confidentiality of the list can be maintained.

13:95-19.10 Identification of secure facility on outgoing correspondence

The full name of the secure facility shall be clearly stamped or printed in the upper left corner of all outgoing envelopes from juveniles or juvenile groups.

13:95-19.11 Identification of incoming legal correspondence

(a) The return address on the outside of an envelope should clearly indicate that the correspondence is being sent from a legal correspondent as established in the definition for "legal correspondence" in N.J.A.C. 13:95-1.3.

(b) Mail sent from a legal correspondent shall be considered legal correspondence and shall be handled in accordance with this subchapter.

(c) The absence of a particular name of an attorney or judge shall not preclude the correspondence from being treated as legal correspondence if the return address indicates an office or court as established in the definition for "legal correspondence" in N.J.A.C. 13:95-1.3.

13:95-19.12 Inspection of incoming legal correspondence

(a) Incoming legal correspondence shall be opened in the presence of the juvenile to whom the legal correspondence was sent and may be inspected for contraband only.

(b) Incoming legal correspondence shall not be read or copied. The content of the envelope may be removed and shaken loose to ensure that no contraband is included. After the envelope has been inspected the correspondence shall be given to the juvenile.

(c) The secure facility may require that the juvenile sign a slip acknowledging receipt of the incoming legal correspondence.

(d) Where there is substantial reason to believe that the incoming correspondence is not legal in nature or that it contains disapproved content pursuant to N.J.A.C. 13:95-

19.24, the Superintendent shall immediately notify the Director of Operations. The incoming legal correspondence shall not be inspected in a manner other than as outlined in this subchapter without first obtaining instructions from the Director of Operations.

13:95-19.13 Identification of outgoing legal correspondence

(a) All outgoing legal correspondence shall be clearly marked with the juvenile's name and number on the envelope.

(b) A juvenile who is sending legal correspondence out of the secure facility shall be responsible for clearly marking "legal mail" on the front and back of the envelope.

(c) The absence of the "legal mail" designation shall not mean that the correspondence may be treated as non-legal correspondence if the address on the envelope clearly indicates that it is legal correspondence as that term is defined in N.J.A.C. 13:95-1.3.

13:95-19.14 Identification of incoming publications

(a) The sender's name and address and the juvenile's name and number shall appear legibly on the outside of all incoming publications.

(b) The juvenile's name and number shall appear on the outside of the incoming publication. Publications without both the juvenile's name and number shall be returned to sender.

(c) If the sender's name and address do not appear on the outside of the publication, the publication shall be opened and examined to determine the identity of the sender.

(d) If the sender cannot be identified, the publication shall be destroyed.

13:95-19.15 Inspection and identification of outgoing publications

(a) Outgoing publications shall be reviewed to determine the sender.

(b) The juvenile's name and number or the name of the juvenile group shall appear legibly on the outside of the publication.

(c) If both the name and number of the sender do not appear on the outside of the outgoing publication, it shall be opened and examined to determine the sender so that it can be returned to the juvenile or juvenile group. If the sender cannot be identified, the outgoing publication shall be destroyed.

(d) Except as stated in (c) above, outgoing publications shall not be opened, read or censored unless there is reason to believe that the publication contains disapproved content

under the provisions of N.J.A.C. 13:95-19.37 and then only with the prior approval of the Superintendent or designee.

(e) Outgoing publications that are opened pursuant to this subchapter shall, once reviewed and approved, be resealed and mailed promptly.

(f) A confidential list of the outgoing publications that are read pursuant to this subchapter shall be maintained in the investigative unit or mail room of the secure facility, or wherever the confidentiality of the list can be maintained.

13:95-19.16 Inspection of incoming publications

(a) Each incoming publication shall be opened and inspected for contraband, but shall not be read unless there is reason to believe that the publication contains disapproved content under the provisions of N.J.A.C. 13:95-19.37, and then only upon the prior authorization of the Superintendent or designee.

(b) A confidential list of the incoming publications that are read shall be maintained in the mail room of the secure facility, or wherever the confidentiality of the list can be maintained.

13:95-19.17 Identification of incoming mailed packages

(a) Every incoming package shall be clearly marked with the name and address of the source of sale and the juvenile's name and number.

(b) The juvenile's name and number or the name of the juvenile group shall appear on the outside of the incoming mailed package. Packages without both the juvenile's name and number or the name of the juvenile group shall be returned to the sender.

(c) If the name and address of the sender or source of sale does not appear on the outside of the incoming mailed package, it shall be examined to identify the sender or source of sale when it is opened.

(d) If the sender or source of sale of an incoming mailed package cannot be identified, the content of the package shall be destroyed.

13:95-19.18 Inspection of incoming packages

(a) Every incoming package shall be opened and searched for contraband except as established in (c) below.

(b) Any item of contraband which is found during a search shall be processed in accordance with N.J.A.C. 13:95-6.

(c) Any package(s) received from a source other than source of sale shall be marked "Refused" and returned to the sender unopened if the sender can be identified.

13:95-19.19 Inspection and identification of outgoing packages

- (a) Every outgoing package shall be opened and inspected.
- (b) Every outgoing package shall be clearly marked with the juvenile's name and number or the name of the juvenile group on the outside of the package.
- (c) If either the juvenile's name or number or the name of the juvenile group does not appear on the outside of the outgoing package, when opened for inspection, it shall be examined to identify the sender so that it can be returned to the juvenile or juvenile group for proper mailing.
- (d) If the sender of an outgoing package cannot be identified, the content of the package shall be destroyed.
- (e) The content of outgoing packages shall be limited to juvenile personal property.
- (f) Any item of contraband that is found during an inspection of outgoing packages shall be processed in accordance with N.J.A.C. 13:95-6.

