

**CHAPTER 95
SECURE FACILITIES**

Authority

N.J.S.A. 2A:4A-60, 2C:39-6a(9), 9:17A-1 and 4, 30:4-27.2, 30:4-27.24, 30:4-82.4, 30:4-123.53a, 47:1A-1, 52:17B-170e(8) and (9), 52:17B-170e(14) and (22), 52:17B-171, 52:17B-174, 52:17B-175 and 52:17B-176.

Source and Effective Date

R.2011 d.202, effective June 30, 2011.
See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Chapter Expiration Date

Chapter 95, Secure Facilities, expires on June 30, 2018.

Chapter Historical Note

Chapter 95, Security and Control, was adopted as R.2000 d.329, effective August 7, 2000. See: 32 N.J.R. 1744(a), 32 N.J.R. 2909(c).

Chapter 95, Security and Control, was readopted as R.2006 d.57, effective January 9, 2006. As a part of R.2006 d.57, Chapter 95 was renamed Secure Facilities; Subchapter 2, Use of Force While On Duty, was repealed, and Subchapter 2, Keep Separate Status, was adopted as new rules; Subchapter 3, Use of Personal Firearms and Use of Force While Off Duty, was repealed, and Subchapter 3, Use of Force, was adopted as new rules; and Subchapters 4 through 21 were adopted as new rules, effective February 6, 2006. See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 95, Secure Facilities, was scheduled to expire on July 8, 2013. See: 43 N.J.R. 1203(a).

Chapter 95, Secure Facilities, was readopted as R.2011 d.202, effective June 30, 2011. As a part of R.2011 d.202, Subchapter 7, Behavior Accountability Unit, was adopted as new rules, effective August 1, 2011. See: Source and Effective Date. See, also, section annotations.

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24. J081 Special Classification Request Form;
25. BAU-01 (Referral to Behavior Accountability Unit);
26. BAU-02 (Behavior Accountability Unit Case Review Form); and
27. BAU-03 (Behavior Accountability Unit Appeal).

New Rule, R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Former N.J.A.C. 13:95-1.4, Confidentiality of information, recodified as N.J.A.C. 13:95-1.5.

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Rewrote (a)8; in (a)23, deleted "and" from the end; in (a)24, substituted a semicolon for a period at the end; and added (a)25 through (a)27.

13:95-1.5 Confidentiality and use of information relating to juveniles

(a) Records and statements in the possession of the Commission that are covered by the confidentiality provisions of N.J.S.A. 2A:4A-60, 60.2 and 60.3 may be reviewed when necessary and appropriate in the course of classification, program and other reviews necessary and appropriate under this chapter. However, at no time shall this permitted use of such records and statements release or exempt them from the confidentiality provisions of this section.

(b) All records pertaining to juveniles charged as a delinquent, adjudicated delinquent or found to be part of a juvenile-family crisis, including records relating to the suicide or suicide attempt of a juvenile, are confidential. All such records:

1. Shall be strictly safeguarded from public access;
2. Shall not be released, except when release is authorized under the provisions of N.J.S.A. 2A:4A-60; and

3. Shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

(c) Unless otherwise required by law, statements made by a juvenile in the course of any suicide prevention or mental health screening, and any reports or records created to report the results of such screening shall not be:

1. Disclosed to any party, including prosecutors and law enforcement personnel; or

2. Used in any investigation, or in any delinquency or criminal proceeding then pending or subsequently initiated. (See N.J.S.A. 2A:4A-60.2)

(d) No report or record relating to mental health services provided to a juvenile prior to an adjudication of delinquency, or any other finding of guilt, shall be disclosed or released to a court unless and until after such an adjudication or finding occurs. (See N.J.S.A. 2A:4A-60.3)

(e) All information contained in the master lists or reports maintained or submitted by employees of the Commission pursuant to the requirements of N.J.A.C. 13:95-3 and 4 shall be confidential and such master lists and reports shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Recodified from N.J.A.C. 13:95-1.4 and amended by R.2006 d.57, effective February 6, 2006.

See: 37 N.J.R. 3564(a), 38 N.J.R. 1009(a).

