

1. The inmate's term includes a sentence imposed for conviction of aggravated sexual assault, sexual assault or aggravated criminal sexual contact, and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

2. The Administrator of the facility in which the inmate has been confined has advised the Commissioner or designee that the conduct of the inmate during the period of confinement, the inmate's mental condition, or the inmate's past history indicates that the inmate may be in need of involuntary commitment pursuant to N.J.S.A. 30:4-27.2; or

3. The inmate's term includes a sentence imposed for conviction of a "sexually violent offense" as defined in N.J.S.A. 30:4-27.26.

(c) Except as provided in (b) above, pursuant to N.J.S.A. 30:4-6.1 and 123.53a, the Administrator or designee of the correctional facility in which an inmate is confined shall provide written notification to the prosecutor of the county from which the inmate was committed 90 days before an inmate's anticipated release whenever possible, but in no event fewer than 30 days before release if such release is due to the expiration of the inmate's maximum term or is authorized by the State Parole Board, order of the Governor upon commutation of a sentence of incarceration or any other release of an inmate from custody.

(d) All written reports provided in accordance with this section shall include the inmate's name, identifying information and anticipated residence.

SUBCHAPTER 4. WRITTEN REPORTS OF THE CRITICAL ILLNESS OR DEATH OF AN INMATE

10A:21-4.1 Written reports regarding the critical illness or death of an inmate

(a) Notification to the inmate's next of kin of an inmate's critical illness or death shall be in accordance with N.J.A.C. 10A:16-7.

(b) Written reports of the death of an inmate shall be provided to the prosecutor of the county from which the inmate was committed by the Administrator or designee of the correctional facility that maintains the inmate's classification and medical files as soon as possible on the next business day after the death of the inmate.

(c) Written reports of the death of an inmate shall be provided to the Supervisor, Health Services Unit via facsimile.

SUBCHAPTER 5. REPORTS OF UNUSUAL INCIDENTS OR EVENTS

10A:21-5.1 Preliminary inquiry

(a) When an Administrator or designee becomes aware of the occurrence of an unusual incident or event, he or she shall notify the Special Investigations Division which shall make an immediate preliminary inquiry to determine the facts in the case.

(b) If there is a delay in the arrival of a staff member from the Special Investigations Division, the Administrator shall assign a custody supervisor with a rank not lower than sergeant to secure and/or cordon off the location of the incident or event, when appropriate.

(c) No one, including non-custody staff and custody staff, shall be permitted access to the secured area and nothing shall be touched, moved or destroyed until the staff from the Special Investigations Division has completed the examination of the secured area.

10A:21-5.2 Telephone reports within the Department of Corrections; reportable unusual incidents or events

(a) If, after the preliminary inquiry, it is the determination of the Administrator or designee that the incident or event is of such significance that the incident or event has the potential for disrupting the secure or orderly operation of the correctional facility, or if the secure or orderly operation of the correctional facility has been disrupted because of the incident or event, the Administrator or designee shall promptly contact the Assistant Commissioner, Division of Operations or designee and the Public Information Officer by telephone and give them a summary of:

1. What happened;
2. Persons involved;
3. The action taken; and
4. The current assessment of the situation.

(b) The unusual incidents and events that have the potential to disrupt the secure or orderly operation of the correctional facility which shall be reported by telephone to the Assistant Commissioner, Division of Operations or designee and the Public Information Officer. Examples of unusual incidents and events shall include, but are not limited to:

1. A homicide;
2. A suspicious death;
3. A suicide or serious suicide attempt;
4. A disturbance involving a considerable number of inmates or employees which threatens the maintenance of security or the orderly operation of the correctional facility, for example:

- i. A riot;
 - ii. A work stoppage; or
 - iii. A melee;
5. A medical emergency;
6. A medical problem requiring expeditious handling because of its special nature;
7. All escapes or walkaways. The telephone report shall include, but not be limited to when:
- i. Force was used;
 - ii. A weapon was used;
 - iii. An injury to an inmate(s) or a staff member resulted;
 - iv. A crime was committed;
 - v. The inmate(s) escaped from a secure or self contained unit;
 - vi. The inmate(s) involved is widely and/or unfavorably known by virtue of his or her offense history; and/or
 - vii. The inmate(s) involved is considered capable of committing violent acts;
8. The taking of a hostage(s);
9. A serious injury to an inmate(s) or staff member(s);
10. Suspected introduction of a prohibited substance or an electronic communication device or peripheral into the correctional facility by staff;
11. Suspected use of prohibited substances by staff on correctional facility grounds;
12. A serious mechanical or engineering difficulty which could result in the loss of steam, electric power, sanitary facilities;
13. A natural disaster such as, but not limited to, a flood, tornado, earthquake, hurricane, or cyclone and the extent of damage that resulted;
14. A fire which resulted in considerable damage or in which there is the potential for extensive property damage and/or loss of lives; and
15. A situation involving an inmate(s) in which the life of an inmate or a group of inmates is in danger and an immediate transfer is needed to provide safety for the inmate(s) involved.

Amended by R.2006 d.370, effective October 16, 2006.
See: 38 N.J.R. 2782(b), 38 N.J.R. 4487(a).

In the introductory paragraph of (b), inserted “. Examples of unusual incidents and events”; and in (b)10, substituted “a prohibited substance or an electronic communication device or peripheral” for “prohibited substances”.

10A:21-5.3 Telephone and written reports in the event of an escape

(a) Pursuant to N.J.S.A. 30:4-6.1, all inmate escapes from custody and returns to custody following an escape from a medium or maximum security correctional facility shall be reported immediately by telephone whenever possible, followed by written notification within 48 hours, by the Administrator of the correctional facility in which the inmate(s) is confined to the prosecutor of the county from which the inmate was committed and the prosecutor of the county in which the facility is located.

(b) All escapes from medium and maximum security correctional facilities shall be reported by telephone to the sentencing judge as soon as possible after the escape.

(c) If an escape from a medium or maximum security correctional facility occurs during the evening, weekend or on a holiday, the Administrator or designee shall notify the Assistant Commissioner or designee, Division of Operations. The Assistant Commissioner or designee shall be responsible for notifying the sentencing judge at his or her home. In cases when contact cannot be made with the Assistant Commissioner or designee, Division of Operations, attempts shall then be made to contact the Commissioner or designee, New Jersey Department of Corrections.

(d) The sentencing judge, who has been notified of an escape from a medium or maximum security correctional facility, shall also be notified of the capture and/or return of the escapee(s).

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

In (c), inserted “or designee” following “Assistant Commissioner” throughout and substituted “Commissioner or designee” for “Chief of Staff” in the third sentence.

10A:21-5.4 Correctional facility liaison to outside law enforcement agencies

(a) At the direction of the Commissioner, Department of Corrections, the Special Investigations Division shall serve as the liaison to all outside law enforcement agencies.

(b) The liaison shall have the general responsibility of effecting a cooperative relationship with outside law enforcement agencies during investigations conducted and/or associated with a correctional facility. These outside law enforcement agencies shall include, but are not limited to:

1. County prosecutors;
2. State and local police agencies;
3. The New Jersey Division of Criminal Justice;
4. The Federal Bureau of Investigations; and
5. The United States Department of Treasury.