

**CHAPTER 5
CLOSE CUSTODY UNITS**

Authority

N.J.S.A. 30:1B-6, 30:1B-10, and *Pack, et al. v. Beyer, et al.*, DKT No. 91-3709 (D.N.J. 1995).

Source and Effective Date

R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Executive Order No. 66(1978) Expiration Date

Chapter 5, Close Custody Units, expires on August 5, 2001.

Chapter Historical Note

Chapter 5, Close Custody Units, was originally 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 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. See: Source and Effective Date. As part of R.1996 d.369, Subchapter 6, Transitional Protective Custody, was repealed. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. INTRODUCTION

- 10A:5-1.1 Purpose
- 10A:5-1.2 Scope
- 10A:5-1.3 Definitions
- 10A:5-1.4 Forms

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

- 10A:5-2.1 Referrals for placement in the Management Control Unit (M.C.U.)
- 10A:5-2.2 Composition of the Management Control Unit Review Committee (M.C.U.R.C.)
- 10A:5-2.3 Responsibilities of the Management Control Unit Review Committee (M.C.U.R.C.)
- 10A:5-2.4 Criteria for assigning inmates to the Management Control Unit (M.C.U.)
- 10A:5-2.5 Assignment to the Management Control Unit (M.C.U.)
- 10A:5-2.6 Procedures for the Management Control Unit Review Committee (M.C.U.R.C.) hearings
- 10A:5-2.7 Appeal of Management Control Unit Review Committee (M.C.U.R.C.) decisions
- 10A:5-2.8 Use of Prehearing Management Control Unit prior to the Management Control Unit Review Committee (M.C.U.R.C.) meeting
- 10A:5-2.9 Use of Prehearing Management Control Unit during an emergency
- 10A:5-2.10 Review of inmates placed in the Management Control Unit (M.C.U.)

- 10A:5-2.11 Annual review of inmate status in the Management Control Unit (M.C.U.)
- 10A:5-2.12 Ventilation, heating, lighting and sanitation
- 10A:5-2.13 Food
- 10A:5-2.14 Showers, shaving
- 10A:5-2.15 Medical and psychiatric services
- 10A:5-2.16 Personal items
- 10A:5-2.17 Disposition of inmate's personal possessions not authorized in the Management Control Unit (M.C.U.)
- 10A:5-2.18 Correctional facility clothing, bedding and linen
- 10A:5-2.19 Inmate legal activities
- 10A:5-2.20 Correspondence, visits and telephone calls
- 10A:5-2.21 Exercise and recreation
- 10A:5-2.22 Education
- 10A:5-2.23 Visits by professional staff
- 10A:5-2.24 Work opportunities
- 10A:5-2.25 Social, psychological and counseling program
- 10A:5-2.26 Commissary
- 10A:5-2.27 Withdrawal of personal items or activities
- 10A:5-2.28 Special custodial responsibilities
- 10A:5-2.29 Disciplinary action within the Management Control Unit (M.C.U.)
- 10A:5-2.30 Program monitoring, review and modification
- 10A:5-2.31 Compliance with all other rules

SUBCHAPTER 3. ADMINISTRATIVE SEGREGATION

- 10A:5-3.1 Admission to administrative segregation
- 10A:5-3.2 Special Administrative Segregation Review Committee (S.A.S.R.C.)
- 10A:5-3.3 Separate facilities
- 10A:5-3.4 Ventilation, heating, lighting, sanitation and observation
- 10A:5-3.5 Food
- 10A:5-3.6 Grooming, showering and shaving
- 10A:5-3.7 Medical and psychiatric services
- 10A:5-3.8 Personal items
- 10A:5-3.9 Correctional facility clothing, bedding and linen
- 10A:5-3.10 Inmate legal service
- 10A:5-3.11 Reading material
- 10A:5-3.12 Correspondence, visits and telephone calls
- 10A:5-3.13 Recreation
- 10A:5-3.14 Education
- 10A:5-3.15 Visits by professional and correctional supervising staff
- 10A:5-3.16 Work opportunities
- 10A:5-3.17 Psychological/psychiatric evaluations
- 10A:5-3.18 Withdrawal of personal items or activities
- 10A:5-3.19 Selection of staff
- 10A:5-3.20 Records
- 10A:5-3.21 through 10A:5-5.23 (Reserved)

SUBCHAPTER 4. CAPITAL SENTENCE UNIT (C.S.U.)

