

CHAPTER 18

MAIL, VISITS AND TELEPHONE

Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-8.1 and 52:27EE-26; and Attorney General Law Enforcement Directive No. 2002-2, Approval of Search Warrant Applications, Execution of Search Warrants and Procedures to Coordinate Investigative Activities Conducted by Multiple Law Enforcement Agencies.

Source and Effective Date

R.2008 d.141, effective May 6, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 18, Mail, Visits and Telephone, expires on November 2, 2015. See: 47 N.J.R. 1232(a).

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, Mail, Visits and Telephone, 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 renamed 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, Mail, Visits and Telephone, expired on May 27, 1997.

Chapter 18, Mail, Visits and Telephone, was adopted as R.1997 d.431, effective October 6, 1997. See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Subchapter 9, Restrictions on Sexually Oriented Materials at the Adult Diagnostic and Treatment Center, was adopted as R.1999 d.193, effective June 21, 1999. See: 31 N.J.R. 918(a), 31 N.J.R. 1615(a).

Chapter 18, Mail Visits and Telephone, was readopted as R.2002 d.407, effective November 19, 2002. See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Chapter 18, Mail, Visits and Telephone, was readopted as R.2008 d.141, effective May 6, 2008. As a part of R.2008 d.141, Subchapter 1, Introduction, was renamed General Provisions, effective June 2, 2008. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking. See: 42 N.J.R. 2150(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 18, Mail, Visits and Telephone, was scheduled to expire on May 6, 2015. See: 43 N.J.R. 1203(a).

Law Review and Journal Commentaries

ACLU Plans Suit to Challenge Prison Censorship. Hanna W. Rosin, 132 N.J.L.J. No. 13, 3 (1992).

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SUBCHAPTER 1. GENERAL PROVISIONS

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. Bedside, 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".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a)6, substituted "Bedside" for "Beside".

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).

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).
 Amended by R.2002 d.407, effective December 16, 2002.
 See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).
 In (g), substituted “Administrator” for “Superintendent” preceding “or designee”.
 Amended by R.2008 d.141, effective June 2, 2008.
 See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).
 In (a), inserted “by designated correctional facility staff”.

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:18-2.7 Inspection of outgoing correspondence

(a) Outgoing correspondence shall be reviewed by designated correctional facility staff to determine the sender. If the sender of the correspondence cannot be identified, the correspondence shall be destroyed.

(b) Outgoing mail shall not be opened, read or censored if it is considered legal correspondence or if it is addressed to:

1. Public officials such as:
 - i. The President of the United States;
 - ii. The Vice-President of the United States;
 - iii. Members of Congress;
 - iv. The Governor;
 - v. Members of the State Legislature;
 - vi. Members of the County Board of Freeholders; or
 - vii. The Mayor;
2. Governmental agency officials, such as:

- i. The Director of the Federal Bureau of Prisons;
 - ii. The Commissioner, New Jersey Department of Corrections;
 - iii. The Corrections Ombudsperson;
 - iv. Members of the Federal Parole Board; or
 - v. Members of the State Parole Board; or
3. News media representatives.

(c) Outgoing mail from inmates to public officials, governmental agency officials and news media representatives may be held, for a maximum of 72 hours, in order to verify that the addressee is a legitimate public official, governmental agency official or news media representative.

(d) Any outgoing correspondence addressed to someone other than those cited in (b) above shall not be opened, read or censored unless there is reason to believe that the correspondence contains disapproved content (see N.J.A.C. 10A:18-2.14) and then only with the prior approval of the Administrator or designee.

(e) Outgoing correspondence which is opened pursuant to this subchapter shall, once reviewed and approved, be resealed and mailed promptly.

(f) A confidential list of all correspondence which is read pursuant to this subchapter shall be maintained in the Special Investigations Division of the correctional facility or mail room, or wherever the confidentiality of the list can be maintained.

Amended by R.1989 d.204, effective April 17, 1989.
 See: 21 N.J.R. 277(a), 21 N.J.R. 1014(b).

New (b)1 through 5 added, U.S. President, V.P., Members of Congress, Members of Federal Parole Board and Director of the Federal Bureau of Prisons; 1.-4. recodified as 6.-9.

