

CHAPTER 12**INMATE GROUPS****Authority**

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

Source and Effective Date

R.2000 d.158, effective April 17, 2000.
See: 32 N.J.R. 379(a), 32 N.J.R. 1395(b).

Executive Order No. 66(1978) Expiration Date

Chapter 12, Inmate Groups, expires on April 17, 2005.

Chapter Historical Note

Chapter 12, Inmate Groups, was adopted as R.1995 d.115, effective March 6, 1995. See: 26 N.J.R. 4881(a), 27 N.J.R. 916(b).

Subchapter 1, General Provisions, and Subchapter 2, Organizations of Inmate Groups, were adopted as new rules, and Subchapter 2, Inmate Liaison Committee, was recodified as Subchapter 3, Inmate Liaison Committee, by R.1997 d.529, effective December 15, 1997. See: 29 N.J.R. 4241(a), 29 N.J.R. 5303(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Inmate Groups, expired on March 6, 2000.

Chapter 12, Inmate Groups, was adopted as new rules by R.2000 d.158, effective April 17, 2000. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**10A:12-1.1 Purpose**

(a) The purpose of this chapter is to establish policies and procedures regarding:

1. The organization and operation of an authorized inmate group(s); and
2. The formation, operation and activities of an Inmate Liaison Committee or alternate Inmate Liaison Committee.

10A:12-1.2 Scope

This chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

10A:12-1.3 Definitions

The following terms, when used in this chapter, shall have the following meanings:

“Group” means a number of inmates gathered together or organized to form a recognizable unit which is authorized by the correctional facility administration.

“Inmate Liaison Committee” means a group of inmate representatives, authorized by the correctional facility administration to act on behalf of correctional facility inmates. An authorized inmate group may be known as something other than an Inmate Liaison Committee.

SUBCHAPTER 2. ORGANIZATION OF INMATE GROUPS**10A:12-2.1 Authority and responsibilities of the Administrator**

(a) The Administrator or designee shall be authorized to approve, disapprove or limit the formation and/or activities of an inmate group(s) consistent with this chapter and correctional facility internal management policies and procedures regarding discipline, order, safety, sanitation and security.

(b) The Administrator or designee shall give the proposed inmate group(s) written notice of approval or disapproval.

proval to formulate and/or conduct activities as soon as possible after receiving the request. If the Administrator or designee needs further clarification to determine the purpose or mission of the group(s), additional information shall be requested prior to making a decision.

(c) The Administrator or designee shall also have the following responsibilities:

1. To maintain a copy of the request(s) from an inmate group(s);
2. To forward to the appropriate Assistant Commissioner any approved group(s) requests; and
3. To designate a staff member to serve as staff supervisor, coordinator or advisor to assist the group(s), monitor activities and carry out other responsibilities as delineated by the Administrator or designee.

10A:12-2.2 Establishment of an authorized inmate group

(a) An inmate group shall provide a beneficial service to a portion of the general inmate population and/or the community.

(b) A request to establish an inmate group shall be submitted in writing to the Administrator or designee and shall include:

1. The name of the group;
2. The purpose or mission statement of the group and if there is a similar group operating within another correctional facility or within the community;
3. The proposed plan for accomplishing the stated purpose or mission;
4. The types of activities, to include any involvement with another group(s);
5. The benefit of the group to the inmate population;
6. The projected number of members and criteria for membership;
7. The anticipated need for one or more classified inmate position(s);
8. The anticipated need for resources;
9. The anticipated sources of resources;
10. The anticipated utilization of resources;
11. The anticipated frequency of meetings;
12. A provision that the disbursement of unspent funds shall be transferred to the Inmate Welfare Fund if the group is terminated;
13. A provision for the disposition of acquired noncash assets if the group is terminated;
14. The provision that all profits from concessions will be deposited into the Inmate Welfare Fund; and

15. Information regarding the officer or leadership positions, such as:

- i. Duties;
- ii. Terms of office;
- iii. Manner of election; and
- iv. Other proposed organizational structure.

10A:12-2.3 Inmate membership in authorized groups

(a) Inmate group membership shall be:

1. Voluntary, and
2. Restricted to inmates currently in the general population of the correctional facility in which the group has been established.

(b) Inmate group membership shall not be contingent upon payment of dues, donations or any service in kind.

(c) The membership of an inmate in a group(s) of the correctional facility in which the group has been established shall be terminated upon transfer or release from the correctional facility.

10A:12-2.4 Asset and financial requirements

(a) The Administrator or designee shall establish operating and bookkeeping procedures for the recording of cash assets and the receipt and expenditure of inmate group funds which shall be maintained by and subject to the supervision of the Business Manager of the correctional facility.

(b) Inmate groups shall comply with the following:

1. Elected inmate officers shall serve without compensation or remuneration of any kind;
2. Inmate groups shall not be permitted to purchase food to sell for profit;
3. Inmate groups shall not engage in any profit-making enterprises or enter into contractual agreements without written approval from the Administrator and the appropriate Assistant Commissioner.
4. All profits derived from inmate group concessions, wherein a buyer/seller relationship exists, shall be appropriately recorded and deposited into the Inmate Welfare Fund not less than semi-annually;
5. Disbursements from inmate group concessions shall be restricted to operating expenditures only;
6. Inmate groups shall not exchange funds and/or materials with any other individuals, group(s) or organization(s);
7. Inmate groups must request and receive prior written approval from the Administrator or designee to solicit donations such as funds, assets or services;

8. Where applicable, the groups shall bear the cost of any supplies, services, or equipment; and
9. Upon termination of an inmate group:
 - i. Unspent funds shall be transferred to the Inmate Welfare Fund; and
 - ii. The disposition of noncash assets shall be handled in accordance with the provision established by the group and approved by the Administrator.

