

**CHAPTER 18**

**MAIL, VISITS AND TELEPHONE**

**Authority**

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

**Source and Effective Date**

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

**Executive Order No. 66(1978) Expiration Date**

Chapter 18, Mail, Visits and Telephone, expires on October 6, 2002.

**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, 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 expired on May 27, 1997.

Chapter 18, Mail, Visits and Telephone, was adopted as R.1997 d.431, effective October 6, 1997. See: Source and Effective Date.

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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. Beside, 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”.

##### 10A:18-1.2 Scope

(a) This chapter shall be applicable to State correctional facilities under the jurisdiction of the Department of Corrections, unless otherwise indicated, and to inmates housed in facilities under the jurisdiction of the Department of Corrections.

(b) (Reserved)

(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).

##### 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, authorized by the correctional facility administration to act on behalf of the correctional facility inmates.

“Interoffice correspondence” means the exchange of correspondence between offices within the Department of Corrections.

“Legitimate public official” means the following:

1. An elected or appointed national, state or municipal government official; or
2. A director of a national, state or municipal government agency.

“News media representative” means a person whose principal employment is to gather or report news for:

1. A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

2. A news magazine which has a national circulation and is sold by news-stands and by mail subscription to the general public;

3. A national or international news service; or

4. A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission license.

"Pat-search" means a thorough search of a fully clothed person, including the clothing and personal property in the person's possession.

"Reasonable suspicion" means a belief that an action is necessary based upon specific and articulable facts that taken together with rational references from those facts, reasonably support a conclusion, such as, that a visitor is carrying or concealing contraband.

"Relative" means:

1. Father;
2. Mother;
3. Husband;
4. Wife;
5. Child;
6. Brother; or
7. Sister.

"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 items in possession of the person at the time.

"Truck mail" means interoffice mail that is exchanged between correctional facilities and mail that is exchanged between correctional facilities and the Department of Corrections' Central Office. Truck mail does not include mail sent by the United States Postal Service.

Amended by R.1991 d.413, effective August 5, 1991.  
See: 23 N.J.R. 1758(a), 23 N.J.R. 2312(a).

Added definition of "Legitimate public official".  
Amended by R.1997 d.431, effective October 6, 1997.  
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Added "Reasonable suspicion"; amended "Inmate Liaison Committee", "Legal correspondence", "Legal material", "Strip search", and "Truck mail"; renamed "Inter-office correspondence" to read "Interoffice correspondence"; and renamed "Pat-frisk" to read "Pat search" and amended.

Amended by R.1998 d.364, effective July 20, 1998.

See: 30 N.J.R. 1367(b), 30 N.J.R. 2618(b).

Deleted "Legal correspondence" and "Legal material" definitions.

#### Cross References

Identification of correspondence, see N.J.A.C. 10A:18-3.2, 10A:18-3.3.

Relatives, visitors, see N.J.A.C. 10A:18-6.3.

#### 10A:18-1.4 Forms

(a) The following form related to Mail, Visits and Telephone shall be reproduced by each correctional facility from the original that is available by contacting the Standards Development Unit:

1. 292-I Request for Attorney-Client Contact Visit.

New Rule, R.1991 d.155, effective March 18, 1991.

See: 23 N.J.R. 14(a), 23 N.J.R. 859(c).

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

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

## SUBCHAPTER 2. CORRESPONDENCE

### 10A:18-2.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding the mailing and receipt of correspondence 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 correspondence shall be given to each Inmate Liaison Committee. These Committees 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 correspondence.

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

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

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

### 10A:18-2.2 Limitation on number of correspondents

The number of approved correspondents and the amount of correspondence an inmate may receive or send shall be unlimited.

**10A:18-2.3 Limitation on number of postage stamps**

Each correctional facility shall establish a limit of stamps (40 or less) that inmates may possess that is consistent with the maintenance of security and the orderly operation of the correctional facility.

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

**10A:18-2.4 Correspondence in language other than English**

All State correctional facilities shall permit incoming and outgoing correspondence of the inmates to be in a language other than English.

