

**CHAPTER 95
SECURE FACILITIES**

Authority

N.J.S.A. 2A:4A-60, 2C:39-6a(9), 9:17A-1 and 4, 30:4-27.2, 30:4-27.24, 30:4-82.4, 30:4-123.53a, 47:1A-1, 52:17B-170e(8) and (9), 52:17B-170e(14) and (22), 52:17B-171, 52:17B-174, 52:17B-175, and 52:17B-176.

Source and Effective Date

R.2011 d.202, effective June 30, 2011.
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Chapter Expiration Date

Chapter 95, Secure Facilities, expires on June 30, 2018.

Chapter Historical Note

Chapter 95, Security and Control, was adopted as R.2000 d.329, effective August 7, 2000. See: 32 N.J.R. 1744(a), 32 N.J.R. 2909(c).

Chapter 95, Security and Control, was readopted as R.2006 d.57, effective January 9, 2006. As a part of R.2006 d.57, Chapter 95 was renamed Secure Facilities; Subchapter 2, Use of Force While On Duty, was repealed, and Subchapter 2, Keep Separate Status, was adopted as new rules; Subchapter 3, Use of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Force, was adopted as new rules; and Subchapters 4 through 21 were adopted as new rules, effective February 6, 2006. See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 95, Secure Facilities, was scheduled to expire on July 8, 2013. See: 43 N.J.R. 1203(a).

Chapter 95, Secure Facilities, was readopted as R.2011 d.202, effective June 30, 2011. As a part of R.2011 d.202, Subchapter 7, Behavior Accountability Unit, was adopted as new rules, effective August 1, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 13, Resident Care Standards, was adopted as new rules by R.2013 d.138, effective December 2, 2013. See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:95-1.1 Purpose
- 13:95-1.2 Scope
- 13:95-1.3 Definitions
- 13:95-1.4 Forms
- 13:95-1.5 Confidentiality and use of information relating to juveniles

SUBCHAPTER 2. KEEP SEPARATE STATUS

- 13:95-2.1 Recommending placement of a juvenile in keep separate status
- 13:95-2.2 Authorization of placement of juvenile in keep separate status
- 13:95-2.3 Procedures for tracking transfers of juveniles in keep separate status
- 13:95-2.4 Recommending removal from keep separate status
- 13:95-2.5 Authorization for removal from keep separate status

SUBCHAPTER 3. USE OF FORCE

- 13:95-3.1 Custody staff member authority
- 13:95-3.2 Use of force
- 13:95-3.3 Non-deadly force; when justified

- 13:95-3.4 Deadly force; when deadly force is justified and when restricted; restrictions on issuance and use of firearms
- 13:95-3.5 Use of force against persons other than juveniles; duties outside the secure facility security perimeter
- 13:95-3.6 Use of force while off-duty
- 13:95-3.7 Reports
- 13:95-3.8 Use of mechanical restraints
- 13:95-3.9 Use of chemical or natural agents; storage
- 13:95-3.10 Training
- 13:95-3.11 Penalties for violation
- 13:95-3.12 Secure facility internal management procedures

SUBCHAPTER 4. USE OF FIREARMS WHILE ON-DUTY AND USE OF PERSONAL FIREARMS WHILE OFF-DUTY

- 13:95-4.1 Custody staff members authorized to carry firearms while on-duty
- 13:95-4.2 On-duty firearms training, qualification and re-qualification
- 13:95-4.3 On-duty firearm
- 13:95-4.4 Personnel authorized to carry firearms while off-duty
- 13:95-4.5 Authorized off-duty firearms, ammunition, holsters and security
- 13:95-4.6 Off-duty firearm
- 13:95-4.7 Firearm instructors
- 13:95-4.8 Off-duty firearms training, qualification and re-qualification
- 13:95-4.9 Storage of off-duty firearms while on-duty
- 13:95-4.10 Unauthorized use of personal weapons while off-duty
- 13:95-4.11 Possession of firearms within a casino or casino simulating facility
- 13:95-4.12 Reporting incidents
- 13:95-4.13 Penalties for violation
- 13:95-4.14 Post orders and procedures

SUBCHAPTER 5. SEARCHES OF JUVENILES AND FACILITIES

- 13:95-5.1 Purpose
- 13:95-5.2 Search plan
- 13:95-5.3 Searches of juveniles and facilities
- 13:95-5.4 Inspection of security devices
- 13:95-5.5 Use of scanning/testing devices
- 13:95-5.6 Pat search
- 13:95-5.7 Strip searches
- 13:95-5.8 Body cavity searches of juveniles
- 13:95-5.9 Canine searches
- 13:95-5.10 Testing for prohibited substances
- 13:95-5.11 Collection and analysis of urine specimens
- 13:95-5.12 (Reserved)
- 13:95-5.13 Staff orientation and training

SUBCHAPTER 6. CONTRABAND AND DISPOSITION OF CONTRABAND

- 13:95-6.1 Procedures for handling contraband upon discovery
- 13:95-6.2 Disposal of contraband personal property seized in reception units
- 13:95-6.3 Disposal of contraband personal property seized within a secure facility
- 13:95-6.4 Disposal of contraband, State-issued property
- 13:95-6.5 Disposal of contraband threatening to security or disruptive to operations
- 13:95-6.6 Confiscation and disposal of unauthorized currency or money
- 13:95-6.7 Disciplinary reports
- 13:95-6.8 Introduction or discharge of contraband into or from a facility by a visitor
- 13:95-6.9 Introduction or discharge of contraband into or from a facility by the mail

SUBCHAPTER 7. BEHAVIOR ACCOUNTABILITY UNIT

- 13:95-7.1 Establishment and purpose of Behavior Accountability Unit
- 13:95-7.2 Assignment of juveniles to the Behavior Accountability Unit (BAU)
- 13:95-7.3 Behavior Accountability Unit Review Committee (BAURC)
- 13:95-7.4 Responsibilities of the Behavior Accountability Unit Review Committee (BAURC)
- 13:95-7.5 Appeal of initial assignment
- 13:95-7.6 Procedures for Behavior Accountability Unit Review Committee (BAURC) case reviews
- 13:95-7.7 Review of juveniles placed in the Behavior Accountability Unit (BAU)
- 13:95-7.8 Transfers; record maintenance
- 13:95-7.9 Secure facility procedures
- 13:95-7.10 through 13:95-7.25 (Reserved)

SUBCHAPTER 8. INSTITUTIONAL CLASSIFICATION

- 13:95-8.1 Institutional classification committees
- 13:95-8.2 Juvenile classification files
- 13:95-8.3 Classification decisions
- 13:95-8.4 Classification upon assignment to a secure facility
- 13:95-8.5 Special reviews; juvenile requests for transfer to another Commission program or facility
- 13:95-8.6 Early review
- 13:95-8.7 Work assignments
- 13:95-8.8 Education assignments
- 13:95-8.9 Counseling assignments
- 13:95-8.10 Written procedures

SUBCHAPTER 9. TRANSPORTATION OF JUVENILES

- 13:95-9.1 Use of State-owned and privately owned vehicles
- 13:95-9.2 Transporting juveniles by aircraft
- 13:95-9.3 Transport of medium, maximum or close custody juveniles
- 13:95-9.4 Transport of reduced custody juveniles
- 13:95-9.5 Transportation documents
- 13:95-9.6 Recall to court
- 13:95-9.7 Juvenile supervision
- 13:95-9.8 Emergencies
- 13:95-9.9 Transporting parole violators and escapees with physical injuries
- 13:95-9.10 Clothing
- 13:95-9.11 Medical transportation
- 13:95-9.12 Transportation costs in a civil action
- 13:95-9.13 Written internal management procedures