Substituted "N.J.A.C. 13:95-3 and 4" for "this chapter"; substituted "Open Public Records Act," for "Right to Know Law,".

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

Section was "Confidentiality of information". Added (a) through (d); and inserted designation (e).

SUBCHAPTER 2. KEEP SEPARATE STATUS

13:95-2.1 Recommending placement of a juvenile in keep separate status

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

(b) The staff person recommending that a juvenile be placed in keep separate status shall complete the recommendation section of Form J173-I Placement in Keep Separate Status, and submit Form J173-I to the Superintendent indicating the reason(s) for the recommendation.

(c) The Superintendent may order an immediate investigation be undertaken by the Office of Investigations and that a report of that investigation be submitted as soon as possible, but in no event more than one week after the request has been made, determining whether the information received is accurate and placement of the juvenile in keep separate status is warranted.

13:95-2.2 Authorization of placement of juvenile in keep separate status

(a) The Superintendent or designee shall authorize the placement of a juvenile in keep separate status in instances when the Superintendent or designee determines that such placement is warranted for safety of the juvenile, for the maintenance of security or for the orderly operation of the secure facility.

(b) If the Superintendent or designee authorizes that a juvenile be placed in keep separate status, the completed Form J173-I, along with supporting documents, shall be forwarded to:

1. The Facility Classification Office to be filed in the juvenile's classification folder; and
2. The secure facility housing the other juvenile(s) involved in this assignment of keep separate status.

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

13:95-2.3 Procedures for tracking transfers of juveniles in keep separate status

(a) A classification committee shall authorize the transfer of a juvenile in keep separate status to another secure facility when such transfer is determined to be warranted and appropriate. Emergency transfer procedures shall be followed in accordance with N.J.A.C. 13:100.

(b) Prior to the transfer of any juvenile in keep separate status, the Facility Classification Office shall:

1. Use the Commission's Juvenile Information Management System to confirm the juvenile's current location and the current location of other correlated juveniles in keep separate status;
2. Complete Form J173-III Transfer of Keep Separate Status for the juvenile who is to be transferred;
3. Advise by telephone and fax a copy of Form J173-III to the Superintendent of each secure facility housing the other correlated keep separate status juvenile(s); and
4. Forward, within three days, a hard copy of Form J173-III to each secure facility housing the other correlated keep separate status juvenile(s).

(c) The original Form J173-III, along with supporting documentation, shall be filed in the chronological section of the transferred juvenile's classification folder and shall be attached to Form J173-I. A copy of Form J173-III shall be added to the chronological section of each correlated juvenile's classification folder, and shall be attached to Form J173-I.

(d) Information recorded on Form J173-III shall be entered and maintained on a computerized bed-check or comparable system, in order to ensure that separation of juveniles on keep separate status is maintained at all times.

13:95-2.4 Recommending removal from keep separate status

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

(b) Any staff person recommending that a juvenile be removed from keep separate status shall complete the removal recommendation section of Form J173-II Removal From Keep Separate Status, and submit Form J173-II to the Superintendent indicating the reason(s) for the recommendation.

(c) The Superintendent may order that an investigation be undertaken by the Office of Investigations and a report of that investigation be submitted determining whether the information received is accurate and removal of the juvenile from keep separate status is warranted.

13:95-2.5 Authorization for removal from keep separate status

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

(b) Whenever a decision is made to remove a juvenile from keep separate status, the original Form J173-II along with the supporting documents shall be forwarded to the Facility Classification Office to be filed in the juvenile's classification folder.

(c) A copy of the removal notice Form J173-II shall be sent to the Facility Classification Office of the facility at which the other juvenile(s) involved in the keep separate status is housed.

(d) Computerized juvenile information recordkeeping systems shall be updated when a decision to remove a juvenile from keep separate status has been authorized by the Superintendent.

SUBCHAPTER 3. USE OF FORCE**13:95-3.1 Custody staff member authority**

(a) Custody staff members are authorized to use appropriate means to enforce secure facility rules and regulations. Such means include, but are not limited to:

1. "Constructive authority," which means authority that does not involve actual physical contact with the individual, but involves the use of the custody staff member's authority to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures and warnings; and

2. "Physical contact," which means routine or procedural contact with an individual necessary to effectively accomplish a legitimate law enforcement objective. Examples of physical contact include, but are not limited to, holding an individual's arm while escorting the individual, handcuffing an individual, maneuvering or securing an individual for a search, and guiding the individual into a vehicle.

