

## TITLE 10A

## DEPARTMENT OF CORRECTIONS

## CHAPTER 1

ADMINISTRATION, ORGANIZATION  
AND MANAGEMENT

## Authority

N.J.S.A. 30:1B-6, 30:1B-10, 52:14B-3 and 4.

## Source and Effective Date

R.1992 d.269, effective June 1, 1992.  
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

## Executive Order No. 66(1978) Expiration Date

Chapter 1, Administration, Organization and Management, expires on June 1, 1997, except Subchapter 3, Disability Discrimination Grievance Procedure, which is exempt under 28 C.F.R. Part 35.

## Chapter Historical Note

Chapter 1, Administration, Organization and Management, became effective July 6, 1987 with Subchapter 1, Operation and Procedures of the Department of Corrections, adopted as R.1987 d.282. See: 19 N.J.R. 620(a), 19 N.J.R. 1214(a). Subchapter 2, General Provisions, was adopted as R.1988 d.240, effective June 6, 1988. See: 20 N.J.R. 493(a), 20 N.J.R. 1222(c). Subsequently, Subchapter 11, Personal Property of Inmates, was adopted as R.1988 d.306 and Subchapters 3 through 10 were designated "Reserved", effective July 5, 1988. See: 20 N.J.R. 494(a), 20 N.J.R. 1559(b). Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1992 d.269. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. OPERATION AND  
PROCEDURES OF THE DEPARTMENT OF  
CORRECTIONS

## 10A:1-1.1 Functions of the agency

(a) The Department of Corrections (D.O.C.) created by statute in 1976, is a principal Department in the Executive Branch of New Jersey State Government. The functions of the D.O.C. are to:

1. Protect the public and provide for the custody, care, discipline, training and treatment of persons committed to State correctional institutions or released on parole;
2. Supervise and assist in the treatment and training of persons in local correctional and detention facilities, so that such persons may be prepared for release and reintegration into the community;
3. Cooperate with other law enforcement agencies of the State to encourage a more unified system of criminal justice;

4. Provide maximum security confinement for offenders whose demonstrated propensity to acts of violence requires that these offenders be separated from the community;

5. Develop alternatives to conventional incarceration for offenders who can be dealt with more effectively in less restrictive community based facilities and programs;

6. Separate juvenile offenders from the adult offender population and develop programs and services for juvenile offenders which recognize the juvenile offenders' special needs;

7. Provide an environment for incarcerated persons which encourages rehabilitation and reintegration into the community; and

8. Protect the incarcerated offender from victimization within the correctional facilities of the D.O.C.

#### 10A:1-1.2 Procedure to petition for a rule

(a) An interested person may apply to petition for the promulgation, amendment or repeal of any rule of the Department of Corrections. A petition shall:

1. Be in writing;
2. Be legible and intelligible; and
3. Be signed by the petitioner.

(b) Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. Citation of the rule for which the proposal is made, using N.J.A.C. references, where applicable;
3. A clear and concise statement summarizing the substance of the rule sought or change to be suggested;
4. A specific statement explaining why the suggestion is being offered and summary of reasons therefor; and
5. A citation of statutory authority under which the Department of Corrections is authorized to act.

(c) The petition shall be sent to the Commissioner, Department of Corrections, at CN 863, Trenton, New Jersey 08625.

(d) When the Commissioner accepts the petition which satisfies the requirements of (a) and (b) above, the Department of Corrections shall forthwith file the document for publication as a notice of petition for a rule in the New Jersey Register pursuant to N.J.A.C. 1:30-3.6(a).

(e) No later than 30 days after acceptance of a petition, the Department of Corrections shall mail to the petitioner and file for publication in the New Jersey Register a notice of action on the petition which shall contain the information described by (b) above. The notice of action shall include either:

1. A statement denying the petition;
2. A notice of proposed rule or a notice of pre-proposal for a rule for publication in the New Jersey Register; or
3. A statement that the matter is being referred for further deliberations, the nature of which shall be specified and which shall conclude upon a certain date. The results of these further deliberations shall be mailed to the petitioner and shall be submitted for publication in the New Jersey Register.

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (c)-(d).

Administrative Correction in (d) and (e).

See: 24 N.J.R. 4390(a).

Administrative Change.

