

“Close observation” means intermittent monitoring of a juvenile either in person or by video monitor at 15 minute intervals.

“Commission” means the New Jersey Juvenile Justice Commission.

“Community program” means any community residential, substance abuse, assessment and treatment or similar program run by the Commission.

“Constant observation” means uninterrupted surveillance of one juvenile who is on special observation status that shall be conducted in person and that may be supplemented by video monitoring.

“Contact visit” means a visit between a juvenile and a visitor where there is no barrier (that is, window or wall) between them.

“Contraband” means:

1. Any item, article or material found in the possession of, or under the control of, a juvenile which is not authorized for retention or receipt;
2. Any item, article or material found within the facility or on its grounds which has not been issued by the secure facility or authorized as permissible for retention or receipt;
3. Any item, article or material found in the possession of, or under the control of, staff or visitors within the secure facility or on its grounds which is not authorized for receipt, retention or importation;
4. Any item, article or material which is authorized for receipt, retention or importation by juveniles, staff or visitors but which is found in an excessive amount or which has been altered from its original form. An amount shall be considered excessive if it exceeds stated secure facility limits or exceeds reasonable safety, security, sanitation or space considerations; or
5. Any article which may be harmful or presents a threat to the security and orderly operation of the secure facility shall be considered contraband.

Items of contraband shall include, but shall not be limited to: guns and firearms of any type; ammunition; explosives; knives, tools and other implements not provided in accordance with secure facility regulations; hazardous or poisonous chemicals and gases; unauthorized drugs and medications; medicines dispensed or approved by the secure facility but not consumed or utilized in the manner prescribed; intoxicants, including, but not limited to, liquor or alcoholic beverages; and, where prohibited, currency and stamps.

“Correspondence” means communication by the exchange of letters.

“Custody staff member” means any juvenile corrections officer working in a job title authorized under the provisions of N.J.S.A. 52:17B-174, or successor thereto. Such titles include, but are not limited to:

1. Director of Custody Operations 1, Juvenile Justice Commission;
2. Director of Custody Operations 2, Juvenile Justice Commission;
3. Correction Captain, Juvenile Justice;
4. Correction Lieutenant, Juvenile Justice;
5. Correction Sergeant, Juvenile Justice;
6. Senior Correction Officer, Juvenile Justice; and
7. Correction Officer Recruit, Juvenile Justice.

“Custody status” means the degree of supervision that is assigned to a juvenile in a Commission facility.

“Deadly force” means force which is intended to cause, or is likely to cause, death or serious bodily harm.

“Department of Corrections” means the New Jersey Department of Corrections.

“Department of Human Services” means the New Jersey Department of Human Services.

“Deputy Executive Director” means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.

“Director of Administration” means the Commission staff member, by whatever name or title, in charge of the Commission’s Office of Administration.

“Director of Custody Operations” means the Director of Custody Operations employed at each secure facility of the Commission responsible for supervising the custody work force.

“Director of Education” means the Commission staff member, by whatever name or title, having overall responsibility for developing and administering educational programs for juveniles.

“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure facilities.

“Disciplinary sanction” means a prescribed penalty that is imposed for violation of a prohibited act.

“Emergency protective custody” means confinement of a juvenile to protective custody in a situation where the threat of injury or harm to the juvenile is reasonably believed to be immediate.

“Executive Director” means the Executive Director of the Commission.

“Facility” means a facility of the Commission used to house, train or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.

“Facility Classification Office” means the office within a secure facility responsible for institutional classification functions.

“Handbook on Discipline” means a handbook prepared by the Commission and provided to juveniles that contains a juvenile’s rights and responsibilities, the acts and activities which are prohibited and the disciplinary procedures and sanctions imposed.

“Health care provider” means the individual or the entity that is providing the medical, dental and/or mental health services to juveniles.

“Housing unit” means a cell, room, dormitory or other type of sleeping area within a secure facility.

“ICC” means institutional classification committee.

“Identification process” means the investigative method of operation to include, but not limited to, the gathering and accumulation of evidence and information used by the Office of Investigations to reasonably identify juveniles appropriate for protective and temporary close custody.

“Immediate corrective action” means those disciplinary sanctions set forth at N.J.A.C. 13:101-5.3, which may be imposed on a juvenile who has committed a minor violation.

“Imminent danger” means threatened harmful actions or outcomes that may occur during an encounter absent action by the custody staff member. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations.

“Indigent juvenile” means a juvenile who has no funds in his or her account and is not able to earn juvenile wages due to prolonged illness or other justifiable circumstances beyond the juvenile’s control, and who has been verified as having no outside source from which to obtain funds.

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

“Juvenile” means, for the purpose of this chapter, an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission, and who is residing in or being transferred to a secure facility.

“Juvenile paralegal” means a juvenile who has been approved by a Classification Committee to render assistance to other juveniles in disciplinary or classification matters,

other proceeding before a treatment team or matters pending before the family court.

“Keep separate status” means the intentional assignment of certain juveniles to different secure facilities or different units within a secure facility to maintain a separation between these juveniles to prevent the possibility of retaliation because of a previous act or occurrence.

“Legal correspondence” means the exchange of letters between a juvenile and:

1. An attorney of this State or any other state when properly identified as such on the outside of the envelope;
2. Offices of the Federal or State Public Defender;
3. The Office of the Attorney General;
4. Federal and State courts;
5. Federal and State court judges;
6. Offices of Legal Services;
7. Legal assistance clinics managed by accredited law schools of this or any other state;
8. The Administrative Office of the Courts;
9. Offices of the Federal or State Prosecutor;
10. The Bureau of Risk Management, New Jersey Department of the Treasury;
11. The Office of Investigations;
12. The Office of the Child Advocate;
13. The Office of Administrative Law; and
14. The New Jersey Division of Youth and Family Services.

“Legal material” means papers or documents that are required to be filed with the court and served upon opposing parties. Legal material includes:

1. Orders required by their terms to be served;
2. Written notices;
3. Written motions;
4. Demands, or answers to demands which the juvenile is required to serve, such as, for the production of documents or interrogatories;
5. Offers of judgment;
6. Designations of records on appeal;
7. Briefs;
8. Petitions;
9. Summons; and
10. Complaints.

“Legitimate public official” means the following:

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

“Mechanical restraints” means restraining devices such as, but not limited to, handcuffs, flex cuffs, leg irons and belly chains.

“Non-deadly force” means force which is not likely to cause death or serious bodily harm.

“Notary service” means service provided by a notary public authorized by law to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

“Notice of violation” means a form on which the violation of a prohibited act is recorded along with other pertinent information.

“Office of Administration” means the office of administration located in the Commission’s central office.

“Office of Education” means the unit within the Commission established pursuant to N.J.S.A. 52:17B-178 responsible for developing, implementing and evaluating educational programs for juveniles.

“Office of Classification” means the unit within the Commission responsible for implementing procedures through which juveniles are assigned to custody levels, facilities and treatment programs, based on assessments of the juveniles’ supervision requirements and service needs.

