

CHAPTER 5**CLOSE CUSTODY UNITS****Authority**

N.J.S.A. 30:1B-6 and 30:1B-10; and P.L. 2007 c. 204.

Source and Effective Date

R.2015 d.161, effective September 11, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Chapter Expiration Date

Chapter 5, Close Custody Units, expires on September 11, 2022.

Chapter Historical Note

Chapter 5, Close Custody Units, was adopted as R.1986 d.409, effective October 6, 1986. See: 18 N.J.R. 1067(a), 18 N.J.R. 2016(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Close Custody Units, was readopted as R.1991 d.358, effective June 17, 1991. See: 23 N.J.R. 1260(a), 23 N.J.R. 2143(a).

Subchapter 7, Temporary Close Custody, was adopted as R.1992 d.365, effective September 21, 1992. See: 24 N.J.R. 1676(a), 24 N.J.R. 3314(a). Pursuant to Executive Order No. 66(1978), Chapter 5, Close Custody Units, expired on June 17, 1996.

Chapter 5, Close Custody Units, was adopted as new rules by R.1996 d.369, effective August 5, 1996. As part of R.1996 d.369, Subchapter 6, Transitional Protective Custody, was repealed. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Subchapter 6, Security Threat Group Management Unit, was adopted as new rules by R.1998 d.465, effective September 8, 1998. See: 30 N.J.R. 2148(a), 30 N.J.R. 3242(b).

Pursuant to Executive Order No. 66(1978), Chapter 5, Close Custody Units, expired on August 5, 2001.

Chapter 5, Close Custody Units, was adopted as new rules by R.2002 d.388, effective December 2, 2002. See: 34 N.J.R. 2929(a), 34 N.J.R. 4205(a).

Chapter 5, Close Custody Units, was readopted as R.2008 d.97, effective March 25, 2008. As a part of R.2008 d.97, Subchapter 1, Introduction, was renamed General Provisions; and Subchapter 4, Capital Sentence Unit (C.S.U.), was repealed, effective April 21, 2008. See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Subchapter 6, Security Threat Group Management Unit, was recodified in part to Subchapter 11 of Chapter 3 of this Title and repealed in part by R.2011 d.277, effective November 7, 2011. See: 43 N.J.R. 1562(a), 43 N.J.R. 3024(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 5, Close Custody Units, was scheduled to expire on March 25, 2015. See: 43 N.J.R. 1203(a).

Chapter 5, Close Custody Units, was readopted as R.2015 d.161, effective September 11, 2015. See: Source and Effective Date. See, also section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:5-1.1 Purpose

(a) The purpose of this chapter is to establish rules for:

1. Assigning inmates to close custody units;
2. Reviewing the progress of inmates assigned to close custody units;
3. Releasing inmates from close custody units, when appropriate;
4. Operating the Management Control Unit, Administrative Close Supervision Unit, and Protective Custody Unit; and
5. Placement in temporary close custody.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)4, deleted "Capital Sentence Unit" preceding "Protective Custody Unit"; and in (a)5, substituted "temporary close custody" for "Temporary Custody".

Amended by R.2011 d.277, effective November 7, 2011.

See: 43 N.J.R. 1562(a), 43 N.J.R. 3024(a).

In (a)4, substituted "and" for a comma following "Segregation Unit" and deleted "; and Security Threat Group Management Unit" following "Custody Unit".

Amended by R.2014 d.027, effective February 3, 2014.

See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

In (a)4, substituted "Close Supervision Unit," for "Segregation Unit".

10A:5-1.2 Scope

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

10A:5-1.3 Definitions

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

"Adjustment Committee" means the committee within a correctional facility that is authorized to hear and adjudicate inmate violations of prohibited acts.

"Administrative Segregation Level Program" means a two-level program established within an Administrative Close Supervision Unit. The levels are described as follows:

1. Level 1 is the program entry level in which an inmate's possessions, activities, privileges, and amenities shall be most highly restricted; and

2. Level 2 is the level in which an inmate's possessions, activities, privileges, and amenities shall be less restricted than level 1 but more restricted than general population.

"Disciplinary detention" means removal of an inmate from the general population or any other housing unit of a correctional facility to a short-term close custody unit because of a disciplinary infraction(s).

