

(d) When the research activity involves the review of inmate or parolee records or the participation of inmates or parolees, the correctional facility Superintendent, Parole District Supervisor, community program supervisor, or operational unit supervisor shall complete the designated section of Form 980-I and submit the Form to the Director, Office of Policy and Planning for review, who in turn shall submit the Form to the appropriate Assistant Commissioner with a recommendation for approval or disapproval.

1. The Assistant Commissioner shall review Form 980-I and shall approve or disapprove the request to conduct research by signing and dating the designated section on Form 980-I and shall then submit Form 980-I to the Commissioner for final review.

2. The Commissioner shall retain the final review authority of any request to conduct research which involves the review of inmate or parolee records or the participation of inmates or parolees.

3. The Commissioner shall approve or disapprove the request to conduct research by signing and dating the designated section on Form 980-I and shall return Form 980-I to the Assistant Commissioner.

4. The Assistant Commissioner shall retain a copy of the signed Form 980-I and return the original to the correctional facility Superintendent, Parole District Supervisor, community program supervisor, or operational unit supervisor.

Administrative Correction.
See: 26 N.J.R. 2581(a).

10A:1-10.3 Express written inmate/parolee consent requirement

(a) The express written consent of the inmate and/or parolee shall be required:

1. To ensure that direct inmate participation in any research project is on a voluntary basis; and

2. To authorize inspection or release of records pursuant to N.J.A.C. 10A:22-2.8.

(b) In order to obtain written consent of an inmate or parolee to directly participate in a research activity, Form 980-II Inmate/Parolee Research Participation Consent shall be completely filled in and signed by:

1. The inmate/parolee;

2. A witness; and

3. The correctional facility Superintendent, Parole District Supervisor, community program supervisor, or operational unit supervisor.

10A:1-10.4 Refusal to participate in research

(a) An inmate or parolee shall not be required or coerced to participate in research activities.

(b) Refusal by an inmate or parolee to participate in research shall not constitute a reason for imposing penalties upon the inmate or parolee.

10A:1-10.5 Inmate/parolee records

Confidentiality of inmate/parolee records and procedures for release or examination of records by authorized individuals or agencies shall be in accordance with N.J.A.C. 10A:22-2, Records.

10A:1-10.6 Research findings

The person(s) or agency(s) who completes a research project must, prior to publication or any public dissemination, make available the research findings or results to the correctional facility Superintendent, Parole District Supervisor, community program supervisor, or operational unit supervisor and the Commissioner, New Jersey Department of Corrections, for review and comments.

10A:1-10.7 Written procedures

(a) Each correctional facility Superintendent, community program supervisor, operational unit supervisor, and the Assistant Commissioner, Division of Parole and Community Programs shall ensure the development of written procedures governing research projects and activities consistent with the requirements of this subchapter.

(b) These written procedures shall be reviewed at least annually and updated as necessary and signed and dated by the Superintendent, Parole District Supervisor, community program supervisor, or operational unit supervisor.

SUBCHAPTER 11. PERSONAL PROPERTY OF INMATES

10A:1-11.1 Inmate's responsibility for personal property

While incarcerated within a correctional facility, the inmate shall be responsible for his or her own personal property and shall keep personal property at his or her own risk.

10A:1-11.2 Permissible personal property

(a) Each correctional facility shall develop a written list of permissible personal property items and the number of permissible personal property items which may be retained in the possession of the inmate.

(b) The listing and any regulations concerning inmate personal property shall be published in each correctional facility Inmate Handbook (see N.J.A.C. 10A:8-3).

(c) New or revised lists or regulations not included in the current correctional facility Inmate Handbook shall be post-

ed in inmate housing units and incorporated into the next revision of the Handbook.

(d) The listing of permissible personal property shall be reviewed, signed and dated annually by the Superintendent or designee and forwarded to the appropriate Assistant Commissioner for review and approval.

(e) The Assistant Commissioner may approve or disapprove the possession of any item and/or limit the number of items that may be possessed by inmates in correctional facilities.

(f) The Assistant Commissioner shall be notified, in writing, during the course of the year of any additions to or deletions from the list of permissible personal property.

