

**CHAPTER 4  
INMATE DISCIPLINE**

**Authority**

N.J.S.A. 30:1B-6 and 30:1B-10.

**Source and Effective Date**

R.2006 d.398, effective October 24, 2006.  
See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 4, Inmate Discipline, expires on April 21, 2012. See: 43 N.J.R. 366(a).

**Chapter Historical Note**

Chapter 4, Inmate Discipline, was adopted as R.1986 d.283, effective July 21, 1986. See: 18 N.J.R. 27(a), 18 N.J.R. 1465(a).

Subchapter 13, Resident Discipline Program for the Training School for Boys at Skillman, was repealed by R.1988 d.239, effective June 6, 1988. See: 20 N.J.R. 496(a), 20 N.J.R. 1224(a).

Subchapter 12, Appeal to Office of Administrative Law (OAL), was repealed by R.1988 d.543, effective November 21, 1988. See: 20 N.J.R. 496(b), 20 N.J.R. 2928(a).

Pursuant to N.J.S.A. 30:7-1, the following correctional facilities in Chapter 4 were redesignated: Training School for Juveniles at Jamesburg to the New Jersey Training School for Boys; Girls Unit and The Boys Unit of the Training School for Boys at Skillman to the Lloyd McCorkle Training School for Boys and Girls; Clinton Correctional Institution to the Edna Mahan Facility for Women; Trenton State Prison to the New Jersey State Prison. See: 21 N.J.R. 558(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, Inmate Discipline, was readopted as R.1991 d.276, effective May 7, 1991. See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Pursuant to Executive Order No. 66(1978), Chapter 4, Inmate Discipline, was readopted as R.1996 d.237, effective April 26, 1996. See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b). Pursuant to Executive Order No. 66(1978), Chapter 4, Inmate Discipline, expired on April 26, 2001.

Chapter 4, Inmate Discipline, was adopted as new rules by R.2001 d.221, effective July 2, 2001. See: 33 N.J.R. 1289(a), 33 N.J.R. 2291(a).

Subchapter 12, Zero Tolerance Policies of the Department of Corrections, was adopted as emergency new rules by R.2005 d.435, effective November 15, 2005, to expire on January 14, 2006. See: 37 N.J.R. 4575(a). Subchapter 12, Zero Tolerance Policies of the Department of Corrections, was adopted as concurrent new rules by R.2006 d.58, effective January 11, 2006. See: 37 N.J.R. 4575(a), 38 N.J.R. 993(a).

Chapter 4, Inmate Discipline, was readopted as R.2006 d.398, effective October 24, 2006. As a part of R.2006 d.398, Subchapter 1, Introduction, was renamed General Provisions, effective November 20, 2006. See: Source and Effective Date. See, also, section annotations.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 10A:4-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish policies to assure that inmate discipline and control are consistent with the correctional objectives of the Department of Corrections and the correctional facility;
2. Establish a comprehensive code of offenses and set of permissible punishments in order that prescribed behavior may be known by both inmates and staff;
3. Establish administrative due process safeguards in the disciplinary process as required by the United States Supreme Court in *Wolff v. McDonnell*, 418 U.S. 539

(1974) and the New Jersey Supreme Court in *Avant v. Clifford*, 67 N.J. 496 (1975);

4. Enforce rules and impose appropriate sanctions for infractions;

5. Stimulate application of disciplinary procedures which encourage future voluntary acceptance of certain behavior limitations that are necessarily being imposed upon the inmate;

6. Build and maintain morale among inmates and between staff and inmates by providing impartial and fair procedures throughout the disciplinary process.

Amended by R.1991 d. 276, effective June 3, 1991.

See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Corrected reference to Chapter in (a).

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

##### Case Notes

Correctional institution regulations held constitutional (citing former N.J.A.C. 10:35). *Avant v. Clifford*, 67 N.J. 496, 341 A.2d 629 (1975).

##### 10A:4-1.2 Scope

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

(b) This chapter shall apply to State sentenced inmates incarcerated at adult county correctional facilities.

Amended by R.1987 d. 506, effective December 21, 1987.

See: 19 N.J.R. 1531(a), 19 N.J.R. 2403(a).

Added "the Girls Unit ... Boys at Skillman".

Amended by R.1988 d. 239, effective June 6, 1988.

See: 20 N.J.R. 496(a), 20 N.J.R. 1224(a).

Added Boys Unit to the Girls Unit.

Administrative correction, effective January 27, 1989.

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

Institutional name change.

Amended by R.1994 d.182, effective April 4, 1994.

See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

##### 10A:4-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Administrative Close Supervision Unit" means a long term close custody unit to which an inmate may be assigned because of one or more disciplinary infractions or other administrative considerations.

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

"Bodily fluid" shall mean saliva, blood, urine, feces, seminal fluid or any other bodily fluid (see N.J.S.A. 2C:12-12).

“Bodily injury” shall mean physical pain, illness or any impairment of physical condition (see N.J.S.A. 2C:11-1).

“Extra duty” shall mean a task(s) other than those related to an inmate’s work or program assignment(s) to which an inmate has been assigned as a result of a violation of a prohibited act.

“Fact witness” means a witness who provides a factual account of the incident based upon his or her being personally involved in, or having personally observed the incident or aspects thereof. For example, a Department of Corrections staff member who administers a test for prohibited substances may be considered a fact witness if a question of fact exists with regard to the taking, initial testing or custody of the specimen.

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

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

“Repetitive witness” means a witness who is expected to provide substantially the same testimony as a previous witness.

“Serious bodily injury” shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ (see N.J.S.A. 2C:11-1).

“Special Classification Committee” (S.C.C.) shall mean the body composed of representatives from the Prison and Youth Complexes within the Division of Operations, which considers the transfer of inmates between complexes.

“Unavailable witness” is a witness who is unable, for medical, leave or other valid reason, to attend the disciplinary hearing.

“Weapon” shall mean anything readily capable of lethal use or of inflicting serious bodily injury (see N.J.S.A. 2C:39-1).