25 N.J.R. 4105(a).

#### 10A:1-1.3 Public information requests

(a) Members of the public, other than inmates, may obtain general information from the Department of Corrections by writing to or telephoning the Public Information Officer, Department of Corrections, CN 863, Trenton, New Jersey 08625, (609) 292-9340.

(b) Inmates requesting information or services are directed to contact the Department of Corrections, Office of the Ombudsman, CN 863, Trenton, New Jersey 08625, (609) 292-8020, either by mail or by collect telephone call. The Ombudsman is the only office authorized to accept collect calls from inmates.

Amended by R.1993 d.635, effective December 6, 1993.

See: 25 N.J.R. 4552(a), 25 N.J.R. 5475(a).

#### 10A:1-1.4 Reimbursement for costs of copying

(a) Pursuant to N.J.S.A. 47:1A-2, correctional facilities and other administrative units within the Department of Corrections may charge the following fees for copying records deemed to be public:

- |                                |                      |
|--------------------------------|----------------------|
| 1. First through 10th page:    | \$0.75 per page      |
| 2. Eleventh through 20th page: | \$0.50 per page; and |
| 3. All pages over 20:          | \$0.25 per page.     |

(b) Government agencies are exempt from cost for copies of documents.

(c) The copying fees for documents or records other than records deemed to be public shall also be based on the fee schedule in (a) above.

(d) When or if fees for the copying of public records change in accordance with the N.J.S.A. 47:1A-2, these changes shall be published as a public notice in the New Jersey Register.

New Rule, R.1993 d.635, effective December 6, 1993.

See: 25 N.J.R. 4552(a), 25 N.J.R. 5475(a).

## SUBCHAPTER 2. GENERAL PROVISIONS

**10A:1-2.1 Scope**

(a) Unless otherwise stated, N.J.A.C. 10A:1 through N.J.A.C. 10A:30 shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

(b) Unless otherwise stated, N.J.A.C. 10A:31 through N.J.A.C. 10A:34 shall be applicable to municipal and county correctional facilities within the State of New Jersey.

**10A:1-2.2 Definitions**

The following words and terms, when used in N.J.A.C. 10A:1 through N.J.A.C. 10A:30, shall have the following meanings.

“Assistant Commissioner” means the chief executive officer of a Division within the Department of Corrections.

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

“Contraband” means any item, article or material found in the possession of or under the control of an inmate which is not authorized for retention or receipt.

“Custody status” means the degree of supervision that is required for an inmate to enter or leave a correctional facility.

“Department” means the New Jersey Department of Corrections.

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

“Deputy Director” means the executive officer next in rank to the Assistant Commissioner (Chief Executive Officer) of a Division within the Department of Corrections.

“Division of Operations” means the administrative unit that is responsible for the administration of all correctional facilities within the New Jersey Department of Corrections.

“Indeterminate sentence” means a sentence of imprisonment which contains no fixed terms of duration (see N.J.S.A. 30:4-148).

“Indigent inmate” means an inmate who has no funds in his or her account and is not able to earn inmate wages due to prolonged illness or any other uncontrollable circumstances, and who has been verified as having no outside source from which to obtain funds.

“Institutional Classification Committee (I.C.C.)” means the group of staff members within a correctional facility that is responsible for monitoring an inmate’s progress and assigning the inmate to appropriate programs or activities.

“Inter-institutional Classification Committee (I.I.C.C.)” means the representatives, from different correctional facilities, that are responsible for determining the correctional facility to which an inmate is assigned and approving requests for transfer from one correctional facility to another.

“Prison Complex” means state correctional facilities designated to house inmates serving prison sentences.

“Prison sentence” means a definite term of imprisonment having fixed minimum and maximum time limits.

“Prohibited act” means conduct in violation of rules and regulations, which will result in imposition of sanctions.

“Superintendent” means a superintendent or an administrator who serves as the chief executive officer of any State correctional facility within the New Jersey Department of Corrections.

“Youth Complex” means State correctional facilities designated to house young adult offenders pursuant to N.J.S.A. 30:4-146.

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised definition “youth complex”.

Amended by R.1993 d.246, effective June 7, 1993.

See: 25 N.J.R. 1043(a), 25 N.J.R. 2591(b).

**Case Notes**

Regulation which classifies inmates who do not have any funds in their account and who cannot work, but are able to receive funds from outside sources as “nonindigent,” thus requiring them to use funds from outside sources for payment of legal photocopying and medical care, did not violate equal protection clause. *Robinson v. Fauver*, D.N.J.1996, 932 F. Supp. 639.

