

CHAPTER 18
MAIL, VISITS AND TELEPHONE

Authority

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

Source and Effective Date

R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Mail, Visits and Telephone, expires on October 6, 2002.

Chapter Historical Note

Chapter 18, Mail, Visits and Telephones, was adopted as R.1987 d.263, effective July 6, 1987. See: 19 N.J.R. 33(b), 19 N.J.R. 1214(b).

Pursuant to Executive Order No. 66(1978), Chapter 18 was readopted as R.1992 d.262, effective May 27, 1992. See: 24 N.J.R. 1204(b), 24 N.J.R. 2627(a). Subchapter 7, Bedside and Funeral Visits, was re-named as Subchapter 7, Bedside, Private Viewing, and Funeral Visits, by R.1996 d.489, effective October 21, 1996. See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b). Pursuant to Executive Order No. 66(1978), Chapter 18 expired on May 27, 1997.

Chapter 18, Mail, Visits and Telephone, was adopted as R.1997 d.431, effective October 6, 1997. See: Source and Effective Date.

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SUBCHAPTER 1. INTRODUCTION

10A:18-1.1 Purpose

(a) The purpose of this chapter is to establish guidelines for:

1. Permitting inmates to correspond with persons or entities outside the correctional facility;
2. Processing legal correspondence in correctional facilities;
3. Inmates sending and receiving publications;

4. Inmates sending and receiving packages;
5. Contact and non-contact visits with inmates;
6. Beside, private viewing and funeral visits by an inmate to a dying or deceased relative; and
7. Inmate access to and use of the telephone.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a)6, inserted “, private viewing”.

10A:18-1.2 Scope

(a) N.J.A.C. 10A:18-1, 2, 3, 4, 6, 7 and 8 shall be applicable to State correctional facilities operated by the Department of Corrections and to inmates housed in facilities, other than county jails, in accordance with contractual agreements with the Department of Corrections unless otherwise indicated in this chapter.

(b) N.J.A.C. 10A:18-5 shall be applicable to State correctional facilities operated by the Department of Corrections.

(c) N.J.A.C. 10A:18-9 shall be applicable to inmates confined to the Adult Diagnostic and Treatment Center.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Substantially amended section.

Amended by R.1999 d.193, effective June 21, 1999.

See: 31 N.J.R. 918(a), 31 N.J.R. 1615(a).

Added (a) designation; and added (b) and (c).

Amended by R.1999 d.209, effective July 6, 1999.

See: 31 N.J.R. 833(a), 31 N.J.R. 1814(a).

Rewrote (a) and (b).

10A:18-1.3 Definitions

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

“Correspondence” means communication by the exchange of letters.

“Inmate Liaison Committee” means a group of inmate representatives, authorized by the correctional facility administration to act on behalf of the correctional facility inmates.

“Interoffice correspondence” means the exchange of correspondence between offices within the Department of Corrections.

“Legitimate public official” means the following:

1. An elected or appointed national, state or municipal government official; or
2. A director of a national, state or municipal government agency.

“News media representative” means a person whose principal employment is to gather or report news for:

1. A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

2. A news magazine which has a national circulation and is sold by news-stands and by mail subscription to the general public;

3. A national or international news service; or

4. A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission license.

"Pat-search" means a thorough search of a fully clothed person, including the clothing and personal property in the person's possession.

"Reasonable suspicion" means a belief that an action is necessary based upon specific and articulable facts that taken together with rational references from those facts, reasonably support a conclusion, such as, that a visitor is carrying or concealing contraband.

"Relative" means:

1. Father;
2. Mother;
3. Husband;
4. Wife;
5. Child;
6. Brother; or
7. Sister.

"Strip search" means a thorough and systematic examination of an unclothed person's body and orifices including visual inspection of external genital and anal areas, as well as the person's clothing and all personal items in possession of the person at the time.

"Truck mail" means interoffice mail that is exchanged between correctional facilities and mail that is exchanged between correctional facilities and the Department of Corrections' Central Office. Truck mail does not include mail sent by the United States Postal Service.

