

CHAPTER 91**TRANSFER OF ADJUDICATED DELINQUENTS
TO THE NEW JERSEY DEPARTMENT OF
CORRECTIONS****Authority**

N.J.S.A. 52:17B-170, 52:17B-171 and 52:17B-175; and 28 CFR 31.

Source and Effective Date

R.2008 d.153, effective May 15, 2008.
See: 40 N.J.R. 97(a), 40 N.J.R. 3747(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, expires on May 15, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was adopted as emergency new rules by R.1997 d.266, effective May 29, 1997 (expired July 28, 1997). See: 29 N.J.R. 2711(a). The concurrent proposal of Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was adopted without change by R.1997 d.349, effective August 18, 1997. See: 29 N.J.R. 2711(a), 29 N.J.R. 3733(b).

Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was readopted as R.2002 d.406, effective November 19, 2002. See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was readopted as R.2008 d.153, effective May 15, 2008. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**13:91-1.1 Purpose**

This chapter sets forth the rules for the transfer of persons 18 years of age or older from the custody and care of the New Jersey Juvenile Justice Commission to the New Jersey Department of Corrections.

13:91-1.2 Scope

These rules apply to the New Jersey Juvenile Justice Commission and the New Jersey Department of Corrections and establish the regulations for transferring the custody and care of adjudicated delinquents 18 years of age or older.

13:91-1.3 Definitions

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

“Adjudicated delinquent” means an individual found by a court to have committed an act of delinquency.

“Commission” means the New Jersey Juvenile Justice Commission.

“Commissioner” means the Commissioner of the New Jersey Department of Corrections.

“Department” means the New Jersey Department of Corrections.

“Deputy Executive Director” means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.

“Executive Director” means the Executive Director of the New Jersey Juvenile Justice Commission.

“Juvenile facility” means any secure facility created or operated by the Commission including, but not limited to, the New Jersey Training School, the Juvenile Medium Security Facility, the Female Secure Care and Intake Facility and the Stabilization and Reintegration Program (Boot Camp).

“Juvenile Reception Classification Committee” (JRCC) means a group of Commission staff persons that have been designated to make decisions related to the needs of adjudicated delinquents from admission to discharge.

“Secure Care Administrator” means the manager employed by the Commission who oversees the administration of the juvenile facilities.

“Superintendent” means the chief executive officer of a juvenile facility.

Amended by R.2002 d.406, effective December 16, 2002.

See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

Added “Deputy Executive director” and rewrote “Juvenile facility”.

13:91-1.4 Forms

(a) The following form related to the transfer of adjudicated delinquents 18 years of age or older is available by contacting the Juvenile Reception Classification Committee:

1. Form 101—REQUEST TO TRANSFER TO THE NEW JERSEY DEPARTMENT OF CORRECTIONS.

SUBCHAPTER 2. TRANSFER

13:91-2.1 Criteria upon which an adjudicated delinquent 18 years of age or older may be considered for transfer

(a) An individual adjudicated delinquent who is 18 years of age or older and incarcerated in a juvenile facility may be transferred to the custody and care of the Department when:

1. He or she demonstrates disruptive behavior and his or her continued presence in the juvenile facility threatens:
 - i. The safety of the public, juvenile facility staff or other adjudicated delinquents; and/or
 - ii. The ability of the Commission to operate the juvenile facility in a stable, safe and orderly manner;
2. His or her maturity level and criminal sophistication makes him or her inappropriate for the available Commission programs; or
3. His or her continued presence in the juvenile facility impedes the effective delivery of the programs, services and sanctions developed and implemented by the Commission to meet the special needs of the juvenile aged offenders committed to the care, custody and control of the Commission.

13:91-2.2 Recommendation for transfer of an adjudicated delinquent 18 years of age or older

(a) The JRCC shall make recommendations on whether an adjudicated delinquent 18 years of age or older, who meets one or more of the criteria set forth in N.J.A.C. 13:91-2.1, may be considered for transfer to the Department.

(b) When in the opinion of the JRCC an adjudicated delinquent 18 years of age or older should be recommended for transfer to the Department, the JRCC shall complete Form 101 and submit it, along with a copy of a classification summary, progress notes and a narrative report describing the reason(s) for the transfer request, to the Superintendent of the juvenile facility where the adjudicated delinquent is housed.

(c) The Superintendent shall make a recommendation for or against the transfer by signing Form 101 within three business days of receipt of the transfer request.

(d) If the Superintendent agrees with the recommendation for transfer of an adjudicated delinquent 18 years of age or older, the Superintendent shall submit Form 101 and the supporting documents identified in (b) above to the Secure Care Administrator.