**10A:1-2.3 Chief Executive Officer**

Pursuant to N.J.S.A. 30:1B-1 et seq., the Chief Executive Officer of the Department of Corrections is the Commissioner of Corrections.

**10A:1-2.4 Rule making and exemption authority**

(a) The Commissioner, pursuant to N.J.S.A. 30:1B-1 et seq., is authorized to formulate, adopt, issue and promulgate rules and regulations for the administration of institutions and noninstitutional operational units within the Department of Corrections.

(b) The Commissioner is authorized to determine all matters of policy and regulate the administration of institutions and noninstitutional operational units and modify policies and regulations so that all operational units can function effectively within the Department of Corrections.

(c) The Commissioner may exempt a correctional facility or other operational unit from adherence to a rule or certain requirements of a rule in instances when strict compliance with a rule or all of its requirements would

result in undue hardship and/or security risk to the overall management of a correctional facility or other operational unit.

Amended by R.1992 d.269, effective July 6, 1992.  
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).  
Revised (c).

#### 10A:1-2.5 Expiration of rule exemptions

(a) All rule exemptions shall expire two years from the date of approval by the Commissioner.

(b) A rule exemption may be terminated prior to its expiration date when:

1. The special circumstances making the rule exemption necessary no longer exist; or
2. The Commissioner no longer approves the rule exemption.

(c) A rule exemption may be extended beyond its expiration date when:

1. The Superintendent or Unit Head reapply for the rule exemption; and
2. The approval of the Commissioner is given for an extension of the rule exemption.

(d) An institution or noninstitutional operational unit shall return to compliance with the New Jersey Administrative Code when rule exemptions terminate or expire.

#### 10A:1-2.6 Effective dates of adopted and exempted rules

(a) Unless otherwise noted in the New Jersey Register, an adopted rule is effective on the date of its publication in the New Jersey Register.

(b) The effective date of a rule exemption shall be the date of the Commissioner's signature in Section 7 on FORM 911-II REQUEST FOR RULE EXEMPTION.

#### 10A:1-2.7 Procedure for requesting rule exemptions

(a) Requests for rule exemptions may be submitted by staff members or committees to the Superintendent for review.

(b) Requests for rule exemptions may be submitted by inmates or inmate groups to the Institutional Classification Committee (I.C.C.) for review. The I.C.C. shall review and submit inmate requests for rule exemptions to the Superintendent along with recommendations for approval or disapproval.

(c) Requests for rule exemptions may be submitted by staff members, individually or as a group, to the administrative head of a noninstitutional operational unit for review.

(d) The Superintendent or the head of a noninstitutional operational unit shall review and determine, based on the criteria at N.J.A.C. 10A:1-2.4(c), whether to submit requests for rule exemptions to the appropriate Assistant Commissioner and the Commissioner for consideration.

(e) If the Superintendent or the administrative head of a noninstitutional operational unit approves a request for a rule exemption, he or she shall complete, in duplicate, Sections 1 through 6 of Form 911-II REQUEST FOR RULE EXEMPTION, sign and date Section 7 and submit Form 911-II to the appropriate Assistant Commissioner.

(f) The Assistant Commissioner shall review Form 911-II REQUEST FOR RULE EXEMPTION and determine whether to approve or disapprove the request, based on the criteria at N.J.A.C. 10A:1-2.4(c). If the Assistant Commissioner approves the request, he or she shall sign and date Section 7 of Form 911-II and shall submit it to the Commissioner for review. If the Assistant Commissioner disapproves the request, he or she shall sign and date Section 8 of Form 911-II and return it to the correctional facility Superintendent or the administrative head of a noninstitutional operational unit.

(g) The Commissioner shall review Form 911-II REQUEST FOR RULE EXEMPTION, submitted by an Assistant Commissioner, and determine whether to authorize a rule exemption, based on the criteria at N.J.A.C. 10A:1-2.4(c). The Commissioner shall approve or disapprove a rule exemption by signing and dating the appropriate section on Form 911-II and returning it to the Assistant Commissioner.

(h) The Assistant Commissioner shall be responsible for notifying the Superintendent or head of a noninstitutional operational unit of the Commissioner's approval or disapproval of requests for rule exemptions.

Amended by R.1992 d.269, effective July 6, 1992.  
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).  
Revised (d)-(h).