"Initial placement hearing" means the initial hearing conducted by the M.C.U. Hearing Officer to determine the suitability of the inmate's initial placement into the MCU.

"Management Control Unit (M.C.U.);" means a close custody unit to which an inmate may be assigned if the inmate poses a substantial threat to the safety of others; of damage to or destruction of property; or of interrupting the operation of a State correctional facility.

"Management Control Unit Review Committee (M.C.U.R.C.);" means the Committee that is responsible for hearing cases of inmates referred for placement in the Management Control Unit (M.C.U.) and for conducting three month status reviews of inmates assigned to M.C.U.

"M.C.U. Hearing Officer" or "Hearing Officer" means the staff member, with the rank of Assistant Superintendent or above, designated by the Deputy Commissioner or Assistant Commissioner of Operations to hear and preside over M.C.U. initial placement hearings.

"Special Administrative Segregation Review Committee (S.A.S.R.C.);" means the committee members designated by the Director, Division of Operations responsible for the

bimonthly review of the status of the inmates assigned to all Administrative Close Supervision Units.

“Temporary close custody” means the non-punitive removal of an inmate from the inmate general population, or other assigned housing, with restriction to the inmate’s cell or to a close custody unit for a period not to exceed 72 hours, for special observation or investigation.

Amended by R.2006 d.151, effective May 1, 2006.
See: 38 N.J.R. 96(a), 38 N.J.R. 1836(a).

In the introductory paragraph, substituted “unless the context clearly indicates otherwise:” for a period; deleted the definitions for “Capital Sentence Unit (C.S.U.)”, “Close Custody Unit”, “Custody status”, “Disciplinary hearing officer”, “Disciplinary report”, “Disciplinary sanction”, “On-the-spot correction”, “Prehearing detention” and “Protective custody”.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In definition “Disciplinary detention”, inserted “or any other housing unit”; and deleted definition “Special Classification Committee (S.C.C.)”.

Amended by R.2011 d.277, effective November 7, 2011.
See: 43 N.J.R. 1562(a), 43 N.J.R. 3024(a).

Deleted definitions “Identification process”, “Intelligence section of the Special Investigations Division”, “Prehearing Security Threat Group Management Unit Status”, “Security threat group”, “Security threat group activity(ies)”, “Security threat group core member”, “Security Threat Group Management Unit”, “Security Threat Group Management Unit Hearing Committee”, “Security Threat Group Management Unit Phase Program” and “Security threat group member”.
Amended by R.2014 d.027, effective February 3, 2014.
See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

In definition “Adjustment Committee”, substituted “committee” for “Committee” and “of” for “or”; in definition “Special Administrative Segregation Review Committee (S.A.S.R.C.)”, substituted “Close Supervision” for “Segregation”; deleted definition “Administrative segregation”; and rewrote definition “Administrative Segregation Level Program”.

Amended by R.2015 d.161, effective October 5, 2015.
See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Added definitions “Initial placement hearing” and “ ‘M.C.U. Hearing Officer’ or ‘Hearing Officer’ ”.

10A:5-1.4 Forms

(a) The following forms related to close custody units are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 141—I Authorization for Prehearing M.C.U.; and
2. 146—I Voluntary—Protective Custody Consent.

(b) The following form related to the Management Control Unit is available by contacting the New Jersey State Prison:

1. L.C. 36 Criteria Record Sheet.

(c) The following forms shall be printed by the Bureau of State Use Industries—DEPTCOR and each correctional facility shall purchase a supply of needed forms by contacting DEPTCOR:

1. 146—II Notice of Protective Custody Hearing - Involuntary; and

2. 146—III Protective Custody Hearing Adjudication.

Administrative change.

See: 35 N.J.R. 1137(a).

Amended by R.2006 d.419, effective December 4, 2006.

See: 38 N.J.R. 3226(a), 38 N.J.R. 5161(a).

In the introductory paragraph of (a), deleted “shall be reproduced by each correctional facility from originals that” preceding “are available” and inserted “by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms”.

Petition and Action on Petition for Rulemaking.

See: 39 N.J.R. 5377(a).

