

SUBCHAPTER 2. INMATE ACCOUNTS

10A:2-2.1 Responsibility for inmate accounts

(a) The Business Manager of the correctional facility shall be responsible for maintaining inmate accounts and record-keeping.

(b) The Business Manager shall be responsible for providing an inmate with a receipt for each financial transaction processed.

10A:2-2.2 Deposits and deductions

(a) Inmate accounts of a correctional facility may be maintained in a group depository in an insured commercial bank or savings institution so long as the institution and account are authorized by the Department of the Treasury and approved by the Department of Corrections, Bureau of Accounting and Revenue.

(b) Interest accruing on inmate accounts shall be transferred on a periodic basis, at least once annually, to the Inmate Welfare Fund.

(c) Accurate records of each inmate account and spendable balance shall be maintained.

(d) Except where prohibited by State or Federal statute, deductions of funds either earned or unearned from inmate accounts shall be made by the Business Manager as permitted by:

1. N.J.S.A. 30:4-91.4 Earnings of inmate;
2. N.J.S.A. 2C:43-3.1 Additional assessments; collection and disposition by Victims of Crime Compensation Board;
3. N.J.S.A. 2C:43-3.2 Assessments; amounts collected deposited in Safe Neighborhoods Services Fund;
4. N.J.S.A. 2C:43-3.3 Additional fines deposited in law enforcement officers training and equipment fund;
5. N.J.S.A. 2C:46-1 Time and method of payment; disposition of funds;
6. N.J.S.A. 2C:46-4 Fines, assessments and restitution; collection; disposition;
7. N.J.S.A. 30:4-92 Inmates of institutions to be employed in productive capacity; compensation;
8. N.J.S.A. 30:7E-1 et seq., An Act permitting the State to seek reimbursements for certain health care expenses incurred by State correctional facilities;
9. N.J.S.A. 30:4-15.1 Correctional facility commissaries; Victims of Crime Compensation Board surcharge;
10. N.J.S.A. 30:4-16.2 Recovery of costs and fees for frivolous lawsuits filed by inmates of correctional institutions;

11. N.J.S.A. 30:4-16.4 Deposit of money judgement in inmate's account at correctional institution; use of funds;

12. N.J.S.A. 2C:44-6 Procedure on sentence; presentence investigation and report;

13. N.J.S.A. 53:1-20.29 Certain offenders liable for costs of DNA testing;

14. The Prison Litigation Reform Act of 1995, 18 U.S.C. § 3626; and

15. Any other Federal or State statute.

(e) Deductions of funds identified in this section shall be made to pay:

1. Court ordered payments, 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.

(f) Pursuant to N.J.S.A. 2C:46-1, deductions from inmate accounts shall be made by the Business Manager to pay a transaction fee not to exceed \$1.00 on each occasion a restitution payment or installment payment is made by an inmate who committed an offense on or after February 1, 1993. Deductions shall be made for:

1. The Victims of Crime Compensation Board (VCCB) penalty (see N.J.S.A. 2C:43-3.1);
2. The forensic laboratory fee (see N.J.S.A. 2C:35-20);
3. The Drug Enforcement and Demand Reduction (DEDR) penalty (see N.J.S.A. 2C:35-15);
4. The Drug Abuse Education Fund penalty (see N.J.S.A. 2C:43-3.5);
5. The Sexual Assault Nurse Examiner Program Fund penalty (see N.J.S.A. 2C:43-3.6); and
6. Any other fine, penalty or restitution for which a transaction fee is authorized by law.

(g) The transaction fee schedule as established in (f) above shall be as follows:

1. \$1.00 for payments in the amount of \$10.00 or more;
2. \$0.50 for payments between \$3.01 and \$9.99; and
3. No transaction fee if the payment is \$3.00 or less.

(h) Only nonindigent inmate funds in excess of the one time monthly amount of \$15.00 can be deducted by the Business Manager in accordance with (d) above.

