

CHAPTER 18

MAIL, VISITS AND TELEPHONE

Authority

N.J.S.A. 30:1B-6 and 30:1B-10.

Source and Effective Date

R.1992 d.262, effective May 27, 1992.
See: 24 N.J.R. 1204(b), 24 N.J.R. 2627(a).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Mail, Visits and Telephone, expires on May 27, 1997.

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 was readopted as R.1992 d.262. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

Cross References

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SUBCHAPTER 1. INTRODUCTION

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 and funeral visits by an inmate to a dying or deceased relative; and
7. Inmate access to and use of the telephone.

10A:18-1.2 Scope

This chapter shall be applicable to the Division of Adult Institutions and the Division of Juvenile Services, within the Department of Corrections, unless the context clearly indicates otherwise.

10A:18-1.3 Definitions

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

“Correspondence” means communication by the exchange of letters.

“Inmate Liaison Committee” means a group of inmate representatives that meet with an official(s) of a correctional facility to discuss matters of concern to the staff and inmates.

“Inter-office correspondence” means the exchange of correspondence between offices within the Department of Corrections.

“Legal correspondence” means the exchange of letters between an inmate and:

1. An attorney of this State or any other state when properly identified as such on the outside of the envelope;
2. A State Public Defender;
3. Office of the Public Advocate;
4. Attorney General’s office;
5. Federal and State courts;
6. Federal and State court judges;
7. Offices of Legal Services;
8. Legal assistance clinics run by accredited law schools of this or any other state;
9. Administrative Office of the Courts;
10. Prosecutors’ offices;
11. Federal Public Defender;
12. Department of Corrections’ Internal Affairs Unit;
13. Department of Corrections’ Ombudsmen; and
14. Office of Administrative Law.

“Legal material” means papers or documents that are required to be filed with the court and served upon opposing parties. These materials include:

1. An order required by its term to be served;
2. A pleading subsequent to the original complaint;
3. A paper relating to discovery which is required to be served;

(h) All contraband discovered during the search of a visitor shall be confiscated by the correction officer performing the search, and a written report shall be submitted to the Superintendent.

(i) The written report shall specify:

1. The name of the correction officer who performed the search;
2. The name of the inmate who was to receive the visit;
3. The name and address of the visitor who was searched;
4. The time of the search;
5. The description of the items confiscated; and
6. The specific reason for confiscating the items.

(j) All contraband and evidence seized shall be turned over to the Internal Affairs Investigator.

(k) The Superintendent shall decide whether the visitor shall continue to have visitation privileges.

(l) All searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the visitor's person.

Amended by R.1995 d.526, effective September 18, 1995.
See: 27 N.J.R. 2675(b), 27 N.J.R. 3613(b).
Administrative Correction.
See: 27 N.J.R. 3957(b).

10A:18-6.15 Search of inmates

All inmates shall be subject to a pat-frisk before a visit and pat-frisk or a strip search after the visit in accordance with procedures established by N.J.A.C. 10A:3-5. SEARCH OF INMATES AND FACILITIES.

10A:18-6.16 Supervision of visits

(a) Visits shall be supervised to prevent the passage of contraband and to insure the security and welfare of the correctional facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly and dignified manner.

(c) The staff member(s) supervising visits should be cognizant of any articles passed between the inmate and the visitor. If there is a substantial basis to conclude that articles are being passed which constitute contraband or are otherwise in violation of the law or regulations, the articles shall be confiscated and examined.

(d) Handshaking, embracing and kissing shall be permitted, within the bounds of good taste, at the beginning and

end of the visit in order to minimize the opportunity to introduce contraband into the correctional facility.

- i. An inmate and visitor may hold hands during the visit.
- ii. Contact restrictions shall not apply to small children.

10A:18-6.17 Play areas for children

If a correctional facility provides play areas for children of visitors, signs shall be posted in both English and Spanish stating that children who use the area must be supervised by the parents or a relative and that the area and equipment are used at their own risk.