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

**10A:18-2.5 Correspondence to or from other inmates**

All inmate correspondence to or from other inmates housed in other correctional facilities may be read to ensure that the correspondence does not contain any content prohibited by N.J.A.C. 10A:18-2.14.

Amended by R.1989 d.318, effective June 19, 1989.  
See: 21 N.J.R. 837(a), 21 N.J.R. 1701(a).

Deleted reference to correctional facilities "within this State" thus authorizing reading of materials coming or going, within or outside of New Jersey.

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

**10A:18-2.6 Inspection and identification of incoming correspondence**

(a) Each piece of incoming correspondence shall be opened and inspected.

(b) The sender's name and address and the inmate's name and number should appear legibly on the outside of all incoming correspondence.

(c) The inmate's name and number shall appear on the outside of the incoming correspondence. Correspondence without either the inmate's name or number shall be returned to the sender.

(d) If either the sender's name or address does not appear but the inmate's name and number do appear on the outside of the incoming correspondence, the correspondence may be delivered to the inmate after the correspondence has been opened and inspected for contraband.

(e) When the inmate's name or number and the sender's name and address do not appear on the outside of the incoming correspondence, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(f) If it is necessary to return correspondence to a sender and the return address is incomplete, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(g) Incoming correspondence shall be opened and inspected for contraband, but it shall not be read unless there is reason to believe that the correspondence contains disapproved content pursuant to N.J.A.C. 10A:18-2.14. If there is reason to believe that the correspondence contains disapproved content, the correspondence shall be read only upon prior authorization of the Superintendent or designee.

(h) A confidential list of the names of inmates whose incoming correspondence is authorized to be read shall be established and maintained in the correctional facility's Internal Affairs Unit or mail room, or wherever the confidentiality of the list can be maintained.

Amended by R.1989 d.338, effective July 3, 1989.  
See: 20 N.J.R. 2854(a), 21 N.J.R. 1910(a).

In (b): changed "shall" to "should."

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".

**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.

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

#### 10A:18-4.2 Limitation on source of publications

(a) Inmates shall be permitted to receive hardcover books only if the books are mailed directly from the publisher or a bookstore.

(b) Inmates shall be permitted to receive paperback books, magazines and other soft-cover publications from any source.

(c) Inmates shall be permitted to receive newspapers only by subscription mailed directly from the publisher.

(d) There shall be no restriction on the number of publications an inmate may receive.

(e) All books, magazines, publications and newspapers must be prepaid by the inmate.

#### 10A:18-4.3 Publications in a language other than English

All State correctional facilities shall permit incoming publications in a language other than English.

#### 10A:18-4.4 Publications to or from other inmates

All publications to or from inmates housed in other correctional facilities may be read to ensure that the publications do not contain any contents prohibited by N.J.A.C. 10A:18-4.9.

Amended by R.1989 d.318, effective June 19, 1989.  
See: 21 N.J.R. 837(a), 21 N.J.R. 1701(a).

Deleted reference to correctional facilities "within the State" thus authorizing reading of publications to or from inmates from other states.

#### 10A:18-4.5 Inspection of incoming publications

(a) Each incoming publication shall be opened and inspected for contraband, but shall not be read unless there is reason to believe that the publication contains disapproved content (see N.J.A.C. 10A:18-4.9) and then only upon the prior authorization of the Superintendent or designee.

(b) A confidential list of the incoming publications that are read shall be maintained in the Internal Affairs Unit or mail room of the correctional facility, or wherever the confidentiality of the list can be maintained.

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

#### 10A:18-4.6 Identification of incoming publications

(a) The sender's name and address and the inmate's name and number shall appear legibly on the outside of all incoming publications.

(b) The inmate's name and number shall appear on the outside of the incoming publication. Publications without

both the inmate's name and number shall be returned to sender.

(c) If the sender's name and address do not appear on the outside of the publication, the publication shall be opened and examined to determine the identity of the sender.

(d) If the sender cannot be identified, the publication shall be destroyed.