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)2, inserted “and” at the end; deleted former (a)3 and (a)4; recodified former (a)5 as (a)3; added new (c)1 and (c)2; and recodified former (c)1 through (c)6 as (c)3 through (c)8.

Amended by R.2011 d.277, effective November 7, 2011.

See: 43 N.J.R. 1562(a), 43 N.J.R. 3024(a).

In (a)1 and (c)1, inserted “and” at the end; in (a)2, substituted a period for “; and” at the end; in (c)2, substituted a period for a semicolon at the end; and deleted (a)3 and (c)3 through (c)8.

SUBCHAPTER 2. MANAGEMENT CONTROL UNIT (M.C.U.)

10A:5-2.1 Referrals for placement in the Management Control Unit (M.C.U.)

(a) Recommendations for placement of inmates in the M.C.U. may be submitted to the Management Control Unit Review Committee (M.C.U.R.C.) by:

1. The Director, Division of Operations;
2. The Institutional Classification Committee (I.C.C.);
3. The Disciplinary Hearing Officer/Adjustment Committee;
4. Special Administrative Segregation Review Committees;
5. The Administrator; and/or
6. A Correction Major.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)4, inserted “Special”.

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Rewrote (a)6.

10A:5-2.2 Composition of the Management Control Unit Review Committee (M.C.U.R.C.)

(a) The M.C.U.R.C. shall be composed of the following five regular voting members and one recorder:

1. A representative from New Jersey State Prison Administration;

2. A representative from the Education or Social Services Department;

3. A representative from Mental Health Services;

4. A representative from Custody;

5. A Chairperson, who shall be an employee permanently assigned to Central Office, designated by either the Deputy Commissioner or designee or the Assistant Commissioner of Operations or designee; and

6. A non-voting recorder who shall maintain records, minutes, and reports of the Committee.

(b) The Administrator or designee shall assign the Committee members with the exception of the chairperson as established in (a) above.

(c) The Committee members may include employees of New Jersey State Prison.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)2, inserted "and a representative from Mental Health Services"; and in (a)3, inserted "Custody".

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Rewrote (a); and added (b) and (c).

10A:5-2.3 Responsibilities of the Management Control Unit Review Committee (M.C.U.R.C.)

(a) The M.C.U.R.C. shall meet as needed to carry out its responsibilities. The M.C.U.R.C. shall be responsible for:

1. Hearing the cases of inmates referred for placement in M.C.U.;

2. Reviewing the progress of each inmate placed in M.C.U. at least every 90 days to determine whether continued placement in the Unit is appropriate;

3. Reviewing all circumstances, custody reports, professional reports, recommendations, inmate statements, and any other relevant evidence related to inmates placed in, or referred for placement, in M.C.U.;

4. Reviewing all circumstances, custody reports, professional reports, recommendations, inmate statements, and any other relevant evidence related to phase changes; and

5. Any other functions deemed necessary to ensure the safe, secure, and effective running of the M.C.U.

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Rewrote (a).

10A:5-2.4 Criteria for assigning inmates to the Management Control Unit (M.C.U.)

(a) The following criteria shall be utilized by the Management Control Unit Review Committee (M.C.U.R.C.) in

determining the appropriateness of assigning an inmate to the M.C.U.:

1. Disciplinary records during the inmate's present term of confinement and any previous terms served. Weight shall be assigned to this criterion where there are a substantial number of minor charges, or one or more charges of a serious nature;

2. Past criminal offenses, including those for which incarcerated, which indicate the capability and propensity to commit or precipitate serious acts of disruption or violence;

3. Number and location of previous institutionalizations including the disciplinary records, progress reports, classification reports, or any other records which indicate involvement in serious misbehavior;

4. Reports by professional staff (for example, psychologists, social workers, psychiatrists);

5. Reports indicating present involvement in criminal activities in the community or within the correctional facility;

6. Evidence of an attitude which indicates an unwillingness to follow rules and obey orders;

7. Inability to maintain a satisfactory work record as indicated in reports by work supervisors and/or frequency of job changes;

8. Information indicating unsatisfactory adjustment to, or performance in, treatment or rehabilitative programs; and

9. Evidence of the inmate's inability or unwillingness to house with other inmates in a nondisruptive and nondestructive manner.

