

**CHAPTER 12****INMATE GROUPS****Authority**

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

**Source and Effective Date**

R.2009 d.321, effective September 23, 2009.  
See: 41 N.J.R. 2608(a), 41 N.J.R. 3937(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 12, Inmate Groups, expires on March 22, 2017. See: 48 N.J.R. 2217(a).

**Chapter Historical Note**

Chapter 12, Inmate Groups, was adopted as R.1995 d.115, effective March 6, 1995. See: 26 N.J.R. 4881(a), 27 N.J.R. 916(b).

Subchapter 1, General Provisions, and Subchapter 2, Organization of Inmate Groups, were adopted as new rules, and Subchapter 2, Inmate Liaison Committee, was recodified as Subchapter 3, Inmate Liaison Committee, by R.1997 d.529, effective December 15, 1997. See: 29 N.J.R. 4241(a), 29 N.J.R. 5303(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Inmate Groups, expired on March 6, 2000.

Chapter 12, Inmate Groups, was adopted as new rules by R.2000 d.158, effective April 17, 2000. See: 32 N.J.R. 379(a), 32 N.J.R. 1395(b).

Chapter 12, Inmate Groups, was readopted as R.2005 d.264, effective July 19, 2005. See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Chapter 12, Inmate Groups, was readopted as R.2009 d.321, effective September 23, 2009. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 12, Inmate Groups, was scheduled to expire on September 23, 2016. See: 43 N.J.R. 1203(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS****10A:12-1.1 Purpose**

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

1. The organization and operation of an inmate group(s); and
2. The formation, operation and activities of an Inmate Liaison Committee or alternative Inmate Liaison Committee.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).  
Rewrote (a).

**10A:12-1.2 Scope**

This chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

**10A:12-1.3 Definitions**

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

“Inmate group” means a group of inmates organized to form a recognizable unit that is approved by the correctional facility administration and authorized to provide a beneficial service to the inmate population and/or others.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Added “words and” and “unless the context clearly indicates otherwise” to the introductory paragraph; substituted the term “Inmate group” for “Group” and rewrote the definition; deleted definition “Inmate Liaison Committee”.

**SUBCHAPTER 2. ORGANIZATION OF INMATE GROUPS****10A:12-2.1 Authority and responsibilities of the Administrator**

(a) The Administrator or designee shall approve, disapprove or limit the formation and/or activities of an inmate group consistent with the provisions of this chapter and any applicable internal management procedures regarding discipline, order, safety, sanitation and security.

(b) The Administrator or designee shall give a proposed inmate group written notice of approval or disapproval to formulate and/or conduct an activity(ies) as soon as possible after receiving the request. The Administrator or designee may request clarification to determine the purpose or mission of the group as deemed necessary prior to making a decision.

(c) The Administrator or designee shall also have the following responsibilities:

1. To maintain a copy of the request(s) of an inmate group;
2. To forward to the appropriate Assistant Commissioner any approved inmate group requests; and
3. To designate a staff member to serve as staff supervisor, coordinator or advisor to assist the inmate group, monitor activities and carry out other responsibilities as determined by the Administrator or designee.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).  
Rewrote the section.

### 10A:12-2.2 Request to establish an inmate group

(a) An inmate group shall provide a beneficial service to a portion of the general inmate population and/or the community.

(b) A request to establish an inmate group shall be submitted in writing to the Administrator or designee and shall include:

1. The name of the group;
2. The purpose or mission statement for the group and information indicating whether there is a similar group already operating within another correctional facility or within the community;
3. A proposed plan for fulfilling the stated purpose or mission;
4. The types of activities the group will likely pursue, to include involvement with another group;
5. The benefits the group will provide to the inmate population;
6. The projected number of members and criteria for membership;
7. The anticipated need for resources;
8. The anticipated sources of resources;
9. The anticipated utilization of resources;
10. The anticipated frequency of group meetings;
11. A statement setting forth that any unspent funds shall be transferred to the Inmate Welfare Fund in the event the inmate group is terminated or dissolved;
12. A statement setting forth plans for the disposition of any acquired noncash assets in the event the inmate group is terminated or dissolved;
13. A statement setting forth that all profits from concessions shall be deposited into the Inmate Welfare Fund; and

14. Information regarding inmate leadership positions, such as:

- i. Duties;
- ii. Terms of office;
- iii. Manner of election; and
- iv. Other proposed organizational structure.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).  
Rewrote the rule heading and (b).  
Amended by R.2009 d.321, effective October 19, 2009.  
See: 41 N.J.R. 2608(a), 41 N.J.R. 3937(a).  
Deleted former (b)7; and recodified former (b)8 through (b)15 as (b)7 through (b)14.

