

“Assistant Superintendent” means the ranking assistant to a Superintendent of a secure facility.

“Attorney General” means the Attorney General of the State of New Jersey.

“Body cavity search” means the visual inspection or manual search of a person’s anal or vaginal cavity.

“Central Communications Unit” means the centralized communication center within the Department of Corrections.

“Center Control” means the unit which coordinates the security and communication functions within a secure facility.

“Chemical agent” means an aerosol spray which may be used to gain control of individuals who resist arrest or for the purpose of self-defense against an attack.

“Civil union couple” means two persons who have established a civil union pursuant to N.J.S.A. 37:1-28 et seq., known as the Civil Union Act.

“Classification Committee” means either a juvenile reception classification committee, or a juvenile reclassification committee, as those terms are defined in N.J.A.C. 13:100, an institutional classification committee, within the meaning of N.J.A.C. 13:95-8, or other classification committee responsible for:

1. Monitoring a juvenile’s progress within a secure facility and for assigning the juvenile to appropriate programs or activities, or
2. Determining the secure facility or other Commission facility to which a juvenile is assigned and for approving requests for transfer from one Commission facility to another.

“Close observation” means intermittent monitoring of a juvenile either in person or by video monitor at 15 minute intervals.

“Commission” means the New Jersey Juvenile Justice Commission.

“Community program” means any community residential, substance abuse, assessment and treatment or similar program run by the Commission.

“Constant observation” means uninterrupted surveillance of one juvenile who is on special observation status that shall be conducted in person, in close proximity to the juvenile and that may be supplemented by video monitoring.

“Contact visit” means a visit between a juvenile and a visitor where there is no barrier (that is, window or wall) between them.

“Contraband” means:

1. Any item, article or material found in the possession of, or under the control of, a juvenile which is not authorized for retention or receipt;

2. Any item, article or material found within the facility or on its grounds which has not been issued by the secure facility or authorized as permissible for retention or receipt;

3. Any item, article or material found in the possession of, or under the control of, staff or visitors within the secure facility or on its grounds which is not authorized for receipt, retention or importation;

4. Any item, article or material which is authorized for receipt, retention or importation by juveniles, staff or visitors but which is found in an excessive amount or which has been altered from its original form. An amount shall be considered excessive if it exceeds stated secure facility limits or exceeds reasonable safety, security, sanitation or space considerations; or

5. Any article which may be harmful or presents a threat to the security and orderly operation of the secure facility shall be considered contraband.

Items of contraband shall include, but shall not be limited to: guns and firearms of any type; ammunition; explosives; knives, tools and other implements not provided in accordance with secure facility regulations; hazardous or poisonous chemicals and gases; unauthorized drugs and medications; medicines dispensed or approved by the secure facility but not consumed or utilized in the manner prescribed; intoxicants, including, but not limited to, liquor or alcoholic beverages; and, where prohibited, currency and stamps.

“Correspondence” means communication by the exchange of letters.

“Custody staff member” means any juvenile corrections officer working in a job title authorized under the provisions of N.J.S.A. 52:17B-174, or successor thereto. Such titles include, but are not limited to:

1. Director of Custody Operations 1, Juvenile Justice Commission;
2. Director of Custody Operations 2, Juvenile Justice Commission;
3. Correction Captain, Juvenile Justice;
4. Correction Lieutenant, Juvenile Justice;
5. Correction Sergeant, Juvenile Justice;
6. Senior Correction Officer, Juvenile Justice; and
7. Correction Officer Recruit, Juvenile Justice.

“Custody status” means the degree of supervision that is assigned to a juvenile in a Commission facility.

“Deadly force” means force which is intended to cause, or is likely to cause, death or serious bodily harm.

“Department of Corrections” means the New Jersey Department of Corrections.

“Department of Human Services” means the New Jersey Department of Human Services.

“Deputy Executive Director” means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.

“Director of Administration” means the Commission staff member, by whatever name or title, in charge of the Commission’s Office of Administration.

“Director of Custody Operations” means the Director of Custody Operations employed at each secure facility of the Commission responsible for supervising the custody work force.

“Director of Education” means the Commission staff member, by whatever name or title, having overall responsibility for developing and administering educational programs for juveniles.

“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure facilities.

“Disciplinary Hearing Officer” means a staff member of the Juvenile Justice Commission designated to hear and adjudicate juvenile violations.

“Disciplinary sanction” means a prescribed penalty that is imposed for violation of a prohibited act.

“Domestic partner” or “partner” means a person who is in a relationship that satisfies the definition of a domestic partnership as set forth in the New Jersey Domestic Partnership Act, N.J.S.A. 26:8A-1 et seq.

“Emergency protective custody” means confinement of a juvenile to protective custody in a situation where the threat of injury or harm to the juvenile is reasonably believed to be immediate.

