

**CHAPTER 9
CLASSIFICATION PROCESS**

Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-16.2, 2C:47-1 et seq. and 2A:164.

Source and Effective Date

R.2002 d.190, effective May 24, 2002.
See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Chapter Expiration Date

Chapter 9, Classification Process, expires on May 24, 2007.

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, Classification Process, 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: 29 N.J.R. 80(b), 29 N.J.R. 880(a). 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Classification Committee (J.I.C.C.); and Subchapter 11, Juvenile Female Classification Committee (J.F.C.C.), were repealed.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: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Chapter 9, Classification Process, was readopted as R.2002 d.190, effective May 24, 2002. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. INTRODUCTION

- 10A:9-1.1 Purpose
- 10A:9-1.2 Scope
- 10A:9-1.3 Definitions
- 10A:9-1.4 Forms

SUBCHAPTER 2. OBJECTIVE CLASSIFICATION PROCESS

- 10A:9-2.1 Initial classification
- 10A:9-2.2 Objective classification scoring process
- 10A:9-2.3 Administration of objective classification scoring instruments
- 10A:9-2.4 Objective criteria for the Initial Instrument
- 10A:9-2.5 Objective criteria for the Reclassification Instrument
- 10A:9-2.6 Severity of Offense Scale
- 10A:9-2.7 Escape History Scale
- 10A:9-2.8 Institutional Violence Scale
- 10A:9-2.9 Alcohol/Drug Use History Scale
- 10A:9-2.10 Current Detainer/Open Charge Scale
- 10A:9-2.11 Severity of Offense—Disciplinary Infractions Scale
- 10A:9-2.12 Override code reference index

SUBCHAPTER 3. INSTITUTIONAL CLASSIFICATION COMMITTEE (I.C.C.)

- 10A:9-3.1 Responsibilities of the Institutional Classification Committee (I.C.C.)
- 10A:9-3.2 Composition of the Institutional Classification Committee (I.C.C.)
- 10A:9-3.3 Institutional Classification Committee (I.C.C.) decision making criteria
- 10A:9-3.4 Institutional classification
- 10A:9-3.5 Review dates
- 10A:9-3.6 Special reviews
- 10A:9-3.7 Discussions
- 10A:9-3.8 Work assignments
- 10A:9-3.9 Educational assignments
- 10A:9-3.10 Counseling assignments
- 10A:9-3.11 Reassignments
- 10A:9-3.12 Community release programs
- 10A:9-3.13 Transfers
- 10A:9-3.14 Required reviews
- 10A:9-3.15 Written procedures

SUBCHAPTER 4. ELIGIBILITY CRITERIA FOR REDUCED CUSTODY CONSIDERATION

- 10A:9-4.1 Eligibility for reduced custody
- 10A:9-4.2 No right to reduced custody
- 10A:9-4.3 Custody levels
- 10A:9-4.4 Authority of Classification Committees
- 10A:9-4.5 Discretion of Institutional Classification Committees (I.C.C.); factors to be considered
- 10A:9-4.6 Criteria for consideration for gang minimum custody status and full minimum custody status
- 10A:9-4.7 Criteria for consideration for gang minimum custody status only
- 10A:9-4.8 Not eligible to be considered for reduced custody status
- 10A:9-4.9 Assignment of inmates to satellite units, except Jones Farm

SUBCHAPTER 5. COMMUTATION AND WORK TIME

- 10A:9-5.1 Authority
- 10A:9-5.2 Exceptions; time in custody; failure to work
- 10A:9-5.3 Forfeiture of commutation credits and work credits
- 10A:9-5.4 Forfeiture of commutation credits by parolees
- 10A:9-5.5 Restoration of forfeited commutation credits
- 10A:9-5.6 Work credits for inmates housed in adult county correctional facilities
- 10A:9-5.7 Reports of earned credits
- 10A:9-5.8 (Reserved)

SUBCHAPTER 6. INTER-INSTITUTIONAL CLASSIFICATION COMMITTEE (I.I.C.C.)

- 10A:9-6.1 Responsibilities of the Inter-Institutional Classification Committee (I.I.C.C.)
- 10A:9-6.2 Composition of the Inter-Institutional Classification Committee (I.I.C.C.)
- 10A:9-6.3 Criteria for assignment of inmates
- 10A:9-6.4 Transfers
- 10A:9-6.5 Emergency transfers

SUBCHAPTER 7. SPECIAL CLASSIFICATION COMMITTEE (S.C.C.)

- 10A:9-7.1 Responsibilities of the Special Classification Committee (S.C.C.)
- 10A:9-7.2 Composition of the Special Classification Committee (S.C.C.)
- 10A:9-7.3 Procedure for initiating transfer requests
- 10A:9-7.4 Procedure for reviewing nonemergency transfer requests
- 10A:9-7.5 Procedure for reviewing emergency transfer requests
- 10A:9-7.6 Criteria for reviewing transfer requests
- 10A:9-7.7 Procedures for transfers

SUBCHAPTER 8. SPECIAL CLASSIFICATION REVIEW BOARD (S.C.R.B.)