10A:5-2.5 Assignment to the Management Control Unit (M.C.U.)

(a) An inmate shall be assigned to the M.C.U. when the M.C.U.R.C., after considering the criteria in N.J.A.C. 10A:5-2.4, concludes that the inmate poses a substantial threat:

1. To the safety of others;

2. Of damage to or destruction of property; or

3. Of interrupting the operation of a State correctional facility.

(b) Procedures for M.C.U.R.C. hearings described in N.J.A.C. 10A:5-2.6 shall be followed and completed prior to placement in M.C.U.

(c) If there is a need for immediate placement in the M.C.U., such placement shall be made in accordance with N.J.A.C. 10A:5-2.8.

10A:5-2.6 Procedures for the Management Control Unit Review Committee (M.C.U.R.C.) reviews

(a) When an inmate is placed in the M.C.U. by the M.C.U. Hearing Officer, a preliminary determination shall also be made by the M.C.U.R.C. as to when the need for the M.C.U. program shall be reviewed. A formal review of each inmate in the M.C.U. shall be made at least every 90 days. During the reviews, inmates in M.C.U. may be considered for release, phase change, or any other action deemed appropriate as a result of the review.

(b) Prior to an M.C.U.R.C. hearing, the inmate shall be given written notice, utilizing Form L.C. 36 Criteria Record Sheet, at least 24 hours prior to appearing before the M.C.U.R.C. The staff member delivering the notice shall sign the form and indicate the time and date of delivery.

(c) The inmate shall also be notified that he or she may obtain the help of an inmate paralegal to act as a counsel substitute approved by the M.C.U.R.C. to assist in the adequate collection and presentation of the facts in the inmate's case and to be present at the hearing as a spokesperson (see N.J.A.C. 10A:6-2.12 and 2.14).

(d) Illiterate inmates or inmates otherwise demonstrating a need for assistance shall receive the assistance of a consenting inmate, or a staff member assigned to this function by the M.C.U.R.C. An interpreter shall be utilized if needed.

(e) The M.C.U.R.C. Chairperson shall have the discretion to keep the hearing within reasonable limits and to refuse to permit the collection and presentation of evidence that is not necessary for an adequate understanding of the case. The Chairperson shall exercise control over all presentations to prevent lack of relevancy, harassment, abuse or repetitiveness and to ensure that the hearing does not develop into an adversarial proceeding.

(f) A written record shall be maintained by the M.C.U.R.C. of all reviews of inmates in the M.C.U. This record shall be kept in a separate file in addition to being made a permanent part of the inmate's case folder. All M.C.U.R.C. reports shall be signed by all M.C.U.R.C. members.

(g) Any member of the M.C.U.R.C. may request a review for an inmate in the M.C.U. earlier than previously scheduled.

(h) At each review, the M.C.U.R.C. shall review the information upon which the decision was based to assign the inmate to the M.C.U. Such information shall include:

1. Disciplinary reports;
2. Program participation, such as, but not limited to, education, counseling, recreational activities; and
3. Records of the inmate's behavior and attitude while in the M.C.U., such as custody and professional staff reports that must be periodically filed, describing pertinent

observations, both positive and negative, of the inmate's behavior and attitude while in the M.C.U.

(i) At the review with the M.C.U.R.C., the inmate shall be allowed to appear in person and to testify, unless the inmate's appearance would pose a serious threat to the safety or security of the correctional facility or the M.C.U.R.C. In those cases where an inmate is not allowed to appear in person, the inmate shall be permitted to present the case through a counsel substitute and through submission of such written materials as the inmate believes appropriate.

1. At this review, the inmate has the initial burden of demonstrating that the inmate has:

- i. Participated in available jobs and educational and recreational programs;
- ii. Complied with the criteria detailed by the M.C.U.R.C. at earlier hearings or reviews;
- iii. Remained free from prohibited acts; and
- iv. Agreed to reaffirm the obligation to adhere to the rules and regulations for inmate behavior, as described in the handbook on discipline for inmates and correctional facility inmate handbooks.