Amended by R.1990 d.564, effective November 19, 1990.

See: 21 N.J.R. 3913(a), 22 N.J.R. 3488(a).

Amended to comply with Matter of Inmate Mail to Attorneys, 232 N.J.Super. 478 (Super. Ct. App. 1989).

Amended by R.1991 d.413, effective August 5, 1991.

See: 23 N.J.R. 1758(a), 23 N.J.R. 2312(a).

Established maximum of 72 hours to hold outgoing mail to verify legitimacy of addressee.

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 (b)2iii; recodified former (b)2iii and iv as (b)2iv and v; and in (f), substituted “Internal Affairs Unit of the correctional facility” for “facility’s investigative unit”.

Administrative change.

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

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (d), substituted “Administrator” for “Superintendent” preceding “or designee”.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), inserted “by designated correctional facility staff”; and in (b)2iii, substituted “Corrections Ombudsperson, Department of the Public Advocate” for “Office of Ombudsman, New Jersey Department of Corrections”.

Administrative change.

See: 43 N.J.R. 1344(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:18-2.8 Legal correspondence

Legal correspondence shall be processed in accordance with N.J.A.C. 10A:18-3, Legal Correspondence.

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

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.

10A:18-2.9 Identification of sender of outgoing correspondence

(a) The inmate's name and number or the name of the inmate group shall appear legibly on the outside of all outgoing correspondence.

(b) If an inmate's name and number or the name of the inmate group does not appear on the outside of the correspondence, it shall be opened and examined to identify the sender so that the correspondence can be returned to the inmate or inmate group.

(c) If the inmate or inmate group cannot be identified, the correspondence shall be destroyed.

(d) The full name of the correctional facility shall be clearly stamped or printed in the upper left corner of all outgoing envelopes from inmates or inmate groups.

Amended by R.1992 d.3, effective January 6, 1992.
See: 23 N.J.R. 2468(a), 24 N.J.R. 107(a).

Added (d).

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

Inserted reference to inmate group throughout.

10A:18-2.10 (Reserved)

Repealed by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).
Section was "Telegrams and mailgrams".

10A:18-2.11 Registered, certified, preferential, or special delivery mail

(a) All registered, certified, preferential, or special delivery correspondence of a non-legal nature shall be processed as regular mail and the mail room staff shall sign to acknowledge receipt of the correspondence. The inmate shall be required to sign an acknowledgement that he or she received the correspondence.

(b) In instances where the mail room staff is not on duty to sign for registered, certified, preferential, or special delivery correspondence of a non-legal nature, the inmate shall be required to sign for the correspondence to acknowledge receipt.

Amended by R.2002 d.407, effective December 16, 2002.
See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (a), substituted "and" for "provided" following "regular mail" and "staff shall sign" for "signs" following "mail room"; in (b), substituted "staff is" for "does" following "mail room" and inserted "on duty to" preceding "sign for registered"; inserted "preferential" following "certified" throughout.

10A:18-2.12 Correspondence processing

(a) Properly identified incoming correspondence (see N.J.A.C. 10A:18-2.6) shall be distributed to inmates, and outgoing properly identified correspondence (see N.J.A.C. 10A:18-2.9) shall be sent to the post office within one day of receipt in the mail room, excluding weekends, holidays and during emergency incidents.

(b) Inmates shall not be involved in the processing of either incoming or outgoing correspondence.

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), inserted reference to emergency incidents.
Petition for Rulemaking.
See: 33 N.J.R. 2221(a).

10A:18-2.13 Receipt of funds

(a) Money orders and checks, other than personal checks, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice shall be the only approved form of money received through the mail, which can be accepted by the correctional facility for deposit in an inmate's account.

(b) When an inmate receives money orders or checks, other than personal checks, by mail, the inmate shall be given a receipt and the funds shall be deposited into the inmate's account.

(c) All cash and personal checks sent through the mail to an inmate shall be deemed contraband and processed in accordance with N.J.A.C. 10A:3-6.6.

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) and (b), substituted reference to certified checks for reference to checks other than personal checks and cash; and in (c), amended N.J.A.C. reference.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a) and (b), deleted "certified" preceding "checks"; in (a), inserted ", other than personal checks, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice" and inserted a comma following "mail"; and in (b), inserted ", other than personal checks,".

