

**CHAPTER 21  
REPORTS**

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

**Source and Effective Date**  
R.2001 d.223, effective July 2, 2001.  
See: 33 N.J.R. 1298(a), 33 N.J.R. 2297(b).

**Chapter Expiration Date**  
Chapter 21, Reports, expires on July 2, 2006.

**Chapter Historical Note**

Chapter 21, Reports, and Subchapter 5, Reports of Unusual Incidents or Events, were adopted as new rules by R.1991 d.53, effective February 4, 1991. See: 22 N.J.R. 3304(a), 23 N.J.R. 304(a).

Subchapter 8, Reporting Violations of the Criminal Statutes, was adopted as R.1991 d.43, effective February 4, 1991. See: 22 N.J.R. 3440(a), 23 N.J.R. 306(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Reports, was readopted as R.1996 d.63, effective January 11, 1996. See: 27 N.J.R. 4849(a), 28 N.J.R. 854(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Reports, expired on January 11, 2001.

Chapter 21, Reports, was adopted as new rules by R.2001 d.223, effective July 2, 2001. See: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10A:21-1.1 Purpose
- 10A:21-1.2 Scope
- 10A:21-1.3 Definitions

**SUBCHAPTER 2. (RESERVED)**

**SUBCHAPTER 3. WRITTEN REPORTS OF INMATE RELEASE**

- 10A:21-3.1 Written reports regarding inmate release into a community program
- 10A:21-3.2 Written reports regarding release of an inmate from custody

**SUBCHAPTER 4. WRITTEN REPORTS OF THE CRITICAL ILLNESS OR DEATH OF AN INMATE**

- 10A:21-4.1 Written reports regarding the critical illness or death of an inmate

**SUBCHAPTER 5. REPORTS OF UNUSUAL INCIDENTS OR EVENTS**

- 10A:21-5.1 Preliminary inquiry
- 10A:21-5.2 Telephone reports within the Department of Corrections; reportable unusual incidents or events
- 10A:21-5.3 Telephone and written reports in the event of an escape
- 10A:21-5.4 Correctional facility liaison to outside law enforcement agencies
- 10A:21-5.5 Telephone reports to outside law enforcement agencies; reportable unusual incidents and events
- 10A:21-5.6 Observers from law enforcement agencies

- 10A:21-5.7 Correctional facility cooperation with investigation
- 10A:21-5.8 Written reports
- 10A:21-5.9 Dissemination of reporting procedures
- 10A:21-5.10 (Reserved)

**SUBCHAPTERS 6. THROUGH 7. (RESERVED)**

**SUBCHAPTER 8. REPORTING VIOLATIONS OF THE CRIMINAL STATUTES**

- 10A:21-8.1 Role of the prosecutor's office
- 10A:21-8.2 Reportable suspected violations of criminal statutes
- 10A:21-8.3 Non-reportable violations of criminal statutes
- 10A:21-8.4 (Reserved)
- 10A:21-8.5 Special Investigations Division reporting procedures

**SUBCHAPTER 1. GENERAL PROVISIONS**

**10A:21-1.1 Purpose**

(a) The purpose of this chapter is to establish:

1. Guidelines for providing telephone and written reports to persons within the Department of Corrections and, when necessary, to outside law enforcement agencies;
2. Guidelines for an observer from a law enforcement agency in an unusual incident or event;
3. Guidelines for providing written reports of the release, critical illness or death of an inmate;
4. Procedures for handling reportable and non-reportable suspected violations of criminal statutes; and
5. Reporting responsibilities of the Special Investigations Division.

**10A:21-1.2 Scope**

Unless otherwise stated, this chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

**10A:21-1.3 Definitions**

The following, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“Public Information Officer” means a staff member of the Department of Corrections designated by the Commissioner or designee to disseminate information to authorized persons or agencies.

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

In “Public Information Officer”, substituted “designee” for “Chief of Staff”.

## SUBCHAPTER 2. (RESERVED)

SUBCHAPTER 3. WRITTEN REPORTS OF  
INMATE RELEASE**10A:21-3.1 Written reports regarding inmate release into  
a community program**

Written reports regarding the release of an inmate into a community program shall be provided pursuant to N.J.S.A. 30:4-91.8 through 91.12, and in accordance with N.J.A.C. 10A:20-4.

**10A:21-3.2 Written reports regarding release of an inmate  
from custody**

(a) Written reports regarding the release of an inmate from custody shall be provided in accordance with N.J.S.A. 30:4-6.1 and 82.4.

(b) No less than 90 days before the date on which an inmate's maximum term is scheduled to expire, the Assistant Commissioner or designee shall provide written notification of the inmate's status to the Attorney General and the prosecutor of the county from which the inmate was committed when:

1. The inmate's term includes a sentence imposed for conviction of aggravated sexual assault, sexual assault or aggravated criminal sexual contact, and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

2. The Administrator of the facility in which the inmate has been confined has advised the Commissioner or designee that the conduct of the inmate during the period of confinement, the inmate's mental condition, or the inmate's past history indicates that the inmate may be in need of involuntary commitment pursuant to N.J.S.A. 30:4-27.2; or

3. The inmate's term includes a sentence imposed for conviction of a "sexually violent offense" as defined in N.J.S.A. 30:4-27.26.

(c) Except as provided in (b) above, pursuant to N.J.S.A. 30:4-6.1 and 123.53a, the Administrator or designee of the correctional facility in which an inmate is confined shall provide written notification to the prosecutor of the county from which the inmate was committed 90 days before an inmate's anticipated release whenever possible, but in no event fewer than 30 days before release if such release is due to the expiration of the inmate's maximum term or is authorized by the State Parole Board, order of the Governor upon commutation of a sentence of incarceration or any other release of an inmate from custody.

(d) All written reports provided in accordance with this section shall include the inmate's name, identifying information and anticipated residence.

SUBCHAPTER 4. WRITTEN REPORTS OF THE  
CRITICAL ILLNESS OR DEATH OF AN  
INMATE**10A:21-4.1 Written reports regarding the critical illness or  
death of an inmate**

(a) Notification to the inmate's next of kin of an inmate's critical illness or death shall be in accordance with N.J.A.C. 10A:16-7.

(b) Written reports of the death of an inmate shall be provided to the prosecutor of the county from which the inmate was committed by the Administrator or designee of the correctional facility that maintains the inmate's classification and medical files as soon as possible on the next business day after the death of the inmate.

(c) Written reports of the death of an inmate shall be provided to the Supervisor, Health Services Unit via facsimile.

SUBCHAPTER 5. REPORTS OF UNUSUAL  
INCIDENTS OR EVENTS**10A:21-5.1 Preliminary inquiry**

(a) When an Administrator or designee becomes aware of the occurrence of an unusual incident or event, he or she shall notify the Special Investigations Division which shall make an immediate preliminary inquiry to determine the facts in the case.

(b) If there is a delay in the arrival of a staff member from the Special Investigations Division, the Administrator shall assign a custody supervisor with a rank not lower than sergeant to secure and/or cordon off the location of the incident or event, when appropriate.

(c) No one, including non-custody staff and custody staff, shall be permitted access to the secured area and nothing shall be touched, moved or destroyed until the staff from the Special Investigations Division has completed the examination of the secured area.