(g) The Chief, Bureau of Community and Professional Services, shall disseminate lists of county jail permissible property as needed, to each correctional facility.

Amended by R.1996 d.469, effective October 7, 1996.
See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).
Petition for Rulemaking.
See: 30 N.J.R. 1099(a).

10A:1-11.3 Non-permissible personal property

(a) The correctional facility shall notify an inmate, in writing, whenever the inmate possesses any property which is non-permissible personal property.

(b) The correctional facility shall inventory and package the non-permissible personal property and the inmate shall indicate, in writing, which of the following means of disposal should be used with respect to the non-permissible personal property. The non-permissible personal property shall either be:

1. Mailed to the inmate's home at the inmate's expense;
2. Given to a visitor designated by the inmate;
3. Donated by the inmate to a charitable organization at the inmate's expense; or
4. Destroyed.

(c) If the non-permissible property is to be removed by a family member or friend(s), the inmate shall arrange for the removal of the non-permissible personal property within 30 calendar days after receiving the written notification from the correctional facility.

(d) If the inmate's non-permissible personal property is not removed from the correctional facility within 30 calendar days after the written notification, the inmate shall receive a second written notification stating that:

1. The property will be held for a maximum of 30 additional calendar days;

2. The property will be disposed of if it is not removed by a specified date; and

3. The correctional facility shall not be liable for personal property that is held longer than 60 calendar days.

(e) If the inmate or designee fails to respond to a second written notification within 30 calendar days, correctional facility may dispose of the non-permissible personal property by:

1. Donating the non-permissible personal property to any recognized public charitable organization;
2. Retaining the non-permissible personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or
3. Destroying the non-permissible personal property.

(f) Copies of written notices to the inmate about non-permissible personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1989 d.45, effective January 17, 1989.
See: 20 N.J.R. 2746(a), 21 N.J.R. 163(a).

Added new (e) and recodified old (e) to (f).
Amended by R.1992 d.269, effective July 6, 1992.
See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).
Revised (b) and (f).

10A:1-11.4 Storage of non-permissible personal property

(a) Correctional facilities shall not store inmate non-permissible personal property for more than 60 calendar days except in instances as stated in (b) below.

(b) When an inmate does not have visitors, immediate family members or a home address, the inmate may request written approval of the Superintendent to store non-permissible personal property for a period longer than 60 calendar days.

(c) If the Superintendent approves the inmate's request, made pursuant to (b) above, the personal property shall be stored at the inmate's risk, until an alternate plan can be made for storage.

10A:1-11.5 Marking inmate personal property

Each correctional facility shall establish a means of marking inmate personal property for identification purposes.

10A:1-11.6 Inventory of inmate personal property

(a) Each correctional facility shall use and maintain the IIS-1M Inmate Inventory Sheet. This inventory sheet shall be used to itemize all personal property in the inmate's possession upon admission, while incarcerated and upon transfer.

(b) If possible, the inmate's personal property shall be inventoried in his or her presence.

(c) The completed IIS-1M Inmate Inventory Sheet and any subsequent updates to this inventory sheet shall be signed by both the inventory officer and the inmate.

(d) In the event the inmate refuses to sign the IIS-1M Inmate Inventory Sheet, the inventory officer shall note the inmate's refusal on the inventory sheet.

(e) The signed IIS-1M Inmate Inventory Sheet shall be maintained on file (see N.J.A.C. 10A:1-11.10) and a copy shall be given to the inmate.

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Added new (d); redesignated existing (d) as (e).

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

10A:1-11.7 Disposition of personal property when an inmate is transferred

(a) Central Medical/Transportation shall be responsible for transporting personal property of inmates. If Central Medical/Transportation is unable to transport the property at the time of the transfer, Central Medical/Transportation will be responsible for transporting the inmate's personal property to the receiving correctional facility within seven working days from the date of transfer.

(b) Except for inmate transfers to a hospital, all transfers shall be considered permanent for the purpose of inmate personal property disposition.

(c) When an inmate is transferred from one correctional facility to another, it shall be the responsibility of the sending correctional facility to send with the inmate all of the inmate's personal property.