10A:18-2.14 Disapproved correspondence

(a) Any correspondence for an inmate may be withheld in the mail room or taken from an inmate's possession by the correctional facility Administrator, designee, or custody staff if it falls within one of the following categories:

1. The correspondence contains material, which is detrimental to the security and/or order of the correctional facility because it incites violence based upon race, religion, creed or nationality and a reasonable inference can be drawn, based upon the experience and professional expertise of correctional administrators, that it may result in the outbreak of violence within the facility;

2. The correspondence contains information on the following subjects that, based upon the experience and professional expertise of correctional administrators and custody staff and judged in the context of a correctional facility and its paramount interest in security, order and rehabilitation, is detrimental to the secure and orderly operation of the correctional facility:

- i. Explosives;
- ii. Weapons;
- iii. Controlled dangerous substances;
- iv. Escape plans;
- v. Lock picking or locking devices;
- vi. Depictions or descriptions of procedures for the brewing of alcoholic beverages, or the manufacture of drugs; or
- vii. Anything that might pose a threat to the safety, security or orderly operation of the correctional facility;

3. The correspondence contains information which appears to be written in code;

4. The correspondence contains information concerning activities within or outside the correctional facility which would be subject to criminal prosecution under the laws of New Jersey or the United States;

5. The correspondence incites violence or destructive or disruptive behavior toward:

- i. Law enforcement officers;
- ii. Department of Corrections or contract vendor personnel;

iii. Correctional facility inmates, visitors and/or volunteers; or

iv. Correctional facility protocols, programs or procedures; or

6. The correspondence contains material, which, based upon the experience and professional expertise of correctional administrators and judged in the context of a correctional facility and its paramount interest in maintaining safety, security, order and rehabilitation:

i. Taken as a whole, appeals to a prurient interest in sex;

ii. Lacks, as a whole, serious literary, artistic, political or scientific value; and

iii. Depicts, in a patently offensive way, sexual conduct, including patently offensive representations or descriptions of ultimate sexual acts, masturbation, excretory functions, lewd exhibition of the genitals, child pornography, sadism, bestiality or masochism.

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)2, deleted "the manufacture of"; in (a)2i through iii, amended to reflect application to the manufacture of the subject matter; in (a)2v, inserted reference to locking devices; in (a)2vi, substituted "that might pose a threat ... correctional facility" for "of a similar nature"; in (a)5ii, inserted "or contract vendor"; inserted new (a)5iii; and recodified former (a)5iii as (a)5iv.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In the introductory paragraph of (a), inserted "by the correctional facility Administrator, designee, or custody staff"; in (a)1, substituted a semicolon for a colon at the end; rewrote (a)2; in (a)5iv, inserted "protocols," and substituted "; or" for a period at the end; in the introductory paragraph of (a)6, inserted a comma following "material" and inserted "maintaining safety,"; and in (a)6iii, inserted a comma following "conduct" and inserted "child pornography," and " , bestiality".

Cross References

Inmate to inmate correspondence, see N.J.A.C. 10A:18-2.5.

10A:18-2.15 Control of correspondence

(a) Except as established in (b) below, incoming correspondence which is withheld from an inmate shall be returned to the sender, together with a notice that the material has been found to violate the Department of Corrections rules governing correspondence.

(b) If the correspondence is withheld pursuant to N.J.A.C. 10A:18-2.14(a) 4 for containing information which would be subject to criminal prosecution under the laws of New Jersey or the United States, the correspondence shall be turned over to the Special Investigations Division or Control Unit of the correctional facility for further action.

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

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

Deleted (c) and (d).

Administrative change.

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

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (a), substituted "Except as established in (b) below, incoming" for "Incoming".

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.

10A:18-2.16 Procedures for handling withheld correspondence

(a) When correspondence violates one of the categories cited in N.J.A.C. 10A:18-2.14 and is withheld in the mail room, the following action shall be taken.