“Office of Investigations” means the unit within the Commission responsible for conducting internal investigations.

“Ombudsman” means the individual(s) within the Commission responsible for resolving complaints made by juveniles about the facility, the action or inaction of staff or any other matter of concern to the juvenile.

“Orientation” means a program including one or more meetings or group sessions provided at a secure facility to familiarize juveniles with rules, procedures, units, services and programs.

“Police Training Commission” or “PTC” means the agency established in the Department of Law and Public Safety by the provisions of N.J.S.A. 52:17B-70 et seq., to, among other things, review and approve the development of an educational and training curriculum, including firearms instruction, for law enforcement officers.

“Program Separation Unit” means an area within a secure facility designated for assigning juveniles who are removed

from the general population for disciplinary or administrative reasons.

“Public Information Officer” means a staff member of the Commission designated by the Executive Director or designee to disseminate information to authorized persons or agencies.

“Reasonable belief” means an objective assessment based upon an evaluation of how a reasonable custody staff member with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronted and known by the custody staff member at the scene.

“Relative” means:

1. Parent;
2. Legal guardian;
3. Spouse;
4. Child; or
5. Sibling.

“Resident handbook” means a booklet that is provided to juveniles which contains site-specific secure facility rules and procedures and information about services and programs. A resident handbook may also mean a handbook specific to a unit within a secure facility when identified as such.

“Room restriction” means confining a juvenile for disciplinary or administrative reasons, either in the room in which he or she usually sleeps, or in a room in a program separation unit.

“Roving patrol” means observation of a facility by making rounds, on foot or in a vehicle, of the outer perimeter at specific intervals.

“Secure facility” means any Commission facility which houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

“Secure facility satellite unit” means a Juvenile Justice Commission secure unit located apart from the main secure facility and administered by Superintendent of the main secure facility.

“Shift supervisor” means the custody staff member responsible for the maintenance of security during a tour of duty in a secure facility or secure facility satellite unit.

“Special observation status” means monitoring the activities, emotional status and behavior of juveniles who are identified as emotionally troubled, mentally disturbed or otherwise deemed likely to inflict physical injury or death upon themselves.

“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 possessions.

"Substantial risk" means, with respect to the discharge of a firearm, that there exists some risk of an unintended outcome. It exists when a custody staff officer disregards a foreseeable likelihood that innocent persons will be endangered.

"Superintendent" means the chief executive officer of a secure facility.

"Temporary close custody" means the non-punitive removal of a juvenile from his or her regularly assigned housing and to a close custody or other designated housing unit for a period not to exceed 72 hours, for purposes of special observation or investigation.

"Treatment Team" means the committee in a secure facility responsible for conducting disciplinary proceedings (see N.J.A.C. 13:10-6.1).

"Truck mail" means interoffice mail that is exchanged among Commission facilities, units and the Commission Central Office. Truck mail does not include mail sent by the United States Postal Service.

"Unusual incident or event" means any occurrence that has the potential of jeopardizing or disrupting the secure and orderly operation of a secure facility, including, but not limited to, escape or attempted escape, homicide or attempted homicide, suspicious death, serious injury to juvenile or staff member, suicide or suicide attempt, serious threat to the life of a juvenile or group of juveniles, taking of a hostage, riot, melee, acute medical emergency, use of a weapon or other use of force, introduction into the facility of a controlled substance, use of a controlled substance, commission of a crime, staff work stoppage, fire or natural disaster, and failure of heating, ventilation and air conditioning (HVAC), power, plumbing or other major mechanical systems.

Recodified from N.J.A.C. 13:95-1.2 and amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Rewrote the section; former N.J.A.C. 13:95-1.3, Oath of office form, repealed.

13:95-1.4 Forms

(a) The following forms related to secure facilities shall be reproduced by each facility from originals that are made available through the office of the Director of Custody Operations:

1. J156-I Oath of Office;
2. J171-I Seizure of Contraband Report;
3. J171-II Juvenile Receipt, Contraband Seizure;
4. J171-III Notice of Decision on Appeal, Contraband Seizure (Non-Disciplinary);
5. J173-I Placement In Keep Separate Status;

6. J173-II Removal From Keep Separate Status;
7. J173-III Transfer of Keep Separate Status juvenile;
8. J285-II Prohibited Substance Testing Request Summary;
9. JJ-001, Incident Report;
10. Trip Authorization Form;
11. J146-I Voluntary-Protective Custody Consent;
12. J146-II Notice of Protective Custody Hearing-Involuntary;
13. J146-III Protective Custody Hearing Adjudication;
14. J146-IV Protective Custody Release;
15. J360-I Remedial Action Plan Report;
16. JJC CO-1 Notice of Special Observation Status;
17. JJC CO-2 Notice of Change in Special Observation Status;
18. JJC CO-3 Special Observation Status Monitoring Report;
19. JJC CO-4 Daily Observation Status Monitoring Report;
20. JJC CO-5 Release from Special Observation Status;
21. JJC CO-6 Disciplinary Report from Mental Health Services;
22. Form 101-Request to Transfer to the New Jersey Department of Corrections;
23. J292-I Request for Attorney-Client Contact Visit; and
24. J081 Special Classification Request Form.

New Rule, R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Former N.J.A.C. 13:95-1.4, Confidentiality of information, recodified as N.J.A.C. 13:95-1.5.

13:95-1.5 Confidentiality of information

All information contained in the master lists or reports maintained or submitted by employees of the Commission pursuant to the requirements of N.J.A.C. 13:95-3 and 4 shall be confidential and such master lists and reports shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Recodified from N.J.A.C. 13:95-1.4 and amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Substituted "N.J.A.C. 13:95-3 and 4" for "this chapter"; substituted "Open Public Records Act," for "'Right to Know Law,'".

(f) Under no circumstances shall invasive body cavity searches be conducted in accordance with this section. Body cavity searches shall be conducted pursuant to N.J.A.C. 13:95-5.8.

13:95-5.8 Body cavity searches of juveniles

(a) A body cavity search shall not be conducted on a juvenile unless:

1. The highest ranking custody staff member on duty is satisfied that a reasonable suspicion exists that contraband will be found in the juvenile's body cavity; and
2. Approval for the specific search has been granted by the Superintendent or designee.

(b) In the event the highest ranking custody staff member on duty has reasonable suspicion to believe that contraband is being concealed in the juvenile's body cavity, the juvenile shall immediately be escorted to the infirmary or comparable facility of the secure facility and ordered to remove the contraband. The highest ranking custody staff member on duty shall advise the juvenile that medical assistance is available to the juvenile for removal of the contraband.

(c) The health care provider at the secure facility shall provide assistance to the juvenile under the following conditions:

1. The juvenile has requested assistance from the health care provider staff in order to remove the contraband from the juvenile's body cavity; or
2. If during or after removal of the contraband by the juvenile, the health care provider staff determines that the juvenile is in need of medical assistance, medical treatment shall be rendered to the juvenile unless the juvenile refuses such treatment.