Amended by R.1991 d.413, effective August 5, 1991.
See: 23 N.J.R. 1758(a), 23 N.J.R. 2312(a).

Added definition of "Legitimate public official".
Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Added "Reasonable suspicion"; amended "Inmate Liaison Committee", "Legal correspondence", "Legal material", "Strip search", and "Truck mail"; renamed "Inter-office correspondence" to read "Interoffice correspondence"; and renamed "Pat-frisk" to read "Pat search" and amended.

Amended by R.1998 d.364, effective July 20, 1998.
See: 30 N.J.R. 1367(b), 30 N.J.R. 2618(b).

Deleted "Legal correspondence" and "Legal material" definitions.

Cross References

Identification of correspondence, see N.J.A.C. 10A:18-3.2, 10A:18-3.3.

Relatives, visitors, see N.J.A.C. 10A:18-6.3.

10A:18-1.4 Forms

(a) The following form related to Mail, Visits and Telephone shall be reproduced by each correctional facility from the original that is available by contacting the Standards Development Unit:

1. 292-I Request for Attorney-Client Contact Visit.

New Rule, R.1991 d.155, effective March 18, 1991.
See: 23 N.J.R. 14(a), 23 N.J.R. 859(c).
Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

SUBCHAPTER 2. CORRESPONDENCE

10A:18-2.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding the mailing and receipt of correspondence by posting appropriate notices in each housing area and other areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding correspondence shall be given to each Inmate Liaison Committee. These Committees shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding correspondence.

(d) New or revised rules and procedures regarding correspondence shall be incorporated into the next revision of the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-2.2 Limitation on number of correspondents

The number of approved correspondents and the amount of correspondence an inmate may receive or send shall be unlimited.

10A:18-2.3 Limitation on number of postage stamps

Each correctional facility shall establish a limit of stamps (40 or less) that inmates may possess that is consistent with the maintenance of security and the orderly operation of the correctional facility.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-2.4 Correspondence in language other than English

All State correctional facilities shall permit incoming and outgoing correspondence of the inmates to be in a language other than English.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-2.5 Correspondence to or from other inmates

(a) All inmate correspondence to or from other incarcerated inmates may be read to ensure that the correspondence does not contain any content prohibited by N.J.A.C. 10A:18-2.14.

(b) The Administrator/Administrative Unit Supervisor/Director or designee shall be authorized to limit inmate correspondence to or from other inmates for purposes of ensuring the safe, secure and orderly operation of the correctional facility or operational unit.

Amended by R.1989 d.318, effective June 19, 1989.
See: 21 N.J.R. 837(a), 21 N.J.R. 1701(a).

Deleted reference to correctional facilities "within this State" thus authorizing reading of materials coming or going, within or outside of New Jersey.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.1999 d.209, effective July 6, 1999.
See: 31 N.J.R. 833(a), 31 N.J.R. 1814(a).

Rewrote the section.

10A:18-2.6 Inspection and identification of incoming correspondence

(a) Each piece of incoming correspondence shall be opened and inspected.

(b) The sender's name and address and the inmate's name and number should appear legibly on the outside of all incoming correspondence.

(c) The inmate's name and number shall appear on the outside of the incoming correspondence. Correspondence without either the inmate's name or number shall be returned to the sender.

(d) If either the sender's name or address does not appear but the inmate's name and number do appear on the outside of the incoming correspondence, the correspondence may be delivered to the inmate after the correspondence has been opened and inspected for contraband.

(e) When the inmate's name or number and the sender's name and address do not appear on the outside of the incoming correspondence, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(f) If it is necessary to return correspondence to a sender and the return address is incomplete, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(g) Incoming correspondence shall be opened and inspected for contraband, but it shall not be read unless there is reason to believe that the correspondence contains disapproved content pursuant to N.J.A.C. 10A:18-2.14. If there is reason to believe that the correspondence contains disapproved content, the correspondence shall be read only upon prior authorization of the Superintendent or designee.

