

TITLE 10A

DEPARTMENT OF CORRECTIONS

CHAPTER 1

ADMINISTRATION, ORGANIZATION AND
MANAGEMENT

Authority

N.J.S.A. 30:1B-6 and 30:1B-10; and the Americans with
Disabilities Act, 42 U.S.C. §§ 12101 et seq.

Source and Effective Date

R.2003 d.176, effective April 9, 2003.
See: 35 N.J.R. 331(a), 35 N.J.R. 1898(a).

Chapter Expiration Date

Chapter 1, Administration, Organization and Management, expires on
April 9, 2008. Subchapter 3, Disability Grievance Procedure, is exempt
from expiration under 28 C.F.R. Part 35. See: 35 N.J.R. 331(a).

Chapter Historical Note

Chapter 1, Administration, Organization and Management, was
adopted as R.1987 d.282, effective July 6, 1987. See: 19 N.J.R. 620(a),
19 N.J.R. 1214(a).

Subchapter 2, General Provisions, was adopted as R.1988 d.240, ef-
fective June 6, 1988. See: 20 N.J.R. 493(a), 20 N.J.R. 1222(c).

Subchapters 3 through 10, (Reserved), and Subchapter 11, Personal
Property of Inmates, were adopted as R.1988 d.306, effective July 5,
1988. See: 20 N.J.R. 494(a), 20 N.J.R. 1559(b).

Pursuant to Executive Order No. 66(1978). Chapter 1, Administration,
Organization and Management, was readopted as R.1992 d.269, ef-
fective June 1, 1992. See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Operation
and Procedures of the Department of Corrections; Subchapter 2, General
Procedures; Subchapters 4 through 9, (Reserved); Subchapter 10, Re-
search; and Subchapter 11, Personal Property of Inmates, expired on
June 1, 1997.

Subchapter 1, Operation and Procedures of the Department of Cor-
rections; Subchapter 2, General Procedures; Subchapters 4 through 9,
(Reserved); Subchapter 10, Research; and Subchapter 11, Personal
Property of Inmates, were adopted as R.1997 d.527, effective December
15, 1997. See: 29 N.J.R. 4231(a), 29 N.J.R. 5296(a).

Subchapter 3, Disability Discrimination Grievance Procedure, was
adopted as R.1993 d.617, effective December 6, 1993. See: 25 N.J.R.
1326(b), 25 N.J.R. 5474(a).

Chapter 1, Administration, Organization and Management, was re-
adopted as R.2003 d.176, effective April 9, 2003. See: Source and
Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. OPERATION, PROCEDURES AND
RULEMAKING ACTIVITY OF THE DEPARTMENT
OF CORRECTIONS

- 10A:1-1.1 Functions of the agency
10A:1-1.2 Procedure to petition for rulemaking

- 10A:1-1.3 Public and inmate information requests
10A:1-1.4 Reimbursement for costs of copying
10A:1-1.5 Rulemaking activity
10A:1-1.6 Notice of a proposed rule and opportunity to be heard
10A:1-1.7 Calendar of Departmental rule activity

SUBCHAPTER 2. GENERAL PROVISIONS

- 10A:1-2.1 Scope
10A:1-2.2 Definitions
10A:1-2.3 Chief Executive Officer
10A:1-2.4 Rulemaking and exemption authority
10A:1-2.5 Expiration of rule exemptions
10A:1-2.6 Effective dates of adopted and exempted rules
10A:1-2.7 Procedure for requesting rule exemptions
10A:1-2.8 Forms

SUBCHAPTER 3. DISABILITY DISCRIMINATION
GRIEVANCE PROCEDURE

- 10A:1-3.1 Definitions
10A:1-3.2 Purpose
10A:1-3.3 Required ADA notice
10A:1-3.4 Designated ADA coordinator
10A:1-3.5 Grievance procedure
10A:1-3.6 Grievance contents
10A:1-3.7 Americans with Disabilities Act Grievance Form 100
10A:1-3.8 Investigation

SUBCHAPTERS 4 THROUGH 9. (RESERVED)

SUBCHAPTER 10. RESEARCH

- 10A:1-10.1 General research provisions
10A:1-10.2 Departmental Research Review Board (DRRB)
10A:1-10.3 Procedure for submitting and handling requests to con-
duct academic, nonmedical, nonpharmaceutical, and
noncosmetic research projects to the Departmental
Research Review Board (DRRB)
10A:1-10.4 Express written inmate informed consent requirement
10A:1-10.5 Refusal to participate in research
10A:1-10.6 Inmate/parolee records
10A:1-10.7 Research findings
10A:1-10.8 Written internal management procedures