(d) If the juvenile refuses to remove the contraband from his or her body cavity, the juvenile shall receive appropriate disciplinary charges and shall be:

1. Isolated and kept under constant visual surveillance until the contraband is eliminated from the juvenile's body cavity; or
2. Transported to an outside hospital or medical facility for removal of the contraband, if necessary for the well being of the juvenile, or the safe, secure and orderly operation of the secure facility. The health care provider staff at the secure facility shall make the necessary arrangements with the outside hospital or medical facility for any procedures that are necessary for the safe removal of the contraband.

(e) If the suspected contraband cannot be removed from the juvenile's body cavity without the use of force, a court order may be sought if the following circumstances exist:

1. The juvenile cannot be confined to a dry room until the contraband is eliminated from the juvenile's body, because the nature of the suspected contraband presents a safety or security risk to the juvenile, staff, other juveniles or the facility; or

2. Suspected contraband has been secreted in a juvenile's vaginal cavity, the juvenile has been confined to a dry room for a 48-hour time period, and the juvenile continues to refuse to remove the contraband with or without the assistance of a health care professional.

(f) Any request for a court order must be approved by the Executive Director or designee. If approval by the Executive Director or designee has been granted, the Superintendent or designee of the secure facility in which the juvenile is housed shall contact the Division of Law. The Superintendent or designee shall provide the assigned Deputy Attorney General with a sufficient factual basis for concluding that a court order is necessary, in accordance with the criteria in (e) above.

(g) The highest ranking custody staff member on duty at the time the cavity search was authorized shall prepare a written report of the results of the body cavity search. A copy of the report shall be made part of the juvenile's record, and a copy shall be submitted to the Superintendent or designee. The report shall include, but shall not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;
2. The name of the custody staff member in charge who authorized the search;
3. The name(s) of the custody staff member(s), and any other persons, present during the search and the reason(s) for his or her presence;
4. The name(s) of the person(s) conducting the search;
5. An inventory of any item(s) found during the search; and
6. The reason(s) for use of force, if applicable.

(h) The secure facility health care providers shall document the medical assistance rendered or offered to the juvenile in the juvenile's medical record. The documentation shall include, but shall not be limited to, the following:

1. The name of the health care professional(s) providing medical assistance;
2. The names of all individuals present during the removal of the contraband;
3. An inventory of any item(s) removed from the juvenile's body cavity; and
4. A description of the medical assistance that was offered or provided to the juvenile.

(i) If the juvenile has been transported to an outside hospital or medical facility, the health care provider staff of the secure facility shall ensure that a report is made by the outside hospital or medical facility. This report, together with the report of the custody staff member in charge, shall be entered into the juvenile's medical record. The report from the hospital or medical facility health care provider staff shall include, but shall not be limited to, the following:

1. The name of any health care professional(s) providing medical assistance; and
2. A description of the medical procedures that were conducted.

13:95-5.9 Canine searches

Juveniles' possessions and all secure facilities, areas, objects and properties under the jurisdiction of the Commission are subject to routine and random searches by canine teams, specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

13:95-5.10 Testing for prohibited substances

(a) Testing for prohibited substances may be conducted for the purpose of deterring and controlling the introduction of contraband or to detect the presence of any substance not authorized for possession or use by the juvenile.

(b) Juveniles shall be tested:

1. As part of the intake process for either a newly committed juvenile or juvenile parolee returning to secure care on a parole warrant;
2. When the name of the juvenile appears on a computer-generated randomly selected list of names, regardless of how often the name of the juvenile is randomly selected;
3. During the seven-day period prior to a juvenile's release from custody on parole or upon expiration of a maximum sentence;
4. In accordance with drug treatment program requirements;
5. When a custody staff member of the rank of Sergeant or above or an Investigator with the Office of Investigations believes, based upon his or her education and experience, that there is a reasonable factual basis to suspect the juvenile of using or possessing a non-alcoholic prohibited substance;
6. Randomly or for cause, when the Superintendent, Assistant Superintendent or the Director of Custody Operations orders all juveniles from a particular housing unit, work detail or other functional unit to be tested;

7. Upon a juvenile's return from any unsupervised temporary release from custody; and

8. When a treatment team orders testing as part of a sanction for a prohibited substance related infraction.

(c) A juvenile's refusal to submit to testing, or failure to comply with an order to submit a specimen, shall subject the juvenile to disciplinary action under the provisions of N.J.A.C. 13:101.

13:95-5.11 Collection, storage and analysis of specimens

(a) Testing shall be conducted by staff who have been trained to perform the test(s).

(b) Specimens shall be collected, labeled, handled and, when necessary, sealed, stored, and transported in accordance with the instructions/standards provided by the manufacturer of the test.

(c) Testing shall be conducted using methods deemed reliable by the Commission.

(d) If the initial test result is positive, the specimen shall be subject to a confirmation test of equal or greater sensitivity than the initial test.

(e) Each time a specimen is collected for the reasons stated in N.J.A.C. 13:95-5.10, a New Jersey Department of Health and Senior Services drugs of abuse urine (DAU) chain of custody form (Form LAB-45) and a shipping log (Form LAB-46) shall be completed and maintained with the specimen. Proper chain of custody procedures shall be observed at all times.

(f) If testing is conducted through urinalysis, specimens taken from juveniles shall be voided directly into an approved specimen container and immediately labeled in the presence of the juvenile and at least one custody staff member or other authorized staff member of the same gender as the juvenile.

1. A minimum of 50 milliliters must be voided to ensure a sufficient quantity for all required testing.

2. Urine specimen testing shall be performed on-site or at a licensed laboratory as determined by the Executive Director or designee.

3. For initial on-site and confirmatory on-site testing of a urine specimen, the labeled specimen shall be tested and handled in accordance with the instructions/standards provided by the manufacturer of the on-site test. Chain of custody of the specimen shall be maintained.

4. For initial laboratory and confirmatory laboratory testing of a urine specimen, the labeled specimen shall immediately be closed and sealed in the presence of the juvenile by the custody staff member or other authorized staff member. Chain of custody of the specimen shall be maintained.

5. The specimen label shall include the juvenile's name and number, the secure facility to which the juvenile is assigned, the name of the custody staff member or other authorized staff member who witnessed the voiding of the specimen, the date and time the specimen was voided, the current use or non-use of prescription medication by the juvenile, and the juvenile's signature. Should the juvenile refuse to sign, the custody staff member or other authorized staff member who witnessed the voiding of the specimen shall indicate the refusal on the label and on the continuity of evidence form.

6. For laboratory confirmatory testing, the urine specimen shall be placed in a locked and secure refrigerator or freezer by the custody staff member or other authorized staff member responsible for maintaining custody over evidence as soon as reasonably practical, but in no event later than eight hours after the specimen was voided.

