

**CHAPTER 9**

**CLASSIFICATION PROCESS**

**Authority**

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-16.2, 2C:47-1 et seq. and 2A:164.

**Source and Effective Date**

R.2002 d.190, effective May 24, 2002.  
See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

**Chapter Expiration Date**

Chapter 9, Classification Process, expires on May 24, 2007.

**Chapter Historical Note**

Chapter 9, Classification Process, was adopted as R.1987 d.48, effective January 20, 1987. See: 18 N.J.R. 1649(a), 19 N.J.R. 218(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Classification Process, expired on January 20, 1992.

Chapter 9, Classification Process, was adopted as new rules by R.1992 d.79, effective February 18, 1992. See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Classification Process, was readopted as R.1997 d.122, effective February 14, 1997. See: 29 N.J.R. 80(b), 29 N.J.R. 880(a). As a part of R.1997 d.122, effective March 17, 1997, Subchapter 9, Reception and Placement Process for Male Juveniles; Subchapter 10, Juvenile Institutional Classification Committee (J.I.C.C.); and Subchapter 11, Juvenile Female Classification Committee (J.F.C.C.), were repealed. See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Chapter 9, Classification Process, was readopted as R.2002 d.190, effective May 24, 2002. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. INTRODUCTION**

**10A:9-1.1 Purpose**

(a) The purpose of this chapter is to:

1. Establish objective criteria and a standardized process for inmate evaluation, custody level assignment, and correctional facility assignment;
2. Establish the responsibilities and functions of the Institutional Classification Committees (I.C.C.);
3. Establish eligibility criteria for reduced custody status;
4. Establish provisions for the award and forfeiture of commutation time and work credits;
5. Establish provisions for the transfer of inmates between correctional facilities;
6. Establish provisions for the parole recommendation process for inmates incarcerated pursuant to N.J.S.A. 2C:47 and 2A:164; and
7. Establish rules to fulfill the functions of the Department of Corrections as enumerated in N.J.A.C. 10A:1-1.1.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Added (a)7.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(h), 29 N.J.R. 880(a).

Deleted (a)6, relating to a process for assignment and transfer of juvenile offenders; and recodified (a)7 as (a)6.

Amended by R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

In (a), added a new 1 and recodified former 1 through 6 as 2 through 7.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote the section.

**10A:9-1.2 Scope**

(a) This chapter shall be applicable to the Division of Operations unless otherwise indicated.

(b) N.J.A.C. 10A:9-8 shall be applicable to inmates sentenced under N.J.S.A. 2C:47 and 2A:164 who are housed at either the Adult Diagnostic and Treatment Center (A.D.T.C.) or other facilities.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Substantially amended section.

**10A:9-1.3 Definitions**

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

“A.D.T.C.” means the Adult Diagnostic and Treatment Center; the correctional facility designated to house inmates who have been convicted pursuant to N.J.S.A. 2C:47-1 et seq. and 2A:164-1 et seq.

“Assaultive offense” means a criminal conviction for an offense involving violence or use of force, or any offense involving the threat or attempted use of force or violence including, but not limited to, a sexual offense, carjacking, and kidnapping.

“Assessment scale” means a fixed progressive reference system used as a measurement standard to determine the relative value, degree, importance, rank, or rating of factors including, but not limited to, criminal and/or assaultive offenses or prohibited acts, escape history, time to expiration of sentence or parole, inmate age, education, employment history, alcohol/drug use, or correctional facility program participation.

“Classification Committee” means a group of correctional staff members that have been designated to make decisions related to the needs of inmates from admission to discharge.

“Classification material” means the documents in a classification folder on which information regarding an inmate is recorded such as, but not limited to, psychological or psychiatric evaluations, rap sheets, disciplinary charges, program participation, pre-sentence reports, and medical reports.

“Custody level” means the numerical rating that represents the supervision, movement, and access to jobs and programs afforded to inmates based upon objective and quantitative criteria.