13:95-19.20 Registered, certified, preferential, or special delivery mail

- (a) All registered, certified, preferential, or special delivery correspondence of a non-legal nature shall be processed as regular mail and the mail room staff shall sign to acknowledge receipt of the correspondence. The juvenile shall be required to sign an acknowledgement that he or she received the correspondence.
- (b) In instances where the mail room staff is not on duty to sign for registered, certified, preferential, or special delivery correspondence of a non-legal nature, the juvenile shall be required to sign for the correspondence to acknowledge receipt.
- (c) Legal correspondence need not be sent by certified or registered mail.
- (d) If a juvenile has sufficient funds in his or her account to cover the costs of mailing and the juvenile prefers to use certified, preferential, insured, or registered mail, the juvenile shall be permitted to do so at his or her expense.

13:95-19.21 Proof of service

Juveniles who have insufficient funds to send legal correspondence as certified or registered mail and who are concerned that they have no proof of service where regular mail is employed, shall be advised that under the rules of court, an affidavit of service filed with the clerk of the court shall be sufficient proof of service.

13:95-19.22 Correspondence processing

- (a) Properly identified incoming correspondence shall be distributed to juveniles, and outgoing properly identified correspondence shall be forwarded to the post office within one day of receipt in the mail room, excluding weekends, holidays and during emergency incidents.
- (b) Juveniles shall not be involved in the processing of either incoming or outgoing correspondence.

13:95-19.23 Receipt of funds

- (a) Money orders and certified checks shall be the only approved form of money received through the mail which can be accepted by the secure facility for deposit in a juvenile's account.
- (b) When a juvenile receives money orders or certified checks by mail, the juvenile shall be given a receipt and the funds shall be deposited into the juvenile's account.
- (c) All cash and personal checks sent through the mail to a juvenile shall be deemed contraband and processed in accordance with N.J.A.C. 13:95-6.6.

13:95-19.24 Disapproved correspondence

- (a) Any correspondence to or from a juvenile may be withheld in the mail room or taken from a juvenile's possession if it falls within one of the following categories:
1. The correspondence contains material which is detrimental to the security and/or order of the secure facility because it incites violence based upon race, religion, creed or nationality and a reasonable inference can be drawn, based upon the experience and professional expertise of correctional administrators, that it may result in the outbreak of violence within the facility;
 2. The correspondence contains information regarding:
 - i. The manufacture of explosives;
 - ii. The manufacture of weapons;
 - iii. The manufacture of controlled dangerous substances;
 - iv. Escape plans;
 - v. Lock picking or locking devices; or
 - vi. Anything that might pose a threat to the security or orderly operation of the secure facility;
 3. The correspondence contains information that appears to be written in code;
 4. The correspondence contains information concerning activities within or outside the secure facility which would be subject to criminal prosecution under the laws of New Jersey or the United States;

5. The correspondence incites violence or destructive or disruptive behavior toward:

- i. Law enforcement officers;
- ii. Commission or contract vendor personnel or other staff;
- iii. Secure facility juveniles, visitors and/or volunteers; or
- iv. Secure facility programs or procedures; or

6. The correspondence contains material which, based upon the experience and professional expertise of correctional administrators and judged in the context of a secure facility and its paramount interest in security, order and rehabilitation:

- i. Taken as a whole, appeals to a prurient interest in sex;
- ii. Lacks, as a whole, serious literary, artistic, political or scientific value; and
- iii. Depicts, in a patently offensive way, sexual conduct including patently offensive representations or descriptions of ultimate sexual acts, masturbation, excretory functions, lewd exhibition of the genitals, sadism or masochism.

13:95-19.25 Control of correspondence

(a) Except as established in (b) below, incoming correspondence which is withheld from a juvenile shall be returned to the sender, together with a notice that the material has been found to violate Commission rules governing correspondence.

(b) If the correspondence is withheld pursuant to N.J.A.C. 13:95-19.24(a)4 for containing information which would be subject to criminal prosecution under the laws of New Jersey or the United States, the correspondence shall be turned over to the Office of Investigations for further action.

13:95-19.26 Procedures for handling withheld correspondence

(a) When correspondence is withheld in the mail room under the provisions of N.J.A.C. 13:95-19.24, the following action shall be taken:

1. The staff member who withholds the correspondence must submit a written report, no later than the end of the shift to the shift supervisor identifying:
 - i. The correspondence withheld;
 - ii. The juvenile's name and number to whom it was addressed;
 - iii. The time and date of withholding; and
 - iv. The category which the correspondence violates.

2. The decision of the staff member shall be reviewed by the shift supervisor.

3. The correspondence shall be given to the juvenile within 48 hours if the shift supervisor disagrees with the determination of the staff member.

4. The written report shall be initialed and returned to the staff member if the shift supervisor agrees with the determination.

5. The staff member shall provide the sender, within 72 hours of withholding, with a written notice which identifies:

- i. The correspondence withheld;
- ii. The reason for withholding the correspondence; and
- iii. The right of the sender to appeal this decision within 10 calendar days of the date of the notice.

