

(c) Access to records and information by social work students preparing for the professional field of social work or a closely related discipline shall be:

1. Handled in accordance with N.J.A.C. 10A:1-10, Research;
2. Handled in accordance with N.J.A.C. 10A:22, Records; and
3. Conducted under the supervision of the correctional facility/ unit Supervisor of Social Work or designee.

Amended by R.2003 d.403, effective October 20, 2003.
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), added "N.J.A.C. 10A:22, Records".

SUBCHAPTER 5. RELIGION

10A:17-5.1 Freedom of religious affiliation and voluntary worship

(a) Each inmate has the right to freedom of religious affiliation and voluntary religious worship while incarcerated, but the exercise of such right may be subject to reasonable restrictions.

(b) Inmates in the general population of a correctional facility who desire to participate in a religious service, meeting or activity that has been approved by the Administrator or designee shall be permitted to do so unless there is a threat to the safe, secure or orderly operation of the correctional facility.

Amended by R.2003 d.403, effective October 20, 2003.
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "Administrator" for "Superintendent".

10A:17-5.2 Religious proselytizing inmate

(a) No person shall disparage an inmate's religious beliefs or deliberately seek to persuade an inmate to change his or her religious affiliation.

(b) While under the jurisdiction of the New Jersey Department of Corrections, an inmate shall not be prevented from voluntarily changing religious preference.

(c) An inmate may change religious affiliation by contacting the chaplain who represents the faith group to which the inmate is seeking affiliation.

10A:17-5.3 Inmate attendance at community religious activities

(a) Inmates with the Department of Corrections, including satellite units, except as established in (b) below, shall not be permitted to attend worship services and/or religious activities in the community.

(b) Worship service and/or religious activity attendance by inmates residing in residential community programs shall be governed by the contract between the New Jersey Department of Corrections and the provider, and the provisions of N.J.A.C. 10A:20.

Amended by R.2003 d.403, effective October 20, 2003.
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "residential community programs" for "community residential centers".

10A:17-5.4 Physical facilities and equipment

(a) Dependent upon available resources and consistent with internal discipline, order, safety and security, the correctional facility shall provide adequate space and equipment so as to enable inmates to:

1. Participate in worship services or other religious rites;
2. Receive religious education; and
3. Receive religious counseling.

(b) During all phases of any religious program, the rules and policies related to the internal discipline, order, safety and security of the correctional facility shall be in effect.

10A:17-5.5 Inmate orientation

(a) During orientation, inmates shall be informed of the following:

1. Chaplaincy services;
2. Religious activities; and
3. Other aspects of the religious program.

10A:17-5.6 Scheduling of religious activity

(a) All religious services, activities or meetings shall be coordinated and scheduled by the Supervisor of Chaplaincy Service, Chaplain, or other designated staff person, subject to approval of the Administrator or designee.

(b) Factors to be considered when scheduling religious activities shall include, but are not to be limited to:

1. Availability of staff;
2. Availability of space;
3. Availability of time; and
4. The maintenance of a secure and orderly operating correctional facility.

(c) The weekly schedule of religious services and activities shall be posted on each housing unit's bulletin area and in other appropriate areas of the correctional facility. The schedule shall indicate the following:

1. Kind of religious service or activity being held;
2. Day(s) provided;

3. Time (beginning and ending);
4. Location; and
5. Person or group conducting activity.

(d) Any additions or changes in religious services and activity shall be promptly posted.

Amended by R.2003 d.403, effective October 20, 2003.
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent"; in (c), substituted "other appropriate areas" for "conspicuous and accessible areas" in the introductory paragraph.

10A:17-5.7 Restrictions on congregate religious services

When, in the opinion of the Institutional Classification Committee (I.C.C.) and the Administrator, there is substantial evidence that disruptive or illicit activity has occurred or is likely to occur, one or more inmates may have their attendance at group worship restricted or denied, or a scheduled religious service, activity or meeting may be canceled or terminated.

Amended by R.2003 d.403, effective October 20, 2003.
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent".

10A:17-5.8 Control of religious ritualistic elements

(a) Religious ritualistic elements, including, but not limited to, sacramental wine, fragrance oil in approved containers and matzo, which are necessary as part of the religious service, may be brought into the correctional facility only by the Chaplain or a volunteer religious group leader from the community.

(b) The highest ranking custody supervisor on duty shall be responsible for the secure storage of religious ritualistic elements.

(c) When religious ritualistic elements are to be used, these elements shall be issued by the highest ranking custody supervisor on duty only to the Chaplain or a volunteer religious group leader from the community.

(d) The Chaplain or a volunteer religious group leader from the community shall be responsible for the use and return of any excess religious ritualistic elements to the highest ranking custody staff supervisor on duty for secure storage following the use of the elements at religious services.

10A:17-5.9 Religious diets

(a) An inmate who cannot eat the food served to the general population because of the inmate's religious beliefs may request a religious vegetarian diet. Upon review and approval of the request by the Chaplain of the correctional facility in accordance with this subchapter, nutritionally balanced vegetarian meals shall be provided to the inmate in place of the food served to the general population.

(b) A vegetarian entrée shall be provided at each of the three meals of the day (breakfast, lunch and dinner), seven days per week.

(c) All vegetarian diet meals, unless otherwise indicated, will be served as complete meals and not in supplement to, or as a choice between other dietary meals and regular meals.

Amended by R.1999 d.380, effective November 1, 1999.
See: 31 N.J.R. 2125(a), 31 N.J.R. 3338(a).

Rewrote (a) and (b).

10A:17-5.10 Request for placement on and removal from the religious vegetarian diet list

(a) In order to be considered for placement on the list of inmates approved for vegetarian diets, the inmate must complete Sections I and II of Form 370-I Religious Vegetarian Diet, which may be obtained on request from the housing unit Social Worker.

(b) The inmate shall forward Form 370-I Religious Vegetarian Diet, with Sections I and II completed, to the correctional facility Chaplain for review.

(c) The Chaplain may interview an inmate who has requested placement on the list of inmates approved for vegetarian diets if deemed necessary. In no case shall the interview be used to proselytize the inmate.

(d) The approved Form 370-I Religious Vegetarian Diet shall be forwarded by the Chaplain to the Institutional Classification Committee (I.C.C.) and the Chaplain shall notify the inmate.

(e) The Institutional Classification Committee shall submit the name of an inmate who has been approved for placement on a vegetarian diet to the Food Service Department.

(f) The disapproved Form 370-I Religious Vegetarian Diet shall be forwarded by the Chaplain to the Classification Department and the Chaplain shall notify the inmate. The Chaplain's decision is not subject to being overruled by the Institutional Classification Committee (I.C.C.).

(g) Disapproved requests for placement on a religious vegetarian diet may be appealed by the inmate in writing to the Administrator or designee. The Administrator or designee shall approve or disapprove the appeal within five business days and provide a written statement of reasons for the decision.

(h) Any inmate who wishes to be added or deleted from the list of inmates approved for vegetarian diets shall provide 30 calendar days written notice to the correctional facility Chaplain using Form 370-I Religious Vegetarian Diet.