10A:12-2.5 Physical facilities and equipment

(a) Access to physical facilities and equipment may be provided to an inmate group at the discretion of the Administrator or designee upon:

1. Written request from the inmate group and approval from the Administrator or designee;
2. Availability of resources; and
3. Compliance with internal management procedures that ensure the secure and orderly operation of the correctional facility.

10A:12-2.6 Records of activities

(a) The inmate group shall submit a monthly written report to the designated correctional facility staff supervisor, coordinator or advisor of the inmate group summarizing the activities of the previous month and providing other information as required by the Administrator or designee.

(b) The correctional facility staff supervisor, coordinator or advisor of the inmate group shall review the report and shall submit the report to the Administrator or designee.

10A:12-2.7 Searches

Physical facilities and/or equipment provided for inmate group use shall be subject to a search at any time in accordance with N.J.A.C. 10A:3-5.

10A:12-2.8 Termination of group or group activities

(a) The Administrator or designee may suspend or terminate for just cause an inmate group and/or an activity or activities of an inmate group at any time. "Just cause" shall include, but not be limited to:

1. Failure or inability to adhere to provisions established in this chapter;
2. Violation of a correctional facility rule(s);
3. Violation of a civil or criminal law(s); and/or
4. Any reason pertaining to the security, sanitation and/or orderly operation of the correctional facility.

(b) The Administrator shall provide written notice of termination and the reasons therefor to the officers or leaders of the inmate group.

10A:12-2.9 Prohibited inmate groups

(a) The Department of Corrections prohibits the organization and operation of the following inmate groups such as, but not limited to:

1. Any security threat group(s);
2. Any inmate group(s) that has been terminated pursuant to N.J.A.C. 10A:12-2.8; and
3. Any other inmate group(s) not organized and operating in compliance with this chapter.

SUBCHAPTER 3. INMATE LIAISON COMMITTEE

10A:12-3.1 Function of the Inmate Liaison Committee

(a) An Inmate Liaison Committee may be established within each correctional facility or subunit within the main correctional facility in order to:

1. Act as a liaison between the correctional facility administration and the inmate population;
2. Provide the opportunity for inmates, through their representatives, to voice their comments and concerns on issues affecting the inmate population; and
3. Provide the opportunity for inmates, through their representatives, to submit information and recommendations on issues affecting the inmate population.

(b) The correctional facility administration may utilize the Inmate Liaison Committee meetings to provide:

1. Information to the committee and the inmate population; and
2. Responses to previous issues or concerns that were brought to the attention of the administration.

10A:12-3.2 Composition of the Inmate Liaison Committee

(a) An Inmate Liaison Committee shall be composed of:

1. Inmates who represent one or more housing units; and
2. Inmates who act as alternates to the inmates who represent one or more housing units.

(b) Representatives and alternate representatives on the Inmate Liaison Committee shall be voted into office by housing unit residents, through secret ballot, for the term established by the by-laws and constitution of the Committee (see N.J.A.C. 10A:12-3.3).

(c) Vacancies on the Inmate Liaison Committee occur when an inmate:

1. Resigns;

2. Moves to another housing unit;
3. Is voted out of office;
4. Is released from the correctional facility; or
5. Is removed by the Administrator, provided there are grounds for removal from office, which include, but are not limited to, being found guilty of a serious disciplinary charge.

Amended by R.1997 d.529, effective December 15, 1997.
See: 29 N.J.R. 4241(a), 29 N.J.R. 5303(a).
Amended N.J.A.C. references.

10A:12-3.3 Constitution and bylaws of the Inmate Liaison Committee

(a) Each Inmate Liaison Committee shall develop a constitution and bylaws which shall state the policies and procedures that govern the Committee's operations and shall be established in accordance with the provisions and requirements of this chapter.

(b) The constitution and bylaws shall include, but are not limited to:

1. The inmate titles and their respective duties;
2. The duties of the Committee members;
3. The procedures for the election of inmate and alternative members of the Committee; and
4. The standing committees and their respective functions.

(c) A draft of the constitution and bylaws and any updates shall be submitted to the Administrator for review and written approval.

(d) Upon written approval by the Administrator, the Inmate Liaison Committee may commence operation in accordance with the provisions of the approved constitution and bylaws.

10A:12-3.4 Meetings with the Inmate Liaison Committee

(a) The correctional facility Administrator or designee shall meet with the Inmate Liaison Committee not less than once a month. Other staff members shall meet with the Committee when it is appropriate or necessary and upon approval of the Administrator or designee.

(b) The minutes of Inmate Liaison Committee Meetings shall be recorded and reviewed for accuracy by the correctional facility staff member who attended the meeting. Copies of the minutes shall be made available to the inmate population and the administration of the correctional facility.

10A:12-3.5 Physical facilities and equipment

(a) Access to office space may be provided to the Inmate Liaison Committee for conducting ongoing business:

1. When authorized by the Administrator or designee;
2. When resources are available;
3. As scheduled at the discretion of the Administrator or designee; and
4. In accordance with correctional facility internal management procedures that maintain the safe, secure and orderly operation of the correctional facility.

10A:12-3.6 Designation of an alternative to the Inmate Liaison Committee

The Administrator shall have the authority to designate an alternate to the Inmate Liaison Committee. In instances where a means of providing an alternate liaison between the correctional facility administration and the inmate population has been established, the Administrator shall submit written procedures governing the existing alternate plan to the Office of the Commissioner or designee for written approval.

Amended by R.2002 d.65, effective March 4, 2002.
See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

Substituted "Commissioner or designee" for "Chief of Staff" throughout.