6. The staff member shall provide the juvenile, within 72 hours of the withholding, with a written notice that correspondence has been withheld. The notice must contain the following:

- i. Name of the sender;
- ii. Date of the correspondence;
- iii. Date of the withholding; and
- iv. A statement that the sender has been notified of the withholding and of the right to appeal.

13:95-19.27 Procedure for handling correspondence removed from the juvenile's possession

(a) When correspondence is removed from the juvenile's possession under the provisions of N.J.A.C. 13:95-19.24, the following action shall be taken:

1. The staff member who removes the correspondence from the juvenile must submit a written report no later than the end of the shift to the shift supervisor identifying:
 - i. The correspondence removed;
 - ii. The juvenile's name and number from whom it was removed;
 - iii. The time and date of removal; and
 - iv. The category which the correspondence violates.
2. The decision of the staff member shall be reviewed by the shift supervisor.
3. The correspondence shall be returned to the juvenile within 48 hours if the shift supervisor disagrees with the determination of the staff member.

4. The written report shall be initialed and returned to the staff member if the shift supervisor agrees with the determination.

5. The staff member shall provide the juvenile, within 72 hours of the removal, with a written notice which identifies:

- i. The correspondence removed;
- ii. The reason for removing it; and
- iii. The juvenile's right to appeal the removal.

13:95-19.28 Appeal and final disposition

(a) When the correspondence has been withheld in the mail room or when correspondence has been removed from the juvenile's possession, the sender or juvenile may appeal the action of the shift supervisor to the Superintendent within 10 calendar days of the date of notice.

(b) The sender or juvenile shall be permitted to submit documents in writing to the Superintendent that state that the challenged correspondence does not violate the category indicated in the report of the staff member.

(c) The Superintendent or designee, whose title shall not be lower than an Assistant Superintendent or Director of Custody Operations, shall consider the appeal.

(d) The Superintendent or designee shall issue a written decision on the appeal and shall respond to the sender or juvenile, as appropriate, within 72 hours of receipt of the written appeal. If the decision is to withhold the correspondence from the juvenile, the decision shall contain a specific finding that the correspondence violates the category indicated in the report of the staff member.

(e) If a correspondence is found to be objectionable only in part and such part is easily separable from the rest of the correspondence, the sender or juvenile, as appropriate, shall be given the choice of whether to allow the secure facility to excise the offending portions or to forfeit the juvenile's right to the correspondence.

13:95-19.29 Cost of mailing legal correspondence by indigent juveniles

(a) The secure facility shall provide letter writing materials and shall assume the cost of mailing legal correspondence for indigent juveniles as defined in N.J.A.C. 13:95-1.3.

(b) The cost of mailing legal correspondence shall extend only to First Class or standard postage and shall not include:

1. Registered mail;
2. Certified mail;
3. Preferential mail; or
4. Insured mail.

13:95-19.30 Cost of mailing correspondence for non-indigent juveniles and for juveniles in general intake and orientation

(a) If a non-indigent juvenile has funds in his or her account, the non-indigent juvenile shall be charged for the cost of mailing correspondence.

(b) If the non-indigent juvenile has temporarily overdrawn the account or has a balance in the account, but the balance is not sufficient to pay the total cost of mailing the correspondence, the secure facility shall:

1. Ensure that the correspondence is mailed via First Class and not preferential mail;
2. Remove from the non-indigent juvenile's account the amount available in accordance with (c) below;
3. Charge the non-indigent juvenile's account the amount owed the secure facility; and
4. Advise the non-indigent juvenile in writing of the amount owed and the reason therefore.

(c) Until the secure facility has been reimbursed in full for the cost of mailing correspondence, the Business Manager or designee shall:

1. Remove from the non-indigent juvenile's account any amount of funds in excess of the one-time monthly amount of \$15.00 for reimbursement for the full cost of mailing correspondence;
2. Note in the non-indigent juvenile's account each removal of funds from the juvenile's account;
3. Provide to the non-indigent juvenile a monthly account statement to include each removal of funds for the cost of mailing correspondence from the non-indigent juvenile's account; and
4. Reimburse the secure facility the funds collected from the juvenile for the cost of mailing correspondence. Reimbursements shall be made in accordance with applicable internal management policies.

(d) In the event a non-indigent juvenile is transferred either to another Commission facility or to a facility of the Department of Corrections, the Business Manager or designee of the sending secure facility shall notify the receiving facility in writing of the remaining amount due the sending secure facility for mailing correspondence. The notification shall also request that funds continue to be removed from the non-indigent juvenile's account until reimbursement has been made in full. The receiving facility shall transfer to the sending secure facility the funds collected from the juvenile.

(e) Whenever a non-indigent juvenile's account exceeds a negative balance of \$25.00, the Superintendent or designee shall be notified.

13:95-19.40 Procedure for handling publications removed from a juvenile's possession

(a) When a publication violates one of the categories cited in N.J.A.C. 13:95-19.37 and is removed from the juvenile's possession, the following action shall be taken:

1. The staff member who removes the publication from the juvenile must submit a written report, no later than the end of the shift to the shift supervisor identifying:
 - i. The publication removed;
 - ii. The juvenile's name and number from whom it was removed;
 - iii. The time and date of the removal; and
 - iv. The category which the publication violates.
2. The decision of the staff member shall be reviewed by the shift supervisor.
3. The publication shall be returned to the juvenile within 48 hours if the shift supervisor disagrees with the determination of the staff member.
4. The written report shall be initialed and returned to the staff member if the shift supervisor agrees with the determination of the staff member.
5. The staff member shall provide the juvenile, within 72 hours of the removal, with a written notice which identifies:
 - i. The publication removed;
 - ii. The reason for removing the publication; and
 - iii. The juvenile's right to appeal the removal.