(d) When an inmate is transferred to a county jail, non-permissible personal property shall not be sent by the sending correctional facility to the county jail. Non-permissible personal property shall be inventoried, packaged and mailed to the inmate's home at the expense of the sending correctional facility or the non-permissible personal property shall be made available for removal by designated family members or friends of the inmate.

(e) An inmate being transferred to another correctional facility who does not have visitors, immediate family members or a home address, may request written approval of the receiving correctional facility Superintendent to store the inmate's non-permissible personal property.

(f) If the receiving correctional facility Superintendent approves the inmate's request, the Superintendent shall give the inmate a written notification stating that:

1. The personal property will be stored at the inmate's risk;

2. The personal property will be held for a maximum of 60 additional calendar days;

3. The personal property will be disposed of if it is not removed by a specified date; and

4. The correctional facility shall not be liable for personal property that is held longer than 60 calendar days.

(g) In every case that personal property is mailed to the inmate's home, a receipt for said mailing shall be obtained from the mailing source, such as a post office or railway office, and filed in the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (f).

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

10A:1-11.8 Responsibility for personal property when an inmate is released

(a) When an inmate is released on parole or at the expiration of maximum sentence, the inmate shall:

1. Take the personal property when leaving the correctional facility; or

2. Arrange for the personal property to be sent, at the expense of the inmate, to the inmate's home; or

3. Arrange for a family member(s) or friend(s) to remove the personal property from the correctional facility within 30 calendar days after the inmate's release.

(b) When the inmate's personal property is to remain at the correctional facility, a mailing address shall be obtained from the inmate before release. If the inmate's personal property is not picked up within 30 calendar days, the correctional facility shall forward written notification to the ex-inmate stating that:

1. The property will be held for a maximum of 30 additional calendar days;

2. The property will be disposed of if it is not removed by a specified date; and

3. The correctional facility shall not be liable for personal property that is held longer than 60 calendar days.

(c) If the inmate or designee fails to respond to the written notification within 30 calendar days, correctional facility may dispose of the personal property by:

1. Donating the personal property to any recognized public charitable organization;

2. Retaining the personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or

3. Destroying the personal property.

(d) Copies of written notices to the inmate about personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

Amended by R.1989 d.45, effective January 17, 1989.

See: 20 N.J.R. 2746(a), 21 N.J.R. 163(a).

Added new (c) and recodified old (c) to (d).

Amended by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Revised (d).

10A:1-11.9 Responsibility for personal property when inmate escapes

(a) When an inmate escapes, the inmate's personal property shall be held at the correctional facility for 30 calendar days.

(b) If the escaped inmate does not return within 30 calendar days to the correctional facility or any other correctional facility within the jurisdiction of the New Jersey Department of Corrections, the inmate's property shall be deemed abandoned property.

(c) The correctional facility may dispose of abandoned personal property by:

1. Donating the personal property to any recognized public charitable organization;
2. Retaining the personal property for use by the general inmate population, such as a typewriter for use in the Inmate Law Library; or

3. Destroying the personal property.

(d) A written notice of final disposition of the escaped inmate's abandoned personal property shall become a permanent part of the inmate's classification folder (see N.J.A.C. 10A:1-11.10).

New Rule, R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Old section 11.9 "Records", recodified to 11.10.

10A:1-11.10 Records

(a) Copies or originals of the following shall become a permanent part of the inmate's classification folder.

1. Any written notices to the inmate about personal property;
2. Any receipts received or obtained for mailing personal property; and
3. Signed IIS-1M Inmate Inventory Sheet(s).

Recodified from 10A:1-11.9 by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).

Old section 10A:1-11.10 was "Written procedures".

Amended by R.1996 d.469, effective October 7, 1996.

See: 28 N.J.R. 3701(a), 28 N.J.R. 4481(a).

10A:1-11.11 Written procedures

Each correctional facility shall develop written policy and procedures consistent with this subchapter.

Recodified from 10A:1-11.10 by R.1992 d.269, effective July 6, 1992.

See: 24 N.J.R. 1465(a), 24 N.J.R. 2451(c).