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); and recodified former (b) and (c) as (c) and (d).

#### 10A:18-4.7 Inspection and identification of outgoing publications

(a) Outgoing publications shall be reviewed to determine the sender.

(b) The inmate's name and number or the name of the inmate group shall appear legibly on the outside of the publication.

(c) If both the name and number of the sender do not appear on the outside of the outgoing publication, it shall be opened and examined to determine the sender so that it can be returned to the inmate or inmate group. If the sender cannot be identified, the outgoing publication shall be destroyed.

(d) Except as stated in (c) above, outgoing publications shall not be opened, read or censored unless there is reason to believe that the publication contains disapproved content (see N.J.A.C. 10A:18-4.9) and then only with the prior approval of the Superintendent or designee.

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

(f) A confidential list of the outgoing publications that are read pursuant to this subchapter shall be maintained in the investigative unit or mail room of the correctional facility, or wherever the confidentiality of the list can be maintained.

Amended by R.1989 d.203, effective April 17, 1989.  
See: 21 N.J.R. 277(b), 21 N.J.R. 1014(c).

At (d) deleted reference to specific government official addressees; recodified (e) to (d) deleting reference to old (d).

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

In (c), inserted provision relating to unidentified senders; and in (d), inserted "Except as stated in (c) above,".

#### 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:18-4.8 Processing of publications

(a) All properly identified and inspected incoming publications (see N.J.A.C. 10A:18-4.5 and N.J.A.C. 10A:18-4.6) shall be distributed to inmates within one day of their receipt in the mail room, excluding weekends, holidays and during emergency incidents.

(b) All properly identified outgoing publications (see N.J.A.C. 10A:18-4.7) shall be sent to the post office within one day of their receipt in the mail room, excluding weekends, holidays and during emergency incidents.

(c) Inmates shall not participate in the processing of either incoming or outgoing publications.

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) and (b), inserted reference to emergency incidents.

#### 10A:18-4.9 Disapproved content in publications

(a) Any incoming publication may be withheld in the mail room or taken from an inmate's possession if it falls within one of the following categories:

1. The publication contains material that is detrimental to security and/or order of the correctional facility because it incites violence based upon race, religion, creed or nationality and a reasonable inference can be drawn, based upon the experience and professional expertise of correctional administrators, that it may result in the outbreak of violence within the facility;

2. The publication contains information regarding:

- i. Explosives;
- ii. Weapons;
- iii. Controlled dangerous substances;
- iv. Escape plans;
- v. Lockpicking and/or locking devices; or
- vi. Anything that might pose a threat to the security or orderly operation of the correctional facility.

3. The publication contains information which appears to be written in code;

4. The publication contains information concerning activities, within or outside the correctional facility, which would be subject to criminal prosecution under the laws of New Jersey or the United States;

5. The publication incites violence, or destructive or disruptive behavior toward:

- i. Law enforcement officers;
- ii. Department of Corrections personnel; or

iii. Correctional facility inmates, visitors and/or volunteers; or

iv. Correctional facility programs or procedures.

6. The publication contains material which, based upon the experience and professional expertise of correctional administrators and judged in the context of a correctional facility and its paramount interest in security, order and rehabilitation:

i. Taken, as a whole, appeals to a prurient interest in sex;

ii. Lacks, as a whole, serious literary, artistic, political or scientific value; and

iii. Depicts, in a patently offensive way, sexual conduct including patently offensive representations or descriptions of ultimate sex acts, masturbation, excretory functions, lewd exhibition of the genitals, sadism or masochism.

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)2v, inserted reference to locking devices; in (a)2vi, substituted "that might pose . . . facility" for "of a similar nature"; added (a)5iii; and recodified former (a)5iii as (a)5iv.

#### Cross References

Approval of publications, see N.J.A.C. 10A:17-8.11.

#### 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:18-4.10 Control of publications

(a) Publications which are withheld from an inmate shall be disposed of in a manner determined by the inmate and at his or her expense.

(b) If the publication is withheld pursuant to N.J.A.C. 10A:18-4.9, it shall be turned over to the correctional facility Internal Affairs or Central Control for further action.