### 10A:12-2.3 Inmate groups membership

(a) Inmate group membership shall be:

1. Voluntary, and
2. Restricted to inmates currently in the general population of the correctional facility in which the group has been established.

(b) Inmate group membership shall not be contingent upon payment of dues, donations or any service in kind.

(c) Inmate membership in a group established within a correctional facility shall be terminated upon transfer or release of that inmate from the correctional facility.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).  
Rewrote (c).

### 10A:12-2.4 Management of assets and financial requirements for inmate groups

(a) The correctional facility Business Manager shall establish operating and bookkeeping procedures for documenting the cash assets of inmate groups and for the receipt and expenditure of inmate group funds in accordance with applicable internal management procedures.

(b) Inmate groups shall comply with the following:

1. Inmates elected to leadership positions shall serve without compensation or remuneration of any kind;
2. Inmate groups shall not be permitted to purchase food to sell for profit;
3. Inmate groups shall not engage in any profit-making enterprises or enter into contractual agreements without written approval from the Administrator and the appropriate Assistant Commissioner.
4. All profits derived from inmate group concessions where a buyer/seller relationship exists shall be appropriately documented and transferred into the Inmate

Welfare Fund account no later than 60 calendar days after the end of each fiscal year;

5. Disbursements from inmate group concessions shall be restricted to operating expenditures only;

6. Inmate groups shall not exchange funds and/or materials with any other individuals, group(s) or organization(s);

7. Inmate groups must request and receive prior written approval from the Administrator or designee to solicit donations such as funds, assets or services;

8. Where applicable, the groups shall bear the cost of any supplies, services, or equipment; and

9. Upon termination or dissolution of an inmate group:

i. Unspent funds shall be transferred to the Inmate Welfare Fund; and

ii. The disposition of noncash assets shall be in accordance with the plans established by the group and approved by the Administrator.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the rule heading and the section.

#### 10A:12-2.5 Access to facility space and equipment

(a) Inmate groups shall submit to the Administrator or designee a written request to use correctional facility space and/or equipment.

(b) Access to correctional facility space and equipment shall be at the discretion of the Administrator or designee based upon, but not limited to:

1. The availability of resources; and

2. The ability to maintain the secure and orderly operation of the correctional facility.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the rule heading and the section.

#### 10A:12-2.6 Records of activities

(a) The inmate group shall submit a written monthly report to the designated correctional facility staff supervisor, coordinator or advisor of the inmate group summarizing the activities of the previous month and providing other information as required by the Administrator or designee.

(b) The correctional facility staff supervisor, coordinator or advisor of the inmate group shall review the report and submit the report to the Administrator or designee.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

In (a), relocated "written" to precede "monthly"; in (b), deleted "shall" preceding "submit".

#### 10A:12-2.7 Searches

Correctional facility space and/or equipment provided for inmate group use shall be subject to searches at any time in accordance with N.J.A.C. 10A:3-5.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the section.

#### 10A:12-2.8 Termination of inmate groups or group activities

(a) The Administrator or designee may suspend or terminate for "just cause" an inmate group and/or activity of an inmate group. "Just cause" shall include, but not be limited to:

1. Failure or inability to adhere to provisions established in this chapter;

2. Violation of a correctional facility rule;

3. Violation of a civil or criminal law; and/or

4. Any reason pertaining to the security, sanitation and/or orderly operation of the correctional facility.

(b) The Administrator shall provide written notice of termination and the reasons therefor to the elected leaders of the inmate group.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the rule heading and the section.