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
- 13:95-10.2 Juvenile personal property
- 13:95-10.3 Juvenile supervision

SUBCHAPTER 11. PROTECTIVE AND TEMPORARY CLOSE CUSTODY

- 13:95-11.1 Forms
- 13:95-11.2 Admission to protective custody
- 13:95-11.3 Hearing procedure for involuntary placement to protective custody
- 13:95-11.4 Appeal procedures for protective custody placement
- 13:95-11.5 Review of juveniles in protective custody
- 13:95-11.6 Release of juveniles in Protective Custody Units
- 13:95-11.7 Transfers; record maintenance
- 13:95-11.8 Secure facility procedures
- 13:95-11.9 Placement in temporary close custody
- 13:95-11.10 through 13:95-11.25 (Reserved)

SUBCHAPTER 12. JUVENILE ORIENTATION AND HANDBOOK

- 13:95-12.1 Responsibility for orientation
- 13:95-12.2 Scheduling orientation
- 13:95-12.3 Content of orientation; resident handbook
- 13:95-12.4 Staff participation
- 13:95-12.5 Responsibility for secure facility and unit-specific juvenile resident handbooks
- 13:95-12.6 Resident handbook distribution
- 13:95-12.7 Unit-specific resident handbooks
- 13:95-12.8 through 13:95-12.9 (Reserved)

SUBCHAPTER 13. RESIDENT CARE STANDARDS

- 13:95-13.1 Uniformity of standards
- 13:95-13.2 Ventilation; heating; lighting; sanitation; room inspections
- 13:95-13.3 Visual observation of certain juveniles
- 13:95-13.4 Food
- 13:95-13.5 Grooming, showering, and shaving
- 13:95-13.6 Medical services
- 13:95-13.7 Visits by social services and supervisory staff
- 13:95-13.8 Chaplain services
- 13:95-13.9 Personal items; searches
- 13:95-13.10 Bedding, linen, and laundry services
- 13:95-13.11 Correspondence, visits, and telephone calls
- 13:95-13.12 Recreation for juveniles in disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody and temporary close custody
- 13:95-13.13 Education
- 13:95-13.14 Work opportunities
- 13:95-13.15 Psychological examinations for long-term protective custody juveniles
- 13:95-13.16 Withdrawal of personal items or activities
- 13:95-13.17 Records
- 13:95-13.18 Transfers; record maintenance
- 13:95-13.19 Disciplinary actions applicable
- 13:95-13.20 Secure facility procedures

SUBCHAPTER 14. JUVENILE HYGIENE AND GROOMING; PROHIBITION AGAINST TOBACCO PRODUCTS; JUVENILE IDENTIFICATION PHOTOGRAPHS; HOUSEKEEPING AND SANITATION; CLOTHING, BEDDING AND LAUNDRY

- 13:95-14.1 Purpose
- 13:95-14.2 Written secure facility internal management procedures
- 13:95-14.3 Juvenile orientation
- 13:95-14.4 Room restriction and Close Custody provisions
- 13:95-14.5 Sanitary/hygiene/grooming kit
- 13:95-14.6 Grooming, showering and shaving
- 13:95-14.7 Procedures for purchasing and issuing supplies
- 13:95-14.8 Time for grooming
- 13:95-14.9 Hair
- 13:95-14.10 Tobacco products prohibited
- 13:95-14.11 Juvenile identification (ID) photographs
- 13:95-14.12 Housekeeping
- 13:95-14.13 Waste disposal
- 13:95-14.14 Control of vermin and pests
- 13:95-14.15 Inspections by secure facility staff members
- 13:95-14.16 Inspections by the State Department of Health and Senior Services
- 13:95-14.17 Policies of the Office of Administration
- 13:95-14.18 Basic clothing issue
- 13:95-14.19 DEPTCOR, State Use Industries
- 13:95-14.20 Replenishing juvenile basic issue

SECURE FACILITIES

- 13:95-14.21 Juvenile accountability for State-issued clothing
- 13:95-14.22 Special issue/work detail clothing
- 13:95-14.23 Clothing handling at juvenile release
- 13:95-14.24 Personal clothing
- 13:95-14.25 Marking State-issued clothing
- 13:95-14.26 Condemning clothing
- 13:95-14.27 Clothing storage
- 13:95-14.28 Bedding towels and washcloths
- 13:95-14.29 Secure facility/unit laundry services
- 13:95-14.30 Secure facility central laundry policies and procedures
- 13:95-14.31 Records

SUBCHAPTER 15. JUVENILE ACCESS TO COURTS

- 13:95-15.1 Juvenile access to courts
- 13:95-15.2 Allocation of legal services
- 13:95-15.3 Law library
- 13:95-15.4 Legal photocopying services; general provisions
- 13:95-15.5 Legal photocopying services for indigent juveniles
- 13:95-15.6 Legal photocopying services for non-indigent juveniles
- 13:95-15.7 Legal telephone calls
- 13:95-15.8 Legal services
- 13:95-15.9 Notary public service
- 13:95-15.10 Juvenile legal material
- 13:95-15.11 Juvenile paralegals
- 13:95-15.12 Juvenile paralegal training and security
- 13:95-15.13 General provisions
- 13:95-15.14 Written policy and procedures
- 13:95-15.15 Change of juvenile's name; juvenile responsibilities
- 13:95-15.16 Amendment of secure facility records to reflect juvenile name change
- 13:95-15.17 "Common law" change of name
- 13:95-15.18 Juvenile orientation
- 13:95-15.19 Filing fee for civil action or proceeding in Federal court
- 13:95-15.20 Filing fee for civil action or proceeding in State court
- 13:95-15.21 Civil action money judgment; use of funds

SUBCHAPTER 16. SUICIDE PREVENTION

- 13:95-16.1 Purpose
- 13:95-16.2 Forms
- 13:95-16.3 Special observation status; reporting potential suicidal behavior
- 13:95-16.4 Decision making criteria for placing a juvenile on or releasing a juvenile from special observation status
- 13:95-16.5 Temporary placement on special observation status
- 13:95-16.6 Psychological/psychiatric review
- 13:95-16.7 Special psychological/psychiatric assessment required of juvenile on special observation status prior to discipline
- 13:95-16.8 Change in type of observation
- 13:95-16.9 Daily written report
- 13:95-16.10 Personal property
- 13:95-16.11 Release from special observation status
- 13:95-16.12 Attempt to commit suicide
- 13:95-16.13 Cutting tool
- 13:95-16.14 Required post orders and management procedures relating to juveniles on special observation status

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

- 13:95-17.1 Purpose
- 13:95-17.2 Care of pregnant juveniles
- 13:95-17.3 Obstetrical services
- 13:95-17.4 Maternity clothes, housing assignments, exercise and work schedules
- 13:95-17.5 Termination of pregnancy
- 13:95-17.6 (Reserved)
- 13:95-17.7 Placement of infants and infant's medical costs
- 13:95-17.8 Critical illness or death of a juvenile; notification of next of kin