10A:9-8.1	Responsibilities
10A:9-8.2	Composition of the Special Classification Review Board (S.C.R.B.)
10A:9-8.3	Coordinator for the Special Classification Review Board (S.C.R.B.)
10A:9-8.4	Reviews of inmates housed at the Adult Diagnostic Treatment Center (A.D.T.C.)
10A:9-8.5	Review of inmates housed at other correctional facilities
10A:9-8.6	Decisions of the Special Classification Review Board (S.C.R.B.); in-person review
10A:9-8.7	Decisions of the S.C.R.B.; non in-person review
10A:9-8.8	Appeal of the Special Classification Review Board (S.C.R.B.) denial
10A:9-8.9	Referrals to the State Parole Board
10A:9-8.10	Parole records
10A:9-8.11	Notice of release
10A:9-8.12	Confidentiality

SUBCHAPTER 1. INTRODUCTION

10A:9-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish objective criteria and a standardized process for inmate evaluation, custody level assignment, and correctional facility assignment;
2. Establish the responsibilities and functions of the Institutional Classification Committees (I.C.C.);
3. Establish eligibility criteria for reduced custody status;
4. Establish provisions for the award and forfeiture of commutation time and work credits;
5. Establish provisions for the transfer of inmates between correctional facilities;
6. Establish provisions for the parole recommendation process for inmates incarcerated pursuant to N.J.S.A. 2C:47 and 2A:164; and
7. Establish rules to 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.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote the section.

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 inmates who have been convicted pursuant to N.J.S.A. 2C:47-1 et seq. and 2A:164-1 et seq.

“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 members that have been designated to make decisions related to the needs of inmates from admission to discharge.

“Classification material” means the documents in a classification folder on which information regarding an inmate is recorded such as, but not limited to, psychological or psychiatric evaluations, rap sheets, disciplinary charges, program participation, pre-sentence reports, and medical reports.

“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;

43. .754 giving money or anything of value to, or accepting money or anything of value from, a member of another inmate's family or another inmate's friend with an intent to circumvent any correctional facility or Departmental rule, regulation or policy or with an intent to further an illegal or improper purpose.

(e) The following prohibited acts appear at the low moderate level of the Severity of Offense—Disciplinary Infractions Scale. Inmates found guilty of any of the below listed disciplinary infractions shall receive two points on the Reclassification Instrument.

1. *.008 abuse/cruelty to animals;
2. .053 indecent exposure;
3. .209 loaning of property or anything of value;
4. .212 possessing unauthorized clothing;
5. .213 mutilating or altering clothing issued by the government;
6. .302 malingering, feigning an illness;
7. .303 failing to perform work as instructed by a staff member;
8. .553 smoking where prohibited;
9. .651 being unsanitary or untidy: failing to keep one's person and one's quarters in accordance with posted standards; or
10. .652 tattooing or self mutilation.

(f) The following prohibited act appears at the low level of the Severity of Offense—Disciplinary Infractions Scale. Inmates found guilty of the below listed disciplinary infraction shall receive one point on the Reclassification Instrument.

1. .752 giving money or anything of value to, or accepting money or anything of value from, another inmate.

New Rule, R.2001 d.425, effective November 19, 2001.
See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).
Amended by R.2002 d.190, effective June 17, 2002.
See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).
Rewrote (c) and (d).

10A:9-2.12 Override code reference index

(a) In accordance with the description of the override code, when an inmate cannot be assigned to the recommended custody status indicated by the custody level score on the Initial or Reclassification Instruments, the appropriate override code shall be applied and any specific information concerning the reason for the override shall be provided in the inmate record:

1. Code A: Medium custody status assignment or above due to mandatory minimum, No Early Release Act

(NERA) parole violation, or length of term requirements pursuant to N.J.A.C. 10A:9-4.6;

2. Code B: Medium custody status assignment or above pending disposition of non-permissible detainer or open charge pursuant to N.J.A.C. 10A:9-4.6;

3. Code C: Permanent custody prohibition/bar. Medium custody status assignment or above only due to escape history pursuant to N.J.A.C. 10A:9-4.8;

4. Code D: Medium custody status assignment or above due to escape history pursuant to N.J.A.C. 10A:9-4.6(s);

5. Code E1: Permanent custody prohibition/bar. Medium custody status assignment or above only due to sexual or arson offense convictions pursuant to N.J.A.C. 10A:9-4.8;

6. Code E2: Permanent custody prohibition/bar. Gang minimum custody status assignment only due to sexual or arson offense convictions pursuant to N.J.A.C. 10A:9-4.7;

7. Code F: Medium custody status assignment or above pending United States Immigration and Naturalization Service (USINS) response indicating interest;

