

CHAPTER 12
INMATE GROUPS

Authority

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

Source and Effective Date

R.2009 d.321, effective September 23, 2009.
See: 41 N.J.R. 2608(a), 41 N.J.R. 3937(a).

Chapter Expiration Date

Chapter 12, Inmate Groups, expires on September 23, 2014.

Chapter Historical Note

Chapter 12, Inmate Groups, was adopted as R.1995 d.115, effective March 6, 1995. See: 26 N.J.R. 4881(a), 27 N.J.R. 916(b).

Subchapter 1, General Provisions, and Subchapter 2, Organization of Inmate Groups, were adopted as new rules, and Subchapter 2, Inmate Liaison Committee, was recodified as Subchapter 3, Inmate Liaison Committee, by R.1997 d.529, effective December 15, 1997. See: 29 N.J.R. 4241(a), 29 N.J.R. 5303(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Inmate Groups, expired on March 6, 2000.

Chapter 12, Inmate Groups, was adopted as new rules by R.2000 d.158, effective April 17, 2000. See: 32 N.J.R. 379(a), 32 N.J.R. 1395(b).

Chapter 12, Inmate Groups, was readopted as R.2005 d.264, effective July 19, 2005. See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Chapter 12, Inmate Groups, was readopted as R.2009 d.321, effective September 23, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:12-1.1 Purpose

(a) The purpose of this chapter is to establish provisions regarding:

1. The organization and operation of an inmate group(s); and
2. The formation, operation and activities of an Inmate Liaison Committee or alternative Inmate Liaison Committee.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote (a).

10A:12-1.2 Scope

This chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections.

10A:12-1.3 Definitions

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

“Inmate group” means a group of inmates organized to form a recognizable unit that is approved by the correctional facility administration and authorized to provide a beneficial service to the inmate population and/or others.

Amended by R.2005 d.264, effective August 15, 2005.

See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Added “words and” and “unless the context clearly indicates otherwise” to the introductory paragraph; substituted the term “Inmate group” for “Group” and rewrote the definition; deleted definition “Inmate Liaison Committee”.

SUBCHAPTER 2. ORGANIZATION OF INMATE GROUPS

10A:12-2.1 Authority and responsibilities of the Administrator

(a) The Administrator or designee shall approve, disapprove or limit the formation and/or activities of an inmate group consistent with the provisions of this chapter and any applicable internal management procedures regarding discipline, order, safety, sanitation and security.

(b) The Administrator or designee shall give a proposed inmate group written notice of approval or disapproval to formulate and/or conduct an activity(ies) as soon as possible after receiving the request. The Administrator or designee may request clarification to determine the purpose or mission of the group as deemed necessary prior to making a decision.

(c) The Administrator or designee shall also have the following responsibilities:

1. To maintain a copy of the request(s) of an inmate group;
2. To forward to the appropriate Assistant Commissioner any approved inmate group requests; and
3. To designate a staff member to serve as staff supervisor, coordinator or advisor to assist the inmate group, monitor activities and carry out other responsibilities as determined by the Administrator or designee.

Amended by R.2005 d.264, effective August 15, 2005.
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).
Rewrote the section.

10A:12-2.2 Request to establish an inmate group

(a) An inmate group shall provide a beneficial service to a portion of the general inmate population and/or the community.

(b) A request to establish an inmate group shall be submitted in writing to the Administrator or designee and shall include:

1. The name of the group;
2. The purpose or mission statement for the group and information indicating whether there is a similar group already operating within another correctional facility or within the community;
3. A proposed plan for fulfilling the stated purpose or mission;
4. The types of activities the group will likely pursue, to include involvement with another group;
5. The benefits the group will provide to the inmate population;
6. The projected number of members and criteria for membership;
7. The anticipated need for resources;
8. The anticipated sources of resources;
9. The anticipated utilization of resources;
10. The anticipated frequency of group meetings;
11. A statement setting forth that any unspent funds shall be transferred to the Inmate Welfare Fund in the event the inmate group is terminated or dissolved;
12. A statement setting forth plans for the disposition of any acquired noncash assets in the event the inmate group is terminated or dissolved;
13. A statement setting forth that all profits from concessions shall be deposited into the Inmate Welfare Fund; and

14. Information regarding inmate leadership positions, such as:

- i. Duties;
- ii. Terms of office;
- iii. Manner of election; and
- iv. Other proposed organizational structure.

Amended by R.2005 d.264, effective August 15, 2005.
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).

Rewrote the rule heading and (b).
Amended by R.2009 d.321, effective October 19, 2009.
See: 41 N.J.R. 2608(a), 41 N.J.R. 3937(a).

Deleted former (b)7; and recodified former (b)8 through (b)15 as (b)7 through (b)14.

10A:12-2.3 Inmate groups membership

(a) Inmate group membership shall be:

1. Voluntary, and
2. Restricted to inmates currently in the general population of the correctional facility in which the group has been established.

(b) Inmate group membership shall not be contingent upon payment of dues, donations or any service in kind.

(c) Inmate membership in a group established within a correctional facility shall be terminated upon transfer or release of that inmate from the correctional facility.

Amended by R.2005 d.264, effective August 15, 2005.
See: 37 N.J.R. 1399(a), 37 N.J.R. 3041(a).
Rewrote (c).

10A:12-2.4 Management of assets and financial requirements for inmate groups

(a) The correctional facility Business Manager shall establish operating and bookkeeping procedures for documenting the cash assets of inmate groups and for the receipt and expenditure of inmate group funds in accordance with applicable internal management procedures.

(b) Inmate groups shall comply with the following:

1. Inmates elected to leadership positions shall serve without compensation or remuneration of any kind;
2. Inmate groups shall not be permitted to purchase food to sell for profit;
3. Inmate groups shall not engage in any profit-making enterprises or enter into contractual agreements without written approval from the Administrator and the appropriate Assistant Commissioner.
4. All profits derived from inmate group concessions where a buyer/seller relationship exists shall be appropriately documented and transferred into the Inmate