- 13:95-17.9 Advance directive for juvenile age 18 or older
- 13:95-17.10 Security procedures upon the death of a juvenile
- 13:95-17.11 Claiming bodies of deceased juveniles
- 13:95-17.12 Burial or cremation of unclaimed bodies
- 13:95-17.13 Distribution of money and personal belongings of deceased juveniles
- 13:95-17.14 Written procedures

SUBCHAPTER 18. (RESERVED)

SUBCHAPTER 19. MAIL: CORRESPONDENCE, LEGAL CORRESPONDENCE, PUBLICATIONS AND PACKAGES

- 13:95-19.1 Notice to juveniles
- 13:95-19.2 Limitation on number of correspondents
- 13:95-19.3 Limitation on number of postage stamps
- 13:95-19.4 Limitation on source of publications
- 13:95-19.5 Limitations on packages
- 13:95-19.6 Correspondence in language other than English
- 13:95-19.7 Correspondence to or from other juveniles and inmates of adult correctional facilities
- 13:95-19.8 Inspection and identification of incoming correspondence
- 13:95-19.9 Inspection of outgoing correspondence
- 13:95-19.10 Identification of secure facility on outgoing correspondence
- 13:95-19.11 Identification of incoming legal correspondence
- 13:95-19.12 Inspection of incoming legal correspondence
- 13:95-19.13 Identification of outgoing legal correspondence
- 13:95-19.14 Identification of incoming publications
- 13:95-19.15 Inspection and identification of outgoing publications
- 13:95-19.16 Inspection of incoming publications
- 13:95-19.17 Identification of incoming mailed packages
- 13:95-19.18 Inspection of incoming packages
- 13:95-19.19 Inspection and identification of outgoing packages
- 13:95-19.20 Registered, certified, preferential, or special delivery mail
- 13:95-19.21 Proof of service
- 13:95-19.22 Correspondence processing
- 13:95-19.23 Receipt of funds
- 13:95-19.24 Disapproved correspondence
- 13:95-19.25 Control of correspondence
- 13:95-19.26 Procedures for handling withheld correspondence
- 13:95-19.27 Procedure for handling correspondence removed from the juvenile's possession
- 13:95-19.28 Appeal and final disposition
- 13:95-19.29 Cost of mailing legal correspondence by indigent juveniles
- 13:95-19.30 Cost of mailing correspondence for non-indigent juveniles and for juveniles in general intake and orientation
- 13:95-19.31 Cost of mailing correspondence by indigent juveniles
- 13:95-19.32 Correspondence to and from illiterate juveniles
- 13:95-19.33 Cost of mailing legal correspondence for non-indigent juveniles and for juveniles in general intake and orientation
- 13:95-19.34 Juvenile use of interoffice correspondence
- 13:95-19.35 Publications in a language other than English
- 13:95-19.36 Processing of publications
- 13:95-19.37 Disapproved content in publications
- 13:95-19.38 Control of publications
- 13:95-19.39 Procedure for handling withheld publications
- 13:95-19.40 Procedure for handling publications removed from a juvenile's possession
- 13:95-19.41 Appeal and final disposition
- 13:95-19.42 Package processing
- 13:95-19.43 Forwarding correspondence, legal correspondence, publications and packages to a juvenile transferred to another facility or program
- 13:95-19.44 Forwarding correspondence, legal correspondence, publications and packages to juvenile released on parole or at expiration of maximum sentence

- 13:95-19.45 Forwarding correspondence, legal correspondence, publications and packages to a juvenile remanded to a detention facility
- 13:95-19.46 Forwarding correspondence, legal correspondence, publications and packages of a juvenile who has escaped

SUBCHAPTER 20. VISITS AND TELEPHONE

- 13:95-20.1 Forms
- 13:95-20.2 Notice to juveniles
- 13:95-20.3 List of visitors
- 13:95-20.4 Approval of potential visitors
- 13:95-20.5 Employee visits with incarcerated relatives
- 13:95-20.6 Special visits
- 13:95-20.7 Visits between incarcerated relatives
- 13:95-20.8 Attorneys and court related personal visits
- 13:95-20.9 Visits from children
- 13:95-20.10 Notification to prospective visitors
- 13:95-20.11 Visitor identification
- 13:95-20.12 Visiting schedule
- 13:95-20.13 Number of visitors
- 13:95-20.14 Treatment of visitors
- 13:95-20.15 Search of visitors
- 13:95-20.16 Search of juveniles
- 13:95-20.17 Supervision of visits
- 13:95-20.18 Play areas for children
- 13:95-20.19 Gifts of money from visitors prohibited
- 13:95-20.20 Denial, termination or suspension of a visit
- 13:95-20.21 Request to reinstate contact visit privileges
- 13:95-20.22 Suspension of visiting program under emergency conditions
- 13:95-20.23 Bedside, private viewing, and funeral visits: authority
- 13:95-20.24 Verification of illness or death of a relative
- 13:95-20.25 Eligibility and restrictions
- 13:95-20.26 Security
- 13:95-20.27 Court ordered private viewing, or funeral visits
- 13:95-20.28 Payment of visit expenses
- 13:95-20.29 Notification in monthly report
- 13:95-20.30 Written procedures for telephone use
- 13:95-20.31 Monitoring of telephone calls
- 13:95-20.32 Cost of telephone calls
- 13:95-20.33 Emergency telephone calls
- 13:95-20.34 Legal telephone calls
- 13:95-20.35 Telephone calls between incarcerated relatives
- 13:95-20.36 Telephone use by authorized juvenile groups
- 13:95-20.37 Telephone use by juveniles in protective and temporary close custody

SUBCHAPTER 21. REPORTS

- 13:95-21.1 Purpose
- 13:95-21.2 Written reports regarding release of a juvenile into a residential community facility
- 13:95-21.3 Written reports regarding release of a juvenile from custody
- 13:95-21.4 Written reports regarding the critical illness or death of a juvenile
- 13:95-21.5 Initial response to an unusual incident or event
- 13:95-21.6 Follow up written report
- 13:95-21.7 Superintendent notification of law enforcement agencies, sentencing judge and classification officer upon escape of a juvenile
- 13:95-21.8 Office of investigations notification of law enforcement agencies
- 13:95-21.9 Commission liaison to outside law enforcement agencies
- 13:95-21.10 Cooperation with outside law enforcement agencies
- 13:95-21.11 Dissemination of reporting procedures for unusual incidents and events
- 13:95-21.12 Reportable suspected violations of criminal statutes
- 13:95-21.13 Non-reportable violations of criminal statutes
- 13:95-21.14 Office of Investigations reporting procedures

SUBCHAPTER 1. GENERAL PROVISIONS

13:95-1.1 Purpose

(a) The purpose of this chapter is to establish a comprehensive regulatory framework governing the operation of secure facilities under the jurisdiction of the Commission, as those terms are defined in N.J.A.C. 13:95-1.3.

(b) Among the policies and procedures established by this chapter are rules addressing:

1. The use of force by custody staff members, both on-duty and off-duty;
2. The use of firearms on-duty and off-duty;
3. Searches of juveniles and facilities in order to control and deter contraband;
4. Contraband and its seizure and disposal;
5. Testing for prohibited substances;
6. The transportation of juveniles outside the secure facility and from one jurisdiction to another;
7. Assignment of juveniles to housing, education, treatment, work, behavior accountability unit and other programs;
8. Placement of juveniles in temporary close custody and protective custody;
9. Handling of juveniles' mail, visits to and by juveniles and juvenile access to courts;
10. Juvenile hygiene and grooming;
11. Housekeeping, sanitation, bedding and laundry; and
12. Issuance and updating of a juvenile handbook in each secure facility.