(b) Custody staff members are encouraged to interrupt the flow of events to help ensure that a fellow custody staff member does not resort to employing an inappropriate or excessive use of force.

(c) Custody staff members are required to report all situations in which inappropriate or excessive force is used by anyone against a juvenile.

13:95-3.2 Use of force

(a) In any case that a custody staff member uses force while on-duty, the custody staff member shall only use that force that is objectively reasonable and necessary under the totality of the circumstances as known by the custody staff member at the time force is used.

(b) A custody staff member may use the amount of force reasonably necessary to accomplish the law enforcement objective. If the individual resists, the custody staff member may increase the degree of force as necessary to accomplish the law enforcement objective, but as soon as the individual submits, the custody staff member shall reduce the degree of force used.

13:95-3.3 Non-deadly force; when justified

(a) A custody staff member may use non-deadly force against persons only under the following circumstances:

1. To protect self or others against the use of unlawful force;
2. To protect self or others against death or serious bodily harm;

3. To prevent damage to property;
4. To prevent escape;
5. To prevent or quell a riot or disturbance;
6. To prevent a suicide or attempted suicide; or

7. To enforce secure facility regulations where expressly permitted by Commission regulations or in situations where a custody staff member with the rank of Sergeant or above believes that the juvenile's failure to comply constitutes an immediate threat to security of the secure facility or personal safety.

(b) Non-deadly force includes, but is not limited to, the use of the following:

1. "Physical force" which means contact with an individual beyond that which is generally utilized to effect a law enforcement objective. Physical force is employed when necessary to overcome an individual's physical resistance to the exertion of the custody staff member's authority, or to protect persons or property. Examples of physical force include, but are not limited to, wrestling a resisting individual to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation; and

2. "Mechanical force" which means the use of some device or substance, other than a firearm, to overcome an individual's resistance to the exertion of the custody staff member's authority. Examples of mechanical force include, but are not limited to, the use of a baton or other object, canine physical contact with an individual, or use of a chemical or natural agent spray.

(c) Chemical or natural agent spray shall be used when appropriate to avoid having to use deadly force, and for no other purpose.

13:95-3.4 Deadly force; when deadly force is justified and when restricted; restrictions on issuance and use of firearms

(a) Deadly force includes, but is not limited to, the use of firearms and other lethal weapons.

(b) Deadly force may be used under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq., and with any applicable

(f) Under no circumstances shall invasive body cavity searches be conducted in accordance with this section. Body cavity searches shall be conducted pursuant to N.J.A.C. 13:95-5.8.

13:95-5.8 Body cavity searches of juveniles

(a) A body cavity search shall not be conducted on a juvenile unless:

1. The highest ranking custody staff member on duty is satisfied that a reasonable suspicion exists that contraband will be found in the juvenile's body cavity; and
2. Approval for the specific search has been granted by the Superintendent or designee.

(b) In the event the highest ranking custody staff member on duty has reasonable suspicion to believe that contraband is being concealed in the juvenile's body cavity, the juvenile shall immediately be escorted to the infirmary or comparable facility of the secure facility and ordered to remove the contraband. The highest ranking custody staff member on duty shall advise the juvenile that medical assistance is available to the juvenile for removal of the contraband.

(c) The health care provider at the secure facility shall provide assistance to the juvenile under the following conditions:

1. The juvenile has requested assistance from the health care provider staff in order to remove the contraband from the juvenile's body cavity; or
2. If during or after removal of the contraband by the juvenile, the health care provider staff determines that the juvenile is in need of medical assistance, medical treatment shall be rendered to the juvenile unless the juvenile refuses such treatment.

(d) If the juvenile refuses to remove the contraband from his or her body cavity, the juvenile shall receive appropriate disciplinary charges and shall be:

1. Isolated and kept under constant visual surveillance until the contraband is eliminated from the juvenile's body cavity; or
2. Transported to an outside hospital or medical facility for removal of the contraband, if necessary for the well being of the juvenile, or the safe, secure and orderly operation of the secure facility. The health care provider staff at the secure facility shall make the necessary arrangements with the outside hospital or medical facility for any procedures that are necessary for the safe removal of the contraband.

