

- iii. The time and date of withholding; and
 - iv. The category which the publication violates.
2. The decision of the correction officer shall be reviewed by the shift supervisor.
3. The publication shall be given to the inmate within 48 hours if the shift supervisor disagrees with the correction officer's determination.
4. The written report shall be initialed and returned to the correction officer if the shift supervisor agrees with the correction officer's determination.
5. The correction officer shall provide the sender, within 72 hours of the withholding, with a written notice which identifies:
- i. The publication withheld;
 - ii. The reason for withholding the publication; and
 - iii. The right of the sender to appeal this decision within 10 days of the date of the notice.
6. The correction officer shall provide the inmate, within 72 hours of the withholding, with a written notice that the publication has been withheld. The notice must contain:
- i. Name of the publication;
 - ii. Date of the publication;
 - iii. Date of the withholding; and
 - iv. A statement that the sender has been notified of the withholding and of the right to appeal.

10A:18-4.12 Procedure for handling publications removed from inmate's possession

(a) When a publication violates one of the categories cited in N.J.A.C. 10A:18-4.10 and is removed from the inmate's possession, the following action shall be taken:

- 1. The correction officer who removes the publication from the inmate must submit a written report, no later than the end of the shift to the shift supervisor identifying:
 - i. The publication removed;
 - ii. The inmate'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 correction officer shall be reviewed by the shift supervisor.
- 3. The publication shall be returned to the inmate within 48 hours if the shift supervisor disagrees with the correction officer's determination.

4. The written report shall be initialed and returned to the correction officer if the shift supervisor agrees with the correction officer's determination.

5. The correction officer shall provide the inmate, 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 inmate's right to appeal the removal.

10A:18-4.13 Appeal and final disposition

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

(b) The sender or inmate shall be permitted to submit arguments, in writing to the Superintendent, that the challenged publication does not violate the category indicated in the correction officer's report.

(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 inmate, as appropriate, within 72 hours of receipt of the written appeal. If the decision is to withhold the publication from the inmate, the decision shall contain a specific finding that the publication violates the category indicated in the correction officer's report 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 inmate shall be given the choice of whether to allow the correctional facility to excise the offending portion(s) or to forfeit his or her right to the publication.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b), substituted "submit arguments" for "argue".

10A:18-4.14 Forwarding publications to an inmate transferred to another correctional facility

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying the publishers of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all publications to the correctional facility to which the inmate has been transferred.

(c) Any publications received after the three month period may be destroyed or placed in the library of the correctional facility from which the inmate was transferred.

10A:18-4.15 Forwarding publications to an inmate released on parole or at expiration of maximum sentence

(a) The correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether publications received at the correctional facility should be forwarded to him or her.

(c) Upon the inmate's request, the correctional facility shall forward the publications to him or her.

(d) Publications shall be forwarded for a maximum of three months from the date of the inmate's release. Publications received thereafter may be destroyed or placed in the library of the correctional facility.

10A:18-4.16 Forwarding publications to an inmate remanded to a detention facility

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, publications received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Written procedures shall be developed by the correctional facility for forwarding an inmate's publications when the inmate is remanded to a detention facility. These procedures shall include a form which the inmate shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes publications forwarded.

10A:18-4.17 Return of publications addressed to an inmate who has escaped

(a) All publications addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the publication does not have a return address, it shall be opened to determine the sender.

(c) If the sender cannot be identified, the publication may be destroyed or placed in the library of the correctional facility.

SUBCHAPTER 5. PACKAGES

10A:18-5.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding the mailing and receipt of packages by the posting of appropriate notices in each housing area and other areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding packages shall be given to each Inmate Liaison Committee. These Committees shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding packages.

(d) New or revised rules and procedures regarding packages shall be incorporated into the next revision of the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-5.2 Limitation on packages

(a) Each correctional facility shall promulgate:

1. 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 an inmate each month.

(b) Each inmate shall be given written notice of package limitations as established by (a) above.

(c) All packages received from source of sale must be prepaid.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (c), substituted "source of sale" for "a retail store".

Case Notes

Prison clothing regulation precluding inmates from wearing symbols or indicia of group membership or rank and precluding inmate from wearing dashiki was not illegal. *Lumumba v. Morton*, 280 N.J.Super. 400, 655 A.2d 487 (A.D.1995).

10A:18-5.3 Inspection of incoming packages

(a) Every incoming package shall be opened and searched for contraband.

(b) Any item of contraband which is found during a search shall be processed in accordance with N.J.A.C. 10A:3-6.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).