Amended by R.1991 d.276, effective June 3, 1991.  
See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Added definitions for “administrative close supervision unit”, “Capital sentence unit” and “counsel substitute”; amended definition for “superintendent”.

Amended by R.1994 d.182, effective April 4, 1994.  
See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).

Amended by R.1996 d.237, effective May 20, 1996.  
See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Deleted “Superintendent” and “Vroom Readjustment Unit”, added “Inmate handbook”, and amended “Extra duty”, “Handbook on Discipline” and “Special Classification Committee”.

Amended by R.2004 d.180, effective May 3, 2004.  
See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Deleted “Institutional Classification Committee (I.C.C.)” and “Inter-Institutional Classification Committee (I.I.C.C.)”

Amended by R.2004 d.293, effective August 2, 2004.  
See: 36 N.J.R. 1867(a), 36 N.J.R. 3551(a).

Inserted “Fact witness”, “Repetitive witness” and “Unavailable witness”.

Amended by R.2006 d.151, effective May 1, 2006.  
See: 38 N.J.R. 96(a), 38 N.J.R. 1836(a).

Deleted a comma in the introductory paragraph; deleted the definitions for “Asterisk offense”, “Capital Sentence Unit”, “Close custody unit”, “Commissioner”, “Custody status”, “Department”, “Disciplinary Hearing Officer”, “Disciplinary report”, “Disciplinary Sanction”, “Handbook on Discipline”, “Inmate handbook”, “On-the-spot correction”, “Prehearing detention”, “Prison Complex”, “Prohibited acts” and “Youth Complex”.

Amended by R.2007 d.198, effective July 2, 2007.  
See: 39 N.J.R. 834(b), 39 N.J.R. 2538(a).

Deleted definitions “Counsel substitute” and “Disciplinary Detention”.

Amended by R.2008 d.190, effective July 21, 2008.  
See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

Deleted definition “Administrative Segregation”.

#### 10A:4-1.4 Forms

(a) The following forms related to Inmate Discipline are printed by the Bureau of State Use Industries—DEPTCOR and each correctional facility shall purchase a supply of these forms by contacting the Bureau:

1. 253-I On-The-Spot Disciplinary Report/Adjudication;
2. 254-I Discipline Record Card;
3. 259 Disciplinary Report;
4. 259A Adjudication of Disciplinary Report.

(b) The following forms related to Inmate Discipline are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 251-I Chronic Violator Notice;
2. 251-II Chronic Violator Adjudication Notice;
3. 252 Inmate Disciplinary Hearing Attendance Refusal Notice;
4. 255-I Authorization for Prehearing Detention;
5. 256-I Appeal of Disciplinary Decision;
6. 256-II Disposition of Disciplinary Appeal.

(c) The following form related to inmate discipline shall be reproduced by each correctional facility from an original that is available by contacting the Health Services Unit:

1. HSU-010 Request for Psychological/Psychiatric Evaluation.

Administrative Correction, effective January 27, 1989.

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

Institutional name change.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Amended by R.1999 d.187, effective June 7, 1999 (operative July 1, 1999).

See: 31 N.J.R. 831(a), 31 N.J.R. 1487(b).

Added (c).

Administrative change.

See: 35 N.J.R. 1137(a).

Amended by R.2006 d.419, effective December 4, 2006.

See: 38 N.J.R. 3226(a), 38 N.J.R. 5161(a).

Added new (a)1; recodified former (a)1 through (a)3 as (a)2 through (a)4; in the introductory paragraph of (b), deleted "shall be reproduced by each correctional facility from originals that" preceding "are available", inserted "by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms" and "New Jersey Department of Corrections"; deleted former (b)4; and recodified former (b)5 through (b)7 as new (b)4 through (b)6.

## SUBCHAPTER 2. PUBLICATION OF RULES

### 10A:4-2.1 Notification of inmates about rules and regulations

(a) At the time of reception into the New Jersey Department of Corrections, each inmate shall receive a copy of the Handbook on Discipline and thereby be advised in writing of his or her rights and responsibilities, the acts and activities which are prohibited, the rules which must be followed and the disciplinary process within the correctional facilities of the Department of Corrections. Each inmate shall be required to sign a form acknowledging receipt of the Handbook on Discipline. A refusal by the inmate to sign shall be noted on the form by the issuing staff member.

(b) At the time of arrival at a correctional facility, each inmate shall receive a copy of the correctional facility Inmate Handbook which contains correctional facility rules, procedures and information about services and programs. The correctional facility Inmate Handbook shall be provided as part

of the admission-orientation program in accordance with N.J.A.C. 10A:8. Each inmate shall be required to sign a form acknowledging receipt of the correctional facility Inmate Handbook. A refusal by the inmate to sign shall be noted on the form by the issuing staff member.

(c) All changes in disciplinary rules shall be posted in housing units and other areas of the correctional facility and incorporated into the next revision of the Handbook on Discipline and when appropriate, in the correctional facility Inmate Handbook.

(d) When a correctional facility has a large number of inmates in the population who speak a foreign language, the rules shall be printed and presented verbally in the foreign language.

(e) For illiterate inmates or inmates otherwise unable to read or write due to a physical/medical inability, the rules shall be verbally communicated and assistance shall be provided to those inmates unable to provide written acknowledgement.

Amended by R.1991 d.276, effective June 3, 1991.

See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Corrected internal N.J.A.C. cite to Handbook.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

### 10A:4-2.2 Review of inmate rules

The Administrator of the correctional facility shall be responsible for maintaining an ongoing rule review process to ensure that the rules are current and appropriate.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

1. Up to 15 calendar days of Disciplinary Detention;
2. Loss of one or more correctional facility privileges up to 30 calendar days;
3. Administrative Segregation for a specified time not to exceed one year, subject to confirmation by the Institutional Classification Committee;
4. Loss of commutation time up to 365 calendar days, subject to confirmation by the Administrator (inmates serving indeterminate sentences do not earn commutation time and are therefore not subject to this sanction);
5. Loss of furlough privileges for up to two months;
6. Up to two weeks confinement to room or housing area;
7. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
8. Confiscation;
9. Up to 14 hours extra duty, to be performed within a maximum of two weeks;
10. Suspension of any one or more of the above sanctions at the discretion of the Disciplinary Hearing Officer or Adjustment Committee for 60 calendar days; and/or
11. Referral to the Mental Health Unit for appropriate care/treatment.

