

2. Any act which would constitute only a disorderly or petty disorderly persons offense under either the New Jersey Criminal Statutes or Controlled Dangerous Substance laws, in which case said reports of such acts should be reported to the police department in the jurisdiction where the act occurred.

10A:21-8.4 Referral of questionable violations

In instances where uncertainty exists with respect to the correct classification or gradation of an offense, the matter immediately shall be referred to the Office of the Commissioner for advice as to appropriate disposition.

10A:21-8.5 Reporting procedures

(a) The Internal Affairs Unit of the correctional facility shall review the facts of a violation of criminal statutes to determine whether the actions constitute a crime of the first, second, third or fourth degree.

(b) If the violation of the criminal statutes is determined to be one of the degrees in (a) above, the Internal Affairs Unit shall prepare a report which shall include:

1. The name of the accused person;
2. All available pertinent facts concerning the nature and circumstances of the violation;
3. In the case of inmate violators, a statement as to the status of disciplinary action taken thus far; for exam-

ple, what charges have been written and how much of the adjudication process has been completed at the time of the report; and

4. In the case of staff or visitor violations, a statement as to what actions have been taken or are being considered by the correctional facility; for example, suspension, termination, removal from visit list and banning from the correctional facility.

(c) The report shall be signed by the Superintendent and forwarded to the appropriate county prosecutor within five days of the occurrence of the violation.

(d) Any additional pertinent information compiled subsequent to the primary report also shall be forwarded to the Prosecutor as expeditiously as possible. The prosecutor shall be informed of the final outcome of the disciplinary process and what sanctions were imposed.

(e) The Chief of Staff, New Jersey Department of Corrections shall be notified, in writing, of all cases referred to the prosecutor. Said notice shall consist of a copy of the report to the prosecutor in (b) above.

(f) Decisions concerning prosecution shall be at the discretion of the prosecutor's office.

Amended by R.1996 d.63, effective February 5, 1996.
See: 27 N.J.R. 4849(a), 28 N.J.R. 854(a).