(i) In accordance with N.J.S.A. 30:4-16.4, monies derived from a civil action judgment received by an inmate shall be deposited in the account of the inmate at the correctional

facility or regional correctional facility to that the inmate is assigned. Such monies shall be used to pay court imposed fines, restitution or penalties which the inmate has not met; and may be used to satisfy any claims for reimbursement for medical treatment sought by the State or a county and/or to satisfy any other financial obligations to the Department of Corrections (see N.J.A.C. 10A:6-4).

(j) Pursuant to N.J.S.A. 30:4-15.1, the Business Manager shall deduct from the account of an inmate a 10 percent surcharge on the sale price of every commissary item purchased by the inmate. Pursuant to Departmental internal management procedures, these collected funds shall be forwarded to the State Treasurer for deposit into the Victims of Crime Compensation Board (VCCB) account.

Amended by R.2002 d.387, effective December 2, 2002.
See: 34 N.J.R. 2928(a), 34 N.J.R. 4204(b).

In (d), substituted "Except where prohibited by State or Federal Statute, deductions" for "Deductions" in the introductory paragraph; rewrote (e) and designated the last sentence as (f); recodified former (f) through (h) as (g) through (i).

Amended by R.2003 d.207, effective May 19, 2003.
See: 35 N.J.R. 1038(a), 35 N.J.R. 2178(a).

Rewrote (d); in (e), added a new introductory paragraph and recodified the former introductory paragraph in (e) as new (f); recodified former (f) through (i) as (h) through (j).

Amended by R.2006 d.113, effective March 20, 2006.

See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).

Rewrote (a); in (f)4, changed statutory cite from N.J.S.A. 2:35-3.5 to N.J.S.A. 2C:43-3.5; made grammatical corrections in (c), (i) and (j); also in (i), added "and/or to satisfy any other financial obligations to the Department of Corrections (see N.J.A.C 10A:6-4)".

Petition for Rulemaking.

See: 39 N.J.R. 4453(b).

10A:2-2.3 Individual savings accounts

(a) Inmates may establish individual savings accounts in commercial banks or savings institutions only when all financial obligations as permitted by Federal or State statutes and financial obligations to the Department of Corrections are satisfied and upon approval of the Administrator. These accounts may take the form of:

1. Passbook savings;
2. Savings Bonds; or
3. Certificates of deposit.

(b) Subject to approval by the Administrator, inmates may be permitted to retain passbooks, account statements and deposit slips except when inmates have outstanding debts and have already established individual savings accounts. In these instances, the passbooks, account statements and deposit slips shall be retained by the Administrator or designee.

(c) Bonds and certificates of deposit must be held for safekeeping by the Business Manager.

(d) Inmates shall not be permitted to possess withdrawal slips.

(e) Withdrawals may be permitted upon written approval of the Administrator.

(f) All deposits and withdrawals shall be processed by the Business Manager or designee.

10A:2-2.4 Written procedures

Each correctional facility shall develop written internal management procedures consistent with this subchapter.

SUBCHAPTER 3. EXPENDITURE OF INMATE WELFARE FUNDS

10A:2-3.1 Sources of income for inmate welfare funds

(a) Money for inmate welfare funds shall be derived from the following sources:

1. Profits from sales at commissaries;
2. Interest on inmate welfare fund savings;
3. Gifts from individuals, corporations and charitable foundations; and
4. Income from inmate trust fund investments.

10A:2-3.2 Accountability and expenditure

(a) The Business Manager of the correctional facility shall be responsible for maintaining inmate welfare account funds and recordkeeping.

(b) Pursuant to N.J.S.A. 30:4-1.1k, the institutional Boards of Trustees shall be responsible to control and authorize all expenditures of inmate welfare funds.

(c) Inmate welfare funds shall be spent only for the use, benefit and general welfare of the inmate population as a whole, such as, but not limited to, recreation equipment, books, movies, or equipment to enhance the law library.

(d) Inmate welfare funds shall not be used for the payment of employee salaries or the purchase of any item or service which is not intended for use by the inmate population, such as security equipment or automobiles.