(b) A finding of guilt in the case of all other offenses shall render the offender subject to one or more of the following sanctions:

1. Up to 15 calendar days of Disciplinary Detention;
2. Loss of one or more correctional facility privileges up to 30 calendar days;
3. Up to 60 calendar days loss of commutation time, subject to confirmation by the Administrator;
4. Administrative Segregation for a specified time not to exceed 90 calendar days subject to confirmation by the Institutional Classification Committee;
5. Loss of furlough privileges for up to two months;
6. Up to two weeks confinement to room or housing area;
7. Any sanction prescribed for On-The-Spot Correction (see N.J.A.C. 10A:4-7);
8. Confiscation;
9. Up to 14 hours extra duty, to be performed within a maximum of two weeks;
10. Suspension of any one or more of the above sanctions at the discretion of the Disciplinary Hearing Officer or Adjustment Committee for 60 calendar days; and/or

11. Referral to the Mental Health Unit for appropriate care/treatment.

(c) Pursuant to the "Zero Tolerance Drug/Alcohol Policy" as defined in N.J.A.C. 10A:1-2.2, a finding of guilt to any of the following prohibited acts shall result in termination of contact visit privileges and ineligibility for consideration for any custody status lower than medium custody until after contact visit privileges are reinstated.

1. \*.203 possession or introduction of any prohibited substances such as drugs, intoxicants or related paraphernalia not prescribed for the inmate by the medical or dental staff;

2. \*.204 use of any prohibited substances such as drugs, intoxicants or related paraphernalia not prescribed for the inmate by the medical or dental staff;

3. \*.215 possession with intent to distribute or sell prohibited substances such as drugs, intoxicants or related paraphernalia;

4. \*.216 distribution or sale of prohibited substances such as drugs, intoxicants or related paraphernalia;

5. \*.258 refusing to submit to testing for prohibited substances;

6. \*.259 failure to comply with an order to submit a specimen for prohibited substance testing (see N.J.A.C. 10A:3-5);

7. \*.261 tampering with a test specimen;

8. \*.551 making intoxicants, alcoholic beverages or prohibited substances such as narcotics and controlled dangerous substances or making related paraphernalia;

9. \*.552 being intoxicated;

10. \*.708 refusal to submit to a search (when the inmate has been given advance verbal notice that the search is being conducted due to reasonable suspicion related to possession, sale or use of prohibited substances such as drugs, alcohol or intoxicants and the advance notice has been documented on Form 259 Disciplinary Report); and

11. \*.803 attempting to commit any of the above acts preceded by an asterisk, aiding another person to commit any such act or making plans to commit such acts shall be considered the same as a commission of the act itself.

(d) Pursuant to the "Zero Tolerance Drug/Alcohol Policy" as defined in N.J.A.C. 10A:1-2.2, a finding of guilt to prohibited act \*.205 misuse of authorized medication (such as narcotics and controlled dangerous substances), as determined by the Disciplinary Hearing Officer or Adjustment Committee, may result in termination of contact visit privileges and ineligibility for consideration for any custody status lower than medium custody until after contact visit privileges are reinstated.

(e) Pursuant to the “Zero Tolerance for Misuse or Possession of an Electronic Communication Device Policy” as defined at N.J.A.C. 10A:1-2.2, a finding of guilt to prohibited act \*.009 as determined by the Disciplinary Hearing Officer or Adjustment Committee, shall result in:

1. The termination of contact visit privileges;
2. Ineligibility for consideration for any custody status lower than medium custody until after the contact visit privileges are reinstated;
3. Any administrative action and program requirements deemed necessary in accordance with this section; and
4. Referral to the prosecutor of the county in which the correctional facility is located pursuant to N.J.A.C. 10A:4-4.2 and in accordance with N.J.S.A. 2C:29-10.

(f) In accordance with N.J.S.A. 30:4-140.1, a finding of guilt to \*.360 unlawfully obtaining or seeking to obtain personal information pertaining to an inmate’s victim or the victim’s family shall subject an inmate to the forfeiture of up to 365 accumulated commutation credits and up to 72 work time credits.

(g) In addition to the sanctions in this section, administrative action may be taken when approved by the Institutional Classification Committee upon the recommendation of the Disciplinary Hearing Officer/Adjustment Committee or the Administrator or designee. Such administrative action may include, but not be limited to, the following:

1. Recommending transfer to a more appropriate correctional facility or unit (excluding units not considered punitive, such as, but not limited to, a Security Threat Group Management Unit);
2. Increasing custody status;
3. Changing work or housing assignments;
4. Assigning to a treatment program;
5. Assessing restitution for damage, alteration or destruction of State property, the property of another person, or violation of prohibited act .707 which results in undue expenditure of State funds;
6. Recommending loss of telephone, radio and/or television privileges for up to one year;
7. Recommending loss of contact visit privileges for up to one year provided the offense is specifically related to, or concerned with a visit program, except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c) through (e);
8. Recommending loss of recreation privileges for up to 180 calendar days provided the offense is specifically related to, or concerned with a recreation privilege;
9. Disposal of an item(s) in accordance with the provisions of N.J.A.C. 10A:3-6.3(b)2, 3 and 4; and/or

10. For New Jersey State Prison only: placing in a “DRY” cell during prehearing and lockup status.

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

Institutional name change.

Amended by R.1991 d.276, effective June 3, 1991.  
See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Added sanctions of up to 14 hrs. extra duty and up to 2 weeks of confinement to room or housing area.

Amended by R.1993 d.584, effective November 15, 1993.

See: 25 N.J.R. 4435(a), 25 N.J.R. 5169(a).

Amended by R.1994 d.254, effective May 16, 1994.