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

In (b), amended N.J.A.C. reference; and deleted (c) and (d).

#### 10A:18-4.11 Procedure for handling withheld publications

(a) When a publication violates one of the categories cited in N.J.A.C. 10A:18-4.10 and is withheld in the mail room, the following action shall be taken:

1. The correction officer who withholds the publication must submit a written report, no later than the end of the shift to the shift supervisor identifying:

- i. The publication withheld;
- ii. The inmate's name and number to whom it was addressed;

- iii. The time and date of withholding; and
  - iv. The category which the publication violates.
2. The decision of the correction officer shall be reviewed by the shift supervisor.
  3. The publication shall be given to the inmate within 48 hours if the shift supervisor disagrees with the correction officer's determination.
  4. The written report shall be initialed and returned to the correction officer if the shift supervisor agrees with the correction officer's determination.
  5. The correction officer shall provide the sender, within 72 hours of the withholding, with a written notice which identifies:
    - i. The publication withheld;
    - ii. The reason for withholding the publication; and
    - iii. The right of the sender to appeal this decision within 10 days of the date of the notice.
  6. The correction officer shall provide the inmate, within 72 hours of the withholding, with a written notice that the publication has been withheld. The notice must contain:
    - i. Name of the publication;
    - ii. Date of the publication;
    - iii. Date of the withholding; and
    - iv. A statement that the sender has been notified of the withholding and of the right to appeal.

**10A:18-4.12 Procedure for handling publications removed from inmate's possession**

(a) When a publication violates one of the categories cited in N.J.A.C. 10A:18-4.10 and is removed from the inmate's possession, the following action shall be taken:

1. The correction officer who removes the publication from the inmate must submit a written report, no later than the end of the shift to the shift supervisor identifying:
  - i. The publication removed;
  - ii. The inmate's name and number from whom it was removed;
  - iii. The time and date of the removal; and
  - iv. The category which the publication violates.
2. The decision of the correction officer shall be reviewed by the shift supervisor.
3. The publication shall be returned to the inmate within 48 hours if the shift supervisor disagrees with the correction officer's determination.

4. The written report shall be initialed and returned to the correction officer if the shift supervisor agrees with the correction officer's determination.

5. The correction officer shall provide the inmate, within 72 hours of the removal, with a written notice which identifies:

- i. The publication removed;
- ii. The reason for removing the publication; and
- iii. The inmate's right to appeal the removal.

**10A:18-4.13 Appeal and final disposition**

(a) When a publication has been withheld in the mail room or when a publication has been removed from the inmate's possession, the sender or inmate may appeal the action of the shift supervisor to the Superintendent within 10 days of the date of the notice.

(b) The sender or inmate shall be permitted to submit arguments, in writing to the Superintendent, that the challenged publication does not violate the category indicated in the correction officer's report.

(c) The Superintendent or designee, whose title shall not be lower than Assistant Superintendent or Director of Custody Operations, shall consider the appeal.

(d) The Superintendent or designee shall issue a written decision on the appeal and respond to the sender or inmate, as appropriate, within 72 hours of receipt of the written appeal. If the decision is to withhold the publication from the inmate, the decision shall contain a specific finding that the publication violates the category indicated in the correction officer's report and a notification that the publication is being returned to the sender.

(e) If a publication is found to be objectionable only in part and such part is easily separable from the rest of the publication (such as a magazine article, etc.) the inmate shall be given the choice of whether to allow the correctional facility to excise the offending portion(s) or to forfeit his or her right to the publication.

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

. In (b), substituted "submit arguments" for "argue".

**10A:18-4.14 Forwarding publications to an inmate transferred to another correctional facility**

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying the publishers of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all publications to the correctional facility to which the inmate has been transferred.

(c) Any publications received after the three month period may be destroyed or placed in the library of the correctional facility from which the inmate was transferred.

**10A:18-4.15 Forwarding publications to an inmate released on parole or at expiration of maximum sentence**

(a) The correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether publications received at the correctional facility should be forwarded to him or her.