(h) A confidential list of the names of inmates whose incoming correspondence is authorized to be read shall be established and maintained in the correctional facility's Special Investigations Division or mail room, or wherever the confidentiality of the list can be maintained.

Amended by R.1989 d.338, effective July 3, 1989.
See: 20 N.J.R. 2854(a), 21 N.J.R. 1910(a).

In (b): changed "shall" to "should."

In (c): changed "and" to "or" regarding inmate's name "or" number. Added new (d) and (e) and recodified old (d)-(f) to new (f)-(h).

In (f): deleted text regarding the opening of inmate's correspondence and added language describing new procedures.

In (g): revised text to specify procedures on inspecting incoming correspondence.

In (h): added language "names of inmates whose" . . . and "authorized to be read"; changed "investigative unit" to "Internal Affairs Unit."

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (g), inserted "pursuant to N.J.A.C. 10A:18-2.14".
Administrative change.

See: 32 N.J.R. 303(a).

Case Notes

Prison officials prohibited by First Amendment from inspecting inmate's mail sent to or from government agencies, public officials or media. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives, 232 N.J.Super. 478, 557 A.2d 698 (A.D.1989), certification granted 117 N.J. 168, 564 A.2d 884, affirmed in part, reversed in part 120 N.J. 137, 576 A.2d 274.

Regulations preventing inmates from sending mail to public officials, government agencies or media were unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

Regulations regarding incoming correspondence to inmates from public officials, government agencies, or media were not unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

10A:18-6.4 Employee visits with incarcerated relatives

(a) Employees of the Department of Corrections who have relatives incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections shall be permitted to visit an incarcerated relative provided the Superintendent is satisfied that there is no threat to the orderly operation of the correctional facility.

(b) For the purpose of this subchapter, "relative" (see N.J.A.C. 10A:18-1.3) shall also include:

1. Grandparents;
2. Cousins;
3. Uncles; and
4. Aunts.

(c) An employee of the Department of Corrections who wishes to visit a relative incarcerated in a correctional facility under the jurisdiction of the New Jersey Department of Corrections shall submit a written request for permission to visit the incarcerated relative to the Superintendent of the correctional facility at which the relative is housed.

(d) The Superintendent may schedule the visit during regular visiting hours or at special times, according to the orderly administration and staffing of the correctional facility.

Amended by R.1990 d.124, effective February 20, 1990.
See: 21 N.J.R. 3410(a), 22 N.J.R. 662(a).

At (c), clarified the requirement of submitting a written request and deleted (e).

10A:18-6.5 Special visits

(a) Special visits may be authorized by the correctional facility Superintendent or designee. Special visits include:

1. Visits from persons who have come long distances;
2. Visits to hospitalized inmates;
3. Visits to inmates in disciplinary status; and
4. Visits between inmates and:
 - i. Members of the clergy;
 - ii. Social service agency representatives;
 - iii. Prospective employers;
 - iv. Sponsors; and
 - v. Parole advisors.

(b) The Superintendent or designee may approve or disapprove a visit from a visitor who accompanies a person on the approved list.

(c) Close Custody visits shall be governed by N.J.A.C. 10A:5, Close Custody Units, and N.J.A.C. 10A:4-10, Detention Program.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

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), substituted "may" for "must" following "visits" in the introductory sentence; and in (b), inserted "or disapprove a visit from" following "may approve".

10A:18-6.6 Visits between incarcerated relatives

(a) Visits shall be permitted between incarcerated relatives (see N.J.A.C. 10A:18-1.3) that are incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections.

(b) The following requirements must be met before visits between incarcerated relatives shall be permitted:

1. Relative relationships must be substantiated by documentation found in the classification folder or from other appropriate resources;
2. Visits must be approved by the Classification Committee(s); and
3. The cost of the visit shall be borne by the inmates involved.

(c) The Business Manager or designee of the correctional facility shall predetermine the expenses involved in arranging a visit between relatives and a detailed statement of expenses shall be prepared in accordance with N.J.A.C. 10A:3-9.13(c).