See: 26 N.J.R. 1286(a), 26 N.J.R. 2129(a).

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Deleted reference to the Adult Diagnostic and Treatment Center and the Edna Mahan Correctional Facility for Women, in (c)5 added damage to property of another person, and in (c)6 added loss of telephone, radio and television privileges.

Administrative correction.

See: 29 N.J.R. 2563(a).

In (c)7, changed N.J.A.C. reference.

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

Added a new (c); and rewrote and recodified former (c) as (d).

Amended by R.1999 d.187, effective June 7, 1999 (operative July 1, 1999).

See: 31 N.J.R. 831(a), 31 N.J.R. 1487(b).

Substituted references to the Administrator for references to the Superintendent throughout; and in (a) and (b), added 11.

Amended by R.2000 d.143, effective April 3, 2000.

See: 32 N.J.R. 166(a), 32 N.J.R. 1216(a).

Inserted a new (d); and recodified former (d) as (e), and made an internal reference change in the introductory paragraph. Petition for Rulemaking.

Amended by R.2002 d.99, effective April 1, 2002.

See: 33 N.J.R. 4194(a), 34 N.J.R. 1426(a).

In (c), added “and ineligibility for consideration for any custody status lower than medium custody until after contact visit privileges are reinstated;” following “privileges” in the introductory paragraph.

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

In (e), substituted “of” for “or” following “upon the recommendation” in the introductory paragraph and deleted “. (This shall be subject to confirmation by the Inter-Institutional Classification Committee.)” in 1.

Amended by R.2004 d.294, effective August 2, 2004.

See: 36 N.J.R. 1657(a), 36 N.J.R. 3552(a).

In (c), deleted former 3 and recodified former 4 through 12 as 3 through 11; added a new (d) and recodified former (d) through (e) as (e) through (f).

Amended by R.2005 d.132, effective May 2, 2005.

See: 37 N.J.R. 196(a), 37 N.J.R. 1522(a).

In (f), inserted “when approved” following “administrative action may be taken” in the introductory paragraph, inserted “and/or” preceding “television”, deleted “; and contact visit” preceding “privileges” in 6, added new 7, 8, recodified existing 7, 8 as 9, 10.

Emergency amendment, R.2005 d.435, effective November 15, 2005, (to expire January 14, 2006).

See: 37 N.J.R. 4575(a).

Added new (e); recodified former (e) as (f); in (f), corrected typographical errors in two places, added “the” following “victim or”; recodified former (f) as (g); in the introductory paragraph of (g), substituted “this section” for “(a), (b), (c), (d) and (e) above”; in (g)7 added “through (e)” in two places.

Adopted concurrent amendment, R.2006 d.58, effective January 11, 2006.

See: 37 N.J.R. 4575(a), 38 N.J.R. 993(a).

Provisions of R.2005, d.435, adopted without change.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Inserted “calendar” preceding “days” throughout; in (a)1 and (b)1, inserted “of”; rewrote (a)4, (a)6, (a)10, (b)6 and (b)10; and in (g)7, updated N.J.A.C. reference.

Amended by R.2008 d.118, effective May 5, 2008.  
See: 40 N.J.R. 84(a), 40 N.J.R. 2278(a).

In the introductory paragraph of (c) and (d), enclosed "Zero Tolerance Drug/Alcohol Policy" in quotes; in (d), inserted "prohibited act"; and rewrote (e).

### 10A:4-5.2 (Reserved)

Amended by R.1987 d.155, effective April 6, 1987.  
See: 19 N.J.R. 178(b), 19 N.J.R. 534(b).

Added new (b)3; recodified old (b)3.-8. to (b)4.-9.  
Amended by R.1991 d.276, effective June 3, 1991.  
See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Language added to clarify to whom the loss of commutation time applies; added recommending loss of privileges at (c)5.

Amended by R.1993 d.584, effective November 15, 1993.  
See: 25 N.J.R. 4435(a), 25 N.J.R. 5169(a).

Amended by R.1994 d.254, effective May 16, 1994.  
See: 26 N.J.R. 1286(a), 26 N.J.R. 2129(a).

Amended by R.1996 d.237, effective May 20, 1996.  
See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

In (c)3 added damage to property of another person, and in (c)6 added loss of telephone, radio and television privileges.

Amended by R.1998 d.526, effective November 2, 1998.  
See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

Added a new (c); and rewrote and recodified former (c) as (d).

Amended by R.1999 d.187, effective June 7, 1999 (operative July 1, 1999).

See: 31 N.J.R. 831(a), 31 N.J.R. 1487(b).

Substituted references to the Administrator for references to the Superintendent throughout; in (a) and (b), added 11; and in (d)7, changed N.J.A.C. reference.

Amended by R.2000 d.143, effective April 3, 2000.  
See: 32 N.J.R. 166(a), 32 N.J.R. 1216(a).

Inserted a new (d); and recodified former (d) as (e), and made an internal reference change in the introductory paragraph.  
Petition for Rulemaking.

See: 34 N.J.R. 784(b).

Amended by R.2002 d.99, effective April 1, 2002.

See: 33 N.J.R. 4194(a), 34 N.J.R. 1426(a).

In (c), added "and ineligibility for consideration for any custody status lower than medium custody until after contact visit privileges are reinstated;" following "privileges" in the introductory paragraph.

Amended by R.2004 d.180, effective May 3, 2004.

See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

Rewrote (a)8; in (e)4, deleted "and subject to confirmation by the Inter-Institutional Classification Committee" after "Security Threat Group Management Unit)".

Amended by R.2004 d.294, effective August 2, 2004.

See: 36 N.J.R. 1657(a), 36 N.J.R. 3552(a).

In (c), deleted former 3 and recodified former 4 through 12 as 3 through 11; added a new (d) and recodified former (d) through (e) as (e) through (f).

Amended by R.2005 d.132, effective May 2, 2005.

See: 36 N.J.R. 196(a), 37 N.J.R. 1522(a).

In (f), inserted "when approved" following "administrative action may be taken" in the introductory paragraph, inserted "and/or" preceding "television", deleted ", and contact person" preceding "privileges" in 6, added new 7, 8, recodified existing 7 as 9.