(e) If the suspected contraband cannot be removed from the juvenile's body cavity without the use of force, a court order may be sought if the following circumstances exist:

1. The juvenile cannot be confined to a dry room until the contraband is eliminated from the juvenile's body, because the nature of the suspected contraband presents a safety or security risk to the juvenile, staff, other juveniles or the facility; or

2. Suspected contraband has been secreted in a juvenile's vaginal cavity, the juvenile has been confined to a dry room for a 48-hour time period, and the juvenile continues to refuse to remove the contraband with or without the assistance of a health care professional.

(f) Any request for a court order must be approved by the Executive Director or designee. If approval by the Executive Director or designee has been granted, the Superintendent or designee of the secure facility in which the juvenile is housed shall contact the Division of Law. The Superintendent or designee shall provide the assigned Deputy Attorney General with a sufficient factual basis for concluding that a court order is necessary, in accordance with the criteria in (e) above.

(g) The highest ranking custody staff member on duty at the time the cavity search was authorized shall prepare a written report of the results of the body cavity search. A copy of the report shall be made part of the juvenile's record, and a copy shall be submitted to the Superintendent or designee. The report shall include, but shall not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;
2. The name of the custody staff member in charge who authorized the search;
3. The name(s) of the custody staff member(s), and any other persons, present during the search and the reason(s) for his or her presence;
4. The name(s) of the person(s) conducting the search;
5. An inventory of any item(s) found during the search; and
6. The reason(s) for use of force, if applicable.

(h) The secure facility health care providers shall document the medical assistance rendered or offered to the juvenile in the juvenile's medical record. The documentation shall include, but shall not be limited to, the following:

1. The name of the health care professional(s) providing medical assistance;
2. The names of all individuals present during the removal of the contraband;
3. An inventory of any item(s) removed from the juvenile's body cavity; and

4. A description of the medical assistance that was offered or provided to the juvenile.

(i) If the juvenile has been transported to an outside hospital or medical facility, the health care provider staff of the secure facility shall ensure that a report is made by the outside hospital or medical facility. This report, together with the report of the custody staff member in charge, shall be entered into the juvenile's medical record. The report from the hospital or medical facility health care provider staff shall include, but shall not be limited to, the following:

1. The name of any health care professional(s) providing medical assistance; and

2. A description of the medical procedures that were conducted.

13:95-5.9 Canine searches

Juveniles' possessions and all secure facilities, areas, objects and properties under the jurisdiction of the Commission are subject to routine and random searches by canine teams, specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

13:95-5.10 Testing for prohibited substances

(a) Testing for prohibited substances may be conducted for the purpose of deterring and controlling the introduction of contraband or to detect the presence of any substance not authorized for possession or use by the juvenile.

(b) Juveniles shall be tested:

1. As part of the intake process for either a newly committed juvenile or juvenile parolee returning to secure care on a parole warrant;

2. When the name of the juvenile appears on a computer-generated randomly selected list of names, regardless of how often the name of the juvenile is randomly selected;

3. During the seven-day period prior to a juvenile's release from custody on parole or upon expiration of a maximum sentence;

4. In accordance with drug treatment program requirements;

5. When a custody staff member of the rank of Sergeant or above or an Investigator with the Office of Investigations believes, based upon his or her education and experience, that there is a reasonable factual basis to suspect the juvenile of using or possessing a prohibited substance;

6. Randomly or for cause, when the Superintendent, Assistant Superintendent or the Director of Custody Operations orders all juveniles from a particular housing unit, work detail or other functional unit to be tested;

7. Upon a juvenile's return from any unsupervised temporary release from custody; and

8. When a Disciplinary Hearing Officer orders testing as part of a sanction for a prohibited substance related infraction.

(c) A juvenile's refusal to submit to testing, or failure to comply with an order to submit a specimen, shall subject the juvenile to disciplinary action under the provisions of N.J.A.C. 13:101.

Administrative correction.

See: 40 N.J.R. 6822(b).