Amended by R.2006 d.57, effective February 6, 2006.

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

Section was "Purpose and scope"; rewrote (a); deleted former (b); added new (b).

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In (b)7, inserted ", behavior accountability unit".

13:95-1.2 Scope

This chapter shall be applicable to Commission secure facilities unless otherwise indicated in this chapter.

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. 13:95-1.2, Definitions, recodified as N.J.A.C. 13:95-1.3.

13:95-1.3 Definitions

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

“Assistant Superintendent” means the ranking assistant to a Superintendent of a secure facility.

“Attorney General” means the Attorney General of the State of New Jersey.

“Body cavity search” means the visual inspection or manual search of a person’s anal or vaginal cavity.

“Central Communications Unit” means the centralized communication center within the Department of Corrections.

“Center Control” means the unit which coordinates the security and communication functions within a secure facility.

“Chemical agent” means an aerosol spray which may be used to gain control of individuals who resist arrest or for the purpose of self-defense against an attack.

“Civil union couple” means two persons who have established a civil union pursuant to N.J.S.A. 37:1-28 et seq., known as the Civil Union Act.

“Classification Committee” means either a juvenile reception classification committee, or a juvenile reclassification committee, as those terms are defined in N.J.A.C. 13:100, an institutional classification committee, within the meaning of N.J.A.C. 13:95-8, or other classification committee responsible for:

1. Monitoring a juvenile’s progress within a secure facility and for assigning the juvenile to appropriate programs or activities, or
2. Determining the secure facility or other Commission facility to which a juvenile is assigned and for approving requests for transfer from one Commission facility to another.

“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, in close proximity to the juvenile 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 Hearing Officer” means a staff member of the Juvenile Justice Commission designated to hear and adjudicate juvenile violations.

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

“Domestic partner” or “partner” means a person who is in a relationship that satisfies the definition of a domestic partnership as set forth in the New Jersey Domestic Partnership Act, N.J.S.A. 26:8A-1 et seq.

“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 proceedings before a Disciplinary Hearing Officer 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.

“Law library” means a location where legal resources available to juveniles, whether in physical or electronic media form, are maintained.

“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 any person who is related to the juvenile through blood, marriage, adoption, civil union or domestic partnership and including a stepparent.

“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.

“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.

Administrative correction.

See: 40 N.J.R. 6822(b).

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Added definitions “Civil union couple”, “Domestic partner”, and “Law library”; in definition “Constant observation”, inserted “, in close proximity to the juvenile”; and rewrote definition “Relative”.

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-I Request for a Polygraph Examination;
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;

(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 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 Disciplinary Hearing Officer 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.

Administrative correction.

See: 40 N.J.R. 6822(b).

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In (b)5, deleted "non-alcoholic" preceding "prohibited".

13:95-5.11 Collection and analysis of urine specimens

(a) Substance abuse testing shall be by urinalysis utilizing a Commission-approved urinalysis specimen test kit and shall be conducted by staff who have been trained to perform such testing.

(b) Specimens taken from juveniles shall be voided directly into an approved specimen container and immediately read in the presence of the juvenile and at least two authorized staff members 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. Testing shall be in accordance with the instructions/standards provided by the manufacturer of the test.
3. The custody staff member or other authorized staff member who administers the test shall record on the Office of Substance Abuse Administration, Continuity of Evidence Form, his or her name and job title, the date and times the specimen was taken and read, the results of the test, and the names of the staff member witnesses.

4. Urine specimens shall be disposed of promptly upon the recording of information provided for in (b)3 above.

(c) 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.

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

(e) 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.

Amended by R.2012 d.098, effective May 21, 2012.

See: 43 N.J.R. 3123(a), 44 N.J.R. 1618(a).

Section was "Collection, storage and analysis of specimens". Rewrote the section.

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 Disciplinary Hearing Officer 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.

Administrative correction.

See: 40 N.J.R. 6822(b).

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 Disciplinary Hearing Officer 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 Disciplinary Hearing Officer 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 Superior Court of New Jersey, Appellate Division where appropriate, are exhausted. Otherwise, the juvenile shall be given two business days following receipt of the Disciplinary Hearing Officer's 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.

Administrative correction.

See: 40 N.J.R. 6822(b).

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In the introductory paragraph of (b)2, inserted "Superior Court of New Jersey," and deleted "of the New Jersey Superior Court" following "Appellate Division".

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 Disciplinary Hearing Officer at the disciplinary hearing from the reports against the juvenile.

3. If the Disciplinary Hearing Officer concludes that the money or currency is unauthorized or has been acquired through improper means, the Disciplinary Hearing Officer 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 Disciplinary Hearing Officer's 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 Disciplinary Hearing Officer 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. Accom-

panying 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.

Administrative correction.
See: 40 N.J.R. 6822(b).

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. BEHAVIOR ACCOUNTABILITY UNIT

13:95-7.1 Establishment and purpose of Behavior Accountability Unit

(a) Each secure facility shall have rooms designated as the facility's Behavior Accountability Unit (BAU).

(b) The purpose of the BAU shall be to provide a structured environment for juveniles when they pose a threat to their own safety, to the safety of staff or other juveniles, to property or to the safe and orderly operation of the secure facility.

13:95-7.2 Assignment of juveniles to the Behavior Accountability Unit (BAU)

(a) In accordance with the standards and criteria and set forth in this section, and subject to review and concurrence by the full Behavior Accountability Unit Review Committee (BAURC), the Superintendent or designee may order that a juvenile be placed in the BAU, either acting independently or upon the recommendation of:

1. An Assistant Superintendent;
2. The Director of Custody Operations or designee;
3. The Institutional Classification Officer;
4. The Shift Commander;
5. The Education Director;
6. The Social Services Director; or
7. A psychiatrist, psychologist or psychiatric advanced practice nurse.

(b) A juvenile shall be assigned to the BAU when, after considering the information and criteria identified in (e) below, the Superintendent or designee concludes that the juvenile poses a threat to either:

1. The safety of the juvenile, staff or other juveniles;
2. Property; or
3. The safe and orderly operation of the secure facility.

(c) As a transitional placement, a juvenile may be placed in the BAU upon discharge from room restriction when such placement is in accordance with the standards and criteria set forth in this section.

(d) Each assignment of a juvenile to the BAU shall be documented and supported by a Form BAU-01 (Referral to Behavior Accountability Unit) signed by the Superintendent or designee.

(e) The following information and criteria shall be utilized by the Superintendent or designee when determining the appropriateness of an assignment of a juvenile to the BAU:

1. Disciplinary records during the juvenile's present term of confinement;
2. Information provided by psychologists, social workers, psychiatrists and other professional staff;
3. Documented willful refusal to follow rules and obey orders;
4. Inability to maintain a satisfactory work record as indicated in reports by work supervisors and/or frequency of job changes;
5. Information indicating unsatisfactory adjustment to, or performance in, treatment, educational, vocational or rehabilitative programs;
6. Evidence of the juvenile's inability or unwillingness to house with other juveniles; and
7. Whether the juvenile may benefit from transitional placement in the BAU upon discharge from room restriction.