“Custody status” means the custody assignment of an inmate. There are six categories:

1. Close custody;
2. Maximum custody;
3. Medium custody;

4. Gang minimum custody
5. Minimum custody; and
6. Community custody.

“Detainer” means a warrant or formal authorization to hold an inmate for prosecution or detention by a Federal, State or local law enforcement agency or the U.S. Immigration Department. Detainers may include, but are not limited to:

1. Adjudicated criminal charges for which sentence has been imposed;
2. Criminal charges resulting from indictment, for which there is no final disposition (open charges);
3. Warrants for violation of parole or probation; and
4. Immigration detainers.

“Gap time credit” means the credit awarded by the sentencing court for the period of time between dates of sentence when a defendant, who has previously been sentenced to imprisonment, is subsequently sentenced to another term for an offense committed prior to the former sentence, other than an offense committed while in custody.

“Increased custody” means assignment of an inmate to a custody level that requires more supervision.

“Initial classification” means the process by which an inmate is reviewed and/or evaluated upon admission to the Department of Corrections in order to determine the initial custody level, correctional facility, program and job assignment.

“Initial Instrument” means an objective classification scoring instrument that is weighted to evaluate an inmate’s prior criminal history and selected stability factors to determine the inmate’s initial custody level, correctional facility, program and job assignment.

“Intensive Supervision Program” means the program which permits certain offenders sentenced to State correctional institutions to be sentenced by a Resentencing Panel of judges to an intermediate form of punishment between incarceration and probation.

“Jones Farm” means a community based satellite unit of the Central Reception and Assignment Facility (CRAF), which houses inmates in full minimum custody status who meet the criteria for assignment to that facility.

“No Early Release Act (NERA),” N.J.S.A. 2C:43-7.2, means the Act that requires that persons who are sentenced to prison terms for committing certain enumerated crimes of the first and second degree be required to serve at least 85 percent of the term of incarceration imposed by the court before being eligible for parole.

“Objective classification” means the standardized evaluation and custody assignment score of an inmate based on the following criteria:

1. Severity of current offense;
2. Prior assaultive offense history;
3. Escape history;
4. History of institutional violence;
5. Balance of term to be served to expiration of sentence (initial only);
6. Alcohol/drug abuse (initial only);
7. Current detainer/open charges;
8. Prior felony convictions (initial only);
9. Education (initial only);
10. Employment (initial only);
11. Age;
12. Number of disciplinary reports (reclassification only);
13. Most severe disciplinary infraction received (reclassification only);
14. Program participation (reclassification only); and
15. Balance on parole eligibility date (reclassification only).

“Open charge” means an offense for which an inmate has been arrested but that lacks a final disposition and which is not represented by a detainer.

“Override Code Reference Index” means a list of justification codes used to document when an inmate is assigned to a custody status other than the recommended custody status indicated by the custody level score on an objective classification scoring instrument.

“Reclassification” means the process by which an inmate is reviewed and/or evaluated subsequent to initial classification to determine future custody level, correctional facility, program and job assignment.

“Reclassification Instrument” means an objective classification scoring instrument that is weighted to evaluate an inmate’s correctional facility adjustment subsequent to initial classification to determine custody level, correctional facility, program and job assignment.

“Reduced custody” means assignment of an inmate to a custody level that requires less supervision.

“Security level” means the numerical rating which represents the physical attributes of a correctional facility or housing unit in primarily objective terms related to perimeter security, operating procedures, and internal housing

configurations to identify the highest custody level of inmates allowed.

"Severity of Offense Scale" means a fixed progressive reference system consisting of criminal offenses and point values designated for use with the Initial and Reclassification Instruments that are grouped according to the severity and degree of the crime and used to rate criminal offense related criteria.