2. If the inmate demonstrates participation and compliance in accordance with (i)1 above, the inmate will be considered for release from the M.C.U. or for a phase change. The inmate will be released unless the Department of Corrections can demonstrate through substantial evidence, including behavior, correctional facility adjustment, and disciplinary history that the inmate continues to pose an identifiable threat:

- i. To the safety of others;
- ii. Of damage to, or destruction of property; or
- iii. Of interrupting the secure and/or orderly operation of a State correctional facility.

(j) At the hearing, the inmate shall be informed of all adverse information bearing on the case, with the exception of information designated confidential by the M.C.U.R.C.

(k) If the M.C.U.R.C. considerations are based in part on information from a confidential informant, the inmate shall be provided with a concise statement of facts establishing that the informant is credible or his or her information is reliable and the informant's statement (either in writing or as reported) is in language that is factual, not conclusive and is based upon the informant's personal knowledge of the matters contained in his or her statement.

(l) When information utilized by the M.C.U.R.C. is deemed confidential and cannot be fully disclosed to the inmate, the M.C.U.R.C. shall direct the inmate and the inmate's representative to leave the meeting while this information is being presented or discussed. Whenever

practical, the inmate shall be informed of the confidential information in accordance with the provisions of this section.

(m) When the inmate appears before the M.C.U.R.C., the Chairperson shall explain to the inmate the reason for the inmate's appearance, the nature of the proceeding and the particular areas of the M.C.U.R.C.'s concern.

(n) The inmate shall be permitted to present documentary evidence related to the inmate's case. The inmate shall also be permitted to call witnesses on the inmate's own behalf when permitting the inmate to do so will not risk the maintenance of security or the orderly operation of the correctional facility. The M.C.U.R.C. shall have the discretion, however, to keep the hearing within reasonable limits.

(o) The Chairperson of the M.C.U.R.C. shall call those witnesses deemed to be reasonably available and whose testimony is necessary for a proper understanding of the circumstances of the particular case. Repetitive witnesses need not be called. For purposes of this subsection, "repetitive witnesses" are witnesses who provide the same account as a previous witness(es). "Repetitive witnesses" are not intended to refer to the calling of a witness(es) who previously provided written documentary evidence. The Chairperson shall have the discretion to refuse to call witnesses that may create a risk of reprisal. Unavailable witnesses may be asked to submit written statements. Witnesses requested by the inmate who are called should be questioned by members of the M.C.U.R.C. or the counsel substitute. Inmates without a counsel substitute may request that certain questions be directed by Committee members to any witnesses.

(p) The M.C.U.R.C. Chairperson shall exercise control over all presentations to exclude irrelevant information and to prevent harassment, abuse or repetition. If the Chairperson shall refuse to call one or more witnesses, the reasons for each such refusal shall be separately specified on the decision form.

(q) During the formal review with the inmate, the M.C.U.R.C. may give guidance to the inmate with respect to the reason for the rules and internal management procedures of the correctional facility.

(r) Prior to rendering a decision to place or maintain an inmate in the M.C.U., the M.C.U.R.C. shall consider alternatives to M.C.U. placement as a means of addressing the correctional facility concerns related to the inmate. These alternatives shall include, but not be limited to, transfer to another correctional facility, reduction in privileges, or transfer to another housing unit in general population.

(s) When the M.C.U.R.C. notes a particular treatment need which can be met by existing treatment services, and the inmate indicates a willingness to participate in such treatment, the M.C.U.R.C. shall make the appropriate referral.

(t) A record shall be maintained of the proceedings of the M.C.U.R.C. to include, but not be limited to:

1. The substance of the evidence presented;
2. A summary of the statements of participants in the hearing;
3. A log of the evidence considered;
4. A written indication of the alternatives considered in accordance with (p) above; and
5. The decision of the M.C.U.R.C.

(u) The recorder of the M.C.U. hearing proceedings shall certify that the record is a true and accurate representation of the proceedings.

(v) Within one calendar week, the M.C.U.R.C. shall provide a written notice of decision to the inmate advising the inmate of the reason for the decision and a summary of the evidence relied upon. The decision of the M.C.U.R.C. to place an inmate in the M.C.U. shall be based on the information contained in the record. In the event a record contains information received from a confidential informant, the M.C.U.R.C. shall provide a summary of facts upon which the Committee concluded that:

1. The informant is credible and that his or her information is reliable;
2. The informant's statement (either in writing or as reported) is in language that is factual rather than a conclusion; and
3. The informant's statement and information is based on his or her personal knowledge of the matters.