10A:18-6.18 Gifts of money from visitors

(a) A visitor(s) may only bring a money order or certified check to the correctional facility for deposit in an inmate's account. Cash shall not be accepted.

(b) When a visitor(s) brings a money order or certified check for deposit in the inmate's account, the correctional facility shall:

1. Accept the funds;
2. Establish and/or maintain an appropriate record of funds received;
3. Issue a signed receipt to the visitor(s); and
4. Retain a copy of the receipt.

(c) Each correctional facility may place a limit on the amount of funds which an inmate is permitted to receive, per day, from one visitor or a combination of visitors.

Amended by R.1996 d.22, effective January 2, 1996 (operative February 1, 1996).
See: 27 N.J.R. 3674(a), 28 N.J.R. 152(a).

Substituted "a money order or certified check" and "funds" for "cash", and specified that cash shall not be accepted.

10A:18-6.19 Denial, termination or suspension of a visit

(a) An inmate's visiting privileges shall not be denied because of violation of correctional facility regulations, other than those regulations specifically related to or concerned with visiting privileges.

(b) A visit may be denied, terminated or suspension and a visiting privilege suspended under the following circumstances:

1. Visitor(s) is under the influence of drugs or alcohol;
2. Space is unavailable;
3. Visitor(s) refuses to submit to search procedures;
4. Visitor(s) refuses or fails to produce sufficient identification or falsifies identifying information;

5. Visiting rules of facility are violated by visitor, provided that such rules are posted;

6. Children are disturbing other persons in the visiting area;

7. Physical contact between the visitor and inmate which is in excess of N.J.A.C. 10A:18-6.16(d); or

8. Denial or termination of visiting privileges is necessary to preserve the security of the correctional facility and maintain order in the visiting room.

(c) Prior to the denial or termination of visiting privileges for any of the reasons in (b) above, less restrictive action should be instituted. Such action may include:

1. Warning the inmate and/or visitor of improper conduct; and/or

2. Transferring the visit to a non-contact visiting area.

10A:18-6.20 Suspension of visiting program under emergency conditions

(a) The Superintendent of a correctional facility shall notify the Commissioner of the Department of Corrections whenever the safety, security and orderly operation of the correctional facility is seriously threatened.

(b) The Commissioner shall determine if an emergency exists at the correctional facility and shall make a public declaration to this effect through the Department's Office of Public Information.

(c) In order to return the correctional facility to a safe, secure and orderly operation, the Superintendent may suspend certain programs for the duration of the emergency. The Superintendent shall consult with the Commissioner regarding the suspension of programs.

(d) The visiting program, including visits to inmates by attorneys and attorney representatives, may be suspended for the duration of an emergency. Information concerning such suspension shall be made part of the public announcement of an emergency.

(e) A public declaration shall be made through the Department's Office of Public Information when the state of emergency has passed, and the scheduling of visits by attorneys and attorney representatives shall be reinstated beginning no later than 24 hours from this public declaration. A statement to this effect shall be made in the public declaration.

(f) The public declaration that the state of emergency has passed shall also contain a statement as to whether the visiting program shall be reinstated. If the visiting program is not to be reinstated, a second public declaration shall be made announcing the date that the visiting program shall be reinstated.

(g) The scheduling of visiting, in terms of the number of visitors, times of visitation and frequency of visits, shall be subject to special conditions as determined by the Superintendent in consultation with the Commissioner. Efforts shall be made to supply all such pertinent information in the public declaration announcing reinstatement of the visiting program.

SUBCHAPTER 7. BEDSIDE AND FUNERAL VISITS

10A:18-7.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding bedside and funeral visits by posting appropriate notices in each housing area and other appropriate areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding bedside and funeral visits shall be given to each Inmate Liaison Committee. The Committee shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding bedside and funeral visits.

(d) New or revised rules and procedures regarding bedside and funeral visits shall be incorporated in the next revision of the Inmate Handbook.