Emergency amendment, R.2005 d.435, effective November 15, 2005, (to expire January 14, 2006).

See: 37 N.J.R. 4575(a).

Added new (e); recodified former (e) as (f); in (f), corrected typographical errors in two places, added "the" following "victim or"; recodified former (f) as (g); in the introductory paragraph of (g), substituted "this section" for "(a), (b), (c), (d) and (e) above"; in (g)7 added "through (e)" in two places.

Adopted concurrent amendment, R.2006 d.58, effective January 11, 2006.

See: 37 N.J.R. 4575(a), 38 N.J.R. 993(a).

Provisions of R.2005, d.435, adopted without change.

Repealed by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Section was "Schedule of sanctions for prohibited acts committed at the Youth Complex".

### 10A:4-5.3 Limitation on sanctions

(a) All disciplinary charges pending when the inmate begins serving time in Disciplinary Detention must be adjudicated prior to the completion of the inmate's Disciplinary Detention time. No inmate may receive more than 15 calendar days in Disciplinary Detention as a result of a single disciplinary charge except as established in N.J.A.C. 10A:4-6, Chronic violator.

1. If an inmate is found guilty of more than one disciplinary charge arising out of one incident, the inmate may receive up to 15 calendar days for each disciplinary charge provided that the total time to be served in the Disciplinary Detention does not exceed 30 calendar days.

2. If an inmate is found guilty of more than one disciplinary charge arising out of separate incidents and occurring before the inmate begins serving time in Disciplinary Detention, the inmate may receive up to 15 calendar days for each disciplinary charge provided that the total time to be served in Disciplinary Detention does not exceed 30 calendar days.

3. If an inmate receives one or more disciplinary charges while serving in Disciplinary Detention, the inmate may receive up to 15 additional calendar days in Disciplinary Detention per charge provided that the total time in Disciplinary Detention does not exceed a total of 30 calendar days.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

In (a) added exception as established in 10A:4-6.

Recodified from N.J.A.C. 10A:4-5.4 by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

Former N.J.A.C. 10A:4-5.3 was repealed. Section was "Schedule of sanctions for prohibited acts committed at the New Jersey Training School for Boys and the Juvenile Medium Security Facility".

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Inserted "calendar" preceding "days" throughout.

### 10A:4-5.4 (Reserved)

Recodified to N.J.A.C. 10A:4-5.3 by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

Section was "Limitation on Sanctions".

## SUBCHAPTER 6. CHRONIC VIOLATOR

### 10A:4-6.1 Scope

The rules in this subchapter apply to all inmates serving prison sentences within the Division of Operations.

Administrative Correction, effective January 27, 1989.

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

Institutional name change.  
Amended by R.1996 d.237, effective May 20, 1996.  
See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).  
Rewrote section.

### 10A:4-6.2 Criteria for designating a chronic violator

An inmate may be designated a chronic violator if, while currently serving the maximum time in detention (30 calendar days), the inmate continues to exhibit seriously assaultive or destructive behavior such as to constitute a continuing danger to other persons, and where alternative disciplinary sanctions or housing assignments would be inappropriate or ineffective.

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

Institutional name change.  
Amended by R.1996 d.237, effective May 20, 1996.  
See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).  
Substituted detention for lockup.  
Amended by R.2006 d.398, effective November 20, 2006.  
See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).  
Inserted "calendar".

### 10A:4-6.3 Procedures for designation of a chronic violator

(a) Disciplinary charges lodged against an inmate during the time the inmate is currently serving a 30 calendar-day term for other disciplinary violations shall be given directly to the Administrator in charge of the Administrative Close Supervision Unit (ACSU). A copy of each charge shall be given to the inmate within 48 hours unless exceptional circumstances exist.

(b) The Administrator in charge of the Administrative Close Supervision Unit (ACSU) shall be responsible for ordering that each charge be investigated and the Administrator shall review each charge and investigation to personally obtain all relevant information.

(c) If after review of all the reports and personal interviews with reporting staff that is deemed necessary to clarify facts or circumstances, the Administrator in charge of the Administrative Close Supervision Unit (ACSU) concludes that the inmate would pose a serious threat to persons or to the security or orderly operation of the Unit or correctional facility if released from detention, the Administrator shall schedule the case for a due process hearing before the Department's Disciplinary Hearing Officer.

(d) Prior to the hearing, the inmate shall be examined by a psychiatrist or psychologist to ascertain the inmate's mental condition, need for treatment or indication of need for transfer to a psychiatric facility (See N.J.A.C. 10A:16-13, Commitment for Psychiatric Treatment). The psychiatrist or psychologist shall visit the inmate at least once per month during the inmate's continued confinement in detention, and shall file a written report after each visit as to the inmate's mental condition and adjustment.

(e) The inmate shall receive at least 24 hours advance written notice on Form 251-I Chronic Violator Notice that the

inmate is under consideration for designation as a chronic violator and that the inmate may have the assistance of an inmate paralegal at the scheduled hearing (See N.J.A.C. 10A:4-9, Disciplinary procedures and Form 251-I). The notice shall include a copy of the disciplinary charges which form the basis for this action.

(f) The hearing shall be held in accordance with N.J.A.C. 10A:4-9 and may be held before the expiration of the inmate's 30 calendar-day term.

(g) If after review of all reports and testimony, the Disciplinary Hearing Officer or Adjustment Committee concludes that the inmate cannot safely be released from detention at the expiration of the 30 calendar-day term, the inmate shall be designated a chronic violator. The decision of the Disciplinary Hearing Officer/Adjustment Committee shall be referred to the appropriate Institutional Classification Committee (I.C.C.) for review and approval. The inmate shall remain in Disciplinary Detention until, at a subsequent hearing, the Disciplinary Hearing Officer determines that the inmate has demonstrated that the inmate will control his or her behavior and will refrain from repetitive acts of assault or destruction of property.