- 10A:5-4.1 Scope
- 10A:5-4.2 Establishment of the Capital Sentence Unit (C.S.U.)
- 10A:5-4.3 Admissions to the Capital Sentence Unit (C.S.U.)
- 10A:5-4.4 Capital Sentence Unit Management Team
- 10A:5-4.5 Clothing, bedding and hygiene items
- 10A:5-4.6 Reading materials
- 10A:5-4.7 Showers
- 10A:5-4.8 Recreation
- 10A:5-4.9 Legal services
- 10A:5-4.10 Food packages; canteen
- 10A:5-4.11 Religious counseling
- 10A:5-4.12 Barber
- 10A:5-4.13 Medical services
- 10A:5-4.14 Sanitation
- 10A:5-4.15 Psychological and psychiatric services
- 10A:5-4.16 Visits and telephone use
- 10A:5-4.17 Work assignments
- 10A:5-4.18 Correspondence
- 10A:5-4.19 Records in the Capital Sentence Unit (C.S.U.)
- 10A:5-4.20 Disciplinary hearings

- 10A:5-4.21 News media contact
- 10A:5-4.22 Post orders
- 10A:5-4.23 Training

SUBCHAPTER 5. PROTECTIVE CUSTODY

- 10A:5-5.1 Admission to Protective Custody
- 10A:5-5.2 Hearing procedure for involuntary placement to Protective Custody
- 10A:5-5.3 Appeal procedures for Protective Custody placement
- 10A:5-5.4 Review of inmates in Protective Custody Units
- 10A:5-5.5 Release of inmates in Protective Custody Units
- 10A:5-5.6 Ventilation, heating, lighting, sanitation, observation
- 10A:5-5.7 Food
- 10A:5-5.8 Grooming, showering and shaving
- 10A:5-5.9 Medical services
- 10A:5-5.10 Personal items
- 10A:5-5.11 Correctional facility clothing, bedding and linen
- 10A:5-5.12 Inmate legal services
- 10A:5-5.13 Correspondence, visits and telephone calls
- 10A:5-5.14 Recreation
- 10A:5-5.15 Education
- 10A:5-5.16 Visits by professional and correctional supervisory staff
- 10A:5-5.17 Work opportunities
- 10A:5-5.18 Psychological examination
- 10A:5-5.19 Withdrawal of personal items or activities
- 10A:5-5.20 Selection of staff
- 10A:5-5.21 Records
- 10A:5-5.22 Disciplinary action within Protective Custody Units
- 10A:5-5.23 Transfers; record maintenance
- 10A:5-5.24 Correctional facility procedures
- 10A:5-5.25 through 10A:5-5.28 (Reserved)