7. The custody staff member or other authorized staff member who receives custody of the urine specimen shall record on the continuity of evidence form, the date and time the specimen was received, the name of the staff member from whom it was received, and the date and time of specimen placement into the evidence locker and/or locked refrigerator.

8. Juvenile urine specimens transported out of the secure facility for laboratory testing shall be transported, where reasonably practical, in an iced cooler or similar device. The date and time of the removal of the urine specimen from the secure facility, as well as the date and time of specimen receipt by the testing facility shall be noted on the continuity of evidence form by the person(s) performing these functions.

9. Laboratory testing of urine specimens shall be conducted only when the urine specimen arrives at the testing facility in a sealed and approved urine specimen container.

(g) Juveniles charged with the use of prohibited substances not prescribed by the medical staff based upon the results of testing shall be advised of the results of any tests at least 24 hours prior to any disciplinary hearing ordered because of those charges.

(h) All testing shall be accomplished in a professional and dignified manner with maximum courtesy and respect for the juvenile's person.

(i) No juvenile shall be disciplined for refusing to provide a specimen or failing to comply with an order to submit a specimen unless that juvenile has been given a reasonable physical opportunity to comply with such order.

1. For the purposes of urine testing, a reasonable physical opportunity shall constitute a two-hour period from the time of the initial order, during which time the juvenile shall be offered water in amounts not to exceed

eight ounces per 60-minute period. The juvenile may be required to remain in room restriction during this two-hour period.

2. The juvenile shall not be deemed to have complied with the order to submit a specimen unless he or she provides a specimen in the presence of a custody staff member or other authorized staff member.

13:95-5.12 (Reserved)

13:95-5.13 Staff orientation and training

(a) Each Superintendent shall be responsible for ensuring that the requirements and guidelines set forth in this subchapter are followed.

(b) Post orders developed in accordance with this subchapter shall be made available to all custody staff members and support staff. All personnel shall receive training in the interpretation and applicability of post orders, so as to ensure effective and safe search techniques.

SUBCHAPTER 6. CONTRABAND AND DISPOSITION OF CONTRABAND

13:95-6.1 Procedures for handling contraband upon discovery

(a) Whenever an item, article or material is determined to be contraband, it shall be immediately seized.

1. The custody staff member or other staff making the seizure shall submit the contraband to the shift supervisor who shall submit it to the Office of Investigations or Center Control of the secure facility, together with a fully completed Form J171-I Seizure of Contraband Report. The contraband report must be submitted no later than the end of the shift during which the contraband was seized.

2. Care shall be taken at all times to accurately record the chain of possession of the contraband.

3. The custody staff member or staff member shall give the juvenile from whose control or possession contraband is taken, an itemized, signed and dated receipt (Form J171-II Juvenile, Receipt, Contraband Seizure), a copy of which shall also go to the Office of Investigations or to the secure facility Center Control. The contents of this form shall be either read or explained to the juvenile, if necessary.

4. When contraband is removed from mail, such as, letters or packages, the custody staff member or staff member making the seizure shall send the juvenile to whom the mail was addressed a completed copy of Form J171-II indicating that the specified items were removed.

5. The juvenile shall have three business days to appeal the seizure to the Superintendent or designee.

(b) The Office of Investigations and secure facility Center Control shall maintain logs of all Seizure of Contraband and Juvenile Receipt forms (Forms J171-I and J171-II). It shall be the responsibility of these units to record the disposition of the contraband on the Seizure of Contraband Report (Form J171-I).

(c) All contraband seized shall be clearly and appropriately marked and securely stored by the Office of Investigations or the secure facility Center Control.

(d) If disciplinary charges are issued in connection with the seizure of contraband, the Office of Investigations or the secure facility Center Control shall present evidence of the contraband at the disciplinary hearing unless the contraband was seized pursuant to N.J.A.C. 13:95-6.5. If the contraband was seized pursuant to N.J.A.C. 13:95-6.5, the Treatment Team shall arrange to view the contraband outside the juvenile's presence.

(e) Contraband shall be disposed of by the Office of Investigations or by the secure facility Center Control in accordance with this subchapter.

13:95-6.2 Disposal of contraband personal property seized in reception units

(a) When a juvenile arrives at a Commission reception unit with items of personal property not authorized for retention or possession, the items shall be seized.

(b) The staff member making the seizure shall give the juvenile an itemized, signed and dated receipt for the property seized, and shall notify the juvenile that such items are contraband, and that the juvenile has three business days, from the date of the seizure of the contraband, to appeal the classification of any or all items as contraband to the Superintendent or designee.

1. If the Superintendent or designee determines that any or all of the items are not contraband, they shall be returned to the juvenile.

2. If the Superintendent or designee determines that any item is contraband, the juvenile shall be given two business days to indicate which of the following means of disposal should be used with respect to the property. The contraband shall be:

- i. Mailed to a designated relative or friend of the juvenile at the juvenile's expense;
- ii. Given to a visitor for disposal;
- iii. Donated by the juvenile to a charitable organization at the juvenile's expense; or
- iv. Destroyed at the juvenile's request.

3. If the juvenile fails to indicate the desired disposition, the property shall be disposed of at the option

of the Superintendent of the secure facility in which the reception unit is located.

(c) Disciplinary reports shall not be issued to a juvenile entering a reception unit for possession of unauthorized or excessive personal property.

13:95-6.3 Disposal of contraband personal property seized within a secure facility

(a) When contraband is seized within a secure facility, appropriate disciplinary reports shall be written and issued pursuant to N.J.A.C. 13:95-6.7.

(b) The staff member making the seizure shall give the juvenile an itemized, signed and dated receipt (Form J171-II) for the property seized and shall notify the juvenile that such items are contraband and that the juvenile has the right to appeal the classification of any or all items as contraband through the disciplinary process.

1. If the Treatment Team determines that any or all items are not contraband or if the Superintendent or designee, on appeal, determines that an item is not contraband, it shall be returned to the juvenile.

2. If the Treatment Team determines that any or all items are contraband, the contraband shall be retained and shall not be disposed of until all appeal proceedings, including any appeal to the Appellate Division of the New Jersey Superior Court where appropriate, are exhausted. Otherwise, the juvenile shall be given two business days following receipt of the Treatment Team decision, or the decision of the Superintendent or designee if the disciplinary decision is appealed, to indicate to the Office of Investigations or Center Control which of the following means shall be used to dispose of the contraband. The contraband shall be:

- i. Mailed to a designated relative or friend of the juvenile at the juvenile's expense;
- ii. Donated by the juvenile to a charitable organization at the juvenile's expense; or
- iii. Destroyed at the juvenile's request.

3. Where the juvenile fails to indicate the desired disposition, the property shall be disposed of at the option of the Superintendent or designee.

4. For verifiable cases of juveniles who have no family and no visitors, special arrangements to store property at the facility in which the juvenile is housed may be approved on a case-by-case basis by the Superintendent or designee.