(e) If the Superintendent does not agree with the recommendation for transfer of an adjudicated delinquent 18 years

of age or older, the Superintendent shall provide his or her reason(s) for not recommending the transfer on Form 101 and shall submit it and the supporting documents in (b) above to the Secure Care Administrator.

(f) The Secure Care Administrator shall make a recommendation for or against the transfer by signing Form 101 within three business days of receipt of the transfer request.

(g) If the Secure Care Administrator agrees with the recommendation for transfer of an adjudicated delinquent 18 years of age or older, the Secure Care Administrator shall submit Form 101 and the supporting documents identified in (b) above to the Executive Director or, if designated, the Deputy Executive Director.

(h) If the Secure Care Administrator does not agree with the recommendation for transfer of an adjudicated delinquent 18 years of age or older, the Secure Care Administrator shall provide his or her reason(s) for not recommending the transfer on Form 101 and shall submit it and the supporting documents identified in (b) above to the Executive Director or, if designated, the Deputy Executive Director.

(i) The Executive Director or, if designated, the Deputy Executive Director shall approve or disapprove of the recommended transfer by signing Form 101.

Amended by R.2002 d.406, effective December 16, 2002.

See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

In (g) through (i), inserted "or, if designated, the Deputy Executive Director" following "Executive Director".

13:91-2.3 Approval for transfer of an adjudicated delinquent 18 years of age or older

(a) The Executive Director or, if designated, the Deputy Executive Director shall approve the transfer of an adjudicated delinquent 18 years of age or older in those instances when he or she determines that such transfer is warranted and complies with the criteria in this subchapter.

(b) If the Executive Director or the Deputy Executive Director as designee disapproves of the transfer of an adjudicated delinquent 18 years of age or older, he or she shall provide the reason(s) for his or her decision on Form 101 and submit it to the JRCC through the Secure Care Administrator and the Superintendent of the facility where the adjudicated delinquent is housed. The JRCC shall then maintain placement of the adjudicated delinquent in a juvenile facility.

(c) If the Executive Director or Deputy Executive Director as designee approves the transfer of an adjudicated delinquent 18 years of age or older from the custody and care of the Commission to the custody and care of the Department the completed Form 101, along with the supporting documents set forth in N.J.A.C. 13:91-2.2(b), shall be forwarded to the Commissioner of the Department of Corrections.

(d) The Commissioner or his or her designee shall approve or disapprove the Commission's request to transfer an adjudicated delinquent 18 years of age or older to the Department by signing Form 101.

(e) If the Commissioner or his or her designee approves the requested transfer of an adjudicated delinquent 18 years of age or older to the Department, he or she shall forward Form 101 indicating his or her approval of the transfer to the Executive Director or, if designated, the Deputy Executive Director. The Executive Director or, if designated, the Deputy Executive Director shall then submit Form 101 to the JRCC through the Secure Care Administrator and the Superintendent of the facility where the adjudicated delinquent is housed.

(f) If the Commissioner or his or her designee disapproves the requested transfer of an adjudicated delinquent 18 years of age or older to the Department, he or she shall provide the reason(s) for his or her decision on Form 101 and submit it to the Executive Director. The Executive Director shall then submit Form 101 to the JRCC through the Secure Care Administrator and the Superintendent of the facility where the adjudicated delinquent is housed. The JRCC shall then maintain placement of the adjudicated delinquent in a juvenile facility.

Amended by R.2002 d.406, effective December 16, 2002.
See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

Inserted references to the Deputy Executive Director and neutralized gender references throughout.

13:91-2.4 Procedures for transfer

(a) Upon approval of a requested transfer, the JRCC shall arrange for processing the adjudicated delinquent 18 years of age or older.

(b) The JRCC shall then coordinate the date and time of the transfer of the adjudicated delinquent 18 years of age or older, along with his or her records and property, with administrative staff of the receiving correctional facility of the Department.

(c) The Department shall provide transportation of the adjudicated delinquent 18 years of age or older.

Amended by R.2002 d.406, effective December 16, 2002.

See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

In (a), deleted "by the Executive Director and Commissioner" following "approval".

13:91-2.5 Confidentiality of information and records

(a) Commission and Department staff shall not discuss or disclose information to any unauthorized person or agency regarding a specific adjudicated delinquent 18 years of age or older approved, being considered, or recommended for transfer.

(b) The records of an adjudicated delinquent 18 years of age or older are designated confidential and shall not be disclosed to unauthorized persons or agencies in accordance with N.J.S.A. 2A:4A-60 et seq.