SUBCHAPTER 6. SECURITY THREAT GROUP MANAGEMENT UNIT

- 10A:5-6.1 Scope
- 10A:5-6.2 Prohibited security threat group(s) and activity(ies)
- 10A:5-6.3 The Security Threat Group Management Unit(s)
- 10A:5-6.4 Responsibilities of the Intelligence Section of the Special Investigations Division
- 10A:5-6.5 Security threat group designation and member identification
- 10A:5-6.6 Responsibilities of the Superintendent and Assistant Commissioner
- 10A:5-6.7 Prehearing Security Threat Group Management Unit Status
- 10A:5-6.8 Security Threat Group Management Unit Hearing Committee
- 10A:5-6.9 Procedure for conducting the Security Threat Group Core Membership Hearing
- 10A:5-6.10 Use of Prehearing Security Threat Group Management Unit Status during an emergency
- 10A:5-6.11 Security Threat Group Management Unit placement appeal
- 10A:5-6.12 Security Threat Group Management Unit Phase Program
- 10A:5-6.13 Security Threat Group Management Unit Hearing Committee phase review
- 10A:5-6.14 Procedure for conducting the review hearing to determine Security Threat Group Management Unit inmate phase movement
- 10A:5-6.15 Inmate appeal of Security Threat Group Management Unit Hearing Committee phase review decision
- 10A:5-6.16 Compliance with all rules and placements
- 10A:5-6.17 Personal items
- 10A:5-6.18 Disposition of inmate personal possessions not authorized in the Security Threat Group Management Unit
- 10A:5-6.19 Ventilation, heating, lighting and sanitation
- 10A:5-6.20 Food
- 10A:5-6.21 Food packages; canteen
- 10A:5-6.22 Grooming, showering and shaving
- 10A:5-6.23 Recreation
- 10A:5-6.24 Legal services
- 10A:5-6.25 Correctional facility library and Inmate Law Library
- 10A:5-6.26 Education

- 10A:5-6.27 Work opportunities
- 10A:5-6.28 Medical and psychiatric services
- 10A:5-6.29 Mail, visits and telephone
- 10A:5-6.30 Packages
- 10A:5-6.31 Reassignment to Security Threat Group Management Unit
- 10A:5-6.32 Staff training
- 10A:5-6.33 Custody level
- 10A:5-6.34 Inmate records

SUBCHAPTER 7. TEMPORARY CLOSE CUSTODY

- 10A:5-7.1 Placement in temporary close custody

SUBCHAPTER 1. INTRODUCTION

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 Segregation Unit, Capital Sentence Unit, Protective Custody Unit, and Security Threat Group Management Unit; and
5. Placement in Temporary Close Custody

Amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

In (a)4 deleted Transitional Protective Custody, and added (a)5, Placement in Temporary Close Custody.

Amended by R.1998 d.465, effective September 8, 1998.

See: 30 N.J.R. 2148(a), 30 N.J.R. 3242(b).

In (a)4, inserted a reference to the Security Threat Group Management Unit.

10A:5-1.2 Scope

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

Amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Substituted "Operations" for "Adult Institutions".

10A:5-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings.

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

“Administrative Segregation” means removal of an inmate from the general population of a correctional facility to a long term close custody unit because of one or more disciplinary infractions or other administrative considerations.

“Asterisk Offense” means a prohibited act preceded by a number and an asterisk.

“Capital Sentence Unit (C.S.U.)” means the close custody unit to which persons sentenced to death pursuant to N.J.S.A. 2C:11-3, are assigned until such time that the execution is carried out, or the sentence is commuted or changed to a lesser penalty.

“Close Custody Unit” means an area within a correctional facility designated for assigning inmates who are removed from the general population for disciplinary or administrative reasons.

“Custody Status” means the degree of supervision that is required for an inmate to enter or leave a correctional facility.

“Disciplinary Detention” means removal of an inmate from the general population of a correctional facility to a short term close custody unit because of a disciplinary infraction(s).

“Disciplinary Hearing Officer” means a Department staff member designated to hear and adjudicate inmate violations of prohibited acts.

“Disciplinary Report” means a form on which a violation of prohibited act is recorded along with other pertinent information.

“Disciplinary Sanction” means a prescribed penalty that is imposed for violation of a prohibited act.

“Identification process” means the investigative method of operation to include, but not be limited to, the gathering and accumulation of evidence and information used by the Intelligence Section of the Special Investigations Division to reasonably identify inmates as security threat group members and core group members.

“Intelligence Section of the Special Investigations Division” means a section within the Special Investigations Division of the Department of Corrections that is responsible for the identification process and the collection, control, maintenance and dissemination of information regarding alleged and identified security threat group members and security threat groups.

“Major violations” mean the violation of a prohibited act that is preceded by an asterisk.