(e) The Assistant Commissioner, Division of Operations, shall be contacted when there are questions regarding the use of inmate welfare funds.

(f) Gifts from individuals, corporations and charitable foundations shall be spent as designated by the donor when the designation is authorized by the institutional Board of Trustees. When gifts are undesignated, such gifts shall be spent as designated by the institutional Board of Trustees. The monies from these gifts shall be identified separately in the inmate welfare fund so that expenditures can be directly related to the source of funds.

(g) Inmate welfare funds shall not be spent for any purpose that is not consistent with the rules outlined in this subchapter.

Amended by R.2006 d.113, effective March 20, 2006.
See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).

Rewrote (f); made a grammatical correction in (g).

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. REPORTING LOSS OF FUNDS

10A:2-5.1 Reporting loss of funds

(a) Loss of funds shall immediately be reported to the Administrator or administrative unit supervisor.

(b) The Administrator or administrative unit supervisor or designee shall contact the Assistant Commissioner, Division of Administration and Special Investigations Division immediately to investigate the loss.

(c) Pursuant to N.J.A.C. 10A:21-5.4, the Special Investigations Division, at the direction of the Administrator, shall serve as the liaison to all outside law enforcement agencies.

10A:2-5.2 Written report of loss of funds

(a) Within 48 hours after the loss is discovered, a written report of the loss shall be submitted by the Administrator to the:

1. Assistant Commissioner, Division of Administration; and
2. Commissioner or designee.

(b) The Assistant Commissioner, Division of Administration or designee shall prepare and submit a request to the Bureau of Risk Management, Department of Treasury for appropriate reimbursement.

(c) If the loss is not covered by the Bureau of Risk Management, Department of Treasury, the loss shall be referred back to the Assistant Commissioner, Division of Administration or designee who shall determine the appropriate source of funds to dispose of the loss claim.

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

In (a), deleted 2, recodified former 3 as 2 and added "or designee" following "Commissioner".

SUBCHAPTER 6. INMATE REIMBURSEMENT FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY

10A:2-6.1 Filing a claim at a correctional facility or satellite unit

(a) When an inmate claims the loss, damage or destruction of personal property, other than personal property disposed of

in accordance with N.J.A.C. 10A:1-11, Personal property of inmates, the inmate shall complete and submit Form 943-I Inmate Claim For Lost, Damaged Or Destroyed Personal Property to the Administrator or designee.

(b) The Administrator or designee shall submit Form 943-I to the Director of Custody Operations or designee for investigation and preparation of a report. The investigation conducted by the Director of Custody Operations or designee shall consist of, but not be limited to:

1. Obtaining statements from the inmate, witnesses and correctional facility staff; and
2. Verifying that the inmate was authorized to have and did in fact, possess the personal property named in the claim.
3. Verification of possession of lost, damaged or destroyed personal property may be made by review of applicable documentation such as the IIS-1M Inmate Inventory Sheet maintained by the correctional facility (see N.J.A.C. 10A:1-11).

(c) Upon completion of the investigation, Form 943-I and a copy of the investigative report shall be submitted to the Business Manager of the correctional facility for review.

(d) The Business Manager shall review Form 943-I and the Custody Operations investigative report, and complete Form 943-II Certification of Inmate Claim indicating a recommendation to approve or deny the claim with substantiating reasons.

(e) The claim packet shall include Forms 943-I and 943-II and the Custody Operations investigative report. The claim packet shall be submitted by the Business Manager to the Administrator for review and recommendation for approval or denial.

(f) Claims that are denied by the Administrator shall not be processed any further. In all cases of denial, the inmate shall be notified of the denial in writing by the Administrator with substantiating reasons.

(g) If the Administrator recommends approval of a claim, the Administrator shall complete and sign the applicable sections of Form 943-III, Review of Inmate Claim and return the claim packet including Form 943-III to the Business Manager of the correctional facility. The Business Manager shall then complete a State of New Jersey Payment Voucher (Vendor Invoice) and have said invoice signed by the inmate.