13:95-19.41 Appeal and final disposition

(a) When a publication has been withheld in the mail room or when a publication has been removed from the juvenile's possession, the sender or juvenile may appeal the action of the shift supervisor to the Superintendent within 10 calendar days of the date of the notice.

(b) The sender or juvenile shall be permitted to submit arguments, in writing to the Superintendent, that the challenged publication does not violate the category indicated in the report of the staff member.

(c) The Superintendent or designee, whose title shall not be lower than Assistant Superintendent or Director of Custody Operations, shall consider the appeal.

(d) The Superintendent or designee shall issue a written decision on the appeal and respond to the sender or juvenile, as appropriate, within 72 hours of receipt of the written appeal. If the decision is to withhold the publication from the juvenile, the decision shall contain a specific finding that the publication violates the category indicated in the report of the

staff member and a notification that the publication is being returned to the sender.

(e) If a publication is found to be objectionable only in part and such part is easily separable from the rest of the publication (such as a magazine article, etc.), the juvenile shall be given the choice of whether to allow the secure facility to excise the offending portion(s) or to forfeit his or her right to the publication.

13:95-19.42 Package processing

(a) All properly identified incoming packages shall be distributed to as soon as possible.

(b) All properly identified outgoing packages shall be forwarded to the post office within one day of their receipt in the mail room excluding weekends, holidays and during emergency incidents.

(c) Juveniles shall not be involved in the processing of either incoming or outgoing packages.

13:95-19.43 Forwarding correspondence, legal correspondence, publications and packages to a juvenile transferred to another facility or program

(a) Whenever a juvenile is transferred from a secure facility to either another facility or program, the juvenile shall be responsible for notifying correspondents of the change of address.

(b) For a period not to exceed three months, the secure facility from which the juvenile is transferred shall forward all incoming correspondence, legal correspondence, publications and packages to the facility to which the juvenile has been transferred.

(c) Any correspondence and legal correspondence received after the three-month period shall be returned to the sender. If the sender cannot be identified, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(d) Any publications received after the three-month period may be destroyed or placed in the library of the secure facility from which the juvenile was transferred.

(e) Any packages received after the three-month period shall be returned to the sender, if possible, or destroyed.

13:95-19.44 Forwarding correspondence, legal correspondence, publications and packages to juvenile released on parole or at expiration of maximum sentence

(a) The secure facility shall obtain a juvenile's forwarding address at or about the time of the juvenile's release on parole or at the expiration of the juvenile's maximum sentence.

(b) The juvenile shall be asked whether correspondence, legal correspondence, publications and packages received at the secure facility should be forwarded to the juvenile.

(c) Upon the juvenile's request, the secure facility shall forward the correspondence, legal correspondence, publications and packages to the juvenile.

(d) The secure facility shall not forward certified or registered mail, but shall return it to the sender.

(e) Correspondence, legal correspondence, publications and packages shall be forwarded for a maximum of three months from the date of the juvenile's release. Correspondence received thereafter shall be returned to the sender. If the sender cannot be identified, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(f) Publications shall be forwarded for a maximum of three months from the date of the juvenile's release. Publications received thereafter may be destroyed or placed in the library of the secure facility.

(g) Packages shall be forwarded for a maximum of three months from the date of the Juvenile's release. Packages received thereafter shall be returned to the sender, if possible, or destroyed.

13:95-19.45 Forwarding correspondence, legal correspondence, publications and packages to a juvenile remanded to a detention facility

(a) When a juvenile is remanded to a county or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, correspondence, legal correspondence, publications and packages received for the juvenile at the secure facility shall be forwarded to the other facility, upon the juvenile's request.

(b) Written procedures shall be developed by the secure facility for forwarding a juvenile's correspondence, legal correspondence, publications and packages when the juvenile is remanded to a detention or other facility. These procedures shall include a form which the juvenile shall sign before the juvenile is transferred to the other facility indicating whether the juvenile wishes correspondence, legal correspondence, publications and packages to be forwarded.

13:95-19.46 Forwarding correspondence, legal correspondence, publications and packages of a juvenile who has escaped

(a) All incoming correspondence, legal correspondence, publications and packages addressed to a juvenile who has escaped from a secure facility shall be returned to the sender with an indication that the juvenile is no longer in custody.

(b) If the incoming mail does not have a return address, it shall be opened to determine the sender.

(c) If the sender cannot be identified:

1. Correspondence and legal correspondence shall be resealed and returned to the United States Postal Service;

2. Publications shall either be destroyed or placed in the library of the secure facility; and

3. Packages shall be destroyed.

SUBCHAPTER 20. VISITS AND TELEPHONE

13:95-20.1 Forms

(a) The following form relates to visits and telephone. (See also N.J.A.C. 13:95-1.4.):

1. J292-I Request for Attorney-Client Contact Visit.

13:95-20.2 Notice to juveniles

(a) During the admission orientation program, juveniles shall be given a description and explanation of the rules and procedures regarding visits, bedside, private viewing and funeral visits, and telephone calls.

(b) Juveniles shall be informed of new or revised rules and procedures regarding visits, bedside, private viewing and funeral visits, and telephone calls by posting appropriate notices in housing areas.

