

10A:18-2.7 Inspection of outgoing correspondence

(a) Outgoing correspondence shall be reviewed to determine the sender. If the sender of the correspondence cannot be identified, the correspondence shall be destroyed.

(b) Outgoing mail shall not be opened, read or censored if it is considered legal correspondence or if it is addressed to:

1. Public officials such as:
 - i. The President of the United States;
 - ii. The Vice-President of the United States;
 - iii. Members of Congress;
 - iv. The Governor;
 - v. Members of the State Legislature;
 - vi. Members of the County Board of Freeholders; or
 - vii. The Mayor;
2. Governmental agency officials, such as:
 - i. The Director of the Federal Bureau of Prisons;
 - ii. The Commissioner, New Jersey Department of Corrections;
 - iii. The Office of Ombudsman, New Jersey Department of Corrections;
 - iv. Members of the Federal Parole Board; or
 - v. Members of the State Parole Board; or
3. News media representatives.

(c) Outgoing mail from inmates to public officials, governmental agency officials and news media representatives may be held, for a maximum of 72 hours, in order to verify that the addressee is a legitimate public official, governmental agency official or news media representative.

(d) Any outgoing correspondence addressed to someone other than those cited in (b) above shall not be opened, read or censored unless there is reason to believe that the correspondence contains disapproved content (see N.J.A.C. 10A:18-2.14) and then only with the prior approval of the Superintendent or designee.

(e) Outgoing correspondence which is opened pursuant to this subchapter shall, once reviewed and approved, be resealed and mailed promptly.

(f) A confidential list of all correspondence which is read pursuant to this subchapter shall be maintained in the Special Investigations Division of the correctional facility or mail room, or wherever the confidentiality of the list can be maintained.

Amended by R.1989 d.204, effective April 17, 1989.
See: 21 N.J.R. 277(a), 21 N.J.R. 1014(b).

New (b)1 through 5 added, U.S. President, V.P., Members of Congress, Members of Federal Parole Board and Director of the Federal Bureau of Prisons; 1.-4. recodified as 6.-9.

Amended by R.1990 d.564, effective November 19, 1990.

See: 21 N.J.R. 3913(a), 22 N.J.R. 3488(a).

Amended to comply with Matter of Inmate Mail to Attorneys, 232 N.J.Super. 478 (Super. Ct. App. 1989).

Amended by R.1991 d.413, effective August 5, 1991.

See: 23 N.J.R. 1758(a), 23 N.J.R. 2312(a).

Established maximum of 72 hours to hold outgoing mail to verify legitimacy of addressee.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted new (b)2iii; recodified former (b)2iii and iv as (b)2iv and v; and in (f), substituted "Internal Affairs Unit of the correctional facility" for "facility's investigative unit".

Administrative change.

See: 32 N.J.R. 303(a).

Case Notes

Prison officials prohibited by First Amendment from inspecting inmate's mail sent to or from government agencies, public officials or media. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives, 232 N.J.Super. 478, 557 A.2d 698 (A.D.1989), certification granted 117 N.J. 168, 564 A.2d 884, affirmed in part, reversed in part 120 N.J. 137, 576 A.2d 274.

Regulations preventing inmates from sending mail to public officials, government agencies or media were unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

Regulations regarding incoming correspondence to inmates from public officials, government agencies, or media were not unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

10A:18-2.8 Legal correspondence

Legal correspondence shall be processed in accordance with N.J.A.C. 10A:18-3, Legal Correspondence.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Case Notes

Prison officials prohibited by First Amendment from inspecting inmate's mail sent to or from government agencies, public officials or media. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives, 232 N.J.Super. 478, 557 A.2d 698 (A.D.1989), certification granted 117 N.J. 168, 564 A.2d 884, affirmed in part, reversed in part 120 N.J. 137, 576 A.2d 274.

10A:18-2.9 Identification of sender of outgoing correspondence

(a) The inmate's name and number or the name of the inmate group shall appear legibly on the outside of all outgoing correspondence.

(b) If an inmate's name and number or the name of the inmate group does not appear on the outside of the correspondence, it shall be opened and examined to identify the sender so that the correspondence can be returned to the inmate or inmate group.

(c) If the inmate or inmate group cannot be identified, the correspondence shall be destroyed.