(h) A due process hearing shall be held every 15 calendar days to review the inmate's conduct and adherence to correctional facility regulations. The Disciplinary Hearing Officer shall review all disciplinary reports and shall ascertain from the reports, investigations, psychiatric evaluation and testimony where deemed necessary, whether the inmate's conduct is sufficiently under control to permit the inmate's safe release from detention.

(i) After the due process hearing has been completed, Form 251-II, Chronic Violator Adjudication Notice containing a written statement of the fact-findings shall be given to the inmate by the Disciplinary Hearing Officer. A copy of the due process hearing shall be kept in the Disciplinary Hearing Officers' records and in the inmate's classification folder.

(j) During the inmate's confinement as a chronic offender, a social worker and the custody staff supervisor or unit supervisor shall visit the inmate daily to monitor the inmate's needs and provide for programmatic involvement so far as is possible. The inmate shall be permitted to shower and participate in yard exercise as is consistent with correctional facility procedures, considering the safety of the inmate and the continued secure, orderly operation of the unit or correctional facility.

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

Institutional name change.  
Amended by R.1989 d.136 effective March 20, 1989.  
See: 21 N.J.R. 10(b), 21 N.J.R. 766(a).

References to Assistant Superintendents at the Administrative Close Supervision Unit (ACSU) and the Edna Mahan Correctional Facility for Women, added.  
Amended by R.1990 d.34, effective January 16, 1990.  
See: 21 N.J.R. 3240(a), 22 N.J.R. 232(a).

1. A supervisory custody staff member of the rank of Captain or above (or a Lieutenant in case of a Captain's absence);

2. A correctional facility supervisor from the medical, administrative, social services, educational or treatment staff; and

3. A civilian line staff member.

(b) A staff member shall not participate as a member of the Adjustment Committee if the Committee is hearing an incident that the staff member has reported and/or investigated.

(c) A staff member witnessing an incident under consideration should not participate as a member of the Adjustment Committee unless the incident has been so widely witnessed that virtually every staff member has witnessed it in whole or in part.

Amended by R.1996 d.237, effective May 20, 1996.  
See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).  
Amended by R.2006 d.398, effective November 20, 2006.  
See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (c) and (d), substituted "participate" for "sit".  
Amended by R.2008 d.97, effective April 21, 2008.  
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In the introductory paragraph of (a), deleted ", other than the Adjustment Committee of the Capital Sentence Unit (C.S.U.)" preceding "shall be composed".

Amended by R.2009 d.74, effective March 2, 2009.  
See: 40 N.J.R. 6374(a), 41 N.J.R. 1052(b).

Deleted former (b); and recodified former (c) and (d) as (b) and (c).

#### **10A:4-8.4 Authority of Disciplinary Hearing Officer or Adjustment Committee**

(a) The Disciplinary Hearing Officer or Adjustment Committee shall have the authority to summon witnesses, take testimony, receive documentary evidence and shall have access to all correctional facility records which are relevant and necessary to the adjudication of any disciplinary case.

(b) The Disciplinary Hearing Officer or Adjustment Committee shall have the discretion to keep the hearing within reasonable limits and to refuse to permit the collection and presentation of evidence which is not necessary for an adequate understanding of the case. The Committee Chairperson or Disciplinary Hearing Officer shall exercise control over all presentations to prevent lack of relevancy, harassment, abuse or repetitiveness such as, but not limited to, a repetitive witness and to ensure that the hearing does not develop into an adversarial proceeding.

Amended by R.2006 d.398, effective November 20, 2006.  
See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (b), inserted "such as, but not limited to, a repetitive witness" and substituted "ensure" for "insure" and "adversarial" for "adversary".

#### **10A:4-8.5 Decisions of the Adjustment Committee**

Decisions of an Adjustment Committee at those correctional facilities utilizing such a Committee shall be by majority vote with each member having an equal vote and an

equal right to participate in the fact-finding, discussions and deliberations of the Committee.

## **SUBCHAPTER 9. DISCIPLINARY PROCEDURES**

### **Subchapter Historical Note**

Petition for Rulemaking. See: 35 N.J.R. 1594(b).

#### **10A:4-9.1 Disciplinary report**

(a) When a violation of a prohibited act as identified in N.J.A.C. 10A:4-4, Inmate Prohibited Acts has occurred, the staff member who witnessed it or who has probable cause to believe that a prohibited act has occurred shall prepare Form 259 Disciplinary Report and forward it to the appropriate correctional supervisor.

(b) The correctional supervisor may change the report to an On-The-Spot Disciplinary Report/Adjudication or forward it to the Disciplinary Hearing Officer or Adjustment Committee for further disposition.

#### **10A:4-9.2 Notification of inmate**

The disciplinary report shall be served upon the inmate within 48 hours after the violation unless there are exceptional circumstances. The report shall be delivered by the reporting staff member or the investigating custody staff member. The report shall be signed by the person delivering it and the date and time of delivery shall be noted. The inmate shall have 24 hours to prepare his or her defense.

### **Case Notes**

Deviation from requirement that inmate have 24 hours to prepare defense should be permitted only in extreme circumstances. *Jacobs v. Stephens*, 139 N.J. 212, 652 A.2d 712 (1995).

Violation of rule requiring that inmate have 24 hours to prepare defense to disciplinary charges was harmless. *Jacobs v. Stephens*, 139 N.J. 212, 652 A.2d 712 (1995).

Inmate not prejudiced because he received only 24 hours notice of his disciplinary report, subsequent to the completion of the investigation of the charges against him. *Negron v. Department of Corrections*, 220 N.J.Super. 425, 532 A.2d 735 (App.Div.1987).

#### **10A:4-9.3 Notification of use of immunity**

In all cases, the inmate shall be advised of the inmate's right to use immunity at any investigative interview and at the disciplinary hearing. This warning shall consist of a statement that any statements made in connection with the disciplinary hearing or any evidence derived directly or indirectly from those statements shall not be used in any subsequent criminal proceeding. The failure to give this warning by the investigating custody staff member shall not be grounds for dismissing the disciplinary report. The Disciplinary Hearing Officer at his or her discretion or the Adjustment Committee at its discretion may grant a postponement if it is determined

that such failure has precluded the inmate from adequately preparing his or her defense at the hearing.

