

(f) The Assistant Commissioner shall be notified, in writing, during the course of the year of any additions to or deletions from the list of permissible personal property.

(g) The Assistant Commissioner or designee shall disseminate lists of county jail permissible property as needed, to each correctional facility.

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

Petition for Rulemaking.

See: 30 N.J.R. 1099(a), 30 N.J.R. 1327(a).

Amended by R.2003 d.176, effective May 5, 2003.

See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

In (d), substituted "Administrator" for "Superintendent"; in (g), substituted "Assistant Commissioner or designee" for "Chief, Bureau of Community and Professional Services,".

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In (a), substituted "Designated staff at each" for "Each" and "that" for "which".

10A:1-11.3 Non-permissible personal property

(a) Designated staff at the correctional facility shall notify an inmate, in writing, whenever the inmate possesses any property that is non-permissible personal property.

(b) Designated staff at the correctional facility shall inventory and package the nonpermissible personal property and the inmate shall indicate, in writing, which of the following means of disposal should be used with respect to the non-permissible personal property. The non-permissible personal property shall either be:

1. Mailed to the inmate's home at the inmate's expense;
2. Given to a visitor designated by the inmate;
3. Donated by the inmate to a charitable organization at the inmate's expense; or
4. Destroyed.

(c) If the non-permissible property is to be removed by a family member or friend(s), the inmate shall arrange for the removal of the non-permissible personal property within 30 calendar days after receiving the written notification from the correctional facility.

(d) If the inmate's non-permissible personal property is not removed from the correctional facility within 30 calendar days after the written notification, the inmate shall receive a second written notification stating that:

1. The property will be held for a maximum of 30 additional calendar days;
2. The property will be disposed of if it is not removed by a specified date; and
3. The correctional facility shall not be liable for personal property that is held longer than 60 calendar days.

(e) If the inmate or designee fails to respond to a second written notification within 30 calendar days, designated staff at the correctional facility may dispose of the non-permissible personal property by:

1. Donating the non-permissible personal property to any recognized public charitable organization;
2. Retaining the non-permissible personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Destroying the non-permissible personal property.

(f) Copies of written notices to the inmate about non-permissible personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1989 d.45, effective January 17, 1989.

See: 20 N.J.R. 2746(a), 21 N.J.R. 163(a).

Added new (e) and recodified old (e) to (f).

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (b) and (f).

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In (a) and the introductory paragraph of (b), substituted "Designated staff at the" for "The"; in (a), substituted "that" for "which"; and in the introductory paragraph of (e), inserted "designated staff at the".

10A:1-11.4 Storage of non-permissible personal property

(a) Designated staff at the correctional facilities shall not store inmate non-permissible personal property for more than 60 calendar days except in instances as stated in (b) below.

(b) When an inmate does not have visitors, family members or a home address, the inmate may request written approval of the Administrator to store non-permissible personal property for a period longer than 60 calendar days.

(c) If the Administrator approves the inmate's request, made pursuant to (b) above, the personal property shall be stored at the inmate's risk, until an alternate plan can be made for storage.

Amended by R.2003 d.176, effective May 5, 2003.

See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

In (b) and (c), substituted "Administrator" for "Superintendent".

Amended by R.2007 d.17, effective January 16, 2007.

See: 38 N.J.R. 4159(a), 39 N.J.R. 216(a).

In (b), deleted "immediate" preceding "family members".

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In (a), substituted "Designated staff at the correctional" for "Correctional".

10A:1-11.5 Marking inmate personal property

Designated staff at each correctional facility shall establish a means of marking inmate personal property for identification purposes.

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

Substituted "Designated staff at each" for "Each".

10A:1-11.6 Inventory of inmate personal property

(a) Designated staff at each correctional facility shall use and maintain the IIS-1M Inmate Inventory Sheet. This inventory sheet shall be used to itemize all personal property in the inmate's possession upon admission, while incarcerated and upon transfer.

(b) If possible, personal property shall be inventoried in the presence of the inmate.