(d) The full name of the correctional facility shall be clearly stamped or printed in the upper left corner of all outgoing envelopes from inmates or inmate groups.

Amended by R.1992 d.3, effective January 6, 1992.

See: 23 N.J.R. 2468(a), 24 N.J.R. 107(a).

Added (d).

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted reference to inmate group throughout.

10A:18-2.10 (Reserved)

Repealed by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Section was "Telegrams and mailgrams".

10A:18-2.11 Registered, certified or special delivery mail

(a) All registered, certified or special delivery correspondence of a non-legal nature shall be processed as regular mail provided the mail room signs to acknowledge receipt of the correspondence. The inmate shall be required to sign an acknowledgment that he or she received the correspondence.

(b) In instances where the mail room does not sign for registered, certified or special delivery correspondence of a non-legal nature, the inmate shall be required to sign for the correspondence to acknowledge receipt.

10A:18-2.12 Correspondence processing

(a) Properly identified incoming correspondence (see N.J.A.C. 10A:18-2.6) shall be distributed to inmates, and outgoing properly identified correspondence (see N.J.A.C. 10A:18-2.9) shall be sent to the post office within one day of receipt in the mail room, excluding weekends, holidays and during emergency incidents.

(b) Inmates shall not be involved in the processing of either incoming or outgoing correspondence.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a), inserted reference to emergency incidents.

10A:18-2.13 Receipt of funds

(a) Money orders and certified checks shall be the only approved form of money received through the mail which can be accepted by the correctional facility for deposit in an inmate's account.

(b) When an inmate receives money orders or certified checks by mail, the inmate shall be given a receipt and the funds shall be deposited into the inmate's account.

(c) All cash and personal checks sent through the mail to an inmate shall be deemed contraband and processed in accordance with N.J.A.C. 10A:3-6.6.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a) and (b), substituted reference to certified checks for reference to checks other than personal checks and cash; and in (c), amended N.J.A.C. reference.

10A:18-2.14 Disapproved correspondence

(a) Any correspondence for an inmate may be withheld in the mail room or taken from an inmate's possession if it falls within one of the following categories:

1. The correspondence contains material which is detrimental to the security and/or order of the correctional facility because it incites violence based upon race, religion, creed or nationality and a reasonable inference can be drawn, based upon the experience and professional expertise of correctional administrators, that it may result in the outbreak of violence within the facility:

2. The correspondence contains information regarding:

- i. The manufacture of explosives;

- ii. The manufacture of weapons;

- iii. The manufacture of controlled dangerous substances;

- iv. Escape plans;

- v. Lockpicking or locking devices; or

- vi. Anything that might pose a threat to the security or orderly operation of the correctional facility.

3. The correspondence contains information which appears to be written in code;

4. The correspondence contains information concerning activities within or outside the correctional facility which would be subject to criminal prosecution under the law of New Jersey or the United States;

5. The correspondence incites violence or destructive or disruptive behavior toward:

- i. Law enforcement officers;

- ii. Department of Corrections or contract vendor personnel;

- iii. Correctional facility inmates, visitors and/or volunteers; or

- iv. Correctional facility programs or procedures.

6. The correspondence contains material which, based upon the experience and professional expertise of correctional administrators and judged in the context of a correctional facility and its paramount interest in security, order and rehabilitation:

- i. Taken as a whole, appeals to a prurient interest in sex;

- ii. Lacks, as a whole, serious literary, artistic, political or scientific value; and

10A:18-6.4 Employee visits with incarcerated relatives

(a) Employees of the Department of Corrections who have relatives incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections shall be permitted to visit an incarcerated relative provided the Superintendent is satisfied that there is no threat to the orderly operation of the correctional facility.

(b) For the purpose of this subchapter, "relative" (see N.J.A.C. 10A:18-1.3) shall also include:

1. Grandparents;
2. Cousins;
3. Uncles; and
4. Aunts.

(c) An employee of the Department of Corrections who wishes to visit a relative incarcerated in a correctional facility under the jurisdiction of the New Jersey Department of Corrections shall submit a written request for permission to visit the incarcerated relative to the Superintendent of the correctional facility at which the relative is housed.

(d) The Superintendent may schedule the visit during regular visiting hours or at special times, according to the orderly administration and staffing of the correctional facility.