Administrative Correction in (e) and (f).  
See: 24 N.J.R. 4390(a).  
Administrative Change.  
See: 25 N.J.R. 4105(a).

### SUBCHAPTER 3. DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

#### Authority

N.J.S.A. 30:1B-6, 42 U.S.C. § 12101 et seq. and 28 C.F.R. § 35.107.

#### Source and Effective Date

R.1993 d.617, effective December 6, 1993.  
See: 25 N.J.R. 1326(b), 25 N.J.R. 5474(a).

**Executive Order No. 66(1978) Expiration Date**

Subchapter 3, Disability Discrimination Grievance Procedure, is exempt from expiration under 28 C.F.R. Part 35.

**10A:1-3.1 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“ADA” means the Americans with Disabilities Act, 42 U.S.C.A. § 12101 et seq.

“Agency” means the New Jersey Department of Corrections.

“Designated decision maker” means the Commissioner of Corrections or his or her designee.

**10A:1-3.2 Purpose**

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 10A:1-3.5 through 3.8.

**10A:1-3.3 Required ADA notice**

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency’s compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

**AGENCY NOTICE OF ADA PROCEDURE**

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title 11 of the Americans with Disabilities Act. Title 11 states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination” in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 10A:1-3. As those rules indicate, grievances should be addressed to the agency’s designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address:

ADA Coordinator  
New Jersey Department of Corrections  
CN 863  
Trenton, New Jersey 08625

1. A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related grievances, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A grievance should be filed promptly within 30 days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency’s designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the grievances filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person’s pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

**10A:1-3.4 Designated ADA coordinator**

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator  
New Jersey Department of Corrections  
CN 863  
Trenton, New Jersey 08625

(b) All inquiries regarding the agency’s compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 10A:1-3.5 through 3.8.

**10A:1-3.5 Grievance procedure**

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 10A:1-3.4 within 30 days of the grievant becoming aware of the alleged violation. A grievance alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

**10A:1-3.6 Grievance contents**

(a) A grievance submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 10A:1-3.7.

(b) A grievance submitted pursuant to this subchapter shall include the following information:

1. The name of the grievant, and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant;
2. The address and telephone number of the grievant or alternate contact person; and
3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

**10A:1-3.7. Americans with Disabilities Act Grievance Form 100**

The following Americans with Disabilities Act Grievance Form 100 may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form 100

Date: \_\_\_\_\_

Name of grievant: \_\_\_\_\_

Address of grievant: \_\_\_\_\_

Telephone number of grievant: \_\_\_\_\_

Name, address and telephone number of alternate contact person: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Agency alleged to have denied access:

Department: \_\_\_\_\_

Division: \_\_\_\_\_

Bureau or office: \_\_\_\_\_

Location: \_\_\_\_\_

Incident or barrier: \_\_\_\_\_

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A copy of the above Form 100 may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 10A:1-3.4.

Administrative change.  
27 N.J.R. 4717(a).

**10A:1-3.8 Investigation**

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

SUBCHAPTERS 4 THROUGH 9. (RESERVED)

SUBCHAPTER 10. RESEARCH

Source and Effective Date

R.1994 d.181, effective April 4, 1994.  
See: 26 N.J.R. 726(a), 26 N.J.R. 1505(a).

**10A:1-10.1 Medical research or experimentation**

(a) No medical, pharmaceutical or cosmetic experiments or research shall be conducted involving the use of inmates or parolees of the New Jersey Department of Corrections except as provided by court order, consent decree, or other legal processes (see N.J.A.C. 10A:16-2.20).

(b) The New Jersey Department of Corrections encourages nonmedical, nonpharmaceutical, and noncosmetic research projects that are conducted in accordance with this subchapter.

**10A:1-10.2 Procedure for submitting a request to conduct nonmedical, nonpharmaceutical, and noncosmetic research projects**

(a) Any person(s) or agency(s) who wishes to conduct nonmedical, nonpharmaceutical or noncosmetic research projects shall complete and submit Form 980-I RESEARCH PROJECT REQUEST to the correctional facility Superintendent, Parole District Supervisor or the noninstitutional operational unit administrator.

(b) The correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator shall review Form 980-I to determine if the research will:

1. Adversely affect the maintenance of security and/or the orderly operation of the correctional facility or unit;
2. Involve the review of inmate or parolee records; and/or
3. Require inmate or parolee participation, such as interviews or questionnaires.