“Executive Director” means the Executive Director of the Commission.

“Facility” means a facility of the Commission used to house, train or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.

“Facility Classification Office” means the office within a secure facility responsible for institutional classification functions.

“Handbook on Discipline” means a handbook prepared by the Commission and provided to juveniles that contains a juvenile’s rights and responsibilities, the acts and activities which are prohibited and the disciplinary procedures and sanctions imposed.

“Health care provider” means the individual or the entity that is providing the medical, dental and/or mental health services to juveniles.

“Housing unit” means a cell, room, dormitory or other type of sleeping area within a secure facility.

“ICC” means institutional classification committee.

“Identification process” means the investigative method of operation to include, but not limited to, the gathering and accumulation of evidence and information used by the Office of Investigations to reasonably identify juveniles appropriate for protective and temporary close custody.

“Immediate corrective action” means those disciplinary sanctions set forth at N.J.A.C. 13:101-5.3, which may be imposed on a juvenile who has committed a minor violation.

“Imminent danger” means threatened harmful actions or outcomes that may occur during an encounter absent action by the custody staff member. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations.

“Indigent juvenile” means a juvenile who has no funds in his or her account and is not able to earn juvenile wages due to prolonged illness or other justifiable circumstances beyond the juvenile’s control, and who has been verified as having no outside source from which to obtain funds.

“Interoffice correspondence” means the exchange of correspondence between offices within the Commission.

“Juvenile” means, for the purpose of this chapter, both an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission; and an individual who has been convicted of an offense subject to waiver under the provisions of N.J.S.A. 2A:4A-26 and sentenced to serve a custodial sentence in a Commission facility, and who is residing in or being transferred to a secure facility.

“Juvenile paralegal” means a juvenile who has been approved by a Classification Committee to render assistance to other juveniles in disciplinary or classification matters, other proceedings before a Disciplinary Hearing Officer or matters pending before the family court.

“Keep separate status” means the intentional assignment of certain juveniles to different secure facilities or different units within a secure facility to maintain a separation between these juveniles to prevent the possibility of retaliation because of a previous act or occurrence.

“Law library” means a location where legal resources available to juveniles, whether in physical or electronic media form, are maintained.

“Legal correspondence” means the exchange of letters between a juvenile and:

1. An attorney of this State or any other state when properly identified as such on the outside of the envelope;
2. Offices of the Federal or State Public Defender;
3. The Office of the Attorney General;
4. Federal and State courts;
5. Federal and State court judges;
6. Offices of Legal Services;
7. Legal assistance clinics managed by accredited law schools of this or any other state;
8. The Administrative Office of the Courts;
9. Offices of the Federal or State Prosecutor;
10. The Bureau of Risk Management, New Jersey Department of the Treasury;
11. The Office of Investigations;
12. The Office of the Child Advocate;
13. The Office of Administrative Law; and
14. The New Jersey Division of Youth and Family Services.

“Legal material” means papers or documents that are required to be filed with the court and served upon opposing parties. Legal material includes:

1. Orders required by their terms to be served;
2. Written notices;
3. Written motions;
4. Demands, or answers to demands which the juvenile is required to serve, such as, for the production of documents or interrogatories;
5. Offers of judgment;
6. Designations of records on appeal;
7. Briefs;
8. Petitions;
9. Summons; and
10. Complaints.

“Legitimate public official” means the following:

1. An elected or appointed national, state, county or municipal government official; or
2. A director of a national, state, county or municipal government agency.

“Mechanical restraints” means restraining devices such as, but not limited to, handcuffs, flex cuffs, leg irons and belly chains.

“Non-deadly force” means force which is not likely to cause death or serious bodily harm.

“Notary service” means service provided by a notary public authorized by law to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

“Notice of violation” means a form on which the violation of a prohibited act is recorded along with other pertinent information.

“Office of Administration” means the office of administration located in the Commission’s central office.

“Office of Education” means the unit within the Commission established pursuant to N.J.S.A. 52:17B-178 responsible for developing, implementing and evaluating educational programs for juveniles.

“Office of Classification” means the unit within the Commission responsible for implementing procedures through which juveniles are assigned to custody levels, facilities and treatment programs, based on assessments of the juveniles’ supervision requirements and service needs.

“Office of Investigations” means the unit within the Commission responsible for conducting internal investigations.

“Ombudsman” means the individual(s) within the Commission responsible for resolving complaints made by juveniles about the facility, the action or inaction of staff or any other matter of concern to the juvenile.

“Orientation” means a program including one or more meetings or group sessions provided at a secure facility to familiarize juveniles with rules, procedures, units, services and programs.