10A:18-7.2 Authority

(a) Pursuant to N.J.S.A. 30:4-8.1, the correctional facility Superintendent may, at his or her discretion, authorize and permit the attendance of an inmate at the bedside of a dying relative, or at the funeral of a deceased relative as defined in N.J.A.C. 10A:18-1.3 within a six month period of time. Should the relative previously visited at bedside expire more than six months after the date of the bedside visit, the Superintendent may authorize the funeral visit.

(b) The Superintendent may, at his or her discretion and in accordance with (a) above, authorize and permit the attendance of an inmate at the bedside and/or funeral of a dying relative other than those listed in N.J.A.C. 10A:18-1.3 when it can be verified that the relative acted, for a period of time, as a parent or guardian of the inmate, such as a grandparent.

Amended by R.1988 d.432, effective September 6, 1988.
See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Substantially amended.
Amended by R.1995 d.585, effective November 20, 1995.
See: 27 N.J.R. 3274(a), 27 N.J.R. 4717(b).

10A:18-7.3 Verification

(a) The burden is on the inmate to prove that the ill or deceased person is his or her relative as defined in N.J.A.C. 10A:18-1.3 and this subchapter.

(b) The fact of illness or death shall be verified by the Superintendent or his or her designee.

New Rule, R.1988 d.432, effective September 6, 1988.
See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Old section 3 "Eligibility" recodified to section 4.

10A:18-7.4 Eligibility

(a) The correctional facility Superintendent shall determine whether an inmate is eligible to go on a bedside or funeral visit.

(b) If the Superintendent is in doubt as to the propriety of permitting a particular inmate to leave the correctional facility under the circumstances enumerated in this subchapter, the Superintendent shall consult with the appropriate Director within the Division of Operations.

Amended by R.1988 d.432, effective September 6, 1988.
See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Recodified old section 4 "Court ordered funeral visits" to section 7; repealed text in (a) "The correctional facility . . . his or her designee," also repealed subsections (c) and (d).

Amended by R.1995 d.585, effective November 20, 1995.
See: 27 N.J.R. 3274(a), 27 N.J.R. 4717(b).

10A:18-7.5 Ineligibility

(a) The inmate shall not be permitted to go on a bedside or funeral visit that is outside the State of New Jersey.

(b) The inmate shall not be permitted to go on a bedside or funeral visit that is in a private residence.

(c) The correctional facility Superintendent is not required to permit bedside or funeral visits if:

1. The visit will interfere with the security or orderly operation of the correctional facility;
2. The inmate is an incorrigible criminal;
3. The inmate is a known escape risk;
4. The inmate has unusual disciplinary problems;
5. The inmate is recognized as untrustworthy;
6. The inmate is a highly publicized person whose reappearance in the community under any conditions other than strict compliance with the laws governing parole and release would cause unfavorable comment in the community; or
7. The location of the funeral or bedside visit could place either the escorting correction officer(s) or the inmate in jeopardy.

New Rule, R.1988 d.432, effective September 6, 1988.
See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Old section 5 "Payment of visit expense" recodified to section 8.

10A:18-7.6 Security

During the bedside and/or funeral visit, the inmate shall at all times be in the custody of one or more correction officers or employees of the correctional facility wherein the inmate is confined.

New Rule, R.1988 d.432, effective September 6, 1988.
See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Old section 6 "Notification of Central Office" recodified to section 9.

10A:18-7.7 Court ordered funeral visits

(a) A correctional facility is not authorized to accept a court order for:

1. A temporary release of an inmate for a bedside or funeral visit of a person not included in the definition of "relative" in N.J.A.C. 10A:18-1.3; or
2. A bedside or funeral visit destination other than within the State of New Jersey.

(b) All court orders for bedside or funeral visits shall be referred immediately to the Office of the Commissioner for visit authorization.

Administrative Correction to (b) changing the visit authorization.
See: 22 N.J.R. 3625(a).