(c) New or revised rules and procedures regarding visits, bedside, private viewing and funeral visits, and telephone calls shall be incorporated into the next revision of the resident handbook, as provided for in N.J.A.C. 13:95-12.7.

13:95-20.3 List of visitors

Upon admission, a juvenile shall submit to the Superintendent or designee a list of names and addresses of potential visitors, and may designate up to five household members for approval under the provisions of N.J.A.C. 13:95-20.10(b).

13:95-20.4 Approval of potential visitors

(a) The secure facility Superintendent or designee may approve the following persons to visit a juvenile:

1. Relatives (see N.J.A.C. 13:95-1.3). For the purpose of this subchapter, "relative" shall also include grandparents, cousins and aunts and uncles;

2. Close friends;

3. Clergy; and

4. Persons who may have a constructive influence on the juvenile.

(b) Persons with criminal records shall not be automatically excluded from visiting a juvenile. The nature and extent of an individual's criminal record, plus their history of recent criminal activity, shall be weighed against the benefits of visitation in determining visitation eligibility.

(c) Persons determined, by substantial evidence, to have a harmful influence upon the juvenile or to constitute a threat to the security of the secure facility shall not be granted visitation privileges.

(d) At the discretion of the Superintendent, former employees of the Commission may be permitted to visit a juvenile. The decision of the Superintendent shall be made on a case-by-case basis after due consideration of the security interests involved, and after the Superintendent is satisfied that the visit will not pose a threat to the safe, secure and orderly operation of the secure facility.

13:95-20.5 Employee visits with incarcerated relatives

(a) Employees of the Commission who have relatives incarcerated in facilities under the jurisdiction of the Commission shall be permitted to visit such relatives provided the Superintendent is satisfied that there is no threat to the orderly operation of the secure facility.

(b) An employee of the Commission who wishes to visit a relative incarcerated in a secure facility shall submit a written request for permission to visit such relative to the Superintendent of the secure facility at which the relative is housed.

(c) The Superintendent may schedule the visit during regular visiting hours or at special times, according to the orderly administration and staffing of the secure facility.

13:95-20.6 Special visits

(a) Special visits may be authorized by the secure facility Superintendent or designee. Special visits include visits:

1. From persons who have come long distances;
2. To hospitalized juveniles;
3. To juveniles in disciplinary status; and
4. Between juveniles and:
 - i. Members of the clergy;
 - ii. Social service agency representatives;
 - iii. Prospective employers;
 - iv. Sponsors; and
 - v. Parole advisors.

(b) The Superintendent or designee may approve or disapprove a visit from a visitor who accompanies a person on the approved list.

(c) Visits to juveniles in protective and temporary close custody shall be governed by N.J.A.C. 13:95-11, Protective and Temporary Close Custody.

13:95-20.7 Visits between incarcerated relatives

(a) Visits shall be permitted between juveniles and relatives (see N.J.A.C. 13:95-1.3) who are incarcerated in facilities under the jurisdiction of the Commission or the Department of Corrections.

(b) The following requirements must be met before visits between incarcerated relatives shall be permitted:

1. Relative relationships must be substantiated by documentation found in the classification folder or from other appropriate resources;
2. Visits must be approved by the Classification Committee; and
3. The cost of the visit to the Commission shall be borne by the juvenile involved.

(c) The Business Manager or designee of the secure facility shall predetermine the expenses involved in arranging a visit between relatives and a detailed statement of expenses shall be prepared in accordance with N.J.A.C. 13:95-9.12(c).

(d) The frequency, duration and time of the visits must be coordinated between the secure facilities involved and shall be subject to the other sections of the subchapter.

(e) The visit shall be conducted so as to maintain sight and sound separation between the adult inmate and other juveniles.

13:95-20.8 Attorneys and court related personal visits

(a) Attorneys licensed in any jurisdiction and representatives of attorneys shall be permitted contact visits during regular business hours when sufficient space and staff are available.

(b) Representatives of attorneys shall include, but not be limited to, the following:

1. Investigators;
2. Investigative aides;
3. Paralegals; and
4. Law students.

(c) A written notice or telephone request from an attorney shall be required 24 hours in advance of an intended visit. The purpose of the advance notice is to ensure the availability of:

1. Space;
2. Staff; and

3. The juvenile.

(d) Advance notice shall include the following information:

1. The name of the attorney or representative;
2. The name of the juvenile to be interviewed;
3. The name of the attorney for whom the representative is acting; and
4. The date and time the interview is sought.

(e) Form J292-I Request for Attorney-Client Contact Visit may be used to verify the juvenile's desire to meet with the requesting attorney in the context of an attorney-client relationship.

(f) Appropriate identification is required of attorneys and attorney representatives who visit the juvenile at a secure facility.

(g) Contact visits with attorneys or their representatives may be restricted or prohibited when, in the judgment of the secure facility Superintendent or designee, the juvenile is acting out or is especially dangerous. Contact visits may also be denied where the attorney or representative poses a threat to the security or orderly operation of the secure facility. In those cases in which contact visits have been denied, every effort shall be made to provide a non-contact visit consistent with the orderly operation of the secure facility.

(h) The Superintendent or designee may authorize a visit without prior written notice, under exceptional circumstances.

13:95-20.9 Visits from children

(a) Children under the age of 18 shall not be permitted to visit unless accompanied by an adult family member of the child defined as a "relative." (See N.J.A.C. 13:95-20.4.)