(c) When the research activity does not involve the review of inmate or parolee records or the participation of inmates or parolees, the correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator may approve or disapprove a request for research by signing and dating Section IV of Form 980-I. The original Form 980-I shall be returned to the person(s) or agency(s) requesting to conduct the research, and a copy of Form 980-I shall be retained by the correctional facility Superintendent, Parole District Supervisor or noninstitutional operational unit administrator.

(d) When the research activity involves the review of inmate or parolee records or the participation of inmates or parolees, the correctional facility Superintendent, Parole District Supervisor or the noninstitutional operational unit administrator shall complete Section IV of Form 980-I and submit the Form to the appropriate Assistant Commissioner with a recommendation for approval or disapproval.

1. The Assistant Commissioner shall review Form 980-I and shall approve or disapprove the request to conduct research by signing and dating the appropriate section on Form 980-I and shall then submit Form 980-I to the Commissioner for final review.

2. The Commissioner shall retain the final review authority of any request to conduct research which involves the review of inmate or parolee records or the participation of inmates or parolees.

3. The Commissioner shall approve or disapprove the request to conduct research by signing and dating the appropriate section on Form 980-I and shall return Form 980-I to the Assistant Commissioner.

4. The Assistant Commissioner shall retain a copy of the signed Form 980-I and return the original to the correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator.

Administrative Correction.  
See: 26 N.J.R. 2581(a).

**10A:1-10.3 Express written inmate/parolee consent requirement**

(a) The express written consent of the inmate and/or parolee shall be required:

1. To ensure that direct inmate participation in any research project is on a voluntary basis; and
2. To authorize inspection or release of records per N.J.A.C. 10A:22-2.8.

(b) In order to obtain written consent of an adult inmate or parolee to directly participate in a research activity, Form 980-II ADULT INMATE/PAROLEE RESEARCH PARTICIPATION CONSENT shall be completely filled in and signed by:

1. The inmate/parolee;
2. A witness; and
3. The correctional facility Superintendent, Parole District Supervisor or the noninstitutional operational unit administrator.

(c) In order to obtain written consent of a juvenile inmate or parolee, to directly participate in a research activity, Form 980-III JUVENILE INMATE/PAROLEE RESEARCH PARTICIPATION CONSENT shall be completely filled in and signed by:

1. The juvenile inmate/parolee;
2. A parent or guardian;
3. A witness; and
4. The Superintendent, Parole District Supervisor, or noninstitutional operational unit administrator.

#### 10A:1-10.4 Refusal to participate in research

(a) An inmate or parolee shall not be required or coerced to participate in research activities.

(b) Refusal by an inmate or parolee to participate in research shall not constitute a reason for imposing penalties upon the inmate or parolee.

#### 10A:1-10.5 Inmate/parolee records

Confidentiality of inmate/parolee records and procedures for release or examination of records by authorized individuals or agencies shall be in accordance with N.J.A.C. 10A:22-2, Records.

#### 10A:1-10.6 Research findings

The person(s) or agency(s) who completes a research project must, prior to publication or any public dissemination, make available the research findings or results to the correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator, and the Commissioner, New Jersey Department of Corrections, for review and comments (see Form 980-I Section III).

#### 10A:1-10.7 Written procedures

(a) Each correctional facility, noninstitutional operational unit, and the Bureau of Parole shall develop written procedures governing research projects and activities consistent with the requirements of this subchapter.

(b) These written procedures shall be reviewed at least annually and updated as necessary and signed and dated by the Superintendent, Parole District Supervisor, or noninstitutional operational unit administrator.

## SUBCHAPTER 11. PERSONAL PROPERTY OF INMATES

### 10A:1-11.1 Inmate's responsibility for personal property

While incarcerated within a correctional facility, the inmate shall be responsible for his or her own personal property and shall keep personal property at his or her own risk.

### 10A:1-11.2 Permissible personal property

(a) Each correctional facility shall develop a written list of permissible personal property items and the number of permissible personal property items which may be retained in the possession of the inmate.

(b) The listing and any regulations concerning inmate personal property shall be published in the Inmate Handbook (see N.J.A.C. 10A:8-3 INMATE HANDBOOK).

(c) New or revised lists or regulations not included in the current Inmate Handbook shall be posted in inmate housing units and incorporated into the next revision of the Inmate Handbook.