13:95-7.3 Behavior Accountability Unit Review Committee (BAURC)

(a) The BAURC shall be formed by the Superintendent, and shall be composed of the Superintendent or Assistant Superintendent, who shall serve as chair, in addition to:

1. A representative from the secure facility education department;
2. A representative from the secure facility social services department;
3. A custody supervisor of at least the rank of lieutenant;
4. A representative from the secure facility classification department; and
5. Up to two additional staff members, when deemed necessary or appropriate by the Chairperson in order to ensure consideration of all relevant case information.

(b) A decision of the BAURC shall be in writing, shall be recorded majority vote of all members and shall be delivered to the office of the Superintendent on the same day it is made.

1. A copy of the BAURC decision shall be placed in the juvenile's classification file.

(c) Each member of the BAURC shall have one vote, except in the case of a tie vote, in which case the chair shall have two votes in order to break the tie.

13:95-7.4 Responsibilities of the Behavior Accountability Unit Review Committee (BAURC)

(a) The BAURC has the authority and the responsibility to determine whether a juvenile is to be kept in or released from the Behavior Accountability Unit (BAU).

(b) The BAURC shall meet at least once a week or more frequently when necessary, to deliberate on matters related to its responsibilities. The BAURC shall be responsible for:

1. Reviewing the cases of juveniles referred for assignment to the BAU;
2. Reviewing the progress of each juvenile at least every two weeks to determine whether continued participation in the BAU program is appropriate; and
3. Reviewing appeals from initial assignment to the BAU, when requested by a juvenile under the provisions of N.J.A.C. 13:95-7.5.

13:95-7.5 Appeal of initial assignment

(a) A juvenile may appeal his or her initial assignment to the Behavior Accountability Unit (BAU) by submitting to any staff member a request for a meeting of the Behavior Accountability Unit Review Committee (BAURC) on a Form BAU-03 (Behavior Accountability Unit Appeal).

1. Juveniles unable to complete the Form BAU-03 may request that the Superintendent or designee appoint another juvenile or staff member to provide assistance. When another person assists in completing the BAU-03 that person's name shall appear on the form.

(b) The BAURC shall meet to consider the appeal within 72 hours of receipt by a staff member of the BAU-03, exclusive of weekends and State holidays.

(c) When considering an appeal the BAURC shall follow the procedures and requirements set forth in N.J.A.C. 13:95-7.6 and 7.7 and, in addition, shall review any supplemental information provided on the BAU-03.

13:95-7.6 Procedures for Behavior Accountability Unit Review Committee (BAURC) case reviews

(a) When a juvenile appears before the BAURC, the Chairperson shall explain to the juvenile the reason(s) for his or her appearance, the nature of the case review and the particular areas of BAURC concern.

(b) During the case review with the juvenile, the BAURC shall give guidance to the juvenile with respect to the rules and policies of the secure facility.

(c) Prior to rendering a decision to maintain a juvenile in the Behavior Accountability Unit (BAU), the BAURC shall consider alternatives to BAU placement as a means of addressing the secure facility's concerns related to the juvenile. These alternatives shall include, but not be limited to, transfer to another secure facility, reduction in privileges or transfer to another housing unit in general population.

(d) When the BAURC notes a particular treatment or rehabilitative need that can be met by existing services, and

the juvenile indicates a willingness to participate in such services, the BAURC shall make the appropriate referral.

(e) Records shall be maintained by the BAURC supporting and documenting each assignment of a juvenile to or removal from the BAU.

1. Copies of all such records and classification reviews shall be maintained in the juvenile's main classification folder and treatment folder.

13:95-7.7 Review of juveniles placed in the Behavior Accountability Unit (BAU)

(a) When the Behavior Accountability Unit Review Committee (BAURC) determines that continued assignment to the BAU is appropriate for a particular juvenile, a preliminary determination shall also be made as to when the continued need for the BAU program will be reviewed. In any case, a formal review of each juvenile in the BAU shall be made a minimum of every two weeks.

(b) A written record shall be maintained by the BAURC on a BAU-02 (Behavior Accountability Unit Case Review Form) of all reviews of juveniles in the BAU. The BAU-02 shall be kept in the treatment folder in addition to being made a permanent part of the juvenile's main classification folder. The chairperson shall sign the BAU-02.

(c) Minutes from the reviews shall be recorded in the juvenile's progress notes.

(d) The juvenile shall be permitted to appear at all reviews of the juvenile's case, unless doing so would be unduly hazardous to the safety and security of the secure facility, or if the juvenile refuses to appear.

(e) Any member of the BAURC may request a review for a juvenile in the BAU earlier than was previously determined, when the member believes a meeting is appropriate to consider improvements in behavior or other support on behalf of the juvenile.

(f) At each review, the BAURC shall again review the information upon which the decision was based to assign the juvenile to the BAU. Such information shall include:

1. Disciplinary reports;
2. Programs participation, such as, but not limited to, education, counseling, recreation activities, etc.; and
3. Records of the juvenile's behavior and attitude while in the BAU, such as, custody and professional staff reports, which must periodically be filed describing pertinent observations, both positive and negative, of the juvenile's behavior and attitude while in the BAU.

(g) A juvenile shall be released from the BAU when, in the opinion of the BAURC, the juvenile no longer poses a threat either:

1. To the safety of the juvenile, staff or other juveniles;

2. To property; or
3. To the safe and orderly operation of the secure facility.

13:95-7.8 Transfers; record maintenance

All transfers into or out of a Behavior Accountability Unit shall be entered on the juvenile's classification progress record.

The following annotation applies to N.J.A.C. 13:95-7.8 prior to its recodification from N.J.A.C. 13:95-7.24 by administrative change:

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Ventilation, heating, lighting, sanitation, observation".

The following annotation applies to N.J.A.C. 13:95-7.8 subsequent to its recodification from N.J.A.C. 13:95-7.24 by administrative change:

Administrative change.

See: 46 N.J.R. 103(b).

Recodified from N.J.A.C. 13:95-7.24. Former N.J.A.C. 13:95-7.8 was reserved.

13:95-7.9 Secure facility procedures

(a) Every secure facility shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) All written post orders and procedures developed in accordance with this subchapter shall be submitted to the Deputy Executive Director - Operations or designee for approval before implementation.

The following annotation applies to N.J.A.C. 13:95-7.9 prior to its recodification from N.J.A.C. 13:95-7.25 by administrative change:

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Food".

The following annotation applies to N.J.A.C. 13:95-7.9 subsequent to its recodification from N.J.A.C. 13:95-7.25 by administrative change:

Administrative change.

See: 46 N.J.R. 103(b).

Recodified from N.J.A.C. 13:95-7.25. Former N.J.A.C. 13:95-7.9 was reserved.

13:95-7.10 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Grooming, showering and shaving".

13:95-7.11 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Medical services".

13:95-7.12 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Searches of juveniles; personal items".

13:95-7.13 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Secure facility clothing, bedding and linen".

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 Disciplinary Hearing Officer or Superintendent. An interpreter shall be utilized, if needed.

(h) The Disciplinary Hearing Officer 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 Disciplinary Hearing Officer 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 Disciplinary Hearing Officer 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 Disciplinary Hearing Officer's decision is based on evidence that includes confidential information, the adjudication shall contain:

- i. A concise summary of the facts on which the Disciplinary Hearing Officer 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 Disciplinary Hearing Officer is not permitted to disclose the identity of the informant.