(b) In unusual circumstances, exceptions to (a) above may be made by special approval of the Superintendent or designee.

(c) The adult family member of the child shall be responsible for the supervision of the child accompanying said family member on the visit.

13:95-20.10 Notification to prospective visitors

(a) The secure facility Superintendent or designee shall be responsible to write a letter of information, in English and translated into Spanish, which provides the pertinent visiting policies with which prospective visitors should be familiar. This letter shall include, but is not limited to, the:

1. Visiting times;
2. The number of permissible visitors;
3. Guidelines for visits by children;

4. Identification required;

5. Prohibition on smoking and tobacco products;

6. Notification that in accordance with N.J.A.C. 13:95-20.15, all visitors, their belongings and vehicles are subject to searches while on the premises of a facility under the jurisdiction of the Commission;

7. Notification that a visitor(s) who enters the premises of a facility under the jurisdiction of the Commission and refuses to submit to a search shall be:

- i. Banned from visiting a juvenile committed to the custody of the Commission for 60 days and required to reapply in writing to the Superintendent for approval/disapproval of the reinstatement of visit privileges; and

- ii. Directed to immediately leave the premises of the facility under the jurisdiction of the Commission;

8. Notification that a positive indication as a result of a canine search and/or scanning/testing device search is probable cause to believe that criminal activity has or is taking place and, the visitor(s) shall be:

- i. Detained;

- ii. Subject to search and arrest; and

- iii. In accordance with N.J.A.C. 13:95-20.15, if a controlled dangerous substance is discovered on, in the possession of, or in the vehicle of the visitor(s), the visitor shall be permanently banned from visiting a juvenile committed to the custody of the Commission;

9. Directions to the secure facility; and

10. Provisions of N.J.S.A. 2C:29-6 which prescribe specific penalties for introducing contraband into a secure facility.

(b) Copies of the letter of information shall be posted in the visiting areas of the secure facility.

(c) When submitting the list of visitors provided for in N.J.A.C. 13:95-20.3, a juvenile may designate up to five of his or her households members to be approved by the Superintendent, or designee, for visits to the juvenile. If approved, a household member shall be notified that he or she is permitted to visit the juvenile, and shall be sent a copy of the secure facility's letter of information. Such notification, and transmission of the letter of information, shall be sent within five business days from the day the juvenile is received at the secure facility.

(d) When an individual is not approved as a visitor, notice of and the reasons for the exclusion shall be given to the juvenile who submitted the individual's name. The juvenile may appeal the decision to the Superintendent who shall respond, in writing, within 10 business days of receipt of the appeal.

(e) Procedures on how the juvenile can change his or her list of approved visitors shall be incorporated into the resident handbook.

13:95-20.11 Visitor identification

(a) Adult visitors must have photo identification when visiting a juvenile.

(b) One of the following is an acceptable form of visitor identification:

1. A current photo driver's license;
2. A current photo Welfare/Medicaid card;
3. An employment photo I.D. card;
4. A current passport; or
5. A Joint Connection photo identification card. No other form of identification is needed with this card.

(c) Social Security cards shall not be used as a means of identification.

(d) Inability to establish identity shall be reported to the Superintendent or designee.

13:95-20.12 Visiting schedule

(a) The Superintendent shall establish a visiting schedule consistent with the orderly and efficient operation of the secure facility.

(b) When the restriction of visiting on scheduled visit days is a hardship to a visitor, arrangements for suitable hours on other days may be made.

(c) Evening visit schedules may be established where the number of staff permit.

(d) Limitation on the length or frequency of visits may be imposed to avoid overcrowded conditions in the visiting area(s) or when deemed necessary by the Superintendent or designee.

13:95-20.13 Number of visitors

The Superintendent shall establish written regulations as to the maximum number of persons who may visit a juvenile at one time. These regulations shall be interpreted flexibly because their purpose is to prevent overcrowding in the visiting room or unusual difficulty in supervising a visit.

13:95-20.14 Treatment of visitors

All secure facility staff members shall treat visitors in a professional, dignified, courteous and respectful manner.

13:95-20.15 Search of visitors

(a) Signs written in English and Spanish shall be posted in both the visiting area and visiting entrances stating that, as a condition of visitation, all visitors, their belongings and vehicles are subject to search while on the premises of a secure facility.

(b) All visitors entering the premises of a secure facility shall be required to submit to a search, which may include a passive canine, scanning/testing device and pat search.

(c) If a visitor refuses to submit to a search, and there is no reasonable suspicion that the visitor is in possession of contraband, the visitor shall be directed to immediately leave the premises of the secure facility. No visit shall be permitted, the visitor shall be banned from visiting any juvenile committed to the custody of the Commission for 60 days and the visitor shall be required to reapply in writing to the Superintendent for approval/disapproval of the reinstatement of visit privileges.

(d) Male or female custody staff members or scanning/testing device operators may be assigned to conduct scanning/testing device searches of visitors regardless of the gender of the visitors as long as no physical contact is required. A custody staff member of the same gender shall be assigned to conduct searches of visitors that require physical contact, including, but not limited to, pat searches.

(e) If a custody staff member or other staff receives information sufficient to form a reasonable suspicion that a visitor is carrying contraband, or when contraband has been detected or indicated on a visitor, a custody staff member with the rank of Sergeant or above shall be notified immediately. In the event the reasonable suspicion is confirmed, and in all cases when contraband has been detected or indicated on a visitor, the visitor shall be pat searched. In addition, if possession of the contraband would constitute a crime, the visitor shall be detained. In all cases under this subsection, the Superintendent or designee shall be notified, and the Office of Investigations shall be contacted.