Amended by R.1990 d.124, effective February 20, 1990.
See: 21 N.J.R. 3410(a), 22 N.J.R. 662(a).

At (c), clarified the requirement of submitting a written request and deleted (e).
Petition for Rulemaking.
See: 33 N.J.R. 1478(b).

10A:18-6.5 Special visits

(a) Special visits may be authorized by the correctional facility Superintendent or designee. Special visits include:

1. Visits from persons who have come long distances;
2. Visits to hospitalized inmates;
3. Visits to inmates in disciplinary status; and
4. Visits between inmates and:
 - i. Members of the clergy;
 - ii. Social service agency representatives;
 - iii. Prospective employers;
 - iv. Sponsors; and
 - v. Parole advisors.

(b) The Superintendent or designee may approve or disapprove a visit from a visitor who accompanies a person on the approved list.

(c) Close Custody visits shall be governed by N.J.A.C. 10A:5, Close Custody Units, and N.J.A.C. 10A:4-10, Detention Program.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (a), substituted "may" for "must" following "visits" in the introductory sentence; and in (b), inserted "or disapprove a visit from" following "may approve".

10A:18-6.6 Visits between incarcerated relatives

(a) Visits shall be permitted between incarcerated relatives (see N.J.A.C. 10A:18-1.3) that are incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections.

(b) The following requirements must be met before visits between incarcerated relatives shall be permitted:

1. Relative relationships must be substantiated by documentation found in the classification folder or from other appropriate resources;
2. Visits must be approved by the Classification Committee(s); and
3. The cost of the visit shall be borne by the inmates involved.

(c) The Business Manager or designee of the correctional facility shall predetermine the expenses involved in arranging a visit between relatives and a detailed statement of expenses shall be prepared in accordance with N.J.A.C. 10A:3-9.13(c).

(d) The frequency, duration and time of the visits must be coordinated between the correctional facilities involved and shall be subject to the other sections of the subchapter.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Substituted "relatives" for "family" or "family members" throughout; deleted former (b); recodified former (c) through (e) as (b) through (d); and in (c), substituted N.J.A.C. reference for specified criteria.

10A:18-6.7 Attorneys and court related personal visits

(a) Attorneys licensed in any jurisdiction and representatives of attorneys shall be permitted contact visits during regular business hours when sufficient space and staff are available.

(b) Representatives of attorneys shall include, but not be limited to the following:

1. Investigators;
2. Investigative aides;
3. Paralegals; and
4. Law students.

(c) A written notice or telephone request from an attorney shall be required 24 hours in advance of an intended visit. The purpose of the advance notice is to insure the availability of:

1. Space;
2. Staff; and
3. The inmate.

(d) Advance notice shall include the following information:

1. Name of the attorney or representative;
2. Name of the inmate to be interviewed;
3. Name of the attorney for whom the representative is acting; and
4. Date and time the interview is sought.

(e) Form 292-I Request for Attorney-Client Contact Visit may be used to verify the inmate's desire to meet with the requesting attorney in the context of an attorney-client relationship.

(f) Appropriate identification is required of attorneys and attorney representatives who visit the inmate at a correctional facility.

(g) Contact visits with attorneys or their representatives may be restricted or prohibited when, in the judgment of the correctional facility Superintendent or designee, the inmate is acting out or is especially dangerous. Contact visits may also be denied where the attorney or representative poses a threat to the security or orderly operation of the correctional facility. In those cases in which contact visits have been denied, every effort shall be made to provide a non-contact visit consistent with the orderly operation of the correctional facility.

(h) The Superintendent or designee may authorize a visit without prior written notice, under exceptional circumstances.

Amended by R.1991 d.155, effective March 18, 1991.

See: 23 N.J.R. 14(a), 23 N.J.R. 859(c).

Added "licensed in any jurisdiction" to modify "attorneys"; added new subsection (e) regarding forms.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-6.8 Visits from children

(a) Children under the age of 18 shall not be permitted to visit unless accompanied by a family member defined as a "relative." (See N.J.A.C. 10A:18-1.3.)

(b) In unusual circumstances, exceptions to (a) above may be made by special approval of the Superintendent or designee.

