

educational program(s) shall be in writing and signed by the inmate. Until the inmate reaches the age of 18, a parent or guardian must also sign a decision not to participate in an educational program(s). A decision to participate in an educational program(s) may be made at any time thereafter, until the inmate reaches age 22.

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

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

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

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

10A:5-3.16 Work opportunities

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

Amended by R.2008 d.97, effective April 21, 2008.

See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

Substituted "accordance with" for "light of".

10A:5-3.17 Psychological/psychiatric evaluations

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

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

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

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

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

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

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

10A:5-3.19 Selection of staff

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

10A:5-3.20 Records

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

1. The inmate's name and number;
2. Previous housing locations;
3. Unit cell or room assignments;
4. The date admitted;
5. The disciplinary charge leading to administrative segregation;
6. Special medical or psychiatric problems on an as needed basis; and
7. The date beyond which the inmate may not be retained in the Administrative Segregation Unit on the instant offense.

(b) All unusual behavior shall be noted in the Unit log book together with the time and date of the incident. Unusual incidents shall also be reported pursuant to N.J.A.C. 10A:21, Reports.

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), substituted "appropriate" for "the custodial".

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. PROTECTIVE CUSTODY

10A:5-5.1 Admission to Protective Custody

(a) An inmate may be placed in Protective Custody by any of the following means:

1. On the recommendation of the Special Investigations Division (S.I.D.);
2. On the recommendation of a sentencing court or prosecutor, subject to approval of the Administrator. The recommendation must be accompanied by a statement of justifiable reasons to support such placement;
3. On the recommendation of a correctional facility non-custody staff person or a custody staff member of the rank of Sergeant or above. Emergency placement shall be reviewed and approved within 24 hours by the Shift Supervisor;
4. On the order of the Administrator; Assistant Commissioner, Division of Operations; Chief of Staff; Deputy Commissioner; or Commissioner; or
5. Voluntarily, on the inmate's request.

(b) If an inmate voluntarily requests placement in Protective Custody, he or she shall fill out and sign Form 146—I Voluntary—Protective Custody Consent in which the reasons for requesting Protective Custody are stated. If the inmate's reasons cannot be verified or are deemed to be frivolous by the Administrator or designee, placement in Protective Custody may be denied or the inmate released from Protective Custody.

(c) In all cases of involuntary placement in Protective Custody, the Administrator or designee shall gather facts, information and available documentation to support or reject the request and shall order such additional investigation as is deemed necessary for a clear understanding of the case.

Amended by R.2008 d.97, effective April 21, 2008.
See: 40 N.J.R. 85(a), 40 N.J.R. 2111(b).

In (a)3, substituted "correctional facility" for "prison"; and in (a)4, inserted "Deputy Commissioner;"

10A:5-5.2 Hearing procedure for involuntary placement in Protective Custody

(a) An inmate under consideration for placement in Protective Custody shall be given written notice on Form

146—II Notice of Protective Custody Hearing - Involuntary, as soon as practicable.

(b) An inmate in emergency Protective Custody shall be given written notice on Form 146—II no later than three business days after emergency placement.

(c) The written notice shall be given to the inmate at least 24 hours prior to the in-person hearing. The notice shall be signed by the staff person delivering it and the date and time of delivery shall be noted.

(d) The notice shall include the following:

1. A statement of reasons used by the administration to initiate the Protective Custody hearing procedure;
2. The date of the Protective Custody hearing; and
3. Notification that the inmate may present any relevant evidence supporting or contesting placement in Protective Custody.

(e) Evidence may consist of:

1. Witnesses' written statements;
2. Documents related to the nature of threat of harm involved; or
3. Other facts relevant to the need or lack of need for placement in Protective Custody.

(f) At the time of receipt of the notice, the inmate shall be given the opportunity to present the basis for any opposition to involuntary placement in Protective Custody. The inmate shall not, however, be required to make any statement at this time. The information contained in the notice, together with any statement or evidence provided by the inmate at the time of receipt of the notice, shall be reviewed by the Administrator or designee immediately to determine whether, pending the completion of a thorough investigation, there is a reasonable basis to conclude that the inmate is in need of Protective Custody.

(g) Illiterate inmates or inmates otherwise unable to adequately collect and present the facts shall receive the assistance of a counsel substitute assigned by the Disciplinary Hearing Officer/Adjustment Committee or Administrator or designee. An interpreter shall be utilized, if needed, at the discretion of the Disciplinary Hearing Officer/Adjustment Committee.

(h) The Disciplinary Hearing Officer/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 Disciplinary Hearing Officer/Adjustment Committee may order further investigation and reports where deemed necessary and shall exercise control over all presentations to prevent lack of relevancy,