Amended by R.2011 d.202, effective August 1, 2011.

See: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).

In (b)5, deleted "non-alcoholic" preceding "prohibited".

13:95-5.11 Collection, storage and analysis of specimens

(a) Testing shall be conducted by staff who have been trained to perform the test(s).

(b) Specimens shall be collected, labeled, handled and, when necessary, sealed, stored, and transported in accordance with the instructions/standards provided by the manufacturer of the test.

(c) Testing shall be conducted using methods deemed reliable by the Commission.

(d) If the initial test result is positive, the specimen shall be subject to a confirmation test of equal or greater sensitivity than the initial test.

(e) Each time a specimen is collected for the reasons stated in N.J.A.C. 13:95-5.10, a New Jersey Department of Health and Senior Services drugs of abuse urine (DAU) chain of custody form (Form LAB-45) and a shipping log (Form LAB-46) shall be completed and maintained with the specimen. Proper chain of custody procedures shall be observed at all times.

(f) If testing is conducted through urinalysis, specimens taken from juveniles shall be voided directly into an approved specimen container and immediately labeled in the presence of the juvenile and at least one custody staff member or other authorized staff member of the same gender as the juvenile.

1. A minimum of 50 milliliters must be voided to ensure a sufficient quantity for all required testing.

2. Urine specimen testing shall be performed on-site or at a licensed laboratory as determined by the Executive Director or designee.

3. For initial on-site and confirmatory on-site testing of a urine specimen, the labeled specimen shall be tested and handled in accordance with the instructions/standards provided by the manufacturer of the on-site test. Chain of custody of the specimen shall be maintained.

4. For initial laboratory and confirmatory laboratory testing of a urine specimen, the labeled specimen shall immediately be closed and sealed in the presence of the juvenile by the custody staff member or other authorized staff member. Chain of custody of the specimen shall be maintained.

5. The specimen label shall include the juvenile's name and number, the secure facility to which the juvenile is assigned, the name of the custody staff member or other authorized staff member who witnessed the voiding of the specimen, the date and time the specimen was voided, the current use or non-use of prescription medication by the juvenile, and the juvenile's signature. Should the juvenile refuse to sign, the custody staff member or other authorized staff member who witnessed the voiding of the specimen shall indicate the refusal on the label and on the continuity of evidence form.

6. For laboratory confirmatory testing, the urine specimen shall be placed in a locked and secure refrigerator or freezer by the custody staff member or other authorized staff member responsible for maintaining custody over evidence as soon as reasonably practical, but in no event later than eight hours after the specimen was voided.

7. The custody staff member or other authorized staff member who receives custody of the urine specimen shall record on the continuity of evidence form, the date and time the specimen was received, the name of the staff member from whom it was received, and the date and time of specimen placement into the evidence locker and/or locked refrigerator.

8. Juvenile urine specimens transported out of the secure facility for laboratory testing shall be transported, where reasonably practical, in an iced cooler or similar device. The date and time of the removal of the urine specimen from the secure facility, as well as the date and time of specimen receipt by the testing facility shall be noted on the continuity of evidence form by the person(s) performing these functions.

9. Laboratory testing of urine specimens shall be conducted only when the urine specimen arrives at the testing facility in a sealed and approved urine specimen container.

(g) Juveniles charged with the use of prohibited substances not prescribed by the medical staff based upon the results of testing shall be advised of the results of any tests at least 24 hours prior to any disciplinary hearing ordered because of those charges.

(h) All testing shall be accomplished in a professional and dignified manner with maximum courtesy and respect for the juvenile's person.

(i) No juvenile shall be disciplined for refusing to provide a specimen or failing to comply with an order to submit a specimen unless that juvenile has been given a reasonable physical opportunity to comply with such order.

1. For the purposes of urine testing, a reasonable physical opportunity shall constitute a two-hour period from the time of the initial order, during which time the juvenile shall be offered water in amounts not to exceed eight ounces per 60-minute period. The juvenile may be required to remain in room restriction during this two-hour period.

2. The juvenile shall not be deemed to have complied with the order to submit a specimen unless he or she provides a specimen in the presence of a custody staff member or other authorized staff member.