(c) The adult family member shall be responsible for the supervision of the child accompanying said family member on the visit.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Added (c).

Petition for Rulemaking.

See: 33 N.J.R. 1478(b).

10A:18-6.9 Notification to prospective visitors

(a) The correctional facility Superintendent or designee shall be responsible to write a letter of information, in English and translated into Spanish, which provides the pertinent visit regulations with which prospective visitors should be familiar. This letter shall include, but is not limited to, the:

1. Visiting times;
2. Number of permissible visitors;
3. Guidelines for visits by children;
4. Identification required;
5. Smoking policy;
6. Zero Tolerance Drug/Alcohol Policy;
7. Directions to the correctional facility; and
8. Provisions of N.J.S.A. 2C:29-6 which prescribe specific penalties for introducing contraband into a correctional facility.

(b) Copies of the letter of information shall be posted in the visiting areas of the correctional facility.

(c) An inmate may choose one household which shall be notified by correctional facility staff as to the occupants' approval as visitors. The approved visitors shall receive a copy of the correctional facility's letter of information. Such notification shall be transmitted within five business days from the day the inmate is received at the correctional facility.

(d) When an individual is not approved as a visitor, notice of and reasons for the exclusion shall be given to the inmate who submitted the individual's name. The inmate may appeal the decision to the Superintendent who shall respond, in writing, within 10 business days of receipt of the appeal.

(e) Procedures on how the inmate can change his or her list of approved visitors shall be incorporated into the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted new (a)5 and recodified former (a)5 as (a)6.

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (a), rewrote the introductory paragraph, added a new 6 and recodified former 6 and 7 as 7 and 8.

10A:18-6.10 Visitor identification

(a) Adult visitors must have identification when visiting an inmate.

(b) One of the following is an acceptable form of visitor identification:

1. A current driver's license;
2. A current Welfare/Medicaid card;
3. An employment photo I.D. card;
4. A current passport; or
5. A joint connection photo I.D. card. No other form of identification is needed with this card.

(c) Social Security cards shall not be used as a means of identification.

(d) Inability to establish identity should be reported to the Superintendent or designee.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a), substituted "Adult visitors" for "All visitors"; and in (b), deleted signature card from list acceptable forms of identification.

10A:18-6.11 Visiting schedule

(a) The Superintendent shall establish a visiting schedule consistent with the orderly and efficient operation of the correctional facility.

(b) When the restriction of visiting on scheduled visit days is a hardship to a visitor, arrangements for suitable hours on other days may be made.

(c) Evening visit schedules may be established where the number of staff permit.

(d) Limitation on the length or frequency of visits may be imposed to avoid overcrowded conditions in the visiting area(s) or when deemed necessary by the Superintendent or the highest ranking administrator on duty.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Guidelines for establishing visiting schedules broadened.

10A:18-6.12 Number of visitors

(a) The Superintendent shall establish written regulations as to the maximum number of persons who may visit an inmate at one time.

(b) These regulations should be interpreted flexibly because their purpose is to prevent overcrowding in the visiting room or unusual difficulty in supervising a visit.

10A:18-6.13 Treatment of visitors

All correctional staff members shall treat visitors in a professional, dignified, courteous and respectful manner.

10A:18-6.14 Search of visitors

(a) Signs written in English and Spanish shall be posted in both the visiting area and visiting entrances stating that,

as a condition of visitation, all visitors and their belongings are subject to search while on the premises of the correctional facility.

(b) All visitors shall be required to submit to a search by a scanning device and may be required to submit to a pat search.

(c) If a visitor refuses to submit to a search, and there is no reasonable suspicion that the visitor is in possession of contraband, the visitor shall be directed to leave the correctional facility grounds immediately. No visit shall be allowed.

(d) Male or female correctional officers may be assigned to conduct metal detector searches of visitors regardless of the sex of the visitors as long as no physical contact is required.

(e) In the event that a correction officer with the rank of Sergeant or above receives information sufficient to form reasonable suspicion that a visitor is carrying contraband, the visitor shall be pat searched. If contraband is discovered during the pat search of the visitor, the visitor shall be detained and the Special Investigations Division Investigator of the correctional facility shall be contacted.

