

(b) Counseling sessions shall be arranged upon the request of an inmate confined in the M.C.U. Counseling shall be coordinated by the professional staff assigned to the M.C.U.

(c) Two interview rooms shall be available within the M.C.U. for use by the assigned professional staff, the M.C.U. supervisor, the parole counselor, and professional representatives of outside agencies such as, but not limited to, the Social Security Administration, the Veteran's Administration, and vocational rehabilitation agencies.

#### 10A:5-2.26 Commissary

(a) Purchase of commissary items in the M.C.U. shall be permitted within the Unit internal management procedures developed by the M.C.U. supervisor and approved by the Administrator.

(b) Procedures for obtaining commissary items shall be the same as for the general population.

#### 10A:5-2.27 Withdrawal of personal items or activities

(a) Whenever, in the judgment of the custody staff member in charge of the M.C.U., there is imminent danger that an inmate will destroy clothing or any items usually permitted the inmate in the cell, or do injury to self, to another person, or to property with such items, the custody staff member may deprive the inmate of such items, if practicable. In such case, however, effort shall be made to provide a substitute for the item or to permit the inmate to use the item under the supervision of the custody staff member.

(b) Whenever an inmate is deprived of any usually authorized item or activity, a written report shall immediately be forwarded to the Administrator or designee and the M.C.U. supervisor which shall identify the inmate and the item or activity.

(c) The M.C.U.R.C. shall review any such restriction within one week. Any continued restriction shall be permitted only with the written authorization of the M.C.U.R.C.

(d) Such restrictions shall be reviewed on a weekly basis to determine whether there is reasonable certainty that the danger to person or property is no longer imminent and the restriction may be lifted.

#### 10A:5-2.28 Special custodial responsibilities

(a) Because of the increased need for close security within the M.C.U., the frequency and intensity of certain custodial functions shall be increased. Thorough cell searches may be conducted as often as once a week if found necessary for certain inmates or as often as twice a month for the entire population of the M.C.U. Spot-checks of cells may be conducted at any time.

(b) Despite the increased need for security, precautions shall be taken to ensure that the inmates in the M.C.U. are

not subjected to unnecessary limitations of their personal privacy. The M.C.U. supervisor or another person acting on the direct or standing orders of the Administrator must authorize any non-routine cell searches.

#### 10A:5-2.29 Disciplinary action within the Management Control Unit (M.C.U.)

(a) The rules set forth in N.J.A.C. 10A:4, Inmate Discipline, shall be in full force and effect in the M.C.U.

(b) Except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c) or 5.2(c), no special restriction of privilege on disciplinary grounds, such as denial of outside recreation or of work opportunities, may be continued in M.C.U. for longer than 30 days. If, in the judgment of the Disciplinary Hearing Officer/Adjustment Committee, there are special custodial reasons for desiring to maintain special restriction of privileges upon an inmate for longer than 30 days, the Disciplinary Hearing Officer/Adjustment Committee shall recommend assignment to Administrative Segregation to the Institutional Classification Committee (I.C.C.).

#### 10A:5-2.30 Program monitoring, review and modification

The M.C.U.R.C. shall continuously monitor and review all aspects of the M.C.U. When the M.C.U.R.C. desires to make any significant deviation from the M.C.U. Program as delineated in this subchapter, a request shall be submitted in writing through the Administrator to the Assistant Commissioner, Division of Operations.

#### 10A:5-2.31 Compliance with all other rules

In addition to the rules contained in this subchapter, all other Department rules applicable to inmates shall apply with equal force to inmates in the M.C.U.

### SUBCHAPTER 3. ADMINISTRATIVE SEGREGATION

#### 10A:5-3.1 Admission to administrative segregation

(a) Whenever the Disciplinary Hearing Officer/Adjustment Committee imposes a sanction which includes administrative segregation, the administrative segregation part of the sanction shall be referred by the Disciplinary Hearing Officer to the Institutional Classification Committee (I.C.C.) for review at the Committee's next regularly scheduled meeting.