(w) In the written notice of decision, the M.C.U.R.C. shall point out the elements of the inmate's behavior or attitude which are deemed to be unsatisfactory and shall advise the inmate that the next formal M.C.U.R.C. review on the inmate's case will be held within 90 days.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a), inserted "sign the form and" and deleted ", and signature of staff member" following "delivery"; in (c), substituted "he or she" for "the inmate" and "an" for "another" and inserted "paralegal" and "(see N.J.A.C. 10A:6-2.12 and 2.14)"; in (j), inserted a comma following the first occurrence of "inmate"; in (o), substituted "internal management procedures" for "policies"; and rewrote (t).

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Section was "Procedures for the Management Control Unit Review Committee (M.C.U.R.C.) hearings". Rewrote the section.

10A:5-2.7 Appeal of Management Control Unit Review Committee (M.C.U.R.C.) decisions

(a) At the time the inmate is provided with the M.C.U.R.C.'s decision, the inmate shall be advised of the opportunity to appeal the decision to an employee designated by the Commissioner to receive such appeals. The inmate

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

Section was "Program monitoring, review and modification". Inserted "or the Chairperson" and "or the Deputy Commissioner".

10A:5-2.31 Compliance with all other rules

In addition to the rules contained in this subchapter, all other Department rules applicable to inmates shall apply with equal force to inmates in the M.C.U.

SUBCHAPTER 3. ADMINISTRATIVE SEGREGATION

10A:5-3.1 Admission to administrative segregation

(a) Whenever the Disciplinary Hearing Officer/Adjustment Committee imposes a sanction which includes administrative segregation, the administrative segregation part of the sanction shall be referred by the Disciplinary Hearing Officer to the Institutional Classification Committee (I.C.C.) for review at the Committee's next regularly scheduled meeting.

(b) In considering the sanction, the I.C.C. shall consider any relevant factors including, but not limited to:

1. The circumstances and gravity of the disciplinary infraction;
2. The reason(s) given by the Disciplinary Hearing Officer/Adjustment Committee for the sanction imposed;
3. The inmate's previous disciplinary record; and
4. Whether other available dispositions are adequate to regulate the inmate's behavior within acceptable limits.

(c) Confirmation shall be made if the I.C.C. determines that the sanction is appropriate and within acceptable limits, and where the inmate's presence in the general population could pose a threat to the safe, secure and orderly operations of the correctional facility.

(d) The I.C.C. shall provide written notice to the inmate of its decision confirming, modifying or overruling the administrative segregation sanction together with the reasons therefor.

(e) A copy of the I.C.C. notice shall be filed in the inmate's classification folder.

(f) Not all correctional facilities within the Department of Corrections contain Administrative Close Supervision Units. If an inmate receives a sanction that includes administrative segregation but is housed in a correctional facility that does not have an Administrative Close Supervision Unit, the sanction first must be reviewed by the I.C.C. of the correctional facility in which the inmate is housed. If the sanction is confirmed, the referral for transfer to an Administrative Close Supervision Unit shall be forwarded to the CRAF Intake Unit where the transfer shall be initiated.

Amended by R.2014 d.027, effective February 3, 2014.

See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

In (f), substituted "Close Supervision" for "Segregation" throughout.

10A:5-3.2 Special Administrative Segregation Review Committee (S.A.S.R.C.)

(a) The S.A.S.R.C. is responsible for providing a bi-monthly review, or more frequent reviews if deemed necessary, of the status of inmates assigned to all Administrative Close Supervision Units.

(b) The Director of the Division of Operations shall designate voting members who shall be an Associate Administrator/Assistant Superintendent/Correction Major or designee to serve on the S.A.S.R.C. The S.A.S.R.C. shall be composed of:

1. One voting member who shall be an Associate Administrator or Assistant Superintendent from a facility designated by the Director;
2. One voting member who shall be a representative from CRAF; and
3. One voting member who shall be a representative from the Division of Operations.

(c) The Director shall designate a chairperson from among the voting members to serve a term, as determined by the Director.