13:95-6.4 Disposal of contraband, State-issued property

Where State-issued personal property is confiscated as contraband, the juvenile shall not have any option with

respect to its disposition. It shall be returned to the source for redistribution or subsequent disposal. Commissary items seized as contraband may be distributed among needy juveniles as determined by the Superintendent or designee.

13:95-6.5 Disposal of contraband threatening to security or disruptive to operations

(a) All contraband determined to pose a threat to security or to be disruptive to the orderly running of a secure facility shall be taken into the custody of the secure facility and under no circumstances shall be returned to the juvenile.

1. The staff member making the seizure shall immediately turn the contraband over to the Office of Investigations or Center Control of the secure facility, together with the completed Seizure of Contraband Report Form J171-I and Juvenile Receipt Form J171-II.

2. Appropriate disciplinary reports shall be written and issued, pursuant to N.J.A.C. 13:95-6.7.

(b) Suspected contraband narcotics or dangerous drugs may be forwarded to an approved laboratory for chemical analysis or, where appropriate, field tested at the secure facility. All weapons, ammunition, explosives, chemicals, liquor or items altered from original status may be sent to the laboratory for analysis. After analysis, the contraband shall be claimed at the laboratory and secured at the facility.

(c) Precautions shall be taken to assure the continuity of possession of contraband that will be used as evidence in accordance with accepted legal procedures. Unauthorized items determined to pose a threat or to be disruptive to the operations of a facility may be destroyed or properly disposed of by the facility only under the following circumstances:

1. With the permission of the Superintendent;
2. Upon completion of all disciplinary action; and
3. With the prior approval of the appropriate county prosecutor's office.

13:95-6.6 Confiscation and disposal of unauthorized currency or money

(a) All unauthorized money or currency found in a juvenile's possession shall be immediately seized and turned over to Center Control, Office of Investigations together with reports required by this subchapter.

1. Any juvenile found to be in possession of or to have control over such money or currency shall receive a disciplinary report.

2. A determination as to the manner in which the money or currency has been acquired shall be made by the Treatment Team at the disciplinary hearing from the reports against the juvenile.

3. If the Treatment Team concludes that the money or currency is unauthorized or has been acquired through improper means, the Treatment Team shall recommend to the Superintendent that the money or currency shall be forfeited by the juvenile, deposited in the General Treasury Fund and recorded in Commission accounts, as directed by the Executive Director or designee.

4. Subsequent to the Treatment Team conclusion, the money or currency shall be turned over to the secure facility Business Manager with a copy of the adjudicated disciplinary report. The Business Manager will be responsible for depositing and recording the funds to the appropriate account.

5. Money or currency forfeited by the juvenile which is not the subject of a disciplinary action as determined by the Treatment Team or the Superintendent shall be deposited in the juvenile's account.

(b) All cash, checks, money orders or other form of payment or currency brought into a secure facility by a visitor shall be deemed contraband, and will not be accepted by a secure facility for deposit into juvenile accounts.

(c) Money orders and certified checks shall be the only approved form of money received through the mail which can be accepted by the secure facility for deposit in juvenile accounts.

(d) All cash and personal checks shall be deemed contraband and shall not be accepted by the facility for deposit in juvenile accounts.

(e) The following procedures shall be utilized for disposing of the personal checks and cash determined to be contraband:

1. All personal checks and cash shall be refused if brought in by a visitor. Personal checks received through the mail shall be returned to the sender, at the secure facility's expense. Personal checks returned via the mail shall include a note to the sender indicating that Commission policy prohibits acceptance. In addition, Form J171-I Seizure of Contraband Report shall be filled out and a copy sent to the juvenile.

2. All cash received through the mail shall be sent to the facility's Business Office whereupon a check, for each amount of cash received, shall be issued to the sender and mailed to the sender at the facility's expense. Accompanying the check shall be a note to the sender indicating that Commission policy prohibits the acceptance of cash through the mail and explaining that the money is being returned in check form to protect against theft. In addition, Form J171-I Seizure of Contraband Report shall be filled out and a copy sent to the juvenile.

13:95-6.7 Disciplinary reports

When disciplinary reports are issued resulting from application of this subchapter, such reports shall be issued and adjudicated in accordance with the provisions of N.J.A.C. 13:101-4.3.

13:95-6.8 Introduction or discharge of contraband into or from a facility by a visitor

(a) Any visitor present within the secure facility or on its ground shall surrender any item, article, or material which the Superintendent or designee shall determine to be contraband.

1. The custody staff member or staff member seizing any item, article or material determined to be contraband shall give the visitor an itemized, dated and signed receipt. When possession of the seized item, article or material does not appear to violate any Federal or State statute and the visitor exits the facility, the custody staff member shall, in return for the receipt, return the item to the visitor.

2. If there shall be reason to believe that possession of the contraband violates a Federal or State statute, the custody staff member shall detain such a visitor and notify the Office of Investigations.

(b) If there shall be reason to believe that a visitor has willfully introduced or was attempting to introduce contraband into the facility, such person shall be detained in the facility and the secure facility Office of Investigations shall be notified.

(c) Visitors may be subject to denial of future visits as specified by the Superintendent because of the presence of contraband in their possession or under their control. Where warranted, the case may be referred to the appropriate law enforcement authority for criminal prosecution.

13:95-6.9 Introduction or discharge of contraband into or from a facility by the mail

(a) Incoming correspondence and publications shall always be inspected for contraband. Any discovery of contraband in correspondence or publications shall be handled in accordance with N.J.A.C. 13:95-19.

(b) Unauthorized money or currency found in correspondence or publications shall be handled in accordance with N.J.A.C. 13:95-6.6.

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. INSTITUTIONAL CLASSIFICATION**13:95-8.1 Institutional classification committees**

(a) Each secure facility, except for the Juvenile Reception and Assessment Center and the Life Skills and Leadership

Academy, shall have one or more institutional classification committee (ICC). The jurisdiction of each individual ICC shall be subject to the discretion of the Executive Director, or designee. Each ICC shall be composed of the following personnel:

1. The Superintendent or designee;
2. The Director of Custody Operations or designee;
3. The Director of Social Services or designee;
4. The Director of the Commission's Office of Education or designee; and
5. Such other personnel, as may be designated by the Superintendent.

(b) An ICC shall:

1. Make determinations, as applicable, with respect to the assignment and reassignment of juveniles to:

- i. Housing;
- ii. Education;
- iii. Treatment;
- iv. Work; and
- vi. Any other programs to which juveniles may be assigned; and

2. Monitor and review the progress of all juveniles on a periodic basis, by reviewing and evaluating relevant reports from staff and by meeting with each juvenile, and shall make such changes to the juvenile's assignments as are deemed necessary or appropriate.

(c) A juvenile's request for transfer to another facility or program shall be considered by an ICC in accordance with the provisions of N.J.A.C. 13:95-8.5(b) and 13:100-2.7.

13:95-8.2 Juvenile classification files

Juvenile classification files shall be maintained at each secure facility with respect to the juveniles housed therein, or at such other location as may be determined by the Executive Director. An electronic back up file shall be kept at the Commission's Office of Classification.

