

“Trigger locking device” or “locking device” means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

Amended by R.1991 d.250, effective May 20, 1991.

See: 23 N.J.R. 383(a), 23 N.J.R. 1672(b).

Added definition of “keep separate status”.

Amended by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Added “Body cavity search”, “Central Communications Unit”, “Central Medical/Transportation Unit”, “Correction officer”, “Contraband”, and “Mechanical restraints”; deleted “Commissioner”, “Department”, and “Superintendent”; and amended “Deadly force”, “Non-deadly force”, “Pat search” and “Strip search”.

Amended by R.2000 d.33, effective January 18, 2000.

See: 31 N.J.R. 3577(a), 32 N.J.R. 303(b).

Deleted “Internal Affairs Unit”.

Amended by R.2002 d.171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In “Contraband”, substituted “sanitation” for “sanitary” following “security” in 4; deleted “Correction officer”; rewrote “Deadly force”, “Pat search”, “Roving patrol”, “Shift supervisor”, and “Strip search”; inserted “Imminent danger”, “Reasonable belief” and “Substantial risk”.

Amended by R.2004 d.90, effective March 1, 2004.

See: 35 N.J.R. 496(a), 36 N.J.R. 1192(b).

Added “Trigger locking device”.

Amended by R.2006 d.151, effective May 1, 2006.

See: 38 N.J.R. 96(a), 38 N.J.R. 1836(a).

Deleted a comma in the introductory paragraph; deleted the definitions for “Body cavity search”, “Central Communications Unit”, “Central Control”, “Central Medical/Transportation Unit”, “Contact visit”, “Contraband”, “Deadly force”, “Housing unit”, “Keep separate status”, “Mechanical restraints”, “Non-deadly force”, “Pat search”, “Shift commander” and “Strip search”.

Amended by R.2007 d.294, effective September 17, 2007.

See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

In definition “Imminent danger”, substituted “another individual” for “the custody staff member”; and in definition “Reasonable belief”, deleted “custody” preceding “staff” twice.

10A:3-1.4 Forms

(a) The following forms related to Security and Control are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 156-I Oath of Office;
2. 171-I Seizure of Contraband Report
3. 171-II Inmate Receipt, Contraband Seizure
4. 171-III Notice of Decision on Appeal, Contraband Seizure (Non-Disciplinary)
5. 172-I Continuity of Evidence—Urine Specimen;
6. 172-II Continuity of Evidence—On Site Urine Specimen Testing;
7. 173-I Placement In Keep Separate Status

8. 173-II Removal From Keep Separate Status
9. 173-III Transfer of Keep Separate Status Inmate;
10. 285-I Request for Polygraph Examination
11. 285-II Prohibited Substance Testing Request Summary.

(b) The following form related to transportation of inmates is printed by the Bureau of State Use Industries—DEPTCOR and each facility shall purchase a supply of this form by contacting DEPTCOR:

1. 002 Travel Order.

Amended by R.1991 d.250, effective May 20, 1991.

See: 23 N.J.R. 383(a), 23 N.J.R. 1672(b).

Added forms regarding keep separate status.

Amended by R.1993 d.679, effective December 20, 1993.

See: 25 N.J.R. 4702(a), 25 N.J.R. 5929(a).

Amended by R.1996 d.209, effective May 6, 1996 (operative August 19, 1996).

See: 28 N.J.R. 763(a), 28 N.J.R. 2387(b).

Added breathalyzer request summary and alcohol influence report.

Amended by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Added (b).

Amended by R.2002 d.171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Rewrote (a).

Administrative change.

See: 35 N.J.R. 1137(a).

Amended by R.2006 d.419, effective December 4, 2006.

See: 38 N.J.R. 3226(a), 38 N.J.R. 5161(a).

In the introductory paragraph of (a), deleted “shall be reproduced by each facility from originals that” preceding “are available” and inserted “by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms” and “, New Jersey Department of Corrections”.

SUBCHAPTER 2. KEEP SEPARATE STATUS

10A:3-2.1 Recommending placement of an inmate in keep separate status

(a) Any staff person may recommend that an inmate be placed in keep separate status.

(b) The staff person recommending that an inmate be placed in keep separate status shall complete the recommendation section of Form 173-I, Placement in Keep Separate Status, and submit Form 173-I to the Administrator indicating the reason(s) for the recommendation.

(c) The Administrator may order an immediate Special Investigations Division investigation and written report to determine whether the information received is accurate and placement of the inmate in keep separate status is warranted.

Administrative change.