(c) The completed IIS-1M Inmate Inventory Sheet and any subsequent updates to this inventory sheet shall be signed by both the inventory officer and the inmate.

(d) In the event the inmate refuses to sign the IIS-1M Inmate Inventory Sheet, the inventory officer shall note the inmate's refusal on the inventory sheet.

(e) The signed IIS-1M Inmate Inventory Sheet shall be maintained on file (see N.J.A.C. 10A:1-11.10) and a copy shall be given to the inmate.

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Added new (d); redesignated existing (d) as (e).

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

Amended by R.2003 d.176, effective May 5, 2003.

See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

Rewrote (b).

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In (a), substituted "Designated staff at each" for "Each".

10A:1-11.7 Disposition of personal property when an inmate is transferred

(a) Designated staff at the Central Medical/Transportation Unit shall be responsible for transporting inmate personal property within the State. If designated staff at the Central Medical/Transportation Unit are unable to transport the property at the time of the transfer, designated staff will be responsible for transporting the inmate's personal property to the receiving correctional facility within seven business days from the date of transfer.

(b) Except for inmate transfers to a hospital, all transfers shall be considered permanent for the purpose of inmate personal property disposition.

(c) When an inmate is transferred from one correctional facility to another within the State, the sending correctional facility shall be responsible for sending all of the inmate's personal property.

(d) When an inmate is transferred from one correctional facility to another within the State, the receiving correctional facility shall be responsible for inventorying, packaging and mailing any non-permissible personal property to the in-

mate's home, or the non-permissible personal property shall be made available for removal by designated family members or friends of the inmate.

(e) An inmate being transferred to another correctional facility within the State who does not have visitors, family members or a home address, may request written approval of the receiving correctional facility Administrator to store the inmate's non-permissible personal property.

(f) If the Administrator of the correctional facility within the State approves the inmate's request, the Administrator shall give the inmate a written notification stating that:

1. The personal property will be stored at the inmate's risk;
2. The personal property will be held for a maximum of 60 additional calendar days;
3. The personal property will be disposed of if it is not removed by a specified date; and
4. The correctional facility shall not be liable for personal property that is held longer than 60 calendar days.

(g) When an inmate is transferred to another state, personal property shall be handled as follows:

1. The shipment of personal property for non-consensual transfers shall be at the expense of the sending correctional facility; or
2. The shipment of personal property in consensual transfers that are requested by the inmate for personal reasons, such as, but not limited to, programmatic opportunities or family reasons, shall be at the expense of the inmate.

(h) Inmates approved for international transfer shall be responsible for the shipping expenses and disposition of their personal property prior to transfer.

(i) Disposition of personal property shipped shall be in accordance with the rules of the receiving state or country.

(j) In every case that personal property is mailed to the inmate's home, a receipt for said mailing shall be obtained from the mailing source, such as a post office, mail or parcel service center or railway office, and filed in the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (f).

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

Amended by R.2003 d.176, effective May 5, 2003.

See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

In (e) and (f), substituted "Administrator" for "Superintendent"; in (g), inserted "mail or parcel service center" following "post office".

Amended by R.2007 d.17, effective January 16, 2007.

See: 38 N.J.R. 4159(a), 39 N.J.R. 216(a).

In (e), deleted "immediate" preceding "family members".

Amended by R.2007 d.127, effective May 7, 2007.

See: 39 N.J.R. 155(a), 39 N.J.R. 1730(a).

In (a), substituted "inmate personal property within the State" for "personal property of inmates"; rewrote (c) and (d); in (e), inserted "within the State"; rewrote the introductory paragraph of (f); added new (g), (h), and (i); and recodified former (g) as (j).

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In (a), inserted "Designated staff at the", "Unit" and "designated staff at the", and substituted "Unit are" for "is" following the second occurrence of "Transportation", "designated staff" for the third occurrence of "Central Medical/Transportation" and "business" for "working".