(d) An in-house psychiatrist or psychologist and a representative of the Classification Department shall attend each meeting of the S.A.S.R.C. but they will have no voting power.

(e) The Director may designate a supervisory custody staff member of the rank of Correction Major to attend each meeting of the S.A.S.R.C., who shall have voting power. In the event that a custody staff member of the rank of Correction Major is unavailable, a custody staff member of the rank of Lieutenant who shall have voting power may be designated to attend.

(f) The S.A.S.R.C. shall meet as frequently as is necessary to accomplish the business of the S.A.S.R.C., and the meetings shall be held at a facility designated by the members.

(g) An inmate who has been assigned to an Administrative Close Supervision Unit for a period of 365 days or less shall have his or her case reviewed by the S.A.S.R.C. every 60 days, or more frequently if deemed necessary by the S.A.S.R.C., to review the inmate's level assignment and to evaluate the inmate's behavior while in the Administrative Close Supervision Unit.

(h) An inmate who has been assigned to an Administrative Close Supervision Unit for a period of more than 365 days shall have his or her case reviewed by the S.A.S.R.C. every six months, or more frequently if deemed necessary by the S.A.S.R.C. The review shall include the inmate's level

assignment and the Committee shall evaluate the inmate's behavior while in the Administrative Close Supervision Unit.

(i) The S.A.S.R.C. review shall not necessitate the inmate's presence, although the Committee may, where it deems necessary, require the inmate to appear, unless he or she refuses to appear without the use of force.

(j) Upon review of the inmate's level assignment and behavior, the S.A.S.R.C. may determine that the inmate should be released from the Administrative Close Supervision Unit. The S.A.S.R.C. shall determine that an inmate should be released from the Administrative Close Supervision Unit when it concludes that:

1. The initial need for placement in the Administrative Close Supervision Unit no longer exists;

2. The inmate has clearly demonstrated by his or her behavior that he or she can and will adequately conform to the rules and regulations of correctional facilities;

3. The inmate's presence in the general population will not pose a threat to the safe, secure and orderly operations of a correctional facility;

4. The inmate's presence in the general population prior to completion of the sanction as specified by the Disciplinary Hearing Officer/Adjustment Committee would not adversely affect the goals of a correctional facility; and/or

5. The inmate has a history or presence of a medical condition or mental illness and continued confinement in administrative segregation is likely to add to the inmate's medical or mental decompensation.

(k) If the S.A.S.R.C. determines not to release the inmate from the Administrative Close Supervision Unit, the inmate shall be so advised in writing, together with the reasons therefor, unless security considerations preclude their disclosure, in which case a notation as to the Committee's reasons and an explanation of how security would be adversely affected shall be placed in the inmate's folder.

(l) If the S.A.S.R.C. determines to release the inmate, the Committee shall give the inmate written notice of the decision. The inmate shall be:

1. Released into the general population of the correctional facility in which he or she has been confined in the Administrative Close Supervision Unit;

2. Referred to the M.C.U.R.C. for placement in the M.C.U.;

3. Referred for a protective custody hearing; or

4. Referred to the CRAF Intake Unit for transfer to a correctional facility as determined by the S.A.S.R.C.

(m) If the inmate is transferred to general population and wishes a transfer to another correctional facility, the inmate shall submit a request for transfer to the I.C.C.

(n) Inmates shall be scored with the Reclassification Instrument prior to release from the Administrative Close Supervision Unit and the score shall be considered by the S.A.S.R.C. when making inmate assignments. The S.A.S.R.C. is authorized to assign inmates to an appropriate correctional facility in accordance with the guidelines established for the I.C.C.

(o) The appropriate Director shall be contacted for assistance when the transfer of an inmate from administrative segregation status to another correctional facility cannot be completed because of a lack of available bed space.

(p) Following the decision of the S.A.S.R.C. to transfer an inmate to another correctional facility, the S.A.S.R.C. shall refer the inmate to the appropriate staff member of the CRAF Intake Unit who shall be responsible for immediately arranging transportation of the inmate to the designated correctional facility.

Amended by R.2005 d.445, effective December 19, 2005.

See: 37 N.J.R. 3200(a), 37 N.J.R. 5013(a).

