

(f) Gifts from individuals, corporations and charitable foundations shall be spent as designated by the donor when the designation is authorized by the institutional Board of Trustees. When gifts are undesignated, such gifts shall be spent as designated by the institutional Board of Trustees. The monies from these gifts shall be identified separately in the inmate welfare fund so that expenditures can be directly related to the source of funds.

(g) Inmate welfare funds shall not be spent for any purpose that is not consistent with the rules outlined in this subchapter.

Amended by R.2006 d.113, effective March 20, 2006.
See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).

Rewrote (f); made a grammatical correction in (g).
Amended by R.2008 d.177, effective July 7, 2008.
See: 40 N.J.R. 1600(a), 40 N.J.R. 4219(b).

Rewrote (c) and (e); and in (d), inserted "items the Department is required to provide," inserted commas following "salaries" and "service" and inserted ", but not limited to,".

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. REPORTING LOSS OF FUNDS

10A:2-5.1 Reporting loss of funds

(a) Loss of funds shall immediately be reported to the Administrator or administrative unit supervisor.

(b) The Administrator or administrative unit supervisor or designee shall contact the Assistant Commissioner, Division of Administration and Special Investigations Division immediately to investigate the loss.

(c) Pursuant to N.J.A.C. 10A:21-5.4, the Special Investigations Division, at the direction of the Administrator, shall serve as the liaison to all outside law enforcement agencies.

10A:2-5.2 Written report of loss of funds

(a) Within 48 hours after the loss is discovered, a written report of the loss shall be submitted by the Administrator to the:

1. Assistant Commissioner, Division of Administration; and
2. Commissioner or designee.

(b) The Assistant Commissioner, Division of Administration or designee shall prepare and submit a request to the Bureau of Risk Management, Department of Treasury for appropriate reimbursement.

(c) If the loss is not covered by the Bureau of Risk Management, Department of Treasury, the loss shall be referred back to the Assistant Commissioner, Division of

Administration or designee who shall determine the appropriate source of funds to dispose of the loss claim.

Amended by R.2002 d.65, effective March 4, 2002.
See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (a), deleted 2, recodified former 3 as 2 and added "or designee" following "Commissioner".

SUBCHAPTER 6. INMATE REIMBURSEMENT FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY

10A:2-6.1 Filing a claim at a correctional facility or satellite unit

(a) When an inmate claims the loss, damage or destruction of personal property, other than personal property disposed of in accordance with N.J.A.C. 10A:1-11, Personal property of inmates, the inmate shall complete and submit Form 943-I Inmate Claim For Lost, Damaged Or Destroyed Personal Property to the Administrator or designee.

(b) The Administrator or designee shall submit Form 943-I to the Director of Custody Operations or designee for investigation and preparation of a report. The investigation conducted by the Director of Custody Operations or designee shall consist of, but not be limited to:

1. Obtaining statements from the inmate, witnesses and correctional facility staff; and
2. Verifying that the inmate was authorized to have and did in fact, possess the personal property named in the claim.
3. Verification of possession of lost, damaged or destroyed personal property may be made by review of applicable documentation such as the IIS-1M Inmate Inventory Sheet maintained by the correctional facility (see N.J.A.C. 10A:1-11).

(c) Upon completion of the investigation, Form 943-I and a copy of the investigative report shall be submitted to the Business Manager of the correctional facility for review.

(d) The Business Manager shall review Form 943-I and the Custody Operations investigative report, and complete Form 943-II Certification of Inmate Claim indicating a recommendation to approve or deny the claim with substantiating reasons.

(e) The claim packet shall include Forms 943-I and 943-II and the Custody Operations investigative report. The claim packet shall be submitted by the Business Manager to the Administrator for review and recommendation for approval or denial.

(f) Claims that are denied by the Administrator shall not be processed any further. In all cases of denial, the inmate shall be notified of the denial in writing by the Administrator with substantiating reasons.

(g) If the Administrator recommends approval of a claim, the Administrator shall complete and sign the applicable sections of Form 943-III, Review of Inmate Claim and return the claim packet including Form 943-III to the Business Manager of the correctional facility. The Business Manager shall then complete a State of New Jersey Payment Voucher (Vendor Invoice) and have said invoice signed by the inmate.