(b) In considering the sanction, the I.C.C. shall consider any relevant factors including, but not limited to:

1. The circumstances and gravity of the disciplinary infraction;

2. The reason(s) given by the Disciplinary Hearing Officer/ Adjustment Committee for the sanction imposed;

3. The inmate's previous disciplinary record; and

4. Whether other available dispositions are adequate to regulate the inmate's behavior within acceptable limits.

(c) Confirmation shall be made if the I.C.C. determines that the sanction is appropriate and within acceptable limits, and where the inmate's presence in the general population could pose a threat to the safe, secure and orderly operations of the correctional facility.

(d) The I.C.C. shall provide written notice to the inmate of its decision confirming, modifying or overruling the administrative segregation sanction together with the reasons therefor.

(e) A copy of the I.C.C. notice shall be filed in the inmate's classification folder.

(f) Not all correctional facilities within the Department of Corrections contain Administrative Segregation Units. If an inmate receives a sanction that includes administrative segregation but is housed in a correctional facility that does not have an Administrative Segregation Unit, the sanction first must be reviewed by the I.C.C. of the correctional facility in which the inmate is housed. If the sanction is confirmed, the referral for transfer to an Administrative Segregation Unit shall be forwarded to the CRAF Intake Unit where the transfer shall be initiated.

#### **10A:5-3.2 Special Administrative Segregation Review Committee (S.A.S.R.C.)**

(a) The S.A.S.R.C. is responsible for providing a bi-monthly review, or more frequent reviews if deemed necessary, of the status of inmates assigned to all Administrative Segregation Units.

(b) The Director of the Division of Operations shall designate voting members who shall be an Associate Administrator/Assistant Superintendent/Captain or, when unavailable, a designee, to serve on the S.A.S.R.C. on a six-month rotating basis. The S.A.S.R.C. shall be composed of:

1. One voting member who shall be a representative of the correctional facility;
2. One voting member who shall be a representative from another prison complex facility; and
3. One voting member who shall be a representative from a youth complex facility.

(c) The Director shall designate a chairperson from among the voting members to serve a six-month or extended term, as determined by the Director.

(d) An in-house psychiatrist or psychologist and a representative of the Classification Department shall attend each meeting of the S.A.S.R.C. but they will have no voting power.

(e) The Director may designate a supervisory custody staff member of the rank of Captain or above to attend each meeting of the S.A.S.R.C., who shall have voting power. In the event that a custody staff member of the rank of Captain or above is unavailable, a custody staff member of the rank of Lieutenant who shall have voting power may be designated to attend.

(f) The S.A.S.R.C. shall meet as frequently as is necessary to accomplish the business of the S.A.S.R.C., and the meetings shall be held at a facility designated by the members.

(g) An inmate who has been assigned to an Administrative Segregation Unit for a period of 365 days or less shall have his or her case reviewed by the S.A.S.R.C. every 60 days, or more frequently if deemed necessary by the S.A.S.R.C., to review the inmate's level assignment and to evaluate the inmate's behavior while in the Administrative Segregation Unit.

(h) An inmate who has been assigned to an Administrative Segregation Unit for a period of more than 365 days shall have his or her case reviewed by the S.A.S.R.C. every six months, or more frequently if deemed necessary by the S.A.S.R.C., to review the inmate's level assignment and to evaluate the inmate's behavior while in the Administrative Segregation Unit.

(i) The S.A.S.R.C. review shall not necessitate the inmate's presence, although the Committee may, where it deems necessary, require the inmate to appear, unless he or she refuses to appear without the use of force.

(j) Upon review of the inmate's level assignment and behavior, the S.A.S.R.C. may determine that the inmate should be released from the Administrative Segregation Unit. The S.A.S.R.C. shall determine that an inmate should be released from the Administrative Segregation Unit when it concludes that:

1. The initial need for placement in the Administrative Segregation Unit no longer exists;
2. The inmate has clearly demonstrated by his or her behavior that he or she can and will adequately conform to the rules and regulations of correctional facilities;
3. The inmate's presence in the general population will not pose a threat to the safe, secure and orderly operations of a correctional facility;
4. The inmate's presence in the general population prior to completion of the sanction as specified by the Disciplinary Hearing Officer/Adjustment Committee would not adversely affect the goals of a correctional facility; and/or