13:95-5.12 (Reserved)

13:95-5.13 Staff orientation and training

(a) Each Superintendent shall be responsible for ensuring that the requirements and guidelines set forth in this subchapter are followed.

(b) Post orders developed in accordance with this subchapter shall be made available to all custody staff members and support staff. All personnel shall receive training in the interpretation and applicability of post orders, so as to ensure effective and safe search techniques.

SUBCHAPTER 6. CONTRABAND AND DISPOSITION OF CONTRABAND

13:95-6.1 Procedures for handling contraband upon discovery

(a) Whenever an item, article or material is determined to be contraband, it shall be immediately seized.

1. The custody staff member or other staff making the seizure shall submit the contraband to the shift supervisor who shall submit it to the Office of Investigations or Center Control of the secure facility, together with a fully completed Form J171-I Seizure of Contraband Report. The contraband report must be submitted no later than the end of the shift during which the contraband was seized.

2. Care shall be taken at all times to accurately record the chain of possession of the contraband.

3. The custody staff member or staff member shall give the juvenile from whose control or possession contraband is taken, an itemized, signed and dated receipt (Form J171-II Juvenile, Receipt, Contraband Seizure), a copy of which shall also go to the Office of Investigations or to the secure facility Center Control. The contents of this form shall be either read or explained to the juvenile, if necessary.

4. When contraband is removed from mail, such as, letters or packages, the custody staff member or staff member making the seizure shall send the juvenile to whom the

mail was addressed a completed copy of Form J171-II indicating that the specified items were removed.

5. The juvenile shall have three business days to appeal the seizure to the Superintendent or designee.

(b) The Office of Investigations and secure facility Center Control shall maintain logs of all Seizure of Contraband and Juvenile Receipt forms (Forms J171-I and J171-II). It shall be the responsibility of these units to record the disposition of the contraband on the Seizure of Contraband Report (Form J171-I).

(c) All contraband seized shall be clearly and appropriately marked and securely stored by the Office of Investigations or the secure facility Center Control.

(d) If disciplinary charges are issued in connection with the seizure of contraband, the Office of Investigations or the secure facility Center Control shall present evidence of the contraband at the disciplinary hearing unless the contraband was seized pursuant to N.J.A.C. 13:95-6.5. If the contraband was seized pursuant to N.J.A.C. 13:95-6.5, the Disciplinary Hearing Officer shall arrange to view the contraband outside the juvenile's presence.

(e) Contraband shall be disposed of by the Office of Investigations or by the secure facility Center Control in accordance with this subchapter.

Administrative correction.
See: 40 N.J.R. 6822(b).

13:95-6.2 Disposal of contraband personal property seized in reception units

(a) When a juvenile arrives at a Commission reception unit with items of personal property not authorized for retention or possession, the items shall be seized.

(b) The staff member making the seizure shall give the juvenile an itemized, signed and dated receipt for the property seized, and shall notify the juvenile that such items are contraband, and that the juvenile has three business days, from the date of the seizure of the contraband, to appeal the classification of any or all items as contraband to the Superintendent or designee.

1. If the Superintendent or designee determines that any or all of the items are not contraband, they shall be returned to the juvenile.

2. If the Superintendent or designee determines that any item is contraband, the juvenile shall be given two business days to indicate which of the following means of disposal should be used with respect to the property. The contraband shall be:

- i. Mailed to a designated relative or friend of the juvenile at the juvenile's expense;
- ii. Given to a visitor for disposal;

iii. Donated by the juvenile to a charitable organization at the juvenile's expense; or

iv. Destroyed at the juvenile's request.

3. If the juvenile fails to indicate the desired disposition, the property shall be disposed of at the option of the Superintendent of the secure facility in which the reception unit is located.

(c) Disciplinary reports shall not be issued to a juvenile entering a reception unit for possession of unauthorized or excessive personal property.

13:95-6.3 Disposal of contraband personal property seized within a secure facility

(a) When contraband is seized within a secure facility, appropriate disciplinary reports shall be written and issued pursuant to N.J.A.C. 13:95-6.7.

(b) The staff member making the seizure shall give the juvenile an itemized, signed and dated receipt (Form J171-II) for the property seized and shall notify the juvenile that such items are contraband and that the juvenile has the right to appeal the classification of any or all items as contraband through the disciplinary process.