(l) Within three business days of the hearing, the Disciplinary Hearing Officer shall provide a written notice of

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

Administrative correction.
See: 40 N.J.R. 6822(b).

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 Disciplinary Hearing Officer's decision;
2. Modify the Disciplinary Hearing Officer'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 Disciplinary Hearing Officer or Superintendent. An interpreter shall be utilized, if needed, at the discretion of the Disciplinary Hearing Officer.

Administrative correction.
See: 40 N.J.R. 6822(b).

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 Transfers; record maintenance

All transfers into or out of a Protective Custody Unit shall be entered on the juvenile's classification progress record.

The following annotation applies to N.J.A.C. 13:95-11.7 prior to its recodification from N.J.A.C. 13:95-11.23 by administrative change:

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Ventilation, heating, lighting, sanitation, observation".

The following annotation applies to N.J.A.C. 13:95-11.7 subsequent to its recodification from N.J.A.C. 13:95-11.23 by administrative change:

Administrative change.

See: 46 N.J.R. 103(b).

Recodified from N.J.A.C. 13:95-11.23. Former N.J.A.C. 13:95-11.7 was reserved.

13:95-11.8 Secure facility procedures

(a) Every secure facility shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) All written post orders and procedures developed in accordance with this subchapter shall be submitted to the Executive Director or designee for approval before implementation.

The following annotations apply to N.J.A.C. 13:95-11.8 prior to its recodification from N.J.A.C. 13:95-11.24 by administrative change:

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In (a), inserted "or advanced practice nurse,".

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Food".

The following annotation applies to N.J.A.C. 13:95-11.8 subsequent to its recodification from N.J.A.C. 13:95-11.24 by administrative change:

Administrative change.

See: 46 N.J.R. 103(b).

Recodified from N.J.A.C. 13:95-11.24. Former N.J.A.C. 13:95-11.8 was reserved.

13:95-11.9 Placement in temporary close custody

(a) A juvenile shall not be placed in temporary close custody for a period in excess of 72 hours unless exceptional circumstances warrant an extension of time. Exceptional circumstances may include, but are not limited to, information received or substantial evidence found.

(b) Criteria for placement of a juvenile in temporary close custody status are:

1. Reasonable suspicion exists to indicate that the juvenile is engaged in, or is planning a serious violation of secure facility rules, on which disciplinary action is considered premature;
2. Reasonable suspicion exists to indicate that the juvenile is in possession of, or plans to obtain, contraband which may pose a danger to the juvenile or others;
3. The juvenile exhibits assaultive, self-mutilating and/or threatening behavior related to a medical or psychiatric condition, in the written opinion of a psychiatrist, psychologist or medical doctor; and/or
4. Any other reason, which, in the opinion of the Superintendent, or designee, requires temporary close custody confinement to protect the juvenile, staff, general public, and/or the security and control of the secure facility.

(c) When placement of a juvenile in temporary close custody is ordered by the Superintendent's designee, the designee shall, as soon as administratively possible within 72 hours, inform the Superintendent and shall provide a written report to the Superintendent setting forth the reason for such placement.

(d) On or before the expiration of the 72-hour period, unless there are emergent reasons for extension, the juvenile shall be released from temporary close custody to:

1. The general population;
2. Prehearing room confinement;
3. Disciplinary room confinement in connection with a disciplinary action pursuant to N.J.A.C. 13:101;
4. Medical or psychiatric housing for continued observation, treatment, or commitment procedures; or
5. Protective custody in accordance with procedures set forth in this chapter.

(e) Release from temporary close custody may be ordered only by the Superintendent or designee.

(f) In consideration of the reason for a juvenile's placement in temporary close custody, the Director of Custody Operations or designee shall determine the personal property and other services, such as, but not limited to, visits and telephone calls, which the juvenile may be afforded while in temporary close custody.

(g) The Superintendent shall forward a monthly written report of all placements and releases from temporary close custody to the Director of Operations.

The following annotation applies to N.J.A.C. 13:95-11.9 prior to its recodification from N.J.A.C. 13:95-11.25 by administrative change:

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Grooming, showering and shaving".

The following annotation applies to N.J.A.C. 13:95-11.9 subsequent to its recodification from N.J.A.C. 13:95-11.25 by administrative change:

Administrative change.

See: 46 N.J.R. 103(b).

Recodified from N.J.A.C. 13:95-11.25. Former N.J.A.C. 13:95-11.9 was reserved.

13:95-11.10 (Reserved)

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In (a), substituted "advanced practice nurse" for "nurse practitioner".

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Medical services".

13:95-11.11 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Personal items".

13:95-11.12 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Secure facility clothing, bedding and linen".

13:95-11.13 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Juvenile legal services".

13:95-11.14 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Correspondence visits and telephone calls".

13:95-11.15 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Recreation".

13:95-11.16 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Education".

13:95-11.17 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.

See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).

Section was "Visits by professional and correctional supervisory staff".

13:95-11.18 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.
See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).
Section was "Work opportunities".

13:95-11.19 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.
See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).
Section was "Psychological examination".

13:95-11.20 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.
See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).
Section was "Withdrawal of personal items or activities".

13:95-11.21 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.
See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).
Section was "Records".

13:95-11.22 (Reserved)

Repealed by R.2013 d.138, effective December 2, 2013.
See: 44 N.J.R. 2466(a), 45 N.J.R. 2484(a).
Section was "Disciplinary action within Protective Custody Units".

13:95-11.23 (Reserved)

Administrative change.
See: 46 N.J.R. 103(b).
Recodified to N.J.A.C. 13:95-11.7. Section was "Transfers; record maintenance".

13:95-11.24 (Reserved)

Administrative change.
See: 46 N.J.R. 103(b).
Recodified to N.J.A.C. 13:95-11.8. Section was "Secure facility procedures".

13:95-11.25 (Reserved)

Administrative change.
See: 46 N.J.R. 103(b).
Recodified to N.J.A.C. 13:95-11.9. Section was "Placement in temporary close custody".

SUBCHAPTER 12. JUVENILE ORIENTATION AND HANDBOOK

13:95-12.1 Responsibility for orientation

The Superintendent of the secure facility shall designate a staff person to be responsible for orientation of juveniles.

13:95-12.2 Scheduling orientation

(a) Juveniles shall be provided an orientation session within one week of admission to a Reception Center, unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(b) When assigned or transferred to another secure facility, juveniles shall be provided an orientation session within one week following admission to the new secure facility unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(c) Supplemental orientation sessions shall be held whenever necessary or appropriate to explain updated or changed subject matter that would require an amendment to the juvenile handbook required under the provisions of N.J.A.C. 13:95-12.3.

(d) When necessary or appropriate for adequate comprehension, orientation sessions shall be presented in a language other than English.

Amended by R.2011 d.202, effective August 1, 2011.
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).
Rewrote (c).
Amended by R.2012 d.098, effective May 21, 2012.
See: 43 N.J.R. 3123(a), 44 N.J.R. 1618(a).
Rewrote (d).

13:95-12.3 Content of orientation; resident handbook

(a) The Superintendent or designee shall prepare and issue to all juveniles as part of their standard issue a resident handbook, the contents of which shall be used as a guide for orientation sessions.

1. Prior to distribution to juveniles, a resident handbook shall be reviewed and approved by the Director of Operations, or designee.
2. The resident handbook shall be reviewed and updated as required, but in any event not less frequently than annually; all updates are subject to review and approval by the Director of Operations or designee.

