

**CHAPTER 18
MAIL, VISITS AND TELEPHONE**

Authority

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

Source and Effective Date

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

Chapter Expiration Date

Chapter 18, Mail, Visits and Telephone, expires on May 6, 2013.

Chapter Historical Note

Chapter 18, Mail, Visits and Telephones, was adopted as R.1987 d.263, effective July 6, 1987. See: 19 N.J.R. 33(b), 19 N.J.R. 1214(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Mail, Visits and Telephone, was readopted as R.1992 d.262, effective May 27, 1992. See: 24 N.J.R. 1204(b), 24 N.J.R. 2627(a).

Subchapter 7, Bedside and Funeral Visits, was renamed as Subchapter 7, Bedside, Private Viewing, and Funeral Visits, by R.1996 d.489, effective October 21, 1996. See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b). Pursuant to Executive Order No. 66(1978), Chapter 18, Mail, Visits and Telephone, expired on May 27, 1997.

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

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

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

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

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

Law Review and Journal Commentaries

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

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:18-1.1 Purpose

(a) The purpose of this chapter is to establish guidelines for:

1. Permitting inmates to correspond with persons or entities outside the correctional facility;
2. Processing legal correspondence in correctional facilities;
3. Inmates sending and receiving publications;
4. Inmates sending and receiving packages;
5. Contact and non-contact visits with inmates;
6. Bedside, private viewing and funeral visits by an inmate to a dying or deceased relative; and
7. Inmate access to and use of the telephone.

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

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

In (a)6, inserted “, private viewing”.

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

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

In (a)6, substituted “Bedside” for “Beside”.

10A:18-1.2 Scope

(a) N.J.A.C. 10A:18-1, 2, 3, 4, 6, 7 and 8 shall be applicable to State correctional facilities operated by the Department of Corrections and to inmates housed in facilities other than county jails in accordance with contractual agreements with the Department of Corrections unless otherwise indicated in this chapter.

(b) N.J.A.C. 10A:18-5 shall be applicable to State correctional facilities operated by the Department of Corrections.

(c) N.J.A.C. 10A:18-9 shall be applicable to inmates confined to the Adult Diagnostic and Treatment Center.

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

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

Substantially amended section.

Amended by R.1999 d.193, effective June 21, 1999.

See: 31 N.J.R. 918(a), 31 N.J.R. 1615(a).

Added (a) designation; and added (b) and (c).

In (c): changed “and” to “or” regarding inmate’s name “or” number.
Added new (d) and (e) and recodified old (d)-(f) to new (f)-(h).

In (f): deleted text regarding the opening of inmate’s correspondence and added language describing new procedures.

In (g): revised text to specify procedures on inspecting incoming correspondence.

In (h): added language “names of inmates whose” ... and “authorized to be read”; changed “investigative unit” to “Internal Affairs Unit.”

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

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

In (g), inserted “pursuant to N.J.A.C. 10A:18-2.14”.

Administrative change.

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

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

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

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

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

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

In (a), inserted “by designated correctional facility staff”.

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

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

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

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

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

Amended by R.1989 d.204, effective April 17, 1989.

See: 21 N.J.R. 277(a), 21 N.J.R. 1014(b).

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

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

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

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

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

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

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

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

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

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

Administrative change.

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

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

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

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

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

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

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

Case Notes

Prison officials prohibited by First Amendment from inspecting inmate’s mail sent to or from government agencies, public officials or media. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives, 232 N.J.Super. 478, 557 A.2d 698 (A.D.1989), certification granted 117 N.J. 168, 564 A.2d 884, affirmed in part, reversed in part 120 N.J. 137, 576 A.2d 274.

Regulations preventing inmates from sending mail to public officials, government agencies or media were unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

Regulations regarding incoming correspondence to inmates from public officials, government agencies, or media were not unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

10A:18-2.7 Inspection of outgoing correspondence

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

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

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

Case Notes

Prison officials prohibited by First Amendment from inspecting inmate's mail sent to or from government agencies, public officials or media. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives, 232 N.J.Super. 478, 557 A.2d 698 (A.D.1989), certification granted 117 N.J. 168, 564 A.2d 884, affirmed in part, reversed in part 120 N.J. 137, 576 A.2d 274.

Regulations preventing inmates from sending mail to public officials, government agencies or media were unconstitutional. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives (N.J.A.C. 10A:18-1.3; 18-2.7; 18-2.8; 18-3; 18-4.7), 120 N.J. 137, 576 A.2d 274 (1990).

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10A:18-2.8 Legal correspondence

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

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

Case Notes

Prison officials prohibited by First Amendment from inspecting inmate's mail sent to or from government agencies, public officials or media. Matter of Rules Adoption Regarding Inmate Mail to Attorneys, Public Officials, and News Media Representatives, 232 N.J.Super. 478, 557 A.2d 698 (A.D.1989), certification granted 117 N.J. 168, 564 A.2d 884, affirmed in part, reversed in part 120 N.J. 137, 576 A.2d 274.

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

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

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

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

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

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

Added (d).

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

Inserted reference to inmate group throughout.

10A:18-2.10 (Reserved)

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

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).
Section was "Telegrams and mailgrams".

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

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

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

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

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

10A:18-2.12 Correspondence processing

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

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

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

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

10A:18-2.13 Receipt of funds

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

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

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

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