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

Amended by R.2002 d.171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (b), substituted "Administrator indicating" for "Superintendent giving" preceding "the reason(s)"; in (c), substituted "Administrator" for "Superintendent" preceding "may order".

10A:3-2.2 Authorization of placement of inmate in keep separate status

(a) The Administrator shall authorize the placement of an inmate in keep separate status in instances when the Administrator determines that such placement is warranted for the maintenance of security and the orderly operation of the correctional facility.

(b) If the Administrator authorizes that an inmate be placed in keep separate status, the completed Form 173-I, along with supporting documents, shall be forwarded to:

1. The Supervising Classification Officer to be filed in the inmate's classification folder; and
2. The correctional facility housing the other inmate(s) involved in this assignment of keep separate status.

(c) A "Keep Separate" notation should be prominently placed on the outside cover of the inmate's institutional classification folder and in the appropriate files within the computerized inmate information record keeping system.

Amended by R.2002 d.171, effective June 3, 2002.
See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (a) and (b), substituted "Administrator" for "Superintendent" throughout.

Amended by R.2007 d.294, effective September 17, 2007.
See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

In the introductory paragraph of (b), inserted a comma following "documents"; and in (b)1, substituted "Supervising" for "Senior".

10A:3-2.3 Procedures for tracking transfers of inmates in keep separate status

(a) The Director, Division of Operations or designee or the Special Classification Committee (S.C.C.) shall authorize the transfer of an inmate in keep separate status to another correctional facility when such transfer is determined to be warranted and appropriate. Emergency transfer procedures shall be followed in accordance with N.J.A.C. 10A:9-3.13 or 7.5.

(b) Prior to the transfer of any inmate in keep separate status, the Supervising Classification Officer shall:

1. Confirm the current location of other correlated keep separate status inmate(s) via the Department of Corrections computerized inmate information recordkeeping systems;
2. Complete Form 173-III Transfer of Keep Separate Status Inmate for the inmate who is to be transferred;
3. Advise by telephone and fax a copy of Form 173-III to each correctional facility(s) housing the other correlated keep separate status inmate(s); and
4. Forward, within three days, a hard copy of Form 173-III to each correctional facility(s) housing the other correlated keep separate status inmate(s).

(c) The original Form 173-III, along with supporting documentation shall be filed in the chronological section of the transferred inmate's classification folder and shall be attached to Form 173-I. A copy of Form 173-III shall be added to the chronological section of each correlated inmate's classification folder, and shall be attached to Form 173-I.

(d) The Computerized Inmate Progress Notes shall be updated with the information recorded on Form 173-III.

New Rule, R.1993 d.679, effective December 20, 1993.
See: 25 N.J.R. 4702(a), 25 N.J.R. 5929(a).
Amended by R.1997 d.41, effective January 21, 1997.
See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).
Amended by R.2002 d.171, effective June 3, 2002.
See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (a), inserted "determined to be" following "transfer is"; in (b), rewrote 1 and inserted "for the inmate" following "Status Inmate" in 2.

Amended by R.2004 d.180, effective May 3, 2004.
See: 36 N.J.R. 6(b), 36 N.J.R. 2241(b).

In (a), substituted "Director, Division of Operations or designee" for "Inter-Institutional Classification Committee (I.I.C.C.)" and amended the N.J.A.C. reference.

Amended by R.2007 d.294, effective September 17, 2007.
See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

In the introductory paragraph of (b), substituted "Supervising" for "Senior".

10A:3-2.4 Recommending removal from keep separate status

(a) Any staff person may recommend that an inmate be removed from keep separate status.

(b) Any staff person recommending that an inmate be removed from keep separate status shall complete the removal recommendation section of Form 173-II Removal From Keep Separate Status and submit Form 173-II to the Administrator indicating the reason(s) for the recommendation.

(c) The Administrator may order a Special Investigations Division investigation and written report to determine whether the information received is accurate and removal of the inmate from keep separate status is warranted.

Recodified from 10A:3-2.3 by R.1993 d.679, effective December 20, 1993.

See: 25 N.J.R. 4702(a), 25 N.J.R. 5929(a).
Administrative change.
See: 32 N.J.R. 303(a).
Amended by R.2002 d.171, effective June 3, 2002.
See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (b), substituted "Administrator indicating" for "Superintendent, giving" preceding "the reason(s)"; in (c), substituted "Administrator" for "Superintendent" preceding "may order".

10A:3-2.5 Authorization for removal from keep separate status

(a) The Administrator may authorize the removal of an inmate from keep separate status when a review of the factors in the inmate's case indicates that the keep separate status is no longer appropriate.

(b) Whenever a decision is made to remove an inmate from keep separate status, the original Form 173-II along with