

CHAPTER 35**SPECIAL TREATMENT UNITS****Authority**

N.J.S.A. 30:1-12, 30:1B-6, 30:1B-10 and 30:4-27.24 et seq., specifically 30:4-27.34d; and *R.M. v. The Northern Regional Unit*, 367 N.J. Super. 229, 842 A. 2d 308 (App. Div. 2004).

Source and Effective Date

R.2007 d.182, effective June 4, 2007.
See: 38 N.J.R. 1984(a), 38 N.J.R. 3095(a),
38 N.J.R. 4622(a), 39 N.J.R. 2249(a).

Chapter Expiration Date

Chapter 35, Special Treatment Units, expires on June 4, 2012.

Chapter Historical Note

Chapter 35, Standards of the Division of Correction and Parole, was adopted pursuant to authority of N.J.S.A. 30:1-1 et seq., and was filed on December 12, 1973 as R.1973 d.349. See: 6 N.J.R. 15(c). Revisions to the original rules were filed and became effective September 30, 1974 as R.1974 d.273. See: 6 N.J.R. 432(b). Revisions were also filed and became effective December 27, 1974 as R.1974 d.356. See: 7 N.J.R. 59(b). Further revisions were filed and became effective April 24, 1975 as R.1975 d.108. See: 7 N.J.R. 272(a). Codified as N.J.A.C. 10:35, Chapter 35 was later recodified as N.J.A.C. 10A:35. On September 1, 1980 Chapter 35 was repealed by R.1980 d.367. See: 12 N.J.R. 600(e).

Chapter 35, Alternatives to Juvenile Incarceration Grant Program, was adopted as new rules by R.1991 d.192, effective April 15, 1991. See: 23 N.J.R. 156(b), 23 N.J.R. 1129(a). Pursuant to Executive Order No. 66(1978), Chapter 35 expired on April 15, 1996.

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SUBCHAPTER 1. GENERAL PROVISIONS**10A:35-1.1 Authority**

(a) The Commissioners of the Department of Human Services and the Department of Corrections hereby establish regulations regarding the custody, care, control and treatment of sexually violent predators who have been involuntarily civilly committed to a secure facility pursuant to the Sexually Violent Predator Act (SVPA) at N.J.S.A. 30:4-27.24 et seq.

(b) The Division of Mental Health Services (DMHS) in the Department of Human Services shall provide or arrange for sex offender treatment of persons committed pursuant to the SVPA.

(c) The Department of Corrections shall be responsible for the operation of any facility designated for the custody, care, control and treatment of sexually violent predators, and shall provide or arrange for the custodial and medical care of persons committed pursuant to the SVPA.

(d) Appropriate representatives of the Departments of Human Services and Corrections shall participate in an interagency oversight board to facilitate the coordination of the internal management procedures and policies of the facility.

10A:35-1.2 Purpose

(a) The rules in this chapter are jointly promulgated by the Department of Human Services and the Department of Corrections to implement N.J.S.A. 30:4-27.24 et seq., to establish provisions for:

1. The custody, care, control and treatment of involuntarily civilly committed sexually violent predators who are housed in a secure facility operated by the Department of Corrections, with custodial care provided or arranged for by the DOC and sex offender treatment services provided by, or arranged for by the DMHS in the Department of Human Services;
2. A secure environment for involuntarily civilly committed sexually violent predators which encourages participation in sex offender treatment;
3. The establishment of Special Treatment Unit internal management procedures and policies that include the provisions of this chapter;
4. A requirement that a Residents' Guide to the Special Treatment Unit is developed, maintained and provided to all residents;

5. The rights of residents in a secure facility for the custody, care, control and treatment of involuntarily civilly committed sexually violent predators;

6. Personal property;

7. Search of residents and facilities in order to control and deter contraband and to facilitate sex offender treatment; and

8. Testing for prohibited substances.

10A:35-1.3 Scope

This chapter shall be applicable to the operations of any secure facility designated for the custodial care of persons who have been involuntarily civilly committed as sexually violent predators.

10A:35-1.4 Definitions

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

“Canine search” means a search conducted by a canine team consisting of a handler(s) and a dog(s) specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

“Clinical staff” means employees of the Department of Human Services, Division of Mental Health Services, assigned to the Special Treatment Unit, who are members of treatment teams or who work in rehabilitation services or discipline-specific supervisory positions including, but not limited to, psychiatry, psychology and social work.

“Contraband,” for the purpose of these rules, means:

1. Any item, article or material found in the possession of, or under the control of, a resident which is not authorized for retention or receipt;

2. Any item, article or material found within the unit or on its grounds which has not been issued by the unit 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 unit or on the unit 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 residents, 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 unit limits or exceeds reasonable safety, security, sanitary, or space considerations; or

5. Any article which may be harmful or counter-therapeutic, or which may present a threat to the health or safety

of the residents, staff or general public or to the secure and orderly operation of the unit shall be considered contraband. Items of contraband shall include, but shall not be limited to: electronic communication devices, guns and firearms of any type; ammunition; explosives; knives, tools and other implements not provided in accordance with unit regulations; hazardous or poisonous chemicals and gases; unauthorized drugs and medications; medicines dispensed or approved by the unit but not consumed or utilized in the manner prescribed; intoxicants, including, but not limited to, liquor or alcoholic beverages; pornography, inappropriate materials that are counter-therapeutic; and where prohibited, currency and stamps.

“Custody staff” except as otherwise provided, means Custody Supervisors, Senior Correction Officers and Correction Officer Recruits who have been sworn as peace officers.

“Department of Corrections (DOC)” means the New Jersey Department of Corrections.

“Department of Human Services (DHS)” means the New Jersey Department of Human Services.

“Division of Mental Health Services (DMHS)” means the Division in the Department of Human Services responsible for providing or arranging for treatment of persons committed pursuant to the SVPA.

“DOC Administrator” means the administrator employed by the New Jersey Department of Corrections who serves as the chief executive officer of any Special Treatment Unit and who has oversight responsibilities for DOC staff.

“DMHS Clinical Director” means the administrator employed by the Department of Human Services, Division of Mental Health Services, who has oversight responsibilities for DHS/DMHS staff.

“Internal management procedures and policies” means procedures and policies issued and maintained by the DMHS Clinical Director or designee for implementation of the facility sex offender treatment program and the procedures and policies that are issued and maintained by the DOC Administrator or designee to provide specific operating procedures for the secure facility.

“Modified Activities Program (MAP),” when used in this chapter, means a behavior modification program used as a sex offender treatment intervention that limits a resident’s activities to his or her room, tier, wing or program.

“Resident” means a person who has been temporarily involuntarily civilly committed or involuntarily civilly committed pursuant to N.J.S.A. 30:4-27.24 et seq. to a secure facility operated by the Department of Corrections with custodial care provided or arranged for by the Department of Corrections, and sex offender treatment services provided by, or arranged for by the DMHS in the Department of Human Services.