(d) The listing of permitted personal property shall be reviewed, signed and dated annually by the Superintendent or his or her designee and forwarded to the Assistant Commissioner, Division of Operations, for his or her review and approval.

(e) The Assistant Commissioner may approve or disapprove the possession of any item and/or limit the number of items that may be possessed by inmates in correctional facilities within the Division of Operations.

(f) The Assistant Commissioner, Division of Operations, shall be notified, in writing, during the course of the year of any additions to or deletions from the list of permissible personal property.

(g) The Bureau of Community and Professional Services, Division of Operations, shall disseminate lists of county jail permissible property as needed, to each correctional facility.

Amended by R.1996 d.469, effective October 7, 1996.  
See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

### 10A:1-11.3 Non-permissible personal property

(a) The correctional facility shall notify an inmate, in writing, whenever the inmate possesses any property which is non-permissible personal property.

(b) The correctional facility shall inventory and package the non-permissible personal property and the inmate shall indicate, in writing, which of the following means of disposal should be used with respect to the non-permissible personal property. The non-permissible personal property shall either be:

1. Mailed to the inmate's home at the inmate's expense;
2. Given to a designated visitor for removal;
3. Donated by the inmate to a charitable organization at the inmate's expense; or
4. Destroyed at the inmate's request.

(c) If the non-permissible property is to be removed by a family member or friend(s), the inmate shall arrange for the removal of the non-permissible personal property within 30 days after receiving the written notification from the correctional facility.

(d) If the inmate's non-permissible personal property is not removed from the correctional facility within 30 days after the written notification, the inmate shall receive a second written notification stating that:

1. The property will be held for a maximum of 30 additional days;
2. The property will be disposed of if it is not removed by a specified date; and
3. The correctional facility shall not be liable for personal property that is held longer than 60 days.

(e) If the inmate or his or her designee fails to respond to a second written notification within 30 days, the correctional facility may dispose of the non-permissible personal property by:

1. Donating the non-permissible personal property to any recognized public charitable organization;
2. Retaining the non-permissible personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Completely destroying the non-permissible personal property within the correctional facility.

(f) Copies of written notices to the inmate about his or her non-permissible personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1989 d.45, effective January 17, 1989.

See: 20 N.J.R. 2746(a), 21 N.J.R. 163(a).

Added new (e) and recodified old (e) to (f).

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (b) and (f).

#### **10A:1-11.4 Storage of non-permissible personal property**

(a) Correctional facilities shall not store inmate non-permissible personal property for more than 60 days except in instances as stated in (b) below.

(b) When an inmate does not have visitors, immediate family members or a home address, the inmate may request

written approval of the superintendent to store non-permissible personal property for a period longer than 60 days.

(c) If the superintendent approves the inmate's request, made pursuant to (b) above, the personal property shall be stored at the inmate's risk, until an alternate plan can be made for storage.

#### **10A:1-11.5 Marking inmate personal property**

Each correctional facility shall establish a means of marking inmate personal property for identification purposes.

#### **10A:1-11.6 Inventory of inmate personal property**

(a) Each correctional facility shall use and maintain the IIS-1M Inmate Inventory Sheet. This inventory sheet shall be used to itemize all personal property in the inmate's possession upon admission, while incarcerated, and upon transfer.

(b) If possible, the inmate's personal property shall be inventoried in his or her presence.

(c) The completed IIS-1M Inmate Inventory Sheet and any subsequent updates to this inventory sheet shall be signed by both the inventory officer and the inmate.

(d) In the event the inmate refuses to sign the IIS-1M Inmate Inventory Sheet, the inventory officer shall note the inmate's refusal on the inventory sheet.

(e) The signed IIS-1M Inmate Inventory Sheet shall be maintained on file (see N.J.A.C. 10A:1-11.10) and a copy shall be given to the inmate.

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Added new (d); redesignated existing (d) as (e).

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

#### **10A:1-11.7 Disposition of personal property when inmate is transferred**

(a) Central Medical/Transportation, Division of Operations, shall be responsible for transporting personal property of inmates. If Central Medical/Transportation is unable to transport the property at the time of the transfer, Central Medical/Transportation will be responsible for transporting the inmate's personal property to the receiving correctional facility within seven working days from the date of transfer.

(b) Except for inmate transfers to a hospital, all transfers shall be considered permanent for the purpose of inmate personal property disposition.