(f) In the event a correctional facility staff member receives information which leads the staff member to believe that a visitor will be concealing contraband on his or her person, the Superintendent or designee shall be contacted immediately. The Superintendent or designee may ask the local magistrate to issue a search warrant so that the visitor may be strip searched in accordance with (g) below. The information given to the magistrate must establish probable cause to search. The Special Investigations Division Investigator of the correctional facility shall be contacted and shall be present at the correctional facility before the strip search is conducted.

(g) An approved strip search shall be conducted in private by a correction officer(s) of the same sex as the visitor. No member of the opposite sex of the visitor shall be present in the room during the approved strip search.

(h) All contraband discovered during the search of a visitor shall be confiscated by the correction officer performing the search, and a written report shall be submitted to the Superintendent.

(i) The written report shall specify:

1. The name of the correction officer who performed the search;
2. The name of the inmate who was to receive the visit;
3. The name and address of the visitor who was searched;
4. The time of the search;

5. The description of the items confiscated; and
6. The specific reason for confiscating the items.

(j) All contraband and evidence seized shall be turned over to the Special Investigations Division Investigator.

(k) The Superintendent shall decide whether the visitor shall continue to have visitation privileges 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).

(l) All searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the visitor's person.

Amended by R.1995 d.526, effective September 18, 1995.

See: 27 N.J.R. 2675(b), 27 N.J.R. 3613(b).

Administrative Correction.

See: 27 N.J.R. 3957(b).

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b), search by scanning device made mandatory; and in (g), reference to pat search deleted.

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (k), added an exception at the end.

Administrative change.

See: 32 N.J.R. 303(a).

10A:18-6.15 Search of inmates

All inmates shall be subject to a pat search before a visit and a pat search or a strip search after the visit in accordance with procedures established by N.J.A.C. 10A:3-5, Search of Inmates and Facilities.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-6.16 Supervision of visits

(a) Visits shall be supervised to help prevent the passage of contraband and to insure the security and orderly operation of the correctional facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly and dignified manner.

(c) The staff member(s) supervising visits should be cognizant of any articles passed between the inmate and the visitor. If there is a reasonable suspicion that articles are being passed which constitute contraband or are otherwise in violation of the law or regulations, the articles shall be confiscated and examined.

(d) Handshaking, embracing and kissing shall be permitted, within appropriate bounds, at the beginning and end of the visit in order to minimize the opportunity to introduce contraband into the correctional facility.

1. An inmate and visitor may hold hands during the visit.

2. Time restrictions regarding contact shall not apply to small children.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a), substituted "orderly operation" for "welfare"; in (c), substituted "reasonable suspicion" for "substantial basis to conclude"; reconfigured (b)i and ii as (b)1 and 2; and in (b)2, substituted "Time restrictions regarding contact shall not" for "Contact restrictions shall not".

10A:18-6.17 Play areas for children

If a correctional facility provides play areas for children of visitors, signs shall be posted in both English and Spanish stating that children who use the area must be supervised by the parents or a relative and that the area and equipment are used at their own risk.

10A:18-6.18 Gifts of money from visitors

(a) A visitor(s) may only bring a money order or certified check to the correctional facility for deposit in an inmate's account. Cash shall not be accepted.

(b) When a visitor(s) brings a money order or certified check for deposit in the inmate's account, the correctional facility shall:

1. Accept the funds;
2. Establish and/or maintain an appropriate record of funds received;
3. Issue a signed receipt to the visitor(s); and
4. Retain a copy of the receipt.

(c) Each correctional facility may place a limit on the amount of funds which an inmate is permitted to receive, per day, from one visitor or a combination of visitors.

Amended by R.1996 d.22, effective January 2, 1996 (operative February 1, 1996).

See: 27 N.J.R. 3674(a), 28 N.J.R. 152(a).

Substituted "a money order or certified check" and "funds" for "cash", and specified that cash shall not be accepted.

10A:18-6.19 Denial, termination or suspension of a visit

(a) An inmate's visiting privileges shall not be denied because of a violation of correctional facility regulations, other than those regulations specifically related to or concerned with visiting privileges, 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).

(b) A visit may be denied, terminated or suspended and a visiting privilege suspended under the following circumstances:

1. The visitor(s) is under the influence of drugs or alcohol;
2. Space is unavailable;

3. The visitor(s) refuses to submit to search procedures;