Amended by R.1991 d.276, effective June 3, 1991.  
See: 23 N.J.R. 658(a), 23 N.J.R. 1797(b).

Added reference to the Adjustment Committee.

#### Law Review and Journal Commentaries

Survey of Recent Developments in United States and New Jersey Law. Michael Ben-David, Stacy A. Dowling, Kristina K. Pappa, Douglas Friedman, Michael S. Rubin, Kerrie Restieri-Heslin, 25 Seton Hall L.Rev. 1332 (1995).

#### 10A:4-9.4 Effect of use immunity

(a) An inmate's failure to invoke use immunity and make a statement in his/her defense may be considered by the Disciplinary Hearing Officer or Adjustment Committee together with the other evidence in decision making.

(b) A finding of guilt at a disciplinary hearing, however, shall not be predicated solely upon an inmate's silence.

#### 10A:4-9.5 Investigation

(a) An investigation of the infraction shall be conducted by designated staff of the correctional facility within 48 hours of the time the disciplinary report is served upon the inmate.

(b) The Administrator shall appoint a coordinator of investigations who shall be an employee of supervisory level. The Administrator may also appoint one or more investigating officers. For the purpose of this section, "investigating officer" means an employee of supervisory level who has not been involved in the particular incident to be investigated.

(c) The coordinator of investigations shall be responsible for:

1. All investigations of disciplinary charges. The coordinator may assign individual investigations to an investigating officer who shall be responsible to the coordinator for completing the assignments;

2. Forwarding a list of all inmates who have a pending disciplinary infraction to the Mental Health Unit for a determination as to which inmates should be considered special needs inmates; and

3. Ensuring that Mental Health Unit staff provide said determination to the investigating officer and Disciplinary Hearing Officer/Adjustment Committee.

(d) The Disciplinary Hearing Officer/Adjustment Committee shall determine the need to obtain a psychological/psychiatric evaluation based upon the nature of the infraction, the determination from the Mental Health Unit regarding whether the inmate is a special needs inmate and/or any other relevant information.

1. In those cases where a psychological/psychiatric evaluation is necessary, the Disciplinary Hearing Officer/Adjustment Committee shall forward Form HSU-010, Request for Psychological/Psychiatric Evaluation to the Lead Psychologist.

2. Upon completion and receipt of the evaluation report from the Lead Psychologist, the Disciplinary Hearing Officer/Adjustment Committee shall consider the information provided in the evaluation report along with any other information gathered during the investigation.

(e) The investigating officer shall thoroughly investigate the incident. As part of this investigation, the investigating officer shall verify that the inmate has received the written charge. The investigating officer shall also read the charge to the inmate, inform the inmate of the inmate's use immunity rights, take the inmate's plea, and ask if the inmate wishes to make a statement concerning the incident or infraction. The investigating officer shall take the inmate's statement concerning the incident. The investigating officer may talk to witnesses and the reporting staff member and summarize their statements as may be necessary. Comments about the inmate's attitude may be included in the investigatory report. The investigating officer shall attach to the investigatory report, evidence such as, but not limited to, staff reports, photographs of physical evidence, analysis of specimens collected, continuity of evidence forms and confiscation forms.

(f) The inmate may submit to the investigating officer a written request for inmate witnesses. Written requests will be attached to the record of the case.

(g) The investigating officer may include comments and conclusions regarding the inmate's prior record and behavior, the investigating officer's analysis of any conflicts between witnesses, and the conclusions of the investigating officer regarding the incident. The inmate shall not receive a copy of the investigative record.

(h) The inmate may obtain a copy of inmate witness statements, provided that the Department of Corrections finds that such a disclosure would not compromise correctional facility safety, security, orderly operation, and goals.

Amended by R.1995 d.542, effective October 16, 1995.

See: 27 N.J.R. 2853(a), 27 N.J.R. 3957(a).

Amended by R.1999 d.187, effective June 7, 1999 (operative July 1, 1999).

See: 31 N.J.R. 831(a), 31 N.J.R. 1487(b).

In (b), substituted a reference to the Administrator for a reference to the Superintendent; rewrote (c); inserted a new (d); and recodified former (d) through (g) as (e) through (h).

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Substituted "investigating officer" for "investigator" throughout; in (a), inserted "designated staff of"; rewrote (b); in the introductory paragraph of (c), inserted "of investigations"; rewrote (c)3; in (e), inserted the final sentence; rewrote (g); and in (h), inserted "orderly operation."

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Amended by R.1999 d.187, effective June 7, 1999 (operative July 1, 1999).

See: 31 N.J.R. 831(a), 31 N.J.R. 1487(b).

In (a), substituted a reference to health care staff for a reference to medical staff; in (b), substituted a reference to health care staff members for a reference to medical persons; and in (c), added the second and third sentences.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Inserted "provider" throughout; and in (c), deleted "/dental" preceding "record".

#### 10A:4-10.9 Emergency evacuation

Each correctional facility shall develop a written evacuation plan in case of fire or other emergencies.

#### 10A:4-10.10 Visits by social services and correctional supervisory staff

(a) A member of the correctional facility social services staff shall visit the inmates in Disciplinary Detention daily to determine any emergencies or unusual needs of the inmates.

(b) Inmates shall receive at least daily visits from the senior custody staff supervisor in charge of the Disciplinary Detention area.

#### 10A:4-10.11 Chaplain services

Inmates confined in Disciplinary Detention shall not be denied pastoral services. The correctional facility chaplain shall visit this area to provide religious counseling or other pastoral services in response to an inmate's written request. An outside religious leader approved by the chaplain and Administrator to conduct religious activities may visit this area to provide religious counseling or other pastoral services in response to an inmate's written request.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Deleted inmate handbook requirement.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Deleted "or an outside religious leader approved by the chaplain and Administrator to conduct religious activities" following "chaplain" and "in response to an inmate's written request" following "area", and inserted "in response to an inmate's written request" and the final sentence.