(c) When an inmate is transferred from one correctional facility to another, it shall be the responsibility of the sending correctional facility to send with the inmate all of the inmate's personal property.

(d) When an inmate is transferred to a county jail, non-permissible personal property shall not be sent by the sending correctional facility to the county jail. Non-permissible personal property shall be inventoried, packaged and mailed to the inmate's home at the expense of the sending correctional facility or the non-permissible personal property shall be made available for removal by designated family members or friends of the inmate.

(e) An inmate being transferred to another correctional facility who does not have visitors, immediate family members or a home address, may request written approval of the receiving correctional facility Superintendent to store the inmate's non-permissible personal property.

(f) If the receiving correctional facility Superintendent approves the inmate's request, the Superintendent shall give the inmate a written notification stating that:

1. The personal property will be stored at the inmate's risk;
2. The personal property will be held for a maximum of 60 additional days;
3. The personal property will be disposed of if it is not removed by a specified date; and
4. The correctional facility shall not be liable for personal property that is held longer than 60 days.

(g) In every case that personal property is mailed to the inmate's home, a receipt shall be obtained from the post office or railway express representative and filed in the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1992 d.269, effective July 6, 1992.  
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (f).  
Amended by R.1996 d.469, effective October 7, 1996.  
See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

#### **10A:1-11.8 Responsibility for personal property when inmate is released**

(a) When an inmate is released on parole or at the expiration of his or her maximum sentence, the inmate shall:

1. Take the personal property with him or her when leaving the correctional facility; or
2. Arrange for the personal property to be sent, at his or her expense, to the inmate's home; or
3. Arrange for a family member(s) or friend(s) to remove the personal property from the correctional facility within 30 days after the inmate's release.

(b) When the inmate's personal property is to remain at the correctional facility, a mailing address shall be obtained from the inmate before his or her release. If the inmate's personal property is not picked up within 30 days, the correctional facility shall forward written notification to the ex-inmate stating that:

1. The property will be held for a maximum of 30 additional days;

2. The property will be disposed of if not removed by a specified date; and

3. The correctional facility shall not be liable for personal property that is held longer than 60 days.

(c) If the inmate or his or her designee fails to respond to the written notification within 30 days, the correctional facility may dispose of the personal property by:

1. Donating the personal property to any recognized public charitable organization;
2. Retaining the personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Completely destroying the personal property within the correctional facility.

(d) Copies of written notices to the inmate about his or her personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1989 d.45, effective January 17, 1989.

See: 20 N.J.R. 2746(a), 21 N.J.R. 163(a).

Added new (c) and recodified old (c) to (d).  
Amended by R.1992 d.269, effective July 6, 1992.  
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (d).

#### **10A:1-11.9 Responsibility for personal property when inmate escapes**

(a) When an inmate escapes, the inmate's personal property shall be held at the correctional facility for 30 days.

(b) If the escaped inmate does not return within 30 days to the correctional facility or any other correctional facility within the jurisdiction of the New Jersey Department of Corrections, the inmate's property shall be deemed abandoned property.

(c) The correctional facility may dispose of abandoned personal property by:

1. Donating the personal property to any recognized public charitable organization;
2. Retaining the personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Destroying the personal property.

(d) A written notice of final disposition of the escaped inmate's abandoned personal property shall become a permanent part of the inmate's classification folder (N.J.A.C. 10A:1-11.10).

New Rule, R.1992 d.269, effective July 6, 1992.  
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Old section 11.9 "Records", recodified to 11.10.

**10A:1-11.10 Records**

(a) Copies or originals of the following shall become a permanent part of the inmate's classification folder.

1. Any written notices to the inmate about personal property;
2. Any receipts received or obtained for mailing personal property; and
3. Signed IIS-1M Inmate Inventory Sheet(s).

Recodified from 10A:1-11.9 by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Old section 10A:1-11.10 was "Written procedures".

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

**10A:1-11.11 Written procedures**

Each correctional facility shall develop written policy and procedures consistent with this subchapter.

Recodified from 10A:1-11.10 by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

**10A:1-11.12 Forms**

(a) The following form related to personal property of inmates is printed by the Bureau of State Use Industries—DEPTCOR and each correctional facility shall purchase a supply of these forms by contacting the Bureau.

1. IIS-1M Inmate Inventory Sheet.

New Rule, R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).