(h) The claim packet, to include the signed State of New Jersey Payment Voucher (Vendor Invoice), shall be submitted by the Business Manager to the Manager, Bureau of Accounting and Revenue.

(i) When a claim is not in compliance with the requirements of this section, the Manager, Bureau of Accounting and Revenue shall indicate disapproval on Form 943-III and return the claim packet to the requesting correctional facility Business Manager with the reasons for noncompliance noted.

(j) When a claim is in compliance with the requirements of this section, the Manager, Bureau of Accounting and Revenue shall indicate a recommendation for approval on Form 943-III and submit the claim packet to the Assistant Commissioner, Division of Operations for a recommendation for approval or denial of the claim.

(k) Claims denied by the Assistant Commissioner, Division of Operations shall be returned to the requesting correctional facility Business Manager through the Manager, Bureau of Accounting and Revenue with the reasons for denial noted.

(l) Claims recommended for approval by the Assistant Commissioner, Division of Operations shall be forwarded to the Director, Office of Financial Management through the Manager, Bureau of Accounting and Revenue.

(m) Claims denied by the Director, Office of Financial Management shall be returned to the requesting correctional facility Business Manager through the Manager, Bureau of Accounting and Revenue with the reason(s) for denial noted.

(n) Claims recommended for approval for payment by the Director, Office of Financial Management shall be submitted to the Department of the Treasury, Office of Management and Budget for final approval.

Amended by R.2006 d.113, effective March 20, 2006.
See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).
Rewrote the section.

10A:2-6.2 Decision making factors for approving or denying a claim

(a) The following factors shall be considered before recommending approval or disapproval of claims:

1. Whether the investigation revealed any neglect by the correctional facility;

2. Whether care was exercised by facility staff preventing property loss, damage or destruction;

3. Whether the inmate exercised care in preventing property loss, damage or destruction;

4. Whether it has been proven that the inmate was authorized to have and did, in fact, possess the item(s) named in the claim;

5. Whether sufficient information has been supplied by the inmate, including proper receipts, witnesses and investigative reports;

6. Whether the inmate submitted the claim in a timely manner;

7. Whether the loss or damage exceeds authorized amounts of correctional facility personal property limits;

8. Whether the personal property is considered contraband; and

9. Whether other reviewers recommended denial of the claim and the reasons therefor.

10A:2-6.3 Time limit for filing a claim

(a) It shall be the responsibility of the inmate to initiate a claim by completing Form 943-I Inmate Claim For Lost, Damaged Or Destroyed Personal Property within 15 calendar days of the incident or discovery of the incident.

(b) Unless there are exceptional circumstances which require extending the investigative process, the claim form and accompanying documents shall be submitted to the Director, Office of Fiscal Management within 30 calendar days of the filing of the claim by the inmate.

Amended by R.2006 d.113, effective March 20, 2006.
See: 37 N.J.R. 4505(b), 38 N.J.R. 1456(c).
In (a), made a grammatical correction.

10A:2-6.4 Notification of inmates

The written procedures contained in this subchapter shall be incorporated into the next revision of the correctional facility inmate handbook.

SUBCHAPTER 7. RESTITUTION FOR ITEMS DAMAGED OR DESTROYED

10A:2-7.1 Imposition of restitution

(a) As a result of disciplinary action taken against an inmate, the Institutional Classification Committee (I.C.C.) may impose restitution as a sanction on an inmate upon the recommendation of:

1. The Disciplinary Hearing Officer; or
2. The Adjustment Committee.

10A:2-7.2 Appeal of restitution

An inmate may appeal the imposition of restitution as a sanction by following the procedures outlined in N.J.A.C. 10A:4-11, Appeals of disciplinary decisions.

10A:2-7.3 Amount of restitution

(a) The amount of restitution ordered shall equal the cost of replacement or repair of the item(s) damaged or destroyed.

(b) Each correctional facility shall develop internal management procedures for determining the cost of replacing or repairing an item(s) that has been damaged or destroyed.