8. Code G: Medium custody status assignment or above with referral to the Inter-Institutional Classification Committee (I.I.C.C.) for discussion of issues such as, but not limited to, keep separates, notoriety of offense, medical problems, psychological problems;

9. Code H: Medium custody status assignment or above due to voluntary or administrative protective custody;

10. Code I: Medium custody status assignment or above due to requirements for Specialized Medical/Psychological Treatment pursuant to N.J.A.C. 10A:9-4.6. I.C.C. determination of:

- i. Discharge from a therapeutic community (T.C.) due to behavioral maladjustment;
- ii. Refusal to participate in a T.C.;
- iii. Non-acceptance of an assignment to a treatment program; or
- iv. Refusal to participate in clinical screening for a substance use disorder;

11. Code J: Requirement for medium custody status assignment or above due to pending disciplinary infraction(s);

12. Code K: Medium custody status assignment or above due to the classification committee discretion with serious doubts that the inmate will be successful in a lower than recommended custody status assignment at this time pursuant to N.J.A.C. 10A:9-4.5;

13. Code L: The classification committee discretion that indicates this inmate would be successful in a lower

than recommended custody status assignment at this time;
or

14. Code M: Medium custody status assignment or above due to a disciplinary sanction for an alcohol/drug related prohibited act pursuant to N.J.A.C. 10A:9-4.6.

(b) When the reason for an objective classification scoring instrument override ceases to apply at a time other than regular review time, the inmate shall be rescored on the same objective classification scoring instrument that was used at the last review.

New Rule, R.2001 d.425, effective November 19, 2001.

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

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), added NJAC references in 10 and 14 and inserted "assignment" following "status" in 13.

Amended by R.2003 d.235, effective June 16, 2003.

See: 35 N.J.R. 1185(a), 35 N.J.R. 2647(a).

In (a)1, inserted "No Early Release Act (NERA) parole violation" following "mandatory minimum".

SUBCHAPTER 3. INSTITUTIONAL CLASSIFICATION COMMITTEE (I.C.C.)

10A:9-3.1 Responsibilities of the Institutional Classification Committee (I.C.C.)

(a) Each correctional facility shall establish an Institutional Classification Committee (I.C.C.) which shall be responsible for:

1. Assignment of inmates to work, educational, vocational and treatment programs appropriate to their needs;
2. Monitoring the progress of inmates by performing periodic reviews to ensure that rehabilitative efforts are being maximized;
3. Review of inmate applications for change in custody status;
4. Review of inmate requests for transfer to other facilities;
5. Making changes in the housing or program assignments of inmates;
6. Assignment of inmates to community release programs;
7. Review of the imposition of the Administrative Segregation sanction;
8. Review of Restrictive Activities Program assignments at the Adult Diagnostic and Treatment Center (A.D.T.C.);
9. Review of referrals from the Disciplinary Hearing Officers; and

10. Review and approval or disapproval of applications for the Electronic Monitoring/Home Confinement Program.

Recodified from 10A:9-3.2 by R.1992 d.79, effective February 18, 1992.
See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Repealed section 10A:9-3.1 was "Composition of the Institutional Classification Committee (I.C.C.)". Revised text.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote the section.

10A:9-3.2 Composition of the Institutional Classification Committee (I.C.C.)

(a) The members of the Institutional Classification Committee (I.C.C.) at each of the correctional facilities shall be composed of the:

1. Administrator, Associate Administrator or Assistant Superintendent;
2. Director of Education or designee;
3. Social Work Supervisor or designee;
4. Director of Custody Operations or custody supervisor designee;
5. Supervisor of State Use Industries (DEPTCOR) or designee, where applicable; and
6. Classification Officer (non-voting member).

(b) Staff members other than those listed above, may be designated by the Administrator to serve as members or alternate members of the I.C.C.

(c) The I.C.C. shall meet weekly, and more often as required.

New Rule, R.1992 d.79, effective February 18, 1992.

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

Old section 10A:9-3.2, Responsibilities of the Institutional Classification Committee (I.C.C.) recodified to 10A:9-3.1.

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

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

In (a), deleted "adult" preceding "correctional facilities"; deleted (a)2, providing that the Director of Psychology is a committee member; redesignated (a)3 through (a)7 as (a)2 through (a)6; and provided for membership by designees.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a)1, substituted "Administrator, Associate Administrator" for "Superintendent"; in (b), substituted "Administrator" for "Superintendent".

10A:9-3.3 Institutional Classification Committee (I.C.C.) decision making criteria

(a) Decisions on transfers and assignments to housing; work, educational, vocational, or treatment programs; custody status; and community release programs shall be made after consideration of the following factors:

1. The objective classification scoring results as indicated on form CRAU-006 or CRAU-007 (excluding inmates committed to A.D.T.C.);

2. Needs and interests expressed by inmate;
3. Age;
4. Family status;