1. If the Disciplinary Hearing Officer determines that any or all items are not contraband or if the Superintendent or designee, on appeal, determines that an item is not contraband, it shall be returned to the juvenile.

2. If the Disciplinary Hearing Officer determines that any or all items are contraband, the contraband shall be retained and shall not be disposed of until all appeal proceedings, including any appeal to the Superior Court of New Jersey, Appellate Division where appropriate, are exhausted. Otherwise, the juvenile shall be given two business days following receipt of the Disciplinary Hearing Officer's decision, or the decision of the Superintendent or designee if the disciplinary decision is appealed, to indicate to the Office of Investigations or Center Control which of the following means shall be used to dispose of the contraband. The contraband shall be:

- i. Mailed to a designated relative or friend of the juvenile at the juvenile's expense;
- ii. Donated by the juvenile to a charitable organization at the juvenile's expense; or
- iii. Destroyed at the juvenile's request.

3. Where the juvenile fails to indicate the desired disposition, the property shall be disposed of at the option of the Superintendent or designee.

4. For verifiable cases of juveniles who have no family and no visitors, special arrangements to store property at the facility in which the juvenile is housed may be approved on a case-by-case basis by the Superintendent or designee.

juveniles in the general population to the extent possible in accordance with security considerations.

13:95-11.17 Visits by professional and correctional supervisory staff

(a) A member of the secure facility social work staff shall make visits to juveniles in protective custody five days per week and shall be available to interview individual juveniles as soon as administratively possible when requested. When appropriate, referrals to other departments or staff members shall be made.

(b) The secure facility chaplain shall visit a juvenile in protective custody as soon as administratively possible when requested by the juvenile to provide religious counseling or other pastoral services.

(c) The supervisor in charge of a housing unit holding protective custody Juveniles shall make daily visits to the unit and shall be available to interview individual juveniles as soon as administratively possible after an interview is requested.

13:95-11.18 Work opportunities

Work opportunities shall be made available to juveniles assigned to a Protective Custody Unit to the extent possible in light of security considerations.

13:95-11.19 Psychological examination

Every juvenile assigned to protective custody shall have a psychological examination every three months or whenever it appears that he or she is suffering from an emotional or psychological disorder.

13:95-11.20 Withdrawal of personal items or activities

(a) Whenever, in the judgment of a custody staff member, there is imminent danger that a juvenile will destroy clothing or any item usually permitted the juvenile in the housing unit, or do injury to self, to another person, or to property with such items, a custody staff member of the rank of Sergeant or above may deprive the juvenile of such items, if practicable. In such case, however, every effort shall be made to supply a substitute for the item or to permit the juvenile to use the item under the supervision of a custody staff member.

(b) Whenever a juvenile is deprived of any usually authorized item or activity, a written report identifying both the juvenile and the item or activity shall immediately be forwarded to the shift supervisor, who shall forward a copy of the report to the Superintendent or designee.

(c) The Classification Committee shall review any such restriction within one week. Any continued restriction shall be permitted only with the written authorization of the Classification Committee.

(d) Such restrictions shall be reviewed on a weekly basis to determine whether there is reasonable certainty that the danger to person or property is no longer imminent and the restriction may be lifted.

13:95-11.21 Records

(a) The following information on juveniles confined to protective custody shall be available for the use of appropriate staff members:

1. The juvenile's name and number;
2. The juvenile's religion;
3. The previous housing location;
4. The room or other housing unit assignment;
5. The date admitted;
6. Special medical or psychiatric problems; and
7. The date on which three month review hearing is required, in accordance with N.J.A.C. 13:95-11.3(b).

(b) All unusual behavior shall be noted in the unit log book together with the time and date of the incident. Unusual incidents shall also be reported pursuant to N.J.A.C. 13:95-21, Reports.

13:95-11.22 Disciplinary action within Protective Custody Units

To the extent not otherwise covered by provisions of this chapter, the rules set forth in N.J.A.C. 13:101, Discipline, shall be in full force and effect in the Protective Custody Units.

13:95-11.23 Transfers; record maintenance

All transfers into or out of a Protective Custody Unit shall be entered on the juvenile's classification progress record.

