

3. Completion of release arrangement, including the person or agency to whom the inmate is to be released;
4. Return of inmate's personal property;
5. Verification that no facility property leaves with the inmate;
6. Completion of any pending action, such as grievances or claims for damages or lost possessions; and
7. Collection of restitution or fees owed to the facility.

Amended by R.1991 d.143, effective March 18, 1991.

See: 22 N.J.R. 3714(c), 23 N.J.R. 860(a).

Deleted list of types of inmates who should not be confined in same cell or living space.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a), added 7.

- viii. Physical illness;
- ix. Mental status;
- x. Confinement status, such as pretrial detainee or sentenced inmate; and
- xi. Security needs.

(b) The classification of inmates in the categories in (a) above may be modified based on the direct observation and supervision of individual inmates, and in such instances each classification decision shall be fully documented.

(c) The classification of State prisoners housed in county correctional facilities remains the responsibility of the New Jersey Department of Corrections.

(d) Segregation of inmates by race, color, creed, or national origin shall be prohibited.

Amended by R.1991 d.143, effective March 18, 1991.

See: 22 N.J.R. 3714(c), 23 N.J.R. 860(a).

Changed terms from "misdemeanors" and "felons"; also changed "first offenders" and "habitual criminals".

Amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Rewrote the section.

Amended by R.2010 d.134, effective July 6, 2010.

See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).

In the introductory paragraph of (a)2, inserted a comma following "system"; and in (a)2i, substituted "Sex" for "Gender".

SUBCHAPTER 22. CLASSIFICATION

10A:31-22.1 Written classification policies and procedures

(a) Each adult county correctional facility shall develop written policies and procedures for classifying inmates which include the following:

1. The composition and responsibilities of the Classification Committee;
2. The initial classification of inmates;
3. The review of the classification of inmates; and
4. The reassignment or transfer of inmates from one program and/or facility to another.

10A:31-22.2 Classification and housing of inmates

(a) The classification and housing of inmates shall be based upon available space and either:

1. The objective classification scoring system; or
2. The reception classification system, which shall be based upon the following factors regarding the inmate:
 - i. Sex;
 - ii. Age;
 - iii. Size;
 - iv. Offense;
 - v. Previous incarcerations;
 - vi. Aggressive and passive/dependent behavior;
 - vii. Problems, such as, but not limited to, alcoholism and drug addiction(s);

10A:31-22.3 Male and female inmates' access to programs and activities

Male and female inmates, depending on their custody levels, shall have equal access to all programs and activities, but integrated participation by male and female inmates in programs and activities is not required.

Recodified from N.J.A.C. 10A:31-22.4 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Text of former N.J.A.C. 10A:31-22.3, Segregation of inmates based upon race, color, creed or national origin, recodified to N.J.A.C. 10A:31-22.2(d).

10A:31-22.4 Initial classification

(a) Initial classification of sentenced inmates shall be completed within two weeks after admission from court or transfer from another institution, except where there are clear and convincing reasons to do otherwise.

(b) Wherever possible, inmates shall initially be assigned to an intake area until appropriately classified and medically screened pursuant to N.J.A.C. 10A:31-13.9.

Amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Recodified from N.J.A.C. 10A:31-22.5 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Former N.J.A.C. 10A:31-22.4, Male and female inmates' access to programs and activities, recodified to N.J.A.C. 10A:31-22.3.

10A:31-22.5 Classification hearing

All sentenced inmates shall be given 48 hours notice prior to their classification hearing and shall have the opportunity to appear and participate in their hearing.

Recodified from N.J.A.C. 10A:31-22.6 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Former N.J.A.C. 10A:31-22.5, Initial classification, recodified to N.J.A.C. 10A:31-22.4.

10A:31-22.6 Appeal of Classification Committee decision

All sentenced inmates shall be given the opportunity to appeal the decision of the Classification Committee to the adult county correctional facility Administrator or designee.

Recodified from N.J.A.C. 10A:31-22.7 and amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Substituted a reference to the county correctional facility Administrator for a reference to the Jail Administrator. Former N.J.A.C. 10A:31-22.6, Classification hearing, recodified to N.J.A.C. 10A:31-22.5.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted a reference to adult county correctional facilities for a reference to county correctional facilities.