1. The staff member who withholds the correspondence must submit a written report, no later than the end of the shift to the shift commander identifying:
 - i. The correspondence withheld;
 - ii. The inmate's name and number to whom it was addressed;
 - iii. The time and date of withholding; and
 - iv. The category which the correspondence violates.
2. The decision of the staff member shall be reviewed by the shift commander.
3. The correspondence shall be given to the inmate within 48 hours if the shift commander disagrees with the determination of the staff member.
4. The written report shall be initialed and returned to the staff member if the shift commander agrees with the determination.
5. The staff member shall provide the sender, within 72 hours of withholding, with a written notice which identifies:
 - i. The correspondence withheld;
 - ii. The reason for withholding the correspondence; and
 - iii. The right of the sender to appeal this decision within 10 calendar days of the date of the notice.
6. The staff member shall provide the inmate, within 72 hours of the withholding, with a written notice that correspondence has been withheld. The notice must contain the following:
 - i. Name of the sender;

ii. Date of the correspondence;

iii. Date of the withholding; and

iv. A statement that the sender has been notified of the withholding and of the right to appeal.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (a)6, inserted "the following" following "contain" in the introductory paragraph and substituted "and" for "an" in iv; substituted references to staff member for references to correction officer throughout.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a)1 through (a)4, substituted "commander" for "supervisor".

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.

10A:18-2.17 Procedure for handling correspondence removed from the inmate's possession

(a) When correspondence violates one of the categories cited in N.J.A.C. 10A:18-2.14 and is removed from the inmate's possession, the following action shall be taken:

1. The staff member who removes the correspondence from the inmate must submit a written report no later than the end of the shift to the shift commander identifying:
 - i. The correspondence removed;
 - ii. The inmate's name and number from whom it was removed;
 - iii. The time and date of removal; and
 - iv. The category which the correspondence violates.
2. The decision of the staff member shall be reviewed by the shift commander.
3. The correspondence shall be returned to the inmate within 48 hours if the shift commander disagrees with the determination of the staff member.
4. The written report shall be initialed and returned to the staff member if the shift commander agrees with the determination.
5. The staff member shall provide the inmate, within 72 hours of the removal, with a written notice which identifies:
 - i. The correspondence removed;
 - ii. The reason for removing it; and
 - iii. The inmate's right to appeal the removal.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted references to staff member for references to correction officer throughout.

(g) An approved strip search shall be conducted in private by a custody staff member(s) of the same gender as the visitor. No member of the opposite gender of the visitor shall be present in the room during the approved strip search.

(h) All contraband discovered during the search of a visitor shall be confiscated by the custody staff member performing the search, and a written report shall be submitted to the Administrator.

(i) The written report shall specify:

1. The name of the custody staff member who performed the search;
2. The name of the inmate who was to receive the visit;
3. The name and address of the visitor who was searched;
4. The time of the search;
5. The type of search and scanning/testing device used, if any, and the results if any;
6. The description of the items confiscated; and
7. The specific reason for confiscating the items.

(j) All contraband and evidence seized shall be turned over to the Special Investigations Division Investigator.

(k) If a controlled dangerous substance is discovered on, in the possession of, or in the vehicle of a visitor(s) who is on the premises of a facility under the jurisdiction of the Department of Corrections:

1. The Special Investigations Division shall immediately be contacted;
2. The visitor(s) shall be detained;
3. The visitor(s) shall be subject to search and arrest;
4. No visit shall be permitted; and
5. The visitor(s) shall be permanently banned from visiting an inmate(s) committed to the custody of the Department of Corrections.

(l) The Administrator shall decide whether the visitor shall continue to have visitation privileges except as established in (k) above and in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c).

(m) All searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the visitor's person.

Amended by R.1995 d.526, effective September 18, 1995.

See: 27 N.J.R. 2675(b), 27 N.J.R. 3613(b).

Administrative Correction.

See: 27 N.J.R. 3957(b).

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

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

In (b), search by scanning device made mandatory; and in (g), reference to pat search deleted.

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (k), added an exception at the end.

Administrative change.

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

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Rewrote the section.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (l), updated the N.J.A.C. reference.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (c), inserted "calendar"; and rewrote (f).

Administrative correction.

See: 42 N.J.R. 1732(b).

10A:18-6.15 Search of inmates

All inmates shall be subject to a search(es) such as, but not limited to, a scanning/testing device, canine, passive canine and/or pat search before a visit, and a scanning/testing device, canine, passive canine, pat search and/or strip search after a visit, in accordance with procedures established by N.J.A.C. 10A:3-5, Searches of inmates and facilities.