“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 within New Jersey State Prison 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.

“Minor violations” means the violation of a prohibited act that is not preceded by an asterisk.

“On-the-Spot Correction” means the immediate imposition of a sanction upon an inmate for the violation of a minor prohibited act.

“Prehearing detention” means removal of an inmate from the general population pending an investigation and a hearing into an alleged violation of a prohibited act.

“Prehearing Security Threat Group Management Unit Status” means the nonpunitive removal of an inmate from the inmate general population or other housing unit pending the outcome of a Security Threat Group Management Unit Committee placement hearing.

“Protective custody” means confinement to a secure unit designated to restrict or limit an inmate’s activities and contacts with others, in order to provide protection to the inmate from injury or harm actually threatened, or reasonably believed to exist based on events, investigative reports, informants’ reports or other reliable sources of information.

“Security threat group” means a group of inmates possessing common characteristics, interests and goals which serve to distinguish the group or group members from other inmate groups or other inmates and which, as a discrete entity, poses a threat to the safety of staff, other inmates, the community, or causes damages to or destruction of property, or interrupts the safe, secure and orderly operation of the correctional facility(ies).

“Security threat group activity(ies)” means an activity(ies) or action(s) of an inmate that relate either directly or indirectly to the goals of a security threat group. These activities include, but are not limited to:

1. Possession of security threat group literature, such as, correspondence, newsletters, publications, lessons, membership lists and manuals;
2. Possession of security threat group paraphernalia, such as, beads, artwork, medallions and clothing articles;
3. Known security threat group hand-signs or signals as observed by staff;

4. Participation in security threat group related assaults, disturbances, meetings, gatherings, incidents, or events;

5. Sending security threat group related correspondence; and

6. Recruiting other inmates to join a security threat group.

“Security threat group core member” means an inmate who has been identified as being a member of a security threat group and whose documented security threat group activity(ies) or behavior as a recognized security threat group member or leader poses a threat to the safety of staff, other inmates, or the community, or a threat of damages to or destruction of property, or a threat of interruption of the safe, secure and orderly operation of the correctional facility(ies).

“Security Threat Group Management Unit” means a close custody unit to which inmates may be assigned if reasonably sufficient evidence and/or information exists that the inmate is a security threat group core member.

“Security Threat Group Management Unit Hearing Committee” means a committee appointed by the Superintendent of the correctional facility designated to contain a Security Threat Group Management Unit, composed of professional correctional staff, and responsible for hearing the cases of inmates referred for placement into the Unit; for the review, monitoring and evaluation of inmate progress in each phase of the Security Threat Group Management Unit program; and for the determination of inmate phase movement.

“Security Threat Group Management Unit Phase Program” means a three phase program established to reintegrate inmates assigned to the Security Threat Group Management Unit back into the inmate general population.

“Security threat group member” means an inmate who has been identified as a member of a security threat group based upon reasonably sufficient evidence and/or information.

“Special Administrative Segregation Review Committee (S.A.S.R.C.)” means the administrators, designated by the Director, Division of Operations, who are responsible for the bimonthly review of the status of inmates assigned to all Administrative Segregation Units.

“Special Classification Committee (S.C.C.)” means the Committee composed of representatives from the Prison Complex, Youth Complex and Juvenile Services which consider the transfer of inmates between Complexes.

“Superintendent” means the chief executive officer of any State correctional facility in the New Jersey Department of Corrections.

“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.

Administrative Correction, effective January 27, 1989.
See: 21 N.J.R. 558(a).

Institutional name change.
Amended by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Deleted “Commissioner”, “Department”, “Institutional Classification Committee (I.C.C.)”, “Inter-Institutional Classification Committee (I.I.C.C.)”, “Prison Complex”, “Prohibited Acts”, “Transitional Protective Custody Unit”, “Vroom-Administrative Segregation Review Committee”, “Vroom Readjustment Unit (V.R.U.)” and “Youth Complex”.
Amended by R.1998 d.465, effective September 8, 1998.
See: 30 N.J.R. 2148(a), 30 N.J.R. 3242(b).