(b) The resident handbook and orientation sessions shall include, material clearly describing all material rights, privileges, services, programs and obligations of juveniles under the provisions of this chapter, under N.J.A.C. 13:101, Juvenile Discipline, under the Prison Rape Elimination Act of 2003, 42 U.S.C. §§15601 et seq., under Commission internal management procedures and related policies, and under any other material deemed relevant by the Director of Operations or designee.

1. Subject to review by the Executive Director or designee, the Director of Operations shall maintain and shall update not less frequently than annually a list of all subject matters to be covered in juvenile orientation.

Amended by R.2011 d.202, effective August 1, 2011.
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).
Section was "Content of orientation sessions". Rewrote the section.

13:95-12.4 Staff participation

Staff members from various units within the secure facility may participate in orientation sessions to describe the programs, services and/or activities of their units.

13:95-12.5 Responsibility for secure facility and unit-specific juvenile resident handbooks

(a) The Superintendent shall designate a staff person to be responsible for developing, reviewing, revising, printing and issuing the secure facility resident handbook.

(b) When deemed necessary, the Director of Operations shall designate staff to be responsible for developing, reviewing, revising, printing and issuing unit-specific resident handbooks.

13:95-12.6 Resident handbook distribution

(a) Each juvenile shall be provided a copy of the resident handbook within two business days of admission to the secure facility unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(b) Pursuant to N.J.S.A. 30:4-8.5, a Spanish translation of the resident handbook shall be provided to Spanish speaking juveniles not conversant with the English language.

13:95-12.7 Unit-specific resident handbooks

As appropriate, and subject to review and approval by the Director of Operations, unit-specific resident handbooks shall be issued and amended by the Superintendent or designee that explain internal management procedures, provisions, privileges and services specifically related to juveniles assigned to the unit.

Recodified from N.J.A.C. 13:95-12.9 and amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Secure facility and unit-specific resident handbook content". Rewrote the section. Former N.J.A.C. 13:95-12.7, Resident handbook revision, repealed.

13:95-12.8 (Reserved)

Repealed by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Review of secure facility and unit-specific resident handbooks".

13:95-12.9 (Reserved)

Recodified to N.J.A.C. 13:95-12.7 by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Secure facility and unit-specific resident handbook content".

SUBCHAPTER 13. RESIDENT CARE STANDARDS**13:95-13.1 Uniformity of standards**

All juveniles residing in a secure facility shall be subject to the applicable standards of resident care set forth in this subchapter.

13:95-13.2 Ventilation; heating; lighting; sanitation; room inspections

(a) 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.

(b) Juveniles shall not be placed in housing units that lack cleanliness or have malfunctioning sanitary fixtures or lights.

(c) Daily inspections shall be made to ensure the rooms are kept secure, clean, and sanitary.

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

13:95-13.3 Visual observation of certain juveniles

(a) A juvenile in either disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody, or temporary close custody shall be observed directly by custody staff on a regular basis, and in no event less frequently than hourly.

1. There shall be no physical obstruction to visual observation at any time; full or partial curtains and other items shall not be permitted over the room door or room door window.

13:95-13.4 Food

(a) All juveniles shall be served the regular secure facility meals from the "Menu of the Day" unless a special diet is prescribed by a physician, advanced practice nurse, mental health professional, or a religious vegetarian diet has been approved by the secure facility chaplain.

(b) Disposable utensils shall be used when appropriate.

13:95-13.5 Grooming, showering, and shaving

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

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

13:95-13.6 Medical services

(a) A member of the medical staff, which shall be a registered nurse, advanced practice nurse, doctor, or other authorized health care personnel, shall visit juveniles in disciplinary room restriction daily and shall be available on a daily basis to assess medical needs of other juveniles. 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.

13:95-13.7 Visits by social services and supervisory staff

(a) A member of the secure facility social work staff shall make daily visits to juveniles in disciplinary room restriction and five visits per week to juveniles in protective custody, temporary close custody, or the BAU.

1. When requested by a juvenile, a visit shall be conducted as soon as administratively possible.

2. When appropriate, referrals to other departments or staff members shall be made.

(b) The supervisor in charge of a housing unit holding juveniles in disciplinary room restriction, the BAU, protective custody, or temporary close custody shall make daily visits to the unit, and shall be available to interview individual juveniles as soon as administratively possible after an interview is requested.

(c) A juvenile in disciplinary room restriction, the BAU, protective custody, or temporary close custody shall be visited daily by both a member of the secure facility's social services staff and the custody staff supervisor in charge of the juvenile's housing unit.

13:95-13.8 Chaplain services

(a) All juveniles shall be provided with access to counseling and other pastoral services.

(b) The secure facility chaplain, or an outside religious leader approved by the chaplain and Superintendent, shall visit a juvenile to provide religious counseling or other pastoral services as soon as administratively possible after requested by the juvenile.

13:95-13.9 Personal items; searches

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

1. Searches of juveniles shall be carried out in accordance with the provisions of N.J.A.C. 13:95-5.

(b) The issue and exchange of clothing shall be handled on the same basis for all juveniles in all housing units.

(c) Each juvenile shall be provided with the following items, subject to such reasonable guidelines as may be issued by the Superintendent or designee:

1. Clothing required for use in the room;
2. Bedding and mattresses;
3. Personal hygiene supplies (including soap, deodorant, toothbrush and toothpaste or powder, 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 indicia;
9. Writing materials; and
10. Legal materials.

(d) The possession and use of radios and other appliances in all housing units shall be subject to written guidelines issued by the Superintendent.

(e) Written internal management procedures shall permit juveniles to have access to books and periodicals from the secure facility's library.

13:95-13.10 Bedding, linen, and laundry services

The issue and exchange of bedding, linen, and the laundry service shall be handled on the same basis for all juveniles in all housing units.

13:95-13.11 Correspondence, visits, and telephone calls

(a) Except as provided to the contrary in this section, visit and telephone opportunities for all juveniles are governed by the provisions of N.J.A.C. 13:95-20, Visits and Telephone.

(b) Juveniles in disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody, and temporary close custody shall have the same correspondence opportunities that are available to juveniles in the general population.

(c) Juveniles in protective custody and in the BAU shall have the opportunity to:

1. Receive a minimum of one contact visit per week, unless precluded by security conditions or other extraordinary circumstances; and
2. 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).

(d) Juveniles in disciplinary room restriction and temporary close custody shall not be provided with visit or telephone opportunities, except for legal telephone calls.

1. The superintendent or designee may authorize a special visit or telephone call when there are compelling reasons to do so.
2. Every effort shall be made to notify expected social visitors of the restriction on ordinary visiting procedures prior to the next regularly scheduled visiting period. If sufficient time exists for such notification to be made by mail, the burden of notification shall be on the juvenile.

13:95-13.12 Recreation for juveniles in disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody and temporary close custody

(a) Where physical facilities permit, each juvenile in disciplinary room restriction, the BAU, protective custody, and temporary close 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) Weather permitting, each juvenile in disciplinary room restriction, the BAU, protective custody, and temporary close

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.

13:95-13.13 Education

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

(b) A member of the educational staff shall be assigned to develop individualized educational programs for approved juveniles who are assigned to disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody, and temporary close custody.

1. The educational opportunities available to juveniles in disciplinary room restriction, the BAU, protective custody, and temporary close custody shall be comparable to those available to juveniles in general population to the extent possible in accordance with security considerations.