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.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Rewrote the section.

10A:18-6.16 Supervision of visits

(a) Visits shall be supervised to help prevent the passage of contraband and to ensure the security and orderly operation of the correctional facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly and dignified manner.

(c) The staff member(s) supervising visits should be cognizant of any articles passed between the inmate and the visitor. If there is a reasonable suspicion that articles are being passed which constitute contraband or are otherwise in violation of the law or regulations, the articles shall be confiscated and examined.

(d) Handshaking, embracing and kissing shall be permitted, within appropriate bounds, at the beginning and end of the visit in order to minimize the opportunity to introduce contraband into the correctional facility.

1. An inmate and visitor may hold hands during the visit.

2. Time restrictions regarding contact shall not apply to small children.

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), substituted "orderly operation" for "welfare"; in (c), substituted "reasonable suspicion" for "substantial basis to conclude"; recodified (b)i and ii as (b)1 and 2; and in (b)2, substituted "Time restrictions regarding contact shall not" for "Contact restrictions shall not".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), substituted "ensure" for "insure".

10A:18-6.17 Play areas for children

If a correctional facility provides play areas for children of visitors, signs shall be posted in both English and Spanish stating that children who use the area must be supervised by the parents or a relative and that the area and equipment are used at their own risk.

10A:18-6.18 Gifts of money from visitors

(a) A visitor(s) may only bring a money order or check, other than a personal check, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice to the correctional facility for deposit in an inmate's account. Cash shall not be accepted.

(b) When a visitor(s) brings a money order or check, other than a personal check, for deposit in the inmate's account, the correctional facility shall:

1. Accept the funds;
2. Establish and/or maintain an appropriate record of funds received;
3. Issue a signed receipt to the visitor(s); and
4. Retain a copy of the receipt.

(c) Each correctional facility may place a limit on the amount of funds which an inmate is permitted to receive, per day, from one visitor or a combination of visitors.

Amended by R.1996 d.22, effective January 2, 1996 (operative February 1, 1996).

See: 27 N.J.R. 3674(a), 28 N.J.R. 152(a).

Substituted "a money order or certified check" and "funds" for "cash", and specified that cash shall not be accepted.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a) and the introductory paragraph of (b), deleted "certified" following "money order or"; in (a), inserted ", other than a personal check, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice"; and in the introductory paragraph of (b), inserted ", or other than a personal check".

10A:18-6.19 Denial, termination or suspension of a visit

(a) An inmate's visiting privileges shall not be denied because of a violation of correctional facility regulations, other than those regulations specifically related to or concerned with visiting privileges, except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c).

(b) A visit may be denied, terminated or suspended and a visiting privilege suspended under the following circumstances:

1. The visitor(s) is under the influence of drugs or alcohol;
2. Space is unavailable;

3. The visitor(s) refuses to submit to search procedures;

4. The visitor(s) refuses or fails to produce sufficient identification or falsifies identifying information;

5. The visitor has failed to provide any disclosures required by N.J.A.C. 10A:18-6.3 and 6.9;

6. The inmate has not complied with the provisions at N.J.A.C. 10A:18-6.2 to request the addition of a potential visitor to their visitor list;

7. The visitor has been banned from visiting an inmate for a designated period of time and has failed to apply for reinstatement of visit privileges in accordance with N.J.A.C. 10A:18-6.3;

8. When no contact between the visitor and the inmate has been ordered by a court of jurisdiction;

9. The visit rules of the correctional facility are violated by the visitor, provided that such rules are posted;

10. Children are disturbing other persons in the correctional facility or visiting area;

11. Physical contact between the visitor and inmate that is in excess of N.J.A.C. 10A:18-6.16(d);

12. Any action that affects the ability of the staff to ensure the safe, secure and orderly operation of the correctional facility and the visiting room; or

13. A violation of the Zero Tolerance Drug/Alcohol Policy as defined in N.J.A.C. 10A:1-2.2.

(c) Except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c), prior to the denial or termination of visiting privileges for circumstances listed in (b) above, less restrictive action should be instituted. Such action may include:

1. Warning the inmate and/or visitor of improper conduct; and/or
2. Transferring the visit to a non-contact visiting area.