Inserted “Identification process”, “Intelligence Section of the Internal Affairs Unit”, “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”.
Administrative change.
See: 32 N.J.R. 303(a).

10A:5-1.4 Forms

(a) The following forms related to close custody units shall be reproduced by each correctional facility from originals that are available by contacting the Standards Development Unit, New Jersey Department of Corrections.

1. 141-I Authorization for Prehearing M.C.U.;
2. 146-I Voluntary—Protective Custody Consent;
3. 146-II Notice of Protective Custody Hearing—Involuntary;
4. 146-III Protective Custody Hearing Adjudication; and
5. 147-III Authorization for Prehearing Security Threat Group Management Unit Status.

(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. 147-I Notice of Security Threat Group Core Membership Hearing;
2. 147-II Security Threat Group Management Unit Hearing Committee Decision;
3. 147-IV Appeal of Security Threat Group Management Unit Hearing Committee Decision;

4. 147-V Disposition of Security Threat Group Management Unit Appeal;

5. 147-VI Notice of Security Threat Group Management Unit Phase Review; and

6. 147-VII Disposition of Security Threat Group Management Unit Phase Review.

Amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Added (b).

Amended by R.1998 d.465, effective September 8, 1998.

See: 30 N.J.R. 2148(a), 30 N.J.R. 3242(b).

In (a), added 5; and added (c).

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 Management Control Unit (M.C.U.) may be submitted to the Management Control Unit Review Committee (M.C.U.R.C.) by the:

1. Inter-Institutional Classification Committee (I.I.C.C.);
2. Institutional Classification Committee (I.C.C.);
3. Disciplinary Hearing Officer/Adjustment Committee;
4. Administrative Segregation Review Committees;
5. Superintendent; and/or
6. Director of Custody Operations.

Administrative Correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Deleted references to New Jersey State Prison and to the Director of Professional Services.

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

(a) The Management Control Unit Review Committee (M.C.U.R.C.) shall be composed of:

1. The Assistant Superintendent;
2. A representative from the Education or Social Services Department; and
3. The person designated as the Supervisor of the Management Control Unit (M.C.U.).

Amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

In (a)1 deleted Director of the Vroom Readjustment Unit and in (a)2 substituted a representative from the Education or Social Services Department for the Director of Professional Services.

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

(a) The Management Control Unit Review Committee (M.C.U.R.C.) shall meet at least once a week, when necessary, to deliberate on matters related to 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.; and
2. Reviewing the progress of each inmate placed in M.C.U. at least every three months to determine whether continued placement in the Unit is appropriate.

Amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

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 inmates to the Management Control Unit (M.C.U.)

1. Disciplinary records during the inmates 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 non-destructive manner.

Amended by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Case Notes

Prison regulations regarding placement of inmates in restrictive custody created liberty interest. *Layton v. Beyer*, C.A.3 (N.J.)1992, 953 F.2d 839.

Fact that inmate ultimately belonged in restrictive custody was irrelevant to issue of violation of liberty interest. *Layton v. Beyer*, C.A.3 (N.J.)1992, 953 F.2d 839.

Failure to hold hearing following placement of inmate in restrictive custody within specified 5 day period is not necessarily unconstitutional. *Layton v. Beyer*, C.A.3 (N.J.)1992, 953 F.2d 839.

Totality of circumstances must be evaluated to determine whether post-restrictive custody hearing was timely. *Layton v. Beyer*, C.A.3 (N.J.)1992, 953 F.2d 839.

Inmate's release on parole mooted appeal from decision upholding his assignment to special confinement unit. *Cinque v. New Jersey Dept. of Corrections*, 261 N.J.Super. 242, 618 A.2d 868 (A.D.1993).

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

(a) An inmate shall be assigned to the Management Control Unit (M.C.U.) when the Management Control Unit Review Committee (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 Management Control Unit Classification Committee (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:5-3.6 Grooming, showering and shaving

(a) As needed, barbering and hair care services shall be provided.