(h) The claim packet, to include the signed State of New Jersey Payment Voucher (Vendor Invoice), shall be submitted by the Business Manager to the Manager, Bureau of Accounting and Revenue.

(i) When a claim is not in compliance with the requirements of this section, the Manager, Bureau of Accounting and Revenue shall indicate disapproval on Form 943-III and

return the claim packet to the requesting correctional facility Business Manager with the reasons for noncompliance noted.

(j) When a claim is in compliance with the requirements of this section, the Manager, Bureau of Accounting and Revenue shall indicate a recommendation for approval on Form 943-III and submit the claim packet to the Assistant Commissioner, Division of Operations for a recommendation for approval or denial of the claim.

(k) Claims denied by the Assistant Commissioner, Division of Operations shall be returned to the requesting correctional facility Business Manager through the Manager, Bureau of Accounting and Revenue with the reasons for denial noted.

(l) Claims recommended for approval by the Assistant Commissioner, Division of Operations shall be forwarded to the Director, Office of Financial Management through the Manager, Bureau of Accounting and Revenue.

(m) Claims denied by the Director, Office of Financial Management shall be returned to the requesting correctional facility Business Manager through the Manager, Bureau of Accounting and Revenue with the reason(s) for denial noted.

(n) Claims recommended for approval for payment by the Director, Office of Financial Management shall be submitted to the Department of the Treasury, Office of Management and Budget for final approval.

Amended by R.2006 d.113, effective March 20, 2006.
See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).
Rewrote the section.

10A:2-6.2 Decision making factors for approving or denying a claim

(a) The following factors shall be considered before recommending approval or disapproval of claims:

1. Whether the investigation revealed any neglect by the correctional facility;
2. Whether care was exercised by facility staff preventing property loss, damage or destruction;
3. Whether the inmate exercised care in preventing property loss, damage or destruction;
4. Whether it has been proven that the inmate was authorized to have and did, in fact, possess the item(s) named in the claim;
5. Whether sufficient information has been supplied by the inmate, including proper receipts, witnesses and investigative reports;
6. Whether the inmate submitted the claim in a timely manner;
7. Whether the loss or damage exceeds authorized amounts of correctional facility personal property limits;

8. Whether the personal property is considered contraband; and

9. Whether other reviewers recommended denial of the claim and the reasons therefor.

10A:2-6.3 Time limit for filing a claim

(a) It shall be the responsibility of the inmate to initiate a claim by completing Form 943-I Inmate Claim For Lost, Damaged Or Destroyed Personal Property within 15 calendar days of the incident or discovery of the incident.

(b) Unless there are exceptional circumstances which require extending the investigative process, the claim form and accompanying documents shall be submitted to the Director, Office of Fiscal Management within 30 calendar days of the filing of the claim by the inmate.

Amended by R.2006 d.113, effective March 20, 2006.
See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).
In (a), made a grammatical correction.

10A:2-6.4 Notification of inmates

The written procedures contained in this subchapter shall be incorporated into the next revision of the correctional facility inmate handbook.

SUBCHAPTER 7. RESTITUTION FOR ITEMS DAMAGED OR DESTROYED

10A:2-7.1 Imposition of restitution

(a) As a result of disciplinary action taken against an inmate, the Institutional Classification Committee (I.C.C.) may impose restitution as a sanction on an inmate upon the recommendation of:

1. The Disciplinary Hearing Officer; or
2. The Adjustment Committee.

10A:2-7.2 Appeal of restitution

An inmate may appeal the imposition of restitution as a sanction by following the procedures outlined in N.J.A.C. 10A:4-11, Appeals of disciplinary decisions.

10A:2-7.3 Amount of restitution

(a) The amount of restitution ordered shall equal the cost of replacement or repair of the item(s) damaged or destroyed.

(b) Each correctional facility shall develop internal management procedures for determining the cost of replacing or repairing an item(s) that has been damaged or destroyed.