(c) Upon the inmate's request, the correctional facility shall forward the publications to him or her.

(d) Publications shall be forwarded for a maximum of three months from the date of the inmate's release. Publications received thereafter may be destroyed or placed in the library of the correctional facility.

**10A:18-4.16 Forwarding publications to an inmate remanded to a detention facility**

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, publications received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Written procedures shall be developed by the correctional facility for forwarding an inmate's publications when the inmate is remanded to a detention facility. These procedures shall include a form which the inmate shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes publications forwarded.

**10A:18-4.17 Return of publications addressed to an inmate who has escaped**

(a) All publications addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the publication does not have a return address, it shall be opened to determine the sender.

(c) If the sender cannot be identified, the publication may be destroyed or placed in the library of the correctional facility.

**SUBCHAPTER 5. PACKAGES**

**10A:18-5.1 Notice to inmates**

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

(b) Notice of new or revised rules and procedures regarding packages shall be given to each Inmate Liaison Committee. These Committees 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 packages.

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

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

**10A:18-5.2 Limitation on packages**

(a) Each correctional facility shall promulgate:

1. A written list of items which may be received in a package; and,

2. A limit on the number and weight of packages which may be received by an inmate each month.

(b) Each inmate shall be given written notice of package limitations as established by (a) above.

(c) Inmates shall not be permitted to receive packages except from source of sale.

(d) All packages received from source of sale must be prepaid.

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

In (c), substituted "source of sale" for "a retail store"; and deleted a former (d).

Amended by R.1998 d.301, effective June 15, 1998 (operative October 19, 1998).

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c), 30 N.J.R. 2209(a).

Inserted a new (c); and recodified former (c) as (d).

Petition for Rulemaking.

See: 31 N.J.R. 559(a).

**Case Notes**

Prison clothing regulation precluding inmates from wearing symbols or indicia of group membership or rank and precluding inmate from wearing dashiki was not illegal. *Lumumba v. Morton*, 280 N.J.Super. 400, 655 A.2d 487 (A.D.1995).

**10A:18-5.3 Inspection of incoming packages**

(a) Every incoming package shall be opened and searched for contraband.

(b) Any item of contraband which is found during a search shall be processed in accordance with N.J.A.C. 10A:3-6.

(c) Any package(s) received from sources other than source of sale shall be marked "Refused" and returned to sender unopened.

Amended by R.1998 d.301, effective June 15, 1998 (operative October 19, 1998).

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c), 30 N.J.R. 2209(a).

Added (c).

#### 10A:18-5.4 Identification of incoming mailed packages

(a) Every incoming package shall be clearly marked with the name and address of the source of sale and the inmate's name and number.

(b) The inmate's name and number or the name of the inmate group shall appear on the outside of the incoming mailed package. Packages without both the inmate's name and number or the name of the inmate group shall be returned to the sender.

(c) If the name and address of the sender or source of sale does not appear on the outside of the incoming mailed package, it shall be examined to identify the sender or source of sale when it is opened. (See N.J.A.C. 10A:18-5.3.)

(d) If the sender or source of sale of an incoming mailed package cannot be identified, the content of the package shall be destroyed.

Recodified from 10A:18-5.5 and amended by R.1997 d.431, effective October 6, 1997.

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

Inserted references to source of sale throughout; in (b), inserted references to inmate group. Former section "Inspection and identification of outgoing packages" repealed.

Amended by R.1998 d.301, effective June 15, 1998 (operative October 19, 1998).

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c), 30 N.J.R. 2209(a).

In (a), deleted a reference to sender; in (b), deleted a reference to source of sale.

#### 10A:18-5.5 Inspection and identification of outgoing packages

(a) Every outgoing package shall be opened and inspected.

(b) Every outgoing package shall be clearly marked with the inmate's name and number or the name of the inmate group on the outside of the package.

(c) If either the inmate's name or number or the name of the inmate group does not appear on the outside of the outgoing package, when opened for inspection, it shall be examined to identify the sender so that it can be returned to the inmate or inmate group for proper mailing.