(f) All contraband discovered during the search of a visitor shall be confiscated by the custody staff member performing the search, and a written report shall be submitted to the Superintendent.

(g) The written report shall specify:

1. The name of the custody staff member who performed the search;
2. The name of the juvenile who was to receive the visit;
3. The name and address of the visitor who was searched;
4. The time of the search;

5. The type of search and scanning/testing device used, if any, and the results if any;

6. The description of the items confiscated; and

7. The specific reason for confiscating the items.

(h) All contraband and evidence seized shall be turned over to the Office of Investigations.

(i) If a controlled dangerous substance is discovered on, in the possession of, or in the vehicle of a visitor who is on the premises of a secure facility:

1. The Office of Investigations shall immediately be contacted;

2. The visitor shall be detained;

3. The visitor shall be subject to search and arrest;

4. No visit shall be permitted; and

5. The visitor shall be permanently banned from visiting any juvenile committed to the custody of the Commission.

(j) The Superintendent shall decide whether the visitor shall continue to have visitation privileges except as established in (i) above.

(k) All searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the visitor's person.

13:95-20.16 Search of juveniles

All juveniles shall be subject to search such as, but not limited to, a scanning/testing device, canine, passive canine and/or pat search before a visit, and a scanning/testing device, canine, passive canine, pat search and/or strip search after a visit, in accordance with procedures established by N.J.A.C. 13:95-5, Searches of Juveniles and Facilities.

13:95-20.17 Supervision of visits

(a) Visits shall be supervised to help prevent the passage of contraband and to insure the security and orderly operation of the secure facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly and dignified manner.

(c) The staff member(s) supervising visits shall be cognizant of any articles passed between the juvenile and the visitor. If there is a reasonable suspicion that articles are being passed which constitute contraband or are otherwise in violation of the law or regulations, the articles shall be confiscated and examined.

(d) Handshaking, embracing and kissing shall be permitted, within appropriate bounds, at the beginning and

end of the visit in order to minimize the opportunity to introduce contraband into the secure facility.

1. A juvenile and visitor may hold hands during the visit.

2. Time restrictions regarding contact shall not apply to small children.

13:95-20.18 Play areas for children

If a secure facility provides play areas for children of visitors, signs shall be posted in both English and Spanish stating that children who use the area must be supervised by the parents or a relative and that the area and equipment are used at their own risk.

13:95-20.19 Gifts of money from visitors prohibited

No cash, checks, money orders or other form of money, currency or payment may be brought into a secure facility by a visitor for a juvenile; any items brought into a secure facility in violation of this section will be treated as contraband under the provisions of N.J.A.C. 13:95-6.

13:95-20.20 Denial, termination or suspension of a visit

(a) A juvenile's visiting privileges shall not be denied because of a violation of secure facility regulations, other than those regulations specifically related to or concerned with visiting privileges.

(b) A visit may be denied, terminated or suspended and a visiting privilege suspended under the following circumstances:

1. The visitor is under the influence of drugs or alcohol;

2. Space is unavailable;

3. The visitor refuses to submit to search procedures;

4. The visitor refuses or fails to produce sufficient identification or falsifies identifying information;

5. The visit rules of the secure facility are violated by the visitor, provided that such rules are posted;

6. Children are disturbing other persons in the visiting area;

7. Physical contact between the visitor and juvenile which is in excess of N.J.A.C. 13:95-20.17(d); or

8. Any action that affects the ability of the staff to ensure the safe, secure and orderly operation of the secure facility and the visiting room.

(c) Prior to the denial or termination of visiting privileges for circumstances listed in (b) above, less restrictive action should be instituted. Such action may include:

13:95-20.35 Telephone calls between incarcerated relatives

(a) Telephone calls shall be permitted between incarcerated relatives provided that:

1. The relative relationship has been substantiated through documentation found in the classification folder or other appropriate resources;
2. The telephone calls have been approved by the Classification Committee;
3. The full costs of the telephone calls are borne by the juveniles involved; and
4. The frequency, duration and time of the calls are coordinated between the secure facilities involved, subject to other provisions of this subchapter.

13:95-20.36 Telephone use by authorized juvenile groups

(a) Secure facilities are not obligated to provide direct telephone lines to juvenile groups or organizations.

(b) Authorized juvenile groups and organizations may be permitted to make telephone calls to achieve approved objectives of that group in accordance with written policies established by the Superintendent.

(c) Authorized groups and organizations shall assume the cost of telephone calls that are made in furtherance of their approved objectives.

(d) Telephone calls may be monitored at the discretion of the Superintendent or designee.

13:95-20.37 Telephone use by juveniles in protective and temporary close custody

Access to telephones by juveniles in protective and temporary close custody shall be governed by N.J.A.C. 13:95-11, Protective and Temporary Close Custody.

SUBCHAPTER 21. REPORTS**13:95-21.1 Purpose**

(a) The purpose of this subchapter is to establish:

1. Guidelines for providing reports to and among officials within the Commission and, when necessary, to outside law enforcement agencies;
2. Guidelines for cooperation with law enforcement or other outside agencies in the event of an unusual incident or event;
3. Guidelines for providing written reports of the release, critical illness or death of a juvenile;

4. Procedures for handling reportable and non-reportable suspected violations of criminal statutes; and

5. Reporting responsibilities of the Office of Investigations.

13:95-21.2 Written reports regarding release of a juvenile into a residential community facility

Written reports regarding the release of a juvenile into a residential community facility shall be provided in accordance with applicable Commission rules relating to residential community facilities.