“Police Training Commission” or “PTC” means the agency established in the Department of Law and Public Safety by the provisions of N.J.S.A. 52:17B-70 et seq., to, among other things, review and approve the development of an educational and training curriculum, including firearms instruction, for law enforcement officers.

“Program Separation Unit” means an area within a secure facility designated for assigning juveniles who are removed from the general population for disciplinary or administrative reasons.

“Public Information Officer” means a staff member of the Commission designated by the Executive Director or designee to disseminate information to authorized persons or agencies.

“Reasonable belief” means an objective assessment based upon an evaluation of how a reasonable custody staff member with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronted and known by the custody staff member at the scene.

“Relative” means any person who is related to the juvenile through blood, marriage, adoption, civil union or domestic partnership and including a stepparent.

“Resident handbook” means a booklet that is provided to juveniles which contains site-specific secure facility rules and procedures and information about services and programs. A resident handbook may also mean a handbook specific to a unit within a secure facility when identified as such.

“Room restriction for control” means the custody status provided for by N.J.A.C. 13:95-11.10, under which a juvenile is placed either in the room in which he or she usually sleeps or in another room, for the purpose of eliminating an immediate and substantial risk of harm to the juvenile being placed in custody, staff, or other juveniles, or to the security of the facility, and all other less-restrictive options have been exhausted.

“Roving patrol” means observation of a facility by making rounds, on foot or in a vehicle, of the outer perimeter at specific intervals.

“Secure facility” means any Commission facility which houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

“Secure facility satellite unit” means a Juvenile Justice Commission secure unit located apart from the main secure facility and administered by Superintendent of the main secure facility.

“Shift supervisor” means the custody staff member responsible for the maintenance of security during a tour of duty in a secure facility or secure facility satellite unit.

“Special observation status” means monitoring the activities, emotional status and behavior of juveniles who are identified as emotionally troubled, mentally disturbed or otherwise deemed likely to inflict physical injury or death upon themselves.

“Strip search” means a thorough and systematic examination of an unclothed person’s body and orifices, including visual inspection of external genital and anal areas, as well as the person’s clothing and all personal possessions.

“Substantial risk” means, with respect to the discharge of a firearm, that there exists some risk of an unintended outcome. It exists when a custody staff officer disregards a foreseeable likelihood that innocent persons will be endangered.

“Superintendent” means the chief executive officer of a secure facility.

“Temporary close custody” means the non-punitive removal of a juvenile from his or her regularly assigned housing and to a close custody or other designated housing unit for a period not to exceed 72 hours, for purposes of special observation or investigation.

“Truck mail” means interoffice mail that is exchanged among Commission facilities, units and the Commission Central Office. Truck mail does not include mail sent by the United States Postal Service.

“Unusual incident or event” means any occurrence that has the potential of jeopardizing or disrupting the secure and orderly operation of a secure facility, including, but not limited to, escape or attempted escape, homicide or attempted homicide, suspicious death, serious injury to juvenile or staff member, suicide or suicide attempt, serious threat to the life of a juvenile or group of juveniles, taking of a hostage, riot, melee, acute medical emergency, use of a weapon or other use of force, introduction into the facility of a controlled substance, use of a controlled substance, commission of a crime, staff work stoppage, fire or natural disaster, and failure of heating, ventilation and air conditioning (HVAC), power, plumbing or other major mechanical systems.

Recodified from N.J.A.C. 13:95-1.2 and amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Rewrote the section; former N.J.A.C. 13:95-1.3, Oath of office form, repealed.

Administrative correction.

See: 40 N.J.R. 6822(b).

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Added definitions “Civil union couple”, “Domestic partner”, and “Law library”; in definition “Constant observation”, inserted “, in close proximity to the juvenile”; and rewrote definition “Relative”.

Amended by R.2016 d.134, effective October 17, 2016.

See: 48 N.J.R. 378(a), 48 N.J.R. 483(a), 48 N.J.R. 2163(a).

Rewrote definition “Juvenile”; deleted definition “Room restriction”; and added definition “Room restriction for control”.

13:95-1.4 Forms

(a) The following forms related to secure facilities shall be reproduced by each facility from originals that are made available through the office of the Director of Custody Operations:

1. J156-I Oath of Office;
2. J171-I Seizure of Contraband Report;
3. J171-II Juvenile Receipt, Contraband Seizure;
4. J171-III Notice of Decision on Appeal, Contraband Seizure (Non-Disciplinary);
5. J173-I Placement In Keep Separate Status;
6. J173-II Removal From Keep Separate Status;
7. J173-III Transfer of Keep Separate Status juvenile;
8. J285-I Request for a Polygraph Examination;
9. JJ-001, Incident Report;
10. Trip Authorization Form;
11. J146-I Voluntary-Protective Custody Consent;
12. J146-II Notice of Protective Custody Hearing-Involuntary;