(b) Each inmate in an Administrative Segregation Unit shall be given the opportunity to shave and shower not less

than three times per week, unless permitting these activities would present an undue security hazard.

Recodified from 10A:5-3.9 by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.6, "Separate facilities", recodified to 10A:5-3.3.

10A:5-3.7 Medical and psychiatric services

(a) A member of the medical staff which can be a nurse, paramedic, doctor or other authorized health care personnel shall be available in the Administrative Segregation Unit on a daily basis to assess medical needs. Any inmate wishing to see a doctor shall notify the medical staff member or tier officer of his or her sick call request.

(b) Medical and psychiatric emergencies shall be attended to immediately. Requests for medical attention for inmates in non-emergency situations shall be responded to by the physician, or medical person designated by the physician, within 24 hours.

(c) Whenever it shall appear that an inmate is suffering from an emotional or psychiatric disturbance, arrangements shall be made for a psychiatric or psychological evaluation.

Recodified from 10A:5-3.10 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.7, "Ventilation, heating, lighting, sanitation and observation", recodified to 10A:5-3.4.

10A:5-3.8 Personal items

All inmates admitted to an Administrative Segregation Unit shall be permitted the same items and amounts of personal property (such as TVs, radios, personal clothing) as inmates in the general population with the exception of those items which could pose a threat to the safety, security or orderly operation of the Administrative Segregation Unit. The Superintendent shall establish a list of permissible items for inmates in the Administrative Segregation Unit.

Recodified from 10A:5-3.11 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.8, "Food", recodified to 10A:5-3.5.

10A:5-3.9 Correctional facility clothing, bedding and linen

The issue and exchange of correctional facility clothing, bedding, linen, and the laundry service shall be on the same basis as is available to the general inmate population.

Recodified from 10A:5-3.12 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.9, "Grooming, showering and shaving", recodified to 10A:5-3.6.

10A:5-3.10 Inmate legal service

Legal services shall be made available to inmates assigned to an Administrative Segregation Unit. Legal services shall be in accordance with the provisions set forth in N.J.A.C. 10A:6, INMATE ACCESS TO COURTS.

Recodified from 10A:5-3.13 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.10, "Medical and psychiatric services", recodified to 10A:5-3.7.

10A:5-3.11 Reading material

Inmates in Administrative Segregation Units shall be permitted to retain in their possession a reasonable amount of reading material. Procedures shall be in effect permitting inmates access to books and periodicals from the correctional facility library and Inmate Law Library.

Recodified from 10A:5-3.14 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.11, "Personal items", recodified to 10A:5-3.8.

10A:5-3.12 Correspondence, visits and telephone calls

(a) Inmates in Administrative Segregation Units shall have the same correspondence opportunities as inmates in the general population.

(b) Each correctional facility which has an Administrative Segregation Unit shall provide each inmate in the Unit the opportunity to receive a minimum of one non-contact visit per week.

(c) Each correctional facility which has an Administrative Segregation Unit shall provide each inmate in the Unit the opportunity to make a minimum of one collect telephone call per week, excluding telephone calls of a legal nature.

Recodified from 10A:5-3.15 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.12, "Correctional facility clothing, bedding and linen", recodified to 10A:5-3.9.

10A:5-3.13 Recreation

(a) Where physical facilities permit, each inmate in an Administrative Segregation Unit shall be allowed recreation and exercise outside the cell at least five hours per week, unless to do so would adversely affect the security or orderly operations of the correctional facility.

(b) Inmates who shall be retained in Administrative Segregation shall be given the opportunity for out-of-doors recreation for a minimum of one hour of the required five per week unless to do so would adversely affect the security or orderly operations of the correctional facility.

Recodified from 10A:5-3.16 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.13, "Inmate legal service", recodified to 10A:5-3.10.