13:95-21.3 Written reports regarding release of a juvenile from custody

(a) Written reports regarding the release of a juvenile from custody shall be provided in accordance with N.J.S.A. 30:4-6.1 and 30:4-82.4.

(b) No less than 90 days before the date on which a juvenile's maximum term is scheduled to expire, the Director of Operations or designee shall provide written notification of the juvenile's status to the Attorney General and the prosecutor of the county from which the juvenile was committed when:

1. The juvenile was adjudicated a delinquent on the basis of an offense which, if committed by an adult, would constitute aggravated sexual assault, sexual assault or aggravated criminal sexual contact, and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

2. The Superintendent of the secure facility in which the juvenile has been confined has advised the Executive Director or designee that the conduct of the juvenile during the period of confinement, the juvenile's mental condition, or, if 18 years of age or older, the juvenile's past history indicates that the juvenile may be "in need of involuntary commitment," as that term is defined in N.J.S.A. 30:4-27.2;

3. The juvenile was adjudicated a delinquent on the basis of an offense which, if committed by an adult, would constitute "sexually violent offense" as defined in N.J.S.A. 30:4-27.26; or

4. The juvenile was adjudicated delinquent on the basis of an offense which, if committed by an adult, would constitute murder; manslaughter; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.A. 2C:24-4; luring or enticing pursuant to N.J.S.A. 2C:13-6; or any other offense involving serious bodily

injury or an attempt to commit any of the aforementioned offenses.

(c) Except as provided in (b) above, pursuant to N.J.S.A. 30:4-6.1 and 30:4-123.53a, the Superintendent or designee of the secure facility in which a juvenile is confined shall provide written notification to the prosecutor of the county from which the juvenile was committed 90 days before a juvenile's anticipated release whenever possible, but in no event fewer than 30 days before release if such release is due to the expiration of the juvenile's maximum term or is authorized by the State Parole Board or any other release of a juvenile from custody.

(d) All written reports provided in accordance with this section shall include the juvenile's name, identifying information and anticipated residence.

13:95-21.4 Written reports regarding the critical illness or death of a juvenile

(a) Notification to the juvenile's next of kin of a juvenile's critical illness or death shall be in accordance with N.J.A.C. 13:95-16.

(b) Written reports of the death of a juvenile shall be provided to the prosecutor of the county from which the juvenile was committed by the Superintendent or designee of the Commission facility that maintains the juvenile's classification and medical files as soon as possible on the next business day after the death of the juvenile.

(c) Written reports of the death of a juvenile shall be provided to the appropriate Commission health services office.

13:95-21.5 Initial response to an unusual incident or event

(a) Upon the occurrence of an unusual incident or event, as defined in N.J.A.C. 13:95-1.3, the Superintendent or designee shall immediately notify the Office of Investigations by telephone.

(b) Pending arrival on the scene of Office of Investigation personnel, the Superintendent or designee shall assign a custody supervisor with a rank not lower than sergeant to secure and/or cordon off the location of the incident or event, as appropriate.

(c) No one, including non-custody staff and custody staff, shall be permitted access to the secured area and nothing shall be touched, moved or destroyed until the Office of Investigations has completed its examination of the secured area.

13:95-21.6 Follow up written report

Within 48 hours of the occurrence of the unusual incident or event, the Superintendent or designee shall prepare and

shall submit to the Office of Investigations and to the Director of Operations a detailed written report that discloses all material facts and allegations relating to the incident or event, including copies of all related special reports.

13:95-21.7 Superintendent notification of law enforcement agencies, sentencing judge and classification officer upon escape of a juvenile

(a) In addition to any other requirements of this subchapter, upon any escape or walk away of a juvenile from a secure facility, juvenile transport, court, funeral or bedside visit, or from any other situation of custody, the Superintendent or designee shall immediately notify by telephone:

1. All relevant outside law enforcement agencies, as defined by N.J.A.C. 13:95-21.9;
2. The sentencing judge; and
3. The secure facility's classification officer.

13:95-21.8 Office of investigations notification of law enforcement agencies

(a) Upon receipt of the notification from the Superintendent required by N.J.A.C. 13:95-21.5, the Office of Investigations shall promptly report by telephone to the relevant law enforcement agencies, including appropriate county prosecutors, all acts committed which may constitute crimes of the first, second, third or fourth degree under the Criminal Code of the State of New Jersey, N.J.S.A. 2C:1-1 et seq.

(b) The Office of Investigations shall promptly inform relevant law enforcement agencies, county prosecutors and the sentencing judge of the capture or other return of an escaped juvenile.

13:95-21.9 Commission liaison to outside law enforcement agencies

(a) The Office of Investigations shall serve as the liaison to all outside law enforcement agencies with respect to secure facilities.

(b) The liaison shall have the general responsibility of effecting a cooperative relationship with outside law enforcement agencies during investigations conducted and/or associated with a secure facility. These outside law enforcement agencies shall include, but are not limited to:

1. County prosecutors;
2. State and local police agencies;
3. The New Jersey Division of Criminal Justice;
4. The Federal Bureau of Investigations; and
5. The United States Department of Treasury.