13:95-8.3 Classification decisions

(a) Classification decisions by an ICC shall be made only after consideration of all factors relevant to the particular juvenile. Such factors shall include, but shall not be limited to, the juvenile's:

1. Age;
2. Expressed needs and interests;
3. Adjustment to facilities;
4. Educational needs and history;

the State of New Jersey Travel Regulations, Department of Treasury; and

5. All tolls and parking expenses.

(d) The total costs of transporting a juvenile to court for civil actions must be received in the form of a certified check made payable to the "Treasurer, State of New Jersey" and submitted for processing to the secure facility Business Office.

13:95-9.13 Written internal management procedures

Each secure facility responsible for juvenile transportation shall prepare written internal management procedures governing the transportation of juveniles outside of the secure facility, consistent with the requirements of this subchapter. These procedures shall be made available to all personnel involved in transporting juveniles and shall be reviewed at least annually and updated as necessary.

SUBCHAPTER 10. SECURITY PROCEDURES FOR ADMINISTRATIVE TRANSFERS OF JUVENILES FROM SECURE FACILITY SATELLITE UNITS AND COMMUNITY PROGRAMS

13:95-10.1 Use of mechanical restraints

(a) Secure facility satellite units and community programs shall notify the Office of Investigations and the appropriate secure facility when a decision has been made to remove a juvenile from a program. Either the Office of Investigations or the secure facility shall assign escorting custody staff personnel to make the transfer. The escorting custody staff personnel shall routinely carry restraint equipment in order that the transfer will be made in a safe and secure manner.

(b) The juvenile shall not be informed of his or her impending removal from the program prior to the arrival of escorting custody staff personnel responsible for making the transfer. Upon arrival of the escorting custody staff personnel, the juvenile to be transferred shall be identified and he or she shall immediately be secured with mechanical restraints in accordance with the use of force rules in N.J.A.C. 13:95-3.

(c) When a juvenile is to be returned to a secure facility for any reason that creates an increased likelihood of an escape attempt, staff members of the secure facility satellite unit or community program shall put into effect the security measures necessary to prevent an escape.

(d) Juveniles assigned to secure facility satellite units and community facilities may be transported to medical or dental appointments, approved interviews, Parole Board hearings and other similar destinations without the use of mechanical restraints, such as handcuffs and security belts.

13:95-10.2 Juvenile personal property

(a) All personal property of a handcuffed juvenile shall be packed in his or her presence to ensure an accurate inventory.

(b) In instances where the juvenile's behavior becomes disruptive while his or her personal property is being packed, and the disruption poses a threat to the orderly operation of the unit, the juvenile shall be removed from the facility and his or her personal property shall be forwarded to the receiving secure facility immediately following the transfer.

13:95-10.3 Juvenile supervision

Escorting custody staff personnel and/or custody staff members from the receiving secure facility shall be in the presence of the juvenile during the entire transfer process.

SUBCHAPTER 11. PROTECTIVE AND TEMPORARY CLOSE CUSTODY

13:95-11.1 Forms

(a) The following forms are related to protective and temporary close custody (see also N.J.A.C. 13:95-1.4):

1. J146-I Voluntary-Protective Custody Consent;
2. J146-II Notice of Protective Custody Hearing-Involuntary;
3. J146-III Protective Custody Hearing Adjudication; and
4. J146-IV Protective Custody Release.

13:95-11.2 Admission to protective custody

(a) A juvenile may be placed in protective custody by any of the following means:

1. On the recommendation of the Office of Investigations;
2. On the recommendation of a sentencing court or prosecutor, subject to approval of the Superintendent. The recommendation must be accompanied by a statement of justifiable reasons to support such placement;
3. On the recommendation of a secure 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 Superintendent; Director of Operations; Deputy Executive Director; or Executive Director; or
5. Voluntarily, on the juvenile's request.

(b) If a juvenile voluntarily requests placement in protective custody, he or she shall fill out and sign Form J146-I Voluntary-Protective Custody Consent in which the reasons for requesting protective custody are stated.

1. If the juvenile's reasons cannot be verified or are deemed to be frivolous by the Superintendent or designee, placement in protective custody may be denied or the juvenile released from Protective Custody.

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

13:95-11.3 Hearing procedure for involuntary placement to protective custody

(a) A juvenile under consideration for placement in protective custody shall be given written notice on Form J146-II Notice of Protective Custody Hearing Involuntary as soon as practicable.

(b) A juvenile in emergency protective custody shall be given written notice on Form J146-II within 24 hours of his or her placement in emergency protective custody, including weekends and holidays, unless there are exceptional circumstances, unavoidable delays or reasonable postponements.

(c) The written notice shall be given to the juvenile at least 24 hours prior to the in-person hearing provided for in (i) below. 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 utilized by the administration to initiate the protective custody hearing procedure;
2. The date of the protective custody hearing; and
3. Notification that the juvenile may present any relevant evidence supporting or contesting placement in protective custody.

(e) Evidence may consist of:

1. Witnesses' written statements;
2. Documents bearing on 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 juvenile shall be given the opportunity to present the basis for any opposition to involuntary placement in protective custody. The juvenile 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 juvenile at the time of receipt of the notice, shall be reviewed by the Superintendent or designee immediately to determine whether, pending the completion of a thorough investigation, there is a reasonable basis to conclude that the juvenile is in need of protective custody.

(g) Illiterate juveniles or juveniles otherwise unable to adequately collect and present the facts shall receive the assistance of a juvenile paralegal assigned by the Treatment Team or Superintendent. An interpreter shall be utilized, if needed.

(h) The Treatment Team 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 Treatment Team may order further investigation and reports where deemed necessary and shall exercise control over all presentations to prevent lack of relevancy, harassment, abuse or repetitiveness and to ensure that the hearing does not develop into an adversarial proceeding.

(i) Juveniles placed in emergency protective custody or under consideration for placement in protective custody shall receive a hearing within three business days after receipt of the notice served on the juvenile in accordance with (c) above unless there are exceptional circumstances, unavoidable delays or reasonable postponements.

(j) At the hearing, the juvenile shall be informed of all information bearing on the juvenile's case, with the exception of information designated confidential.

(k) When reviewing confidential informant information, the Treatment Team shall inquire into the reliability of the informant and the information, and shall utilize such information only after satisfied that it is reasonably reliable. Whenever informant information is used, the juvenile shall be informed of the general character of the information, if practicable. The details of the informant information shall be withheld on grounds of confidentiality.

1. In any case in which the Treatment Team's decision is based on evidence that includes confidential information, the adjudication shall contain:

- i. A concise summary of the facts on which the Treatment Team concluded either that the informant was credible or that the informant's information was otherwise reliable; and
- ii. A summary of the material facts presented by the informant and the basis upon which the informant has knowledge of those facts.