10A:31-22.7 (Reserved)

Recodified to N.J.A.C. 10A:31-22.6 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

SUBCHAPTER 23. REMISSION OF TIME FROM SENTENCE**10A:31-23.1 Eligibility for cash or remission of time from sentence**

(a) Inmates who are employed in productive occupations while incarcerated in an adult county correctional facility may receive compensation for such employment in the form of cash or remission of time from sentence or both (see N.J.S.A. 30:4-92).

1. An inmate employed under this section may receive remission of time from sentence not to exceed one day for each five days of productive occupation, but remission granted under this section shall not affect deductions for good behavior as otherwise provided by law.

2. In addition, all minimum security inmates who are considered sufficiently trustworthy to be employed in honor camps, farms or details, shall receive further remission of time from sentence at the rate of three days per month for each month of such employment.

(b) Inmates in adult county correctional facilities, who are employed in the community pursuant to N.J.A.C. 10A:31-25,

Work Release Program, are eligible for diminution of sentence as set forth in N.J.S.A. 30:8-50. The inmate may be granted a diminution of not more than one-quarter of his or her term if the inmate's conduct, diligence and general attitude meet such diminution.

(c) Inmates who are receiving credits while participating in a Work Release Program under (b) above may also, in appropriate circumstances, receive work credits under (a) above. Such additional credits may be granted only where the inmate engages in a productive occupation in the adult county correctional facility in addition to the inmate's participation in the Work Release Program.

(d) Any remission of time shall in no way affect deduction for good behavior as otherwise provided in N.J.S.A. 2A:164-24.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

10A:31-23.2 Records and audits

(a) The New Jersey State Department of Corrections shall periodically audit records pertinent to the remission of time or cash payments for periodic occupation or minimum security status of inmates. Such audits shall be conducted not less than annually.

(b) The remission of time or cash payment records shall indicate the following:

1. The dates the inmate was placed upon and removed from productive occupation and/or minimum security status;
2. The reason for removal from productive occupation or minimum security status;
3. The time the inmate earned while in productive occupation or on minimum security status; and
4. The cash remuneration, if any, the inmate received while in productive occupation.

(c) Individual records shall be maintained for each inmate placed in productive occupation or classified on minimum security status.

10A:31-23.3 Reports

(a) The adult county correctional facility Administrator shall submit an annual report to the New Jersey State Department of Corrections, Bureau of County Services.

(b) The annual report shall contain, but not be limited to, the following:

1. Statistics related to the remission of time for productive occupations and minimum security status of inmates; and/or

2. The payment of cash to inmates for employment in productive occupations.

(c) In counties electing to provide cash payments for employment in productive occupations, the schedule of payments shall be filed with the New Jersey State Department of Corrections, Bureau of County Services.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a), substituted a reference to adult county correctional facility Administrators for a reference to jail Administrators.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote (b)1.

10A:31-23.4 Consultations

The New Jersey State Department of Corrections will provide the consultative services of staff members with respect to questions, issues or problems arising out of the interpretation of the Statutes or from operational procedures.

SUBCHAPTER 24. INMATE WORK PROGRAM

10A:31-24.1 Inmate work plan

(a) The adult county correctional facility shall develop and maintain a written inmate work assignment plan that provides for inmate employment, subject to the availability of work opportunities and the security considerations of the facility.

(b) The inmate work plan shall include provisions for inmate employment in facility maintenance and operations such as, but not limited to:

1. Cleaning;
2. Painting;
3. Food service; and
4. Laundry operations.

(c) The inmate work plan shall include provisions for inmate employment in public works projects such as construction work, conservation projects, county road work, and cleaning and maintenance tasks in local government buildings.

(d) The inmate work plan shall include provisions for the employment of handicapped inmates.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In introductory paragraph (b), pluralized "provision" and added " , but not limited to:".

10A:31-24.2 Pretrial and unsentenced detainees

Pretrial and unsentenced detainees shall not be required to work except to do personal housekeeping.

10A:31-24.3 Inmate volunteers

Any inmate may volunteer for work assignments or adult county correctional facility programs.

10A:31-24.4 Compensation

(a) Inmates employed in inmate work programs shall receive compensation for employment in the form of cash or remission of time from sentence or both (see N.J.A.C. 10A:31-23).

(b) Any remission of time shall in no way interfere with the deduction of time for good behavior.

(c) State sentenced inmates who are being housed in adult county correctional facilities shall be compensated in accordance with N.J.A.C. 10A:9-5.6.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (b), substituted "deduction of time" for "reduction" and deleted "time" following "behavior."