(d) The frequency, duration and time of the visits must be coordinated between the correctional facilities involved and shall be subject to the other sections of the subchapter.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Substituted "relatives" for "family" or "family members" throughout; deleted former (b); recodified former (c) through (e) as (b) through (d); and in (c), substituted N.J.A.C. reference for specified criteria.

10A:18-6.7 Attorneys and court related personal visits

(a) Attorneys licensed in any jurisdiction and representatives of attorneys shall be permitted contact visits during regular business hours when sufficient space and staff are available.

(b) Representatives of attorneys shall include, but not be limited to the following:

1. Investigators;
2. Investigative aides;
3. Paralegals; and
4. Law students.

(c) A written notice or telephone request from an attorney shall be required 24 hours in advance of an intended visit. The purpose of the advance notice is to insure the availability of:

1. Space;
2. Staff; and
3. The inmate.

(d) Advance notice shall include the following information:

1. Name of the attorney or representative;
2. Name of the inmate to be interviewed;
3. Name of the attorney for whom the representative is acting; and
4. Date and time the interview is sought.

(e) Form 292-I Request for Attorney-Client Contact Visit may be used to verify the inmate's desire to meet with the requesting attorney in the context of an attorney-client relationship.

(f) Appropriate identification is required of attorneys and attorney representatives who visit the inmate at a correctional facility.

(g) Contact visits with attorneys or their representatives may be restricted or prohibited when, in the judgment of the correctional facility Superintendent or designee, the inmate is acting out or is especially dangerous. Contact visits may also be denied where the attorney or representative poses a threat to the security or orderly operation of the correctional facility. In those cases in which contact visits have been denied, every effort shall be made to provide a non-contact visit consistent with the orderly operation of the correctional facility.

(h) The Superintendent or designee may authorize a visit without prior written notice, under exceptional circumstances.

Amended by R.1991 d.155, effective March 18, 1991.
See: 23 N.J.R. 14(a), 23 N.J.R. 859(c).

Added "licensed in any jurisdiction" to modify "attorneys"; added new subsection (e) regarding forms.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-6.8 Visits from children

(a) Children under the age of 18 shall not be permitted to visit unless accompanied by a family member defined as a "relative." (See N.J.A.C. 10A:18-1.3.)

(b) In unusual circumstances, exceptions to (a) above may be made by special approval of the Superintendent or designee.

(c) The adult family member shall be responsible for the supervision of the child accompanying said family member on the visit.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).
Added (c).

10A:18-6.9 Notification to prospective visitors

(a) The correctional facility Superintendent or designee shall be responsible to write a letter of information, in English and translated into Spanish, which provides the pertinent visit regulations with which prospective visitors should be familiar. This letter shall include, but is not limited to, the:

1. Visiting times;
2. Number of permissible visitors;
3. Guidelines for visits by children;
4. Identification required;
5. Smoking policy;
6. Zero Tolerance Drug/Alcohol Policy;
7. Directions to the correctional facility; and
8. Provisions of N.J.S.A. 2C:29-6 which prescribe specific penalties for introducing contraband into a correctional facility.

(b) Copies of the letter of information shall be posted in the visiting areas of the correctional facility.

(c) An inmate may choose one household which shall be notified by correctional facility staff as to the occupants' approval as visitors. The approved visitors shall receive a copy of the correctional facility's letter of information. Such notification shall be transmitted within five business days from the day the inmate is received at the correctional facility.

(d) When an individual is not approved as a visitor, notice of and reasons for the exclusion shall be given to the inmate who submitted the individual's name. The inmate may appeal the decision to the Superintendent who shall respond, in writing, within 10 business days of receipt of the appeal.

(e) Procedures on how the inmate can change his or her list of approved visitors shall be incorporated into the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted new (a)5 and recodified former (a)5 as (a)6.
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), rewrote the introductory paragraph, added a new 6 and recodified former 6 and 7 as 7 and 8.

10A:18-6.10 Visitor identification

(a) Adult visitors must have identification when visiting an inmate.