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

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

In (b)8, substituted "Any action ... the visiting room" for "Denial or termination of visiting privileges is necessary to preserve security of the correctional facility and maintain order in the visiting room".

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), added an exception at the end; in (b), added a new 9; and rewrote (c).

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (a) and the introductory paragraph of (c), updated the N.J.A.C. reference.

Amended by R.2009 d.208, effective July 6, 2009.

See: 41 N.J.R. 954(a), 41 N.J.R. 2659(a).

Added new (b)5 through (b)8; recodified former (b)5 through (b)9 as (b)9 through (b)13; in (b)10, inserted "correctional facility or"; and in (b)11, substituted "that" for "which".

10A:18-6.20 Request to reinstate contact visit privileges

(a) An inmate may request the reinstatement of contact visit privileges that were terminated in accordance with N.J.A.C. 10A:4-5.1 and 12. After 365 days from the date the sanction was imposed, the inmate may forward a written request for reinstatement of contact visit privileges to the Administrator or designee. If a request is not produced by the inmate, no consideration of reinstatement shall be extended. The Administrator or designee shall review and approve or disapprove the reinstatement of contact visit privileges. The inmate may appeal the decision of the Administrator or designee to the Assistant Commissioner or designee, Division of Operations.

(b) The reinstatement of contact visit privileges for an inmate who has been found guilty of a second or subsequent prohibited act identified in a zero tolerance policy as established in N.J.A.C. 10A:4-5.1 and 12 will be considered after the inmate has completed all consecutive sanctions imposed and has submitted a request to the Administrator designee.

New Rule, R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

Former N.J.A.C. 10A:18-6.20, Suspension of visiting program under emergency conditions, was recodified to N.J.A.C. 10A:18-6.21.

Amended by R.2002 d.36, effective February 4, 2002.

See: 33 N.J.R. 3403(a), 34 N.J.R. 743(a).

In (a), inserted "privileges" following "visit" in the second sentence, "contact" following "inmate's" in the fourth sentence, and "or designee" following "Commissioner" in the fourth and fifth sentences, and deleted "/Superintendent" following "Administrator" throughout.

Amended by R.2004 d.294, effective August 2, 2004.

See: 36 N.J.R. 1657(a), 36 N.J.R. 3552(a).

Rewrote the section.

Emergency amendment, R.2005 d.435, effective November 15, 2005, (to expire January 14, 2006).

See: 37 N.J.R. 4575(a).

Added "visit" to section heading; in (a), deleted "(c) or" and "(c)", added "," following "10A:4-5.1" and added "and 12"; rewrote (b).

Adopted concurrent amendment, R.2006 d.58, effective January 11, 2006.

See: 37 N.J.R. 4575(a), 38 N.J.R. 993(a).

Provisions of R.2005, d.435, adopted without change.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (a) and (b), updated the N.J.A.C. reference.

Petition for Rulemaking.

See: 40 N.J.R. 3758(a).

10A:18-6.21 Suspension of visiting program under emergency conditions

(a) The Administrator of a correctional facility shall notify the Commissioner of the Department of Corrections whenever the safety, security and orderly operation of the correctional facility is seriously threatened.

(b) The Commissioner shall determine if an emergency exists at the correctional facility and shall make a public declaration to this effect through the Department of Corrections Office of Public Information.

(c) In order to return the correctional facility to a safe, secure and orderly operation, the Administrator may suspend certain programs for the duration of the emergency. The Administrator shall consult with the Commissioner regarding the suspension of programs.

(d) The visiting program, including visits to inmates by attorneys and attorney representatives, may be suspended for the duration of an emergency. Information concerning such suspension shall be made part of the public announcement of an emergency.

(e) A public declaration shall be made through the Department of Corrections Office of Public Information when the state of emergency has passed, and the scheduling of visits by attorneys and attorney representatives shall be reinstated beginning no later than 24 hours from this public declaration. A statement to this effect shall be made in the public declaration.

(f) The public declaration that the state of emergency has passed shall also contain a statement as to whether the visiting program shall be reinstated. If the visiting program is not to be reinstated, a second public declaration shall be made announcing the date that the visiting program shall be reinstated.