SUBCHAPTER 11. PERSONAL PROPERTY OF INMATES

- 10A:1-11.1 Inmate's responsibility for personal property
10A:1-11.2 Permissible personal property
10A:1-11.3 Non-permissible personal property
10A:1-11.4 Storage of non-permissible personal property
10A:1-11.5 Marking inmate personal property
10A:1-11.6 Inventory of inmate personal property
10A:1-11.7 Disposition of personal property when an inmate is
transferred
10A:1-11.8 Responsibility for personal property when an inmate is
released from custody of the Department of Correc-
tions
10A:1-11.9 Responsibility for personal property when inmate es-
capes
10A:1-11.10 Responsibility for personal property when an inmate
dies
10A:1-11.11 Records
10A:1-11.12 Written internal management procedures

SUBCHAPTER 1. OPERATION, PROCEDURES AND RULEMAKING ACTIVITY OF THE DEPARTMENT OF CORRECTIONS

10A:1-1.1 Functions of the agency

(a) The Department of Corrections (D.O.C.), created by statute in 1976, is a principal Department in the Executive Branch of New Jersey State Government. The functions of the D.O.C. are to:

1. Protect the public and provide for the custody, care, discipline, training and treatment of persons committed to State correctional facilities;
2. Supervise and assist in the treatment and training of persons in local correctional and detention facilities, so that such persons may be prepared for release and reintegration into the community;
3. Cooperate with other law enforcement agencies of the State to encourage a more unified system of criminal justice.
4. Provide maximum security confinement for offenders whose demonstrated propensity to acts of violence requires that these offenders be separated from the community;
5. Develop alternatives to conventional incarceration for offenders who can be dealt with more effectively in less restrictive community based facilities and programs;
6. Provide an environment for incarcerated persons which encourages rehabilitation and reintegration into the community; and
7. Protect the incarcerated offender from victimization within the correctional facilities of the D.O.C.

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

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

In (a)1, deleted "or released on parole" following "committed to State correctional facilities".

10A:1-1.2 Procedure to petition for rulemaking

(a) An interested person may apply to petition for the promulgation, amendment or repeal of any rule of the Department of Corrections. A petition shall:

1. Be in writing;
2. Be legible and intelligible; and
3. Be signed by the petitioner.

(b) Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. Citation of the rule for which the proposal is made, using N.J.A.C. references, where applicable;
3. A clear and concise statement summarizing the substance of the rule sought or change to be suggested;
4. A specific statement explaining why the suggestion is being offered and summary of reasons therefor; and

5. A citation of statutory authority under which the Department of Correction is authorized to act.

(c) The petition shall be sent to the Supervisor, Administrative Rules Unit, Office of the Commissioner, Department of Corrections, Cubberly Building, PO Box 863, Trenton, New Jersey 08625-0863.

(d) When the Commissioner, or designee, accepts the petition which satisfies the requirements of (a), (b) and (c) above, the Department of Corrections shall file the document for publication as a notice of petition for a rule in the New Jersey Register pursuant to N.J.A.C. 1:30-4.1(c).

(e) No later than 60 days following receipt of an accepted petition, the Department of Corrections shall mail to the petitioner and file for publication in the New Jersey Register a notice of action on the petition which shall contain the information described by (b) above. The notice of action shall include either:

1. A statement denying the petition and including a written statement of the reason(s);
2. A notice granting the petition and including a statement that the Department shall initiate a rulemaking proceeding within 90 days of granting the petition; or
3. A statement that the matter is being referred for further deliberations, the nature of which shall be specified and which shall be concluded within 90 days of referring the matter for further deliberations.

(f) Upon conclusion of further deliberations, as established in (e)3 above, the Department shall mail to the petitioner and file for publication in the New Jersey Register another notice of action on the petition which shall either deny the petition and include a statement of the reasons(s), or grant the petition and include a statement that the Department shall initiate rulemaking proceedings within 90 days of granting the petition.

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

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

Revised (c)-(d).

Administrative Correction in (d) and (e).

See: 24 N.J.R. 4390(a).

Administrative Change.

See: 25 N.J.R. 4105(a).

Amended by R.2001 d.220, effective July 2, 2001.

See: 33 N.J.R. 1288(a), 33 N.J.R. 2290(a).

Rewrote (c); in (d), inserted "or designee," preceding "accepts the petition", substituted references to (a), (b) and (c) for references to (a) and (b), and amended the N.J.A.C. reference; rewrote (e); added (f).

Administrative change.

See: 36 N.J.R. 1779(a).

10A:1-1.3 Public and inmate information requests

(a) Members of the public, other than inmates, may obtain general information from the Department of Corrections by writing to the Department of Corrections, Office of Public Information at PO Box 863, Trenton, New Jersey 08625-0863, by accessing the official Department of Corrections website at www.state.nj.us/corrections, or by making a telephone call to (609) 292-9340.