In (l), recodified former 3 and 4 as 4 and 5, and added new 3.

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Rewrote (h); in the introductory paragraph of (l), substituted "the Committee" for "it" and "the" for "its" preceding "decision"; in (l)2, inserted "placement in"; and in (p), inserted "the S.A.S.R.C. shall refer the inmate to the appropriate staff member of" and "who".

Amended by R.2011 d.277, effective November 7, 2011.

See: 43 N.J.R. 1562(a), 43 N.J.R. 3024(a).

Deleted former (l)3; and recodified former (l)4 and (l)5 as (l)3 and (l)4.

Amended by R.2014 d.027, effective February 3, 2014.

See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

Substituted "Close Supervision" for "Segregation" throughout; rewrote (b) and (j)5; in (c), deleted "six-month or extended" preceding "term", and in (n), substituted "I.C.C." for "I.C.C.".

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

In the introductory paragraph of (b), substituted "Administrator/Assistant Superintendent/Correction Major" for "Administrator/Assistant Superintendent/Captain"; and in (e), substituted "Correction Major" for "Captain or above" twice.

10A:5-3.3 Separate facilities

Whenever possible, areas utilized for Administrative Close Supervision Units shall be physically separate from other programs in the correctional facility.

Amended by R.2014 d.027, effective February 3, 2014.

See: 45 N.J.R. 13(a), 46 N.J.R. 297(a).

Substituted "Close Supervision" for "Segregation".

10A:5-3.4 Ventilation, heating, lighting, sanitation and observation

(a) Ventilation and reasonable temperature shall be maintained on a 24-hour basis.

SUBCHAPTER 7. TEMPORARY CLOSE CUSTODY

10A:5-7.1 Placement in temporary close custody

(a) An inmate may be placed in temporary close custody for a period not to exceed 72 hours unless exceptional circumstances, such as, but not limited to, other information received or other substantial evidence found warrant extension of this time period.

(b) Criteria for placement of an inmate in temporary close custody status are:

1. Reasonable suspicion exists to indicate that the inmate is engaged in, or is planning a serious violation (asterisked offenses under N.J.A.C. 10A:4-4.1(a)) of correctional facility rules, on which disciplinary action is considered premature;

2. Reasonable suspicion exists to indicate that the inmate is in possession of, or plans to obtain, contraband which may pose a danger to the inmate or others;

3. The inmate exhibits assaultive, self-mutilating and/or threatening behavior related to a medical or psychiatric condition, in the written opinion of a psychiatrist, psychologist or medical doctor; and/or

4. Any other reason, which, in the opinion of the Administrator, or designee, requires temporary close custody confinement to protect the inmate, staff, general public, and/or the security and control of the correctional facility.

(c) When placement of an inmate in temporary close custody is ordered by the Administrator's designee, the designee shall, as soon as administratively possible within 72 hours, inform the Administrator and shall provide a written report to the Administrator setting forth the reason for every such placement.

(d) On or before the expiration of the 72-hour period, unless there are emergent reasons for extension, the inmate shall be released from temporary close custody to:

1. The general population;

2. Prehearing detention;

3. Detention in connection with a disciplinary action pursuant to N.J.A.C. 10A:4;

4. A medical or psychiatric housing unit for continued observation, treatment, or commitment procedures (N.J.A.C. 10A:16-13); or

5. Another close custody unit in accordance with procedures set forth in this chapter, such as, Protective Custody or the Management Control Unit.

(e) Release from temporary close custody may be ordered only by the Administrator or designee.

(f) In consideration of the reason for an inmate's placement in temporary close custody, a Correction Major or designee shall determine the personal property and other services, such as, but not limited to, visits and telephone calls, which the inmate may be afforded while in temporary close custody.

(g) The Administrator shall forward a monthly written report of all placements and releases from temporary close custody to the Assistant Commissioner, Division of Operations for review.

Petition for Rulemaking.

See: 40 N.J.R. 1711(a).

Petition for Rulemaking.

See: 41 N.J.R. 2733(c).

Amended by R.2015 d.161, effective October 5, 2015.

See: 47 N.J.R. 978(a), 47 N.J.R. 2500(a).

In (f), substituted "a Correction Major" for "the Director of Custody Operations".