2. The Treatment Team is not permitted to disclose the identity of the informant.

(l) Within three business days of the hearing, the Treatment Team shall provide a written notice of decision

and a summary of the evidence relied upon on Form J146-III Protective Custody Hearing Adjudication.

13:95-11.4 Appeal procedures for protective custody placement

(a) The juvenile shall be advised of the opportunity to appeal to the Superintendent or designee at the time that the juvenile is provided with the protective custody hearing decision (Form J146-III Protective Custody Hearing Adjudication).

(b) The juvenile shall have five business days from the date he or she receives the protective custody decision to submit a letter of appeal.

(c) All appeals shall be reviewed by the Superintendent and the following factors shall be considered:

1. Whether there was compliance with this subchapter;
2. Whether the decision was based on reliable information; and
3. Whether the decision to place the juvenile in protective custody was justifiable considering the juvenile's safety and the continued secure, orderly operation of the secure facility.

(d) Within 10 business days of receipt of the appeal, the Superintendent shall either:

1. Approve the Treatment Team's decision;
2. Modify the Treatment Team's decision; or
3. Order further hearings.

(e) In all cases, the juvenile shall be notified in writing of the Superintendent's decision.

(f) Illiterate juveniles or juveniles otherwise unable to adequately present their appeal shall receive the assistance of a counsel substitute assigned by the Treatment Team or Superintendent. An interpreter shall be utilized, if needed, at the discretion of the Treatment Team.

13:95-11.5 Review of juveniles in protective custody

(a) Each juvenile in protective custody, whether voluntary or involuntary, shall be reviewed at least monthly by the Classification Committee.

(b) A juvenile who is placed in protective custody involuntarily shall, in every case, have an in-person hearing once every three months in accordance with procedures specified in N.J.A.C. 13:95-11.3 and 11.4.

13:95-11.6 Release of juveniles in Protective Custody Units

(a) A juvenile who has voluntarily signed himself or herself into protective custody may sign himself or herself out

upon completion of a Form J146-IV, provided the Classification Committee and the Superintendent or designee are satisfied that there is no known danger to the juvenile's well-being.

(b) A juvenile who has been placed in protective custody involuntarily may be released by the Superintendent or designee, upon recommendation by the Classification Committee when they are satisfied that the conditions giving rise to the juvenile's placement in protective custody have abated or do not exist.

13:95-11.7 Ventilation, heating, lighting, sanitation, observation

(a) When admitted to protective custody, juveniles shall not be placed in housing units that lack cleanliness or have malfunctioning sanitary fixtures or lights. Daily inspections shall be made to ensure the rooms are kept secure, clean and sanitary.

(b) Ventilation and reasonable temperature shall be maintained on a 24-hour basis. Light of sufficient intensity shall be maintained to allow visual observations of juveniles at all times.

(c) Toilets that are flush controlled from outside the rooms shall be flushed as often as is necessary to maintain good sanitary standards.

13:95-11.8 Food

(a) Protective Custody juveniles shall be served the regular secure facility meals from the "Menu of the Day" unless a special diet is prescribed by a physician or a religious vegetarian diet has been approved by the secure facility chaplain.

(b) Disposable utensils shall be used when necessary.

13:95-11.9 Grooming, showering and shaving

(a) Barbering and hair care services shall be provided as needed.

(b) Each juvenile in protective custody shall be given the opportunity to shave and shower daily, unless permitting these activities would present an undue security hazard.

13:95-11.10 Medical services

(a) A member of the medical staff, which can be a registered nurse, nurse practitioner, doctor or other authorized health care personnel, shall be available on a daily basis to assess medical needs. Any juvenile wishing to see a doctor shall notify the medical staff member or the housing custody staff member of his or her sick call request.

(b) A medical or psychiatric emergency shall be attended to immediately. The response to a request for medical attention for a juvenile in a non-emergency situation shall be

made by the physician, or medical person designated by the physician, within 24 hours.

(c) Whenever it appears that a juvenile is suffering from an emotional or psychiatric disturbance, health care staff shall immediately provide appropriate intervention services and shall make arrangements for a psychiatric or psychological evaluation. Documentation of the evaluation findings shall be forwarded to the Superintendent or designee by the health care staff member who conducted the evaluation prior to completion of the shift of the health care staff member on the day the evaluation is conducted. A copy of the findings of the evaluation shall be placed in the juvenile's medical record.

13:95-11.11 Personal items

(a) All juveniles admitted to protective custody shall be dressed in clothing issued by the secure facility after a thorough search for contraband.

(b) Each juvenile shall be provided with the following items for use in the room to the same extent as such items are provided for juveniles in the general population:

1. Clothing required for use in the room;
2. Bedding and mattresses;
3. Personal hygiene supplies (including soap, deodorant, toothbrush and toothpaste, towel, toilet paper, and female sanitary supplies for women);
4. Utensils and supplies for adequately cleaning the room;
5. Eyeglasses;
6. Reading material;
7. Stamps;
8. Religious items;
9. Writing materials; and
10. Legal materials.

(c) The possession and use of radios and other appliances in protective custody shall be subject to the same guidelines as those developed by the Superintendent for the general population.

(d) Written internal management procedures shall be in effect permitting juveniles access to books and periodicals from the secure facility's library.

13:95-11.12 Secure facility clothing, bedding and linen

The issue and exchange of secure facility clothing, bedding, linen, and the laundry service shall be handled on the same basis as is available to the general juvenile population.

13:95-11.13 Juvenile legal services

Juveniles in protective custody shall be afforded legal access to courts pursuant to N.J.A.C. 13:95-15, Juvenile Access to Courts.

13:95-11.14 Correspondence visits and telephone calls

(a) Juveniles in protective custody shall have the same correspondence opportunities that are available to juveniles in the general population.

(b) Juveniles in protective custody shall be provided with the opportunity to receive a minimum of one contact visit per week, unless precluded by security conditions or other extraordinary circumstances.

(c) Juveniles in protective custody shall be provided with the opportunity to make a minimum of one collect telephone call per week in addition to legal telephone calls (see N.J.A.C. 13:95-15.7).

13:95-11.15 Recreation

(a) Where physical facilities permit, each juvenile in protective custody shall be allowed recreation and exercise outside the room at least five hours per week, unless to do so would adversely affect the security or orderly operations of the secure facility.

(b) Juveniles in protective custody shall be given the opportunity for out-of-doors recreation for a minimum of one hour of the required five hours per week unless to do so would adversely affect the security or orderly operations of the secure facility.

13:95-11.16 Education

(a) A member of the educational staff shall be assigned to develop individualized educational programs for approved juveniles who are assigned to protective custody.

(b) Educational programs and services shall be provided for all juveniles, including juveniles with educational disabilities.

(c) The educational opportunities available to juveniles in protective custody shall be comparable to those available to juveniles in the general population to the extent possible in accordance with security considerations.

13:95-11.17 Visits by professional and correctional supervisory staff

(a) A member of the secure facility social work staff shall make visits to juveniles in protective custody five days per week and shall be available to interview individual juveniles as soon as administratively possible when requested. When appropriate, referrals to other departments or staff members shall be made.

