

**CHAPTER 9  
CLASSIFICATION PROCESS**

**Authority**

N.J.S.A. 30:1B-6, 30:1B-10, 52:17B-169, 2C:35-4, 2C:35-5, 2C:15-2 and the settlement in *Groves v. Fauver*, Dkt. No. 91-796 (D.N.J. March 15, 1995).

**Source and Effective Date**

R.1997 d.122, effective February 14, 1997.  
See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

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

Chapter 9, Classification Process, expires on February 14, 2002.

**Chapter Historical Note**

Chapter 9, Classification Process, was adopted as R.1987 d.48, effective January 20, 1987. See: 18 N.J.R. 1649(a), 19 N.J.R. 218(a). Pursuant to Executive Order No. 66(1978), Chapter 9 expired on January 20, 1992.

Chapter 9, Classification Process, was adopted as new rules by R.1992 d.79, effective February 18, 1992. See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Classification Process, was readopted as R.1997 d.122, effective February 14, 1997. See: Source and Effective Date. As a part of R.1997 d.122, effective March 17, 1997, Subchapter 9, Reception and Placement Process for Male Juveniles; Subchapter 10, Juvenile Institutional Classification Committee (J.I.C.C.); and Subchapter 11, Juvenile Female Classification Committee (J.F.C.C.), were repealed. See, also, section annotations.

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## SUBCHAPTER 1. INTRODUCTION

### 10A:9-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish objective criteria for standardized inmate evaluation in order to determine the appropriate custody level and correctional facility assignment;
2. Establish criteria for eligibility for reduced custody status;
3. Establish procedures regarding the award and forfeiture of commutation time and work credits;
4. Provide an orderly process for deciding the degree of custody and appropriate correctional facility for each inmate;
5. Provide an orderly process for considering transfers of inmates between correctional facilities;
6. Establish a mechanism for deciding whether to recommend parole for persons confined pursuant to N.J.S.A. 2C:47 and 2A:164; and
7. Establish rules to adequately fulfill the functions of the Department of Corrections as enumerated in N.J.A.C. 10A:1-1.1.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Added (a)7.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Deleted (a)6, relating to a process for assignment and transfer of juvenile offenders; and recodified (a)7 as (a)6.

Amended by R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

In (a), added a new 1 and recodified former 1 through 6 as 2 through 7.

### 10A:9-1.2 Scope

(a) This chapter shall be applicable to the Division of Operations unless otherwise indicated.

(b) N.J.A.C. 10A:9-8 shall be applicable to inmates sentenced under N.J.S.A. 2C:47 and 2A:164 who are housed at either the Adult Diagnostic and Treatment Center (A.D.T.C.) or other facilities.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Substantially amended section.

### 10A:9-1.3 Definitions

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

“A.D.T.C.” means the Adult Diagnostic and Treatment Center, the correctional facility designated to house persons who have been convicted pursuant to N.J.S.A. 2C:47 and 2A:164.

“Assaultive offense” means a criminal conviction for an offense involving violence or use of force, or any offense involving the threat or attempted use of force or violence including, but not limited to, a sexual offense, carjacking, and kidnapping.

“Assessment scale” means a fixed progressive reference system used as a measurement standard to determine the relative value, degree, importance, rank, or rating of factors including, but not limited to, criminal and/or assaultive offenses or prohibited acts, escape history, time to expiration of sentence or parole, inmate age, education, employment history, alcohol/drug use, or correctional facility program participation.

“Classification Committee” means a group of correctional staff persons that have been designated to make decisions related to the needs of inmates from admission to discharge.

“Classification material” means documents in the classification folder on which information regarding an inmate is recorded such as psychological or psychiatric evaluations, rap sheets, disciplinary charges, program participation, pre-sentence reports, medical records, etc.

“Custody level” means the numerical rating that represents the supervision, movement, and access to jobs and programs afforded to inmates based upon objective and quantitative criteria.

“Custody status” means the custody assignment of an inmate. There are six categories:

1. Close custody;
2. Maximum custody;
3. Medium custody;
4. Gang minimum custody
5. Minimum custody; and