13:95-13.14 Work opportunities

Work opportunities shall be made available to all juveniles to the extent possible in light of security considerations.

13:95-13.15 Psychological examinations for long-term protective custody juveniles

Every juvenile assigned to protective custody shall have a psychological examination every three months, or more frequently whenever it appears that he or she is suffering from an emotional or psychological disorder.

13:95-13.16 Withdrawal of personal items or activities

(a) Whenever, in the judgment of a custody staff member, there is imminent danger that a juvenile will destroy clothing or any item usually permitted the juvenile in the housing unit, or do injury to self, to another person, or to property with such items, a custody staff member of the rank of Sergeant or above may deprive the juvenile of such items, if practicable. In such case, however, every effort shall be made to supply a substitute for the item or to permit the juvenile to use the item under the supervision of a custody staff member.

(b) Whenever a juvenile is deprived of any usually authorized item or activity, a written report identifying both the juvenile and the item or activity shall immediately be forwarded to the shift supervisor, who shall forward a copy of the report to the Superintendent or designee.

(c) The Superintendent or designee shall review any such restriction within one week. Any continued restriction shall

be permitted only with the written authorization of the Superintendent or designee.

(d) Such restrictions shall be reviewed on a weekly basis to determine whether there is reasonable certainty that the danger to person or property is no longer imminent and the restriction may be lifted.

13:95-13.17 Records

(a) The following information on juveniles shall be available for the use of appropriate staff members:

1. The juvenile's name and number;
2. Religion;
3. The previous housing location;
4. The room or other housing unit assignment;
5. The date admitted;
6. Special medical or psychiatric problems; and
7. The date on which a three-month review hearing is required, in accordance with N.J.A.C. 13:95-11.5(b).

(b) All unusual behavior shall be noted in the unit log book together with the time and date of the incident. Unusual incidents shall also be reported pursuant to N.J.A.C. 13:95-21, Reports.

13:95-13.18 Transfers; record maintenance

All transfers into or out of the general population, disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody, and temporary close custody shall be entered on the juvenile's classification progress record.

13:95-13.19 Disciplinary actions applicable

Juveniles in all secure facility housing units, including general population, disciplinary room restriction, the Behavior Accountability Unit (BAU), protective custody, and temporary close custody, are subject to the rules set forth in N.J.A.C. 13:101, Juvenile Discipline.

13:95-13.20 Secure facility procedures

(a) Every secure facility shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) All written post orders and procedures shall be approved by the Superintendent and then forwarded to, and shall be subject to review and approval by, the Executive Director or designee.

SUBCHAPTER 14. JUVENILE HYGIENE AND GROOMING; PROHIBITION AGAINST TOBACCO PRODUCTS; JUVENILE IDENTIFICATION PHOTOGRAPHS; HOUSEKEEPING AND SANITATION; CLOTHING, BEDDING AND LAUNDRY

13:95-14.1 Purpose

(a) The purpose of this subchapter is to establish policies and procedures for:

1. The maintenance and practice of good hygiene and grooming habits for juveniles;
2. The purchase and distribution of sanitary, hygienic and grooming supplies to non-indigent and indigent juveniles;
3. The provision of sufficient time for grooming;
4. Provisions for juvenile identification photographs;
5. The establishment of guidelines governing housekeeping and sanitation;
6. The establishment of guidelines governing clothing, bedding and laundry;
7. A juvenile orientation program that includes the provisions of this chapter; and
8. The establishment of secure facility internal management procedures that include the provisions of this chapter.

13:95-14.2 Written secure facility internal management procedures

(a) Each secure facility shall develop written internal management procedures governing juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry. These written procedures shall be incorporated into the secure facility resident handbook (see N.J.A.C. 13:95-12).

(b) New or revised written internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry shall be posted in each area housing juveniles and incorporated into the next publication of the secure facility resident handbook.

13:95-14.3 Juvenile orientation

Secure facility internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding and laundry shall be fully explained to all juveniles as a formal part of the secure facility orientation program in accordance with N.J.A.C. 13:95-12.

13:95-14.4 Room restriction and Close Custody provisions

The provisions established in this chapter shall apply to all juveniles, including those in pre-hearing room restriction pursuant to N.J.A.C. 13:101 and in protective custody pursuant to N.J.A.C. 13:95-11, unless otherwise established by internal management procedures for pre-hearing room restriction or protective custody.

13:95-14.5 Sanitary/hygiene/grooming kit

(a) A sanitary/hygiene/grooming kit which includes a minimum of the following items shall be provided at no cost to all juveniles upon initial admission to a secure facility:

1. Soap;
2. Deodorant;
3. A toothbrush and toothpaste;
4. A comb or brush;
5. Shaving supplies;
6. Toilet paper; and
7. Feminine hygiene supplies for women.

13:95-14.6 Grooming, showering and shaving

(a) Juveniles in general population shall be permitted to shower and shave daily, unless an emergency situation or security hazard exists.

(b) All juveniles are expected to maintain an adequate level of personal cleanliness and hygiene in accordance with the internal management procedures established by the secure facility.

(c) Juveniles who do not maintain an adequate level of personal cleanliness and hygiene may be subject to disciplinary action as set forth in N.J.A.C. 13:101.

13:95-14.7 Procedures for purchasing and issuing supplies

(a) General population juveniles shall be permitted to purchase sanitation and grooming articles from the commissary of the secure facility at regularly scheduled times.

(b) Sanitary/hygiene/grooming items shall be provided to all juveniles who have been determined to be indigent as this term is defined in N.J.A.C. 13:95-1.3.

(c) Personal sanitary/hygiene/grooming needs shall not be denied to juveniles for punitive reasons.

13:95-14.8 Time for grooming

(a) Sufficient time for grooming shall be provided to general population juveniles in the morning, at mealtime, and at bedtime.

(b) Sufficient time for grooming shall be provided to general population juveniles at times deemed necessary by the Superintendent or designee such as, but not limited to, before or after an juvenile's job detail (for example, food, medical, sanitation or mechanical service details).

(c) The time for general population juvenile grooming shall be coordinated with work schedules and other program activities.

13:95-14.9 Hair

(a) Juveniles shall be permitted to have a hair-style of personal choice, including facial hair such as beards and mustaches, provided their hair is kept clean and does not present a safety hazard, health, sanitation or security problem.

(b) When the length, style or condition of a juvenile's hair is found to present a safety hazard, health, sanitation or security problem, the juvenile shall be required to trim or cut his or her hair.

(c) Barbering, shaving and hair care services, for both male and female juveniles, shall be provided as needed. Hair

shall be cut under sanitary conditions and in an area that can easily be observed by staff. Hair care equipment shall be stored securely when not in use. A current inventory of hair cutting equipment shall be maintained.

(d) Juveniles shall not be permitted to possess or wear wigs or artificial hairpieces, unless the Superintendent has authorized use, such as for medical reasons.

13:95-14.10 Tobacco products prohibited

(a) Smoking shall not be permitted in any secure facility building or Commission vehicle, including recreational yards and other outdoor areas, and juveniles are prohibited from possessing any tobacco products of any kind without limitation.

(b) A juvenile who violates rules or secure facility or unit internal management procedures regarding the prohibition against tobacco products shall be subject to disciplinary procedures in accordance with N.J.A.C. 13:101.