13:95-16.4 Decision making criteria for placing a juvenile on or releasing a juvenile from special observation status

(a) In determining whether to place a juvenile on special observation status or to release a juvenile from special observation status, the factors to be considered include, but are not limited to:

1. Mood or attitude;
2. Behavior;
3. Participation in activities;
4. Personal hygiene;
5. Sleeping patterns;
6. Eating habits;
7. Previous suicide attempts, if known; and/or
8. Current life situation and other information deemed relevant.

13:95-16.5 Temporary placement on special observation status

(a) The following secure facility staff persons are authorized to order that a juvenile be placed on temporary special observation status:

1. Any physician;
2. Any mental health staff person;
3. The highest ranking custody supervisor on duty;
4. The Superintendent;
5. The Director of Custody Operations; or
6. Another staff person as designated by the Superintendent.

(b) Form JJC CO-1 Notice of Special Observation Status shall be completed by the staff person who ordered the initial placement of the juvenile on special observation status and this notice shall be submitted to the Superintendent or designee for review and approval as soon as possible, but in any event within two hours of placement on special observation status. A copy of Form JJC CO-1 shall be forwarded by the staff person who ordered the initial placement of the juvenile on special observation status to the Office of Classification for placement in the juvenile's classification file and medical record.

13:95-16.6 Psychological/psychiatric review

(a) A psychologist, psychiatrist or psychiatric advanced practice nurse shall interview the juvenile as soon as possible, but in no event later than 24 hours after placement on special observation status and the juvenile shall be interviewed daily

thereafter by a psychologist, psychiatrist, psychiatric advanced practice nurse or mental health clinician.

(b) Form JJC CO-4 Daily Observation Status Monitoring Report shall be completed by a psychologist, psychiatrist, psychiatric advanced practice nurse or mental health clinician after each visit. This report shall be filed daily in the juvenile's medical record.

13:95-16.7 Special psychological/psychiatric assessment required of juvenile on special observation status prior to discipline

Within 48 hours of any scheduled disciplinary treatment team hearing, a juvenile on special observation status shall be evaluated by a staff psychologist, psychiatrist or psychiatric advanced practice nurse to ascertain the appropriateness of going forward with the hearing as scheduled. The findings of the psychologist, psychiatrist or psychiatric advanced practice nurse shall be presented on Form JJC CO-6 Disciplinary Report from Mental Health Services shall be submitted to the Superintendent or designee, and shall be placed in the juvenile's medical record.

13:95-16.8 Change in type of observation

(a) After the initial placement of a juvenile on special observation status, a psychiatrist, psychologist or psychiatric advanced practice nurse may change the type of observation of a juvenile from close observation to constant observation or from constant observation to close observation by filling out Form JJC CO-2 Notice of Change in Special Observation Status. The original of JJC CO-2 shall be filed in the juvenile's medical record and a copy shall be forwarded by the staff person ordering the change to the Facility Classification Office for placement in the juvenile's classification file.

(b) The recommendation for a change in observation status that involves a lower level of supervision shall be subject to review and approval by the Superintendent or designee before action is taken to change the type of observation.

13:95-16.9 Daily written report

(a) The custody staff member on each shift, who is assigned to the special observation status post, shall complete Form JJC CO-3 Special Observation Status Monitoring Report.

(b) The completed Form JJC CO-3 shall be submitted to the highest ranking custody supervisor on duty at the conclusion of the shift, and copies of Form JJC CO-3 shall be forwarded by the third shift highest ranking custody supervisor to:

1. The Director of Custody Operations;
2. The Superintendent; and
3. The supervising psychologist of the secure facility.

(c) Form JJC CO-3 shall be placed in the juvenile's medical record by the supervising psychologist of the secure facility.

13:95-16.10 Personal property

The highest ranking custody supervisor on duty, after consultation with the lead psychologist of the secure facility or other psychologist or psychiatrist, shall determine the items of personal property which a juvenile on special observation status is permitted to possess in the juvenile's room.

13:95-16.11 Release from special observation status

(a) A psychiatrist, psychologist, or psychiatric advanced practice nurse employed or retained by the secure facility may recommend that the juvenile be released from special observation status by filling out Form JJC CO-5 Release from Special Observation Status.

(b) The recommendation to release a juvenile from special observation status (Form JJC CO-5) shall be subject to review and approval by the Superintendent or designee.

(c) The highest ranking custody supervisor on duty shall be notified by the Superintendent or designee of an order to release a juvenile from special observation status.

(d) If the juvenile's release from special observation status involves a transfer of the juvenile and space is unavailable to accommodate an immediate transfer, the highest ranking custody supervisor on duty shall determine the time the transfer will take place.

(e) Form JJC CO-5 shall be forwarded to the Facility Classification Office and a copy shall be filed in the juvenile's medical record.

13:95-16.12 Attempt to commit suicide

(a) A custody staff member or other staff person who becomes aware that a juvenile is attempting to commit suicide, or apparently has already committed suicide, shall immediately notify Center Control.

(b) Center Control shall advise the custody staff member or other staff person on actions to take and shall send such additional supervisory, emergency, medical or other staff as are deemed necessary.

(c) A custody staff member shall enter the room to take action necessary and appropriate to preventing a suicide or injury to a juvenile, provided that doing so does not pose an undue risk to his or her own safety or to the safety of others.

(d) Factors which should be considered when determining whether to enter the room include, but are not limited to:

1. The availability and location of back-up staff;

2. The staff present at location of incident;
3. The availability of keys;
4. The potential for hostage situations; and
5. The emergent nature of present circumstances.

(e) When determining the action to take, security of the housing unit and secure facility shall be of primary concern.

13:95-16.13 Cutting tool

A special cutting tool known as a "911 rescue tool" shall be available to a custody staff officer for purposes of cutting down a hanging juvenile.

13:95-16.14 Required post orders and management procedures relating to juveniles on special observation status

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

(b) Such post orders and management procedures shall have as their primary goal the objectives set forth in N.J.A.C. 13:95-16.3(a), while giving due consideration to maintaining security of the secure facility and the safety of other juveniles and staff.

(c) The post orders and management procedures required hereunder shall be updated on a yearly basis, subject to review and approval of the Director of Operations.

SUBCHAPTER 17. PREGNANT JUVENILES AND CRITICAL INJURY OR DEATH OF JUVENILES

13:95-17.1 Purpose

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

1. Providing assistance to pregnant juveniles and placement of her newborn; and
2. Providing notification to next of kin in the event of a juvenile's critical illness or death.

13:95-17.2 Care of pregnant juveniles

(a) The Commission shall provide a pregnant juvenile with medical and social services, which at a minimum shall include:

1. Prenatal medical evaluation and care, including the routine pregnancy tests given to all female juveniles upon admission to the secure facility;
2. Nutritional supplements and diet as prescribed by a physician, advance practice nurse or certified nurse midwife;