10A:5-3.14 Education

Educational programs shall be made available to inmates assigned to an Administrative Segregation Unit and who are desirous of participating in an educational program.

Recodified from 10A:5-3.17 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.14, "Reading material", recodified to 10A:5-3.11.

10A:5-3.15 Visits by professional and correctional supervising staff

(a) A member of the correctional facility social work staff shall make visits to the Administrative Segregation Unit five days per week and shall be available to interview individual inmates as requested. When appropriate, referrals to other departments or staff members shall be made.

(b) The correctional facility chaplain shall also visit the Administrative Segregation Unit as requested by individual inmates to provide religious counseling or other pastoral services.

(c) The supervisor in charge of the Administrative Segregation Unit shall make daily visits to the Unit and shall be available to interview individual inmates as requested.

Recodified from 10A:5-3.18 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.15, "Correspondence, visits and telephone calls", recodified to 10A:5-3.12.

10A:5-3.16 Work opportunities

Work opportunities shall be made available to inmates assigned to the Administrative Segregation Unit to the extent possible in light of security considerations, limited resources, availability of physical facilities and budgetary constraints.

Recodified from 10A:5-3.19 by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.16, "Recreation", recodified to 10A:5-3.13.

10A:5-3.17 Psychological/psychiatric evaluations

(a) Every inmate in the Administrative Segregation Unit for six months shall receive a psychiatric or psychological evaluation and shall receive a psychiatric or psychological evaluation every three months thereafter. The evaluation shall consider, but not be limited to, the following factors:

1. The inmate's adjustment to his or her surroundings;
2. The likelihood of the inmate conforming his or her behavior to correctional facility rules and regulations; and
3. The likelihood of the inmate posing a threat to the safe, orderly and secure operations of the correctional facility.

(b) The results of the evaluation shall be available to the Special Administrative Segregation Review Committee (S.A.S.R.C.) for its periodic review of the inmate. This evaluation shall not preclude the Special Administrative Segregation Review Committee (S.A.S.R.C.) from directing that additional evaluations be made where they deem it necessary.

Recodified from 10A:5-3.20 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.17, "Education", recodified to 10A:5-3.14.

10A:5-3.18 Withdrawal of personal items or activities

(a) Whenever, in the judgment of the officer in charge of the Administrative Segregation Unit, there is imminent danger that an inmate will destroy his or her clothing or any item usually permitted the inmate in his or her cell or will do injury to himself or herself, to another person or to property with such items, the officer may deprive the inmate of such items, if practicable. Every effort shall be made to supply a substitute for the item or to permit the inmate to use the item under the supervision of the officer.

(b) Whenever an inmate is deprived of any usually authorized item or activity, a written report shall immediately be forwarded to the Superintendent or his or her designee and the supervisor of the Administrative Segregation Unit, identifying the inmate and the item or activity. In addition, the Special Administrative Segregation Review Committee (S.A.S.R.C.) shall review any such restriction within one week. Any continued restriction shall be permitted only with the written authorization of the Special Administrative Segregation Review Committee.

(c) Such restrictions shall be reviewed on a weekly basis to determine whether there is reasonable certainty that the danger to person or property is no longer imminent and the restriction may be lifted.

Recodified from 10A:5-3.21 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.18, "Visits by professional and correctional supervising staff", recodified to 10A:5-3.15.

10A:5-3.19 Selection of staff

All custody, treatment and administrative staff for Administrative Segregation Units shall be selected in accordance with Department of Personnel regulations and the terms and conditions of all collective bargaining agreements and contracts entered into between the various working units and the Department of Corrections.

Recodified from 10A:5-3.22 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-3.19, "Work opportunities", recodified to 10A:5-3.16.

10A:5-3.20 Records

(a) The following information on inmates confined in an Administrative Segregation Unit shall be available in the Unit for the use of the custodial staff:

1. Inmate's name and number;
2. Previous housing locations;
3. Unit cell or room assignments;
4. Date admitted;
5. Disciplinary charge leading to administrative segregation;