10A:18-7.8 Payment of visit expenses

(a) The inmate or the inmate's family shall reimburse the correctional facility for all travel and other necessary expenses.

(b) No inmate shall be denied approval for a bedside or funeral visit solely because of the inability of the inmate and his or her family to pay travel and other expenses. In the event that an inmate is indigent and it can be verified that the inmate's family is unable to reimburse the correctional facility for the expenses of a deathbed or funeral visit, the correctional facility shall assume the expenses of the visit.

(c) The Business Office of the correctional facility shall predetermine the expenses claimed for reimbursement upon the approval by the Superintendent.

(d) A detailed written statement of expenses shall be prepared using the following criteria to determine the amount of reimbursement due:

1. Number of correction officers required which depends on the inmate's custody classification. (See 10A:3-9 TRANSPORTATION OF INMATES.)
2. The fee per correction officer which is the maximum salary of a Senior Correction Officer at time and a half;
3. State vehicles mileage cost which is established by the Director, Division of Budget and Accounting. The

overall State vehicle cost shall be based on the mileage rate times double the number of miles to the destination;

4. Cost of meals;

i. The projected number of meals for inmates and escorts shall be established.

ii. The fee charged for each meal shall be based on the rate in the current State of New Jersey Travel Regulation.

iii. The cost of meals shall be the projected number of meals times the per meal fee established by the State of New Jersey Travel Regulation.

5. All tolls and parking expenses shall be charged to the inmate.

10A:18-7.9 Notification of Central Office

All bedside and funeral visits shall be noted in the Superintendent's monthly report.

SUBCHAPTER 8. TELEPHONE

Law Review and Journal Commentaries

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

10A:18-8.1 Written procedures

(a) Each correctional facility shall develop and implement written procedures which provide inmates with reasonable and equitable access to public telephones. These procedures shall specify:

1. Hours of telephone availability;
2. Maximum length of telephone calls; and
3. Any limitation on telephone calls.

10A:18-8.2 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding telephone calls by posting appropriate notices in each housing area and other areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding telephone calls shall be given to each Inmate Liaison Committee. The Committee shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding telephone calls.

(d) New or revised rules and procedures regarding telephone calls shall be incorporated into the next revision of the Inmate Handbook.

10A:18-8.3 Monitoring of telephone calls

(a) Non-legal telephone calls shall not be monitored except in the following instances:

1. Where it is suspected that the inmate is using the telephone to harass or threaten someone;
2. Where it is suspected or determined that the inmate's conduct while placing a telephone call presents a danger to the safe, secure or orderly operation of the correctional facility;
3. When the call is in connection with investigations of violations of laws or Department rules; or
4. When the call must be monitored in those instances as set forth in this subchapter.

(b) All non-legal telephone calls by inmates in the Capital Sentence Unit (C.S.U.) shall be monitored.

(c) Legal telephone calls shall not be monitored, except to determine the identity of the party called.

10A:18-8.4 Cost of telephone calls

(a) Outgoing telephone calls made by inmates shall be collect calls, with the following exceptions:

1. The cost of outgoing telephone calls made by inmates at the Lloyd McCorkle Training School for Boys and Girls, shall be borne by that correctional facility; and
2. Telephone calls between incarcerated family members shall be handled in accordance with N.J.A.C. 10A:18-8.7.

Administrative Correction, effective January 27, 1989.

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

Institutional name change.

10A:18-8.5 Emergency telephone calls

(a) An inmate shall be permitted to make monitored telephone calls of reasonable length, as determined by the monitor, in emergencies such as:

1. Serious family illness;
2. Death; or
3. Impending disaster related to the inmate's property which cannot be deferred until regular mail delivery.

(b) Whenever an emergency telephone call for an inmate is received by the correctional facility:

1. The telephone number and name of the calling party shall be taken;
2. The particulars of the telephone call shall be noted;
3. The Social Service Department shall check, to the extent possible, the validity of the telephone call;