#### 10A:4-10.12 Food

(a) Disciplinary Detention or Prehearing Detention inmates shall be served the normal correctional facility meals on the menu of the day or such special diet as shall be prescribed.

(b) Disposable utensils shall be used when necessary.

#### 10A:4-10.13 Correspondence, visits and telephone calls

(a) Inmates in Disciplinary Detention shall have the same opportunities to send and receive written correspondence that

are available to inmates in the general population (see N.J.A.C. 10A:18, Mail, Visits and Telephone).

(b) Inmates in Disciplinary Detention shall not be provided with visit or telephone opportunities while in Disciplinary Detention except:

1. Legal visits and legal telephone calls as authorized by the Administrator or designee; and

2. The Administrator or designee may authorize a special visit or telephone call for an inmate when there are compelling reasons to do so.

(c) In the event a Disciplinary Detention visit restriction that exceeds existing internal management visit procedures is deemed necessary by the Administrator or designee, efforts shall be made to provide such notification to expected visitors prior to the next regularly scheduled visit period. Inmates shall be responsible for such notification when time allows for correspondence.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In the introductory paragraph of (b), substituted "except:" for "with the exception of legal telephone calls."; added new (b)1; deleted (b)2, recodified former (b)1 as new (b)2; and added new (c).

#### 10A:4-10.14 Grooming, showering and shaving

Barbering and hair care services shall be provided in the Disciplinary Detention area, as needed. Each inmate shall be given the opportunity to shave and shower a minimum of two times a week, unless permitting these activities would present an undue security hazard.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Substituted "a minimum of" for "not less than" and deleted the former last sentence.

#### 10A:4-10.15 Reading material

Inmates in Disciplinary Detention shall be permitted to retain in their possession an amount of reading material that is consistent with the maintenance of security and the orderly operation of the Unit. Reading material containing disapproved content or material not permitted in Disciplinary Detention is set forth in N.J.A.C. 10A:18, Mail, Visits and Telephone.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Inserted "containing disapproved content or material" and substituted "set forth" for "outlined".

#### 10A:4-10.16 Recreation

Where conditions permit, correctional facilities shall provide recreation outside the cells at least five hours per week.

**10A:4-10.17 Records in Disciplinary Detention**

(a) The following information regarding inmates confined in Disciplinary Detention status shall be available in the Unit for the use of the custody staff:

1. Inmate name;
2. Number;
3. Housing location;
4. Unit;
5. Cell or room assignment;
6. Date admitted;
7. Disciplinary charge leading to Disciplinary Detention;
8. Expiration date of Disciplinary Detention; and
9. Special medical or psychiatric problems.

(b) Visits by medical, psychiatric, social services or custody supervisory staff and all unusual behavior shall be noted in the Unit log book together with the time and date of occurrence.

**10A:4-10.18 Correctional facility internal management procedures and post orders**

(a) Each correctional facility shall develop written procedures and post orders consistent with this subchapter.

(b) The written internal management procedures and post orders for the Detention Program shall be submitted to the Office of the Commissioner or designee for review and approval on or before January 31 of each year.

Amended by R.1996 d.237, effective May 20, 1996.  
See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).  
Amended by R.2002 d.65, effective March 4, 2002.  
See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (b), substituted "Commissioner or designee" for "Chief of Staff" preceding "for review".

Amended by R.2006 d.398, effective November 20, 2006.  
See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Section was "Correctional facility procedures". In (b), inserted "internal management".

**SUBCHAPTER 11. APPEALS OF DISCIPLINARY DECISIONS****Subchapter Historical Note**

Petition for Rulemaking. See: 35 N.J.R. 1594(b).

**10A:4-11.1 Time limit to file an appeal**

(a) When an inmate is provided a disciplinary decision, the Disciplinary Hearing Officer or Adjustment Committee shall advise the inmate in writing of his or her opportunity to appeal the decision to the Administrator or designee.

1. Inmates confined within correctional facilities shall have 48 hours from receipt of the disciplinary decision to make such appeal.

2. Inmates assigned to satellite units shall have 48 hours to present the appeal form to a designated individual at the unit who shall deliver it to the Administrator or designee.

(b) In all cases, the Administrator or designee may, for good cause shown, accept appeals submitted after the prescribed deadline.

Administrative Correction, effective January 27, 1989.

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

Institutional name change.

Amended by R.1996 d.237, effective May 20, 1996.

See: 28 N.J.R. 1464(a), 28 N.J.R. 2555(b).

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (a), deleted "his or her" preceding "designee" in the introductory paragraph, deleted former 2 and recodified former 3 as 2; and in (b), deleted "his/her" preceding "designee".

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

Rewrote introductory paragraph of (a); in (a)1, inserted "confined" and deleted "the main" preceding "correctional" and "of the Prison or Youth Complex" following "facilities"; and in (a)2, substituted "assigned to" for "in" and inserted "or designee".

**Case Notes**

Inmate's federal court claim that disciplinary proceedings violated his constitutional rights was barred under doctrine of claim preclusion. *Rodziewicz v. Beyer*, D.N.J.1992, 809 F.Supp. 1164.

**10A:4-11.2 Processing appeal**

(a) The inmate shall use the Appeal of Disciplinary Decision Form 256-I to request an appeal of a disciplinary decision.

(b) Upon submission of Form 256-I, the person accepting the appeal form shall sign, date and note the time on the original and copies in the inmate's presence. A copy of the form shall be given to the inmate.

(c) The appeal form shall be brought to the office of the Administrator or designee during the same shift the appeal is received from the inmate.

(d) All appeals shall be considered by the Administrator or designee of the correctional facility in which the charge was received.

(e) If the inmate has been transferred before the appeal is heard, the appeal form shall be delivered to the Administrator or designee of the correctional facility from which the charges were issued within 48 hours of receipt of the form from the inmate.

(f) Inmates unable to complete Form 256-I Appeal of Disciplinary Decision may request assistance from another inmate in preparing the form. When Form 256-I has been completed by an inmate other than the inmate who received