

TITLE 10A

DEPARTMENT OF CORRECTIONS

CHAPTER 1

ADMINISTRATION, ORGANIZATION AND  
MANAGEMENT

Authority

N.J.S.A. 2C:39-1, 30:1B-6, 30:1B-10, 30:4-123.47(c) and 52:27EE-26;  
the Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.; and the  
Federal Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C.  
§§15601 et seq.

Source and Effective Date

R.2008 d.190, effective June 17, 2008.  
See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

Chapter Expiration Date

Chapter 1, Administration, Organization and Management, expires on  
June 17, 2013.

Chapter Historical Note

Chapter 1, Administration, Organization and Management, was  
adopted as R.1987 d.282, effective July 6, 1987. See: 19 N.J.R. 620(a),  
19 N.J.R. 1214(a).

Subchapter 2, General Provisions, was adopted as R.1988 d.240, ef-  
fective June 6, 1988. See: 20 N.J.R. 493(a), 20 N.J.R. 1222(c).

Subchapters 3 through 10, (Reserved), and Subchapter 11, Personal  
Property of Inmates, were adopted as R.1988 d.306, effective July 5,  
1988. See: 20 N.J.R. 494(a), 20 N.J.R. 1559(b).

Pursuant to Executive Order No. 66(1978), Chapter 1, Administration,  
Organization and Management, was readopted as R.1992 d.269, ef-  
fective June 1, 1992. See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Operation  
and Procedures of the Department of Corrections; Subchapter 2, General  
Procedures; Subchapters 4 through 9, (Reserved); Subchapter 10, Re-  
search; and Subchapter 11, Personal Property of Inmates, expired on  
June 1, 1997.

Subchapter 1, Operation and Procedures of the Department of Cor-  
rections; Subchapter 2, General Procedures; Subchapters 4 through 9,  
(Reserved); Subchapter 10, Research; and Subchapter 11, Personal  
Property of Inmates, were adopted as R.1997 d.527, effective December  
15, 1997. See: 29 N.J.R. 4231(a), 29 N.J.R. 5296(a).

Subchapter 3, Disability Discrimination Grievance Procedure, was  
adopted as R.1993 d.617, effective December 6, 1993. See: 25 N.J.R.  
1326(b), 25 N.J.R. 5474(a).

Chapter 1, Administration, Organization and Management, was re-  
adopted as R.2003 d.176, effective April 9, 2003. See: 35 N.J.R.  
331(a), 35 N.J.R. 1898(a).

Subchapter 4, Inmate Remedy System, was adopted as new rules by  
R.2008 d.171, effective June 16, 2008. See: 39 N.J.R. 2188(a), 40  
N.J.R. 3718(d).

Chapter 1, Administration, Organization and Management, was re-  
adopted as R.2008 d.190, effective June 17, 2008. See: Source and  
Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. OPERATION, PROCEDURES AND RULEMAKING ACTIVITY OF THE DEPARTMENT OF CORRECTIONS

**10A:1-1.1 Functions of the agency**

(a) The Department of Corrections (D.O.C.), created by statute in 1976, is a principal Department in the Executive Branch of New Jersey State Government. The functions of the D.O.C. are to:

1. Protect the public and provide for the custody, care, discipline, training and treatment of persons committed to State correctional facilities;
2. Supervise and assist in the treatment and training of persons in local correctional and detention facilities, so that such persons may be prepared for release and reintegration into the community;
3. Cooperate with other law enforcement agencies of the State to encourage a more unified system of criminal justice.
4. Provide maximum security confinement for offenders whose demonstrated propensity to acts of violence requires that these offenders be separated from the community;
5. Develop alternatives to conventional incarceration for offenders who can be dealt with more effectively in less restrictive community based facilities and programs;
6. Provide an environment for incarcerated persons which encourages rehabilitation and reintegration into the community; and
7. Protect the incarcerated offender from victimization within the correctional facilities of the D.O.C.

Amended by R.2003 d.176, effective May 5, 2003.

See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

In (a)1, deleted "or released on parole" following "committed to State correctional facilities".

**Case Notes**

Department of Corrections was authorized to discipline a prisoner, who tested positive for cocaine and opiates upon his return to a State prison after escaping from a halfway house, for violating the Department's regulation prohibiting the use of drugs; under N.J.S.A. 30:1B-3 and N.J.S.A. 30:4-91.3, the Commissioner of Corrections maintains authority over adult offenders committed to State correctional institutions, even at times when they are physically outside prison walls. *Ries v. Dep't of Corr.*, 396 N.J. Super. 235, 933 A.2d 638, 2007 N.J. Super. LEXIS 328 (App.Div. 2007).

**10A:1-1.2 Procedure to petition for rulemaking**

(a) Pursuant to N.J.S.A. 52:14B-4(f), an interested person may petition for the promulgation of a new rule, or amendment or repeal of any existing rule of the Department of Corrections. A petition shall:

1. Be in writing;
2. Be legible and intelligible; and
3. Be signed by the petitioner.

(b) Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. Citation of the rule for which the petition is made, using N.J.A.C. references, where applicable;
3. A clear and concise statement summarizing the substance of the rule sought or change to be suggested that may include the text of the suggested new rule or amended rule;
4. A specific statement explaining why the suggestion is being offered and summary of reasons therefor; and
5. A citation of statutory authority under which the Department of Correction is authorized to act.

(c) The petition shall be sent to the Supervisor, Administrative Rules Unit, Office of the Commissioner, Department of Corrections, Cubberly Building, PO Box 863, Trenton, New Jersey 08625-0863.

(d) A document submitted as a petition for rulemaking shall be reviewed by the Commissioner or designee. The document shall be deemed to be a petition for rulemaking based upon, but not limited to, substantial compliance with (a) through (c) above and the following guidelines, as applicable to the suggested new rule, amended rule or repealed rule (see definition of an "administrative rule" at N.J.S.A. 52:14B-2(e)):

1. The Department has the legal authority to promulgate the suggested rule;
2. The suggested rule has general Departmental application or is intended to have wide, uniform coverage that encompasses a large segment of the regulated population (rather than to a particular circumstance related to a specific occurrence or incident, or to a personal situation, case or litigation proceeding);