SUBCHAPTER 25. WORK AND VOCATIONAL TRAINING RELEASE PROGRAM

10A:31-25.1 Authority

N.J.S.A. 30:8-44 authorizes the operation of a county Work Release Program for inmates to participate in employment, a vocational training course, or to care for the offender's family in the counties in which the governing body or Board of Freeholders has approved the establishment of this type of program(s).

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote the section.

10A:31-25.2 Role of New Jersey Department of Corrections

The New Jersey Department of Corrections may make staff available for maintaining general supervision over County Work Release Programs.

10A:31-25.3 Benefit to inmates

(a) Participation in the Work Release Program provides the following benefits to inmates:

1. Provides inmates the opportunity to participate in full time normal employment or vocational training in the community;
2. Permits inmates the opportunity to develop or strengthen good work habits and skills;

3. Affords inmates opportunities to continue or strengthen constructive ties with family, friends and the community;

4. Permits the pre-release preparation of inmates and the opportunity to evaluate the readiness of these inmates for release to the community;

5. Permits disbursements to be made from inmate earnings to help defray the cost of incarceration, support dependents, reduce debts and pay court fines;

6. Enables inmates to accumulate savings to help meet financial needs or burdens after release from confinement;

7. Provides inmates the opportunity to meet family needs; and

8. Provides inmates the opportunity to earn credits which will reduce the time to be served on the inmate's sentence.

10A:31-25.4 Responsibility for designating County Work Release Administrator

(a) Upon adoption of a resolution to implement a Work Release Program, the governing body of the county or the County Board of Freeholders shall designate a County Work Release Administrator who may be the Sheriff, adult county correctional facility Administrator or other persons who shall be responsible for administering the Work Release Program.

(b) The governing body or Board of Freeholders shall promptly notify the Commissioner of the Department of Corrections of the action and name of the designated County Work Release Administrator.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a), substituted a reference to adult county correctional facility Administrators for a reference to Jail Administrators.
Amended by R.2006 d.59, effective February 6, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (a), added "the governing body of the county or"; in (b), added "governing body or" and deleted "Board's" and "the" preceding "name."

10A:31-25.5 Placement in a Work Release Program

A person convicted and sentenced to an adult county correctional facility may be placed in a Work Release Program by order of the court in which such person was convicted, or by the assignment judge of the county in which the sentence was imposed at the time such person is sentenced or at any time thereafter during the term of the sentence.

Amended by R.2006 d.59, effective February 6, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Section was "Placement in Work Release."

10A:31-25.6 Inmates ineligible for Work Release Program participation

(a) The following shall make an inmate ineligible for participation in the Work Release Program:

1. Untried detainees for criminal offenses or immigration detainees;

2. Current convictions involving arson offenses;

3. Previous convictions for arson offenses, even if the current conviction is for an offense(s) other than arson; and/or

4. The applicable provisions of related statutes of the State of New Jersey, such as, but not limited to, Michael's Law at N.J.S.A. 39:4-51.

(b) Pursuant to N.J.S.A. 30:8-44.1, no person confined to an adult county correctional facility shall be eligible to participate in any work release or vocational training release program if he or she has been convicted of any of the following:

1. Any crime involving a sexual offense or child molestation as set forth in N.J.S.A. 2C:14-1 et seq.;

2. Any crime endangering the welfare of children or incompetents which concerns sexual conduct which would impair or debauch the morals of the child or an incompetent, as set forth in N.J.S.A. 2C:24-4 and N.J.S.A. 2C:24-7;

3. Any crime involving the manufacture, transportation, sale or possession, with the intent to sell or distribute, of a "controlled dangerous substance" or a "controlled dangerous substance analog," as defined in the "Comprehensive Drug Reform Act of 1986," P.L. 1987, c.106 (C.2C:35-1 et al.); or

4. Any crime involving the use of force or the threat of force upon a person or property including: armed robbery, aggravated assault, kidnapping, arson, manslaughter and murder.

Amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b), substituted a reference to adult county correctional facilities for a reference to county correctional facilities.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In introductory paragraph (a), deleted "circumstances"; in (a)2, deleted "or"; in (a)3, substituted "; and/or" for "·"; added (a)4; in introductory paragraph (b), added reference to N.J.S.A. 30:8-44.1; in (b)1 and 2, added "A." following "N.J.S."

10A:31-25.7 Application for admission to the Work Release Program

(a) The County Work Release Administrator designated by the governing body of the county or the County Board of Freeholders in accordance with N.J.S.A. 30:8-44 shall be