(d) If the sender of an outgoing package cannot be identified, the content of the package shall be destroyed.

(e) The content of outgoing packages shall be limited to inmate personal property.

(f) Any item of contraband which is found during an inspection of outgoing packages shall be processed in accordance with N.J.A.C. 10A:3-6.

New Rule, R.1997 d.431, effective October 6, 1997.

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

#### 10A:18-5.6 Package processing

(a) All properly identified incoming packages (see N.J.A.C. 10A:18-5.5) shall be distributed to inmates as soon as possible to avoid spoilage of perishable items.

(b) All properly identified outgoing packages (see N.J.A.C. 10A:18-5.4) shall be sent to the post office within one day of their receipt in the mail room excluding weekends, holidays and during emergency incidents.

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

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

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

In (b), inserted reference to emergency incidents.

#### 10A:18-5.7 Forwarding packages to an inmate transferred to another correctional facility

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying his or her correspondents of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all packages to the correctional facility to which the inmate has been transferred.

(c) Any packages received after the three month period shall be returned to the sender, if possible, or destroyed.

#### 10A:18-5.8 Forwarding packages to an inmate released on parole or at expiration of maximum sentence

(a) The correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether packages received at the correctional facility should be forwarded to him or her.

(c) Upon the inmate's request, the correctional facility shall forward the packages to him or her.

(d) Packages shall be forwarded for a maximum of three months from the date of the inmate's release. Packages

received thereafter shall be returned to the sender, if possible, or destroyed.

**10A:18-5.9 Forwarding packages to an inmate remanded to a detention facility**

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, packages received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Written procedures shall be developed by the correctional facility for forwarding packages to an inmate when the inmate is remanded to a detention facility. These procedures shall include a form which the inmate shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes packages forwarded.

**10A:18-5.10 Forwarding packages of an inmate who has escaped**

(a) All incoming packages addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the package does not have a return address, the package shall be opened to determine the sender.

(c) If the sender cannot be identified, the package shall be destroyed.

**SUBCHAPTER 6. VISITS**

**10A:18-6.1 Notice to inmates**

(a) Inmates shall be informed of new or revised rules and procedures regarding 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 visits shall be given to each Inmate Liaison Committee. These Committees 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 visits.

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

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

**10A:18-6.2 List of visitors**

Upon admission, an inmate shall submit to a person as designated by the Superintendent a list of names and addresses of potential visitors.

**10A:18-6.3 Approval of potential visitors**

(a) The correctional facility Superintendent or designee may approve the following persons to visit an inmate:

1. Relatives (see N.J.A.C. 10A:18-1.3);
2. Close friends;
3. Clergy; and
4. Persons who may have a constructive influence on the inmate.

(b) Persons with criminal records shall not be automatically excluded from visiting an inmate. The nature and extent of an individual's criminal record, plus their history of recent criminal activity, shall be weighed against the benefits of visitation in determining visitation eligibility.

(c) Persons determined, by substantial evidence, to have a harmful influence upon the inmate or to constitute a threat to the security of the correctional facility shall not be granted visitation privileges.

(d) At the Superintendent's discretion, former employees of the Department of Corrections may be permitted to visit an inmate. The Superintendent's decision shall be made on a case-by-case basis after due consideration of the security interests involved, and after the Superintendent is satisfied that the visit will not pose a threat to the orderly operation of the correctional facility.

(e) Employees of the Department of Corrections who have relatives incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections shall be permitted to visit an inmate in accordance with N.J.A.C. 10A:18-6.4.

(f) Approval of special visits shall be in accordance with N.J.A.C. 10A:18-6.5.

(g) Approval of visits between incarcerated family members shall be in accordance with N.J.A.C. 10A:18-6.6.

(h) Approval of visits by attorneys and court related persons shall be in accordance with N.J.A.C. 10A:18-6.7.

(i) Approval of visits by children shall be in accordance with N.J.A.C. 10A:18-6.8.

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 "Superintendent or designee".