10A:1-11.8 Responsibility for personal property when an inmate is released from custody of the Department of Corrections

(a) When an inmate is released on parole or at the expiration of maximum sentence, the inmate shall:

1. Take the personal property when leaving the correctional facility; or
2. Arrange for the personal property to be sent, at the expense of the inmate, to the inmate's home; or
3. Arrange for a family member(s) or friend(s) to remove the personal property from the correctional facility within 30 calendar days after the inmate's release.

(b) When the inmate's personal property is to remain at the correctional facility, a mailing address shall be obtained from the inmate before release. If the inmate's personal property is not picked up within 30 calendar days, the correctional facility shall forward written notification to the ex-inmate stating that:

1. The property will be held for a maximum of 30 additional calendar days;
2. The property will be disposed of if it is not removed by a specified date; and
3. The correctional facility shall not be liable for personal property that is held longer than 60 calendar days.

(c) If the inmate or designee fails to respond to the written notification within 30 calendar days, correctional facility may dispose of the personal property by:

1. Donating the personal property to any recognized public charitable organization;
2. Retaining the personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Destroying the personal property.

(d) Copies of written notices to the inmate about personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1989 d.45, effective January 17, 1989.

See: 20 N.J.R. 2746(a), 21 N.J.R. 163(a).

Added new (c) and recodified old (c) to (d).

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (d).

Amended by R.2007 d.127, effective May 7, 2007.

See: 39 N.J.R. 155(a), 39 N.J.R. 1730(a).

Section was "Responsibility for personal property when an inmate is released".

10A:1-11.9 Responsibility for personal property when inmate escapes

(a) When an inmate escapes, the inmate's personal property shall be held at the correctional facility for 30 calendar days.

(b) If the escaped inmate does not return within 30 calendar days to the correctional facility or any other correctional facility within the jurisdiction of the New Jersey Department of Corrections, the inmate's property shall be deemed abandoned property.

(c) Designated staff at the correctional facility may dispose of abandoned personal property by:

1. Donating the personal property to any recognized public charitable organization;
2. Retaining the personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Destroying the personal property.

(d) A written notice of final disposition of the escaped inmate's abandoned personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

New Rule, R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Old section 11.9 "Records", recodified to 11.10.

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In the introductory paragraph of (c), substituted "Designated staff at the" for "The".

10A:1-11.10 Responsibility for personal property when an inmate dies

When an inmate dies, personal property shall be distributed in accordance with the provisions set forth in N.J.A.C. 10A:16-7.6, Distribution of money and personal belongings of deceased inmates.

New Rule, R.2007 d.127, effective May 7, 2007.

See: 39 N.J.R. 155(a), 39 N.J.R. 1730(a).

Former N.J.A.C. 10A:1-11.10, Records, recodified to N.J.A.C. 10A:1-11.11.

10A:1-11.11 Records

(a) Copies or originals of the following shall become a permanent part of the inmate's classification folder.

1. Any written notices to the inmate about personal property;

2. Any receipts received or obtained for mailing personal property; and

3. Signed IIS-1M Inmate Inventory Sheet(s).

Recodified from 10A:1-11.9 by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Old section 10A:1-11.10 was "Written procedures".

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

Recodified from N.J.A.C. 10A:1-11.10 by R.2007 d.127, effective May 7, 2007.

See: 39 N.J.R. 155(a), 39 N.J.R. 1730(a).

Former N.J.A.C. 10A:1-11.11, Written internal management procedures, recodified to N.J.A.C. 10A:1-11.12.

10A:1-11.12 Written internal management procedures

Designated staff at each correctional facility shall develop written internal management procedures consistent with this subchapter.

Recodified from 10A:1-11.10 by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Amended by R.2003 d.176, effective May 5, 2003.

See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

Substituted "written internal management procedures" for "written policy and procedures".

Recodified from N.J.A.C. 10A:1-11.11 by R.2007 d.127, effective May 7, 2007.

See: 39 N.J.R. 155(a), 39 N.J.R. 1730(a).

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

Substituted "Designated staff at each" for "Each".