#### 10A:12-2.9 Prohibited inmate groups

(a) The Department of Corrections prohibits the organization and operation of certain inmate groups such as, but not limited to:

1. A security threat group;

2. An inmate group that has been terminated pursuant to N.J.A.C. 10A:12-2.8; and

3. Any inmate group not organized and operating in compliance with this chapter.

Amended by R.2005 d.264, effective August 15, 2005.  
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote (a).

### SUBCHAPTER 3. INMATE LIAISON COMMITTEE

#### 10A:12-3.1 Function of the Inmate Liaison Committee

(a) An Inmate Liaison Committee may be established within each correctional facility or subunit within the main correctional facility in order to:

1. Act as a liaison between the correctional facility administration and the inmate population;

2. Provide the opportunity for inmates, through their representatives, to voice their comments and concerns on issues affecting the inmate population; and

3. Provide the opportunity for inmates, through their representatives, to submit information and recommendations on issues affecting the inmate population.

(b) The correctional facility administration may utilize the Inmate Liaison Committee meetings to provide:

1. Information to the committee and the inmate population; and

2. Responses to previous issues or concerns that were brought to the attention of the administration.

### 10A:12-3.2 Composition of the Inmate Liaison Committee

(a) An Inmate Liaison Committee shall be composed of:

1. Inmates who represent one or more housing units; and

2. Inmates who act as alternates to the inmates who represent one or more housing units.

(b) Inmate Liaison Committee representatives and alternate representatives shall serve in an unpaid capacity and shall be voted into office by housing unit residents through secret ballot for the term established in the by-laws and constitution of the Committee (see N.J.A.C. 10A:12-3.3).

(c) A vacancy shall be created on the Inmate Liaison Committee when a representative:

1. Resigns;

2. Moves to another housing unit;

3. Is voted out of office;

4. Is released from the correctional facility; or

5. Is removed from the Committee by the Administrator. Grounds for removal from office include, but are not limited to, being found guilty of a serious disciplinary charge.

Amended by R.1997 d.529, effective December 15, 1997.

See: 29 N.J.R. 4241(a), 29 N.J.R. 5303(a).

Amended N.J.A.C. references.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote (b) and (c).

### 10A:12-3.3 Constitution and bylaws of the Inmate Liaison Committee

(a) Each Inmate Liaison Committee shall develop a constitution and bylaws which shall state the policies and procedures that govern the Committee's operations and shall be established in accordance with the provisions of this chapter.

(b) The constitution and bylaws shall include, but shall not be limited to:

1. Titles and associated duties of Committee representatives;

2. The election procedure for Committee representatives and alternate representatives; and

3. The standing committees and their respective functions.

(c) A draft of the constitution and bylaws, and any revisions shall be submitted to the Administrator for review and written approval.

(d) Upon written approval of the Administrator, the Inmate Liaison Committee may commence operation in accordance with the approved constitution and bylaws.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the section.

### 10A:12-3.4 Meetings with the Inmate Liaison Committee

(a) The correctional facility Administrator or designee shall meet with the Inmate Liaison Committee not less than once a month. Other staff members shall meet with the Committee when it is appropriate or necessary and upon approval of the Administrator or designee.

(b) The minutes of Inmate Liaison Committee meetings shall be recorded and reviewed for accuracy by the correctional facility staff member who attends the meeting. Copies of the minutes shall be made available to the correctional facility administration and the inmate population.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote (b).

### 10A:12-3.5 Access to facility office space

(a) Access to office space may be provided to the Inmate Liaison Committee for conducting Committee business:

1. When approved by the Administrator or designee;

2. When resources are available;

3. As scheduled at the discretion of the Administrator or designee; and

4. In accordance with correctional facility internal management procedures that maintain the safe, secure and orderly operation of the correctional facility.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the rule heading; in (a), rewrote the introductory paragraph and 1.

**10A:12-3.6 Designation of an alternative to the Inmate Liaison Committee**

The Administrator shall have the authority to designate an alternative to the Inmate Liaison Committee. In instances where a means of providing an alternate liaison between the correctional facility administration and the inmate population has been established, the Administrator shall submit written internal management procedures governing the existing alter-

native plan to the Office of the Commissioner or designee for written approval.

Amended by R.2002 d.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

Substituted "Commissioner or designee" for "Chief of Staff" throughout.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the section.