13:95-11.24 Secure facility procedures

(a) Every secure facility shall be responsible for developing written unit internal management procedures and/or post orders consistent with this subchapter.

(b) All written post orders and procedures developed in accordance with this subchapter shall be submitted to the Executive Director or designee for approval before implementation.

13:95-11.25 Placement in temporary close custody

(a) A juvenile shall not be placed in temporary close custody for a period in excess of 72 hours unless exceptional circumstances warrant an extension of time. Exceptional circumstances may include, but are not limited to, information received or substantial evidence found.

(b) Criteria for placement of a juvenile in temporary close custody status are:

1. Reasonable suspicion exists to indicate that the juvenile is engaged in, or is planning a serious violation of secure facility rules, on which disciplinary action is considered premature;

2. Reasonable suspicion exists to indicate that the juvenile is in possession of, or plans to obtain, contraband which may pose a danger to the juvenile or others;

3. The juvenile exhibits assaultive, self-mutilating and/or threatening behavior related to a medical or psychiatric condition, in the written opinion of a psychiatrist, psychologist or medical doctor; and/or

4. Any other reason, which, in the opinion of the Superintendent, or designee, requires temporary close custody confinement to protect the juvenile, staff, general public, and/or the security and control of the secure facility.

(c) When placement of a juvenile in temporary close custody is ordered by the Superintendent's designee, the designee shall, as soon as administratively possible within 72 hours, inform the Superintendent and shall provide a written report to the Superintendent setting forth the reason for such placement.

(d) On or before the expiration of the 72-hour period, unless there are emergent reasons for extension, the juvenile shall be released from temporary close custody to:

1. The general population;
2. Prehearing room confinement;
3. Disciplinary room confinement in connection with a disciplinary action pursuant to N.J.A.C. 13:101;
4. Medical or psychiatric housing for continued observation, treatment, or commitment procedures; or
5. Protective custody in accordance with procedures set forth in this chapter.

(e) Release from temporary close custody may be ordered only by the Superintendent or designee.

(f) In consideration of the reason for a juvenile's placement in temporary close custody, the Director of Custody Operations or designee shall determine the personal property and other services, such as, but not limited to, visits and telephone calls, which the juvenile may be afforded while in temporary close custody.

(g) The Superintendent shall forward a monthly written report of all placements and releases from temporary close custody to the Director of Operations.

SUBCHAPTER 12. JUVENILE ORIENTATION AND HANDBOOK

13:95-12.1 Responsibility for orientation

The Superintendent of the secure facility shall designate a staff person to be responsible for orientation of juveniles.

13:95-12.2 Scheduling orientation

(a) Juveniles shall be provided an orientation session within one week of admission to a Reception Center, unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(b) When assigned or transferred to another secure facility, juveniles shall be provided an orientation session within one week following admission to the new secure facility unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the secure facility.

(c) Supplemental orientation sessions shall be held whenever necessary or appropriate to explain updated or changed subject matter that would require an amendment to the juvenile handbook required under the provisions of N.J.A.C. 13:95-12.3.

(d) Orientation sessions shall be presented in a foreign language when necessary.

Amended by R.2011 d.202, effective August 1, 2011.
Sec: 43 N.J.R. 158(a), 43 N.J.R. 1889(a).
Rewrote (c).

13:95-12.3 Content of orientation; resident handbook

(a) The Superintendent or designee shall prepare and issue to all juveniles as part of their standard issue a resident handbook, the contents of which shall be used as a guide for orientation sessions.

1. Prior to distribution to juveniles, a resident handbook shall be reviewed and approved by the Director of Operations, or designee.

2. The resident handbook shall be reviewed and updated as required, but in any event not less frequently than annually; all updates are subject to review and approval by the Director of Operations or designee.

(b) The resident handbook and orientation sessions shall include, material clearly describing all material rights, privileges, services, programs and obligations of juveniles under the provisions of this chapter, under N.J.A.C. 13:101, Juvenile Discipline, under the Prison Rape Elimination Act of 2003, 42 U.S.C. §§15601 et seq., under Commission internal management procedures and related policies, and under any other material deemed relevant by the Director of Operations or designee.