"Severity of Offense—Disciplinary Infractions Scale" means a fixed progressive reference system consisting of prohibited acts and point values grouped according to the severity of the infraction to rate the disciplinary history of an inmate on the reclassification instrument.

Amended by R.1988 d.332, effective July 18, 1988.

See: 20 N.J.R. 879(b), 20 N.J.R. 1716(a).

Added "Intensive Supervision Program".

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1989 d.299, effective June 5, 1989.

See: 21 N.J.R. 664(a), 21 N.J.R. 1516(c).

Definition of "Gap time credit" added.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Added "Custody status" and "Objective classification"; deleted "Commissioner", "Division of Adult Institutions", "Division of Juvenile Services", "Indeterminate sentence", "Prison complex", "Prison sentence", "Superintendent", "Vroom Readjustment Unit", and "Youth Complex".

Amended by R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

In the introductory paragraph, inserted ", when used in this chapter," preceding "shall have" and substituted "indicates" for "indicts" preceding "otherwise"; added "Assaultive offense", "Assessment scale", "Custody level", "Initial classification", "Initial Instrument", "Open charge", "Override Code Reference Index", "Reclassification", "Reclassification Instrument", "Security level", "Severity of Offense Scale" and "Severity of Offense—Disciplinary Infractions Scale".

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In "A.D.T.C." and "Classification Committee", substituted "inmates" for "persons" and amended the N.J.S.A. references in "A.D.T.C."; in "Classification material" inserted "but not limited to," preceding "psychological" and substituted "reports" for "records, etc."; in "Jones Farm" substituted "Central Reception and Assignment Facility (CRAF)" for "New Jersey State Prison".

Amended by R.2003 d.235, effective June 16, 2003.

See: 35 N.J.R. 1185(a), 35 N.J.R. 2647(a).

Added "No Early Release Act (NERA)".

#### 10A:9-1.4 Forms

(a) The following form related to classification shall be reproduced by each correctional facility from the original which is available by contacting the Administrative Rules Unit, New Jersey Department of Corrections.

##### 1. 852-I Authorization for Emergency Transfer.

(b) The following forms related to the classification of inmates shall be reproduced by each correctional facility from the originals which are available by contacting the Office of Classification Monitoring and Support Services (O.C.M.S.S.), Division of Operations.

1. CRAF-001 Appeal Request for IICC/CRAF Assignment;
2. CRAF-002 Changes in Sentencing/Record Referral to IICC;
3. CRAF-003 Agreement of Transfer;
4. CRAF-003-D Special Needs Agreement of Transfer;
5. CRAF-006 Objective Classification Process—Initial Instrument; and
6. CRAF-007 Objective Classification Process—Reclassification Instrument.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Added (b).

Amended by R.2001 d.425, effective November 19, 2001.

See: 33 N.J.R. 2390(a), 33 N.J.R. 3947(a).

Rewrote (b).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (b), added new 4, recodified existing 4 and 5 as 5 and 6.

Administrative change.

See: 35 N.J.R. 1137(a).

## SUBCHAPTER 2. OBJECTIVE CLASSIFICATION PROCESS

### 10A:9-2.1 Initial classification

(a) Male offenders are admitted to the Central Reception and Assignment Facility (CRAF) or the Adult Diagnostic and Treatment Center (A.D.T.C.) and female offenders are admitted to the Edna Mahan Correctional Facility for Women (EMCF) where inmates begin the initial classification process.

(b) Upon admission to the reception unit, assignment to housing shall be made based upon the inmate's:

1. Age;
2. Size;
3. Offense;
4. Sentence;
5. Previous incarcerations;
6. Mental status; or
7. Security needs.

(c) The initial classification process shall be completed within three weeks, unless unusual circumstances arise.

(d) During the initial classification process, the inmate shall be:

1. Photographed;

2. Fingerprinted;
3. Given orientation;
4. Given medical and dental examinations;
5. Interviewed by the psychologist, social worker and other staff members;
6. Given educational testing; and