

CHAPTER 101
JUVENILE DISCIPLINE

Authority

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Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 101, Juvenile Discipline, expires on August 5, 2011. See: 43 N.J.R. 168(a).

Chapter Historical Note

Chapter 101, Juvenile Discipline, was adopted as new rules by R.2006 d.52, effective February 6, 2006. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:101-1.1 Purpose

(a) The purpose of this chapter is to:

1. Establish a disciplinary system and corresponding disciplinary policies that promote prosocial behavior and discourage negative behavior among juveniles in Juvenile Justice Commission facilities, and that provide staff with behavior management tools necessary for maintaining safety and security in the facilities;
2. Establish a comprehensive code of violations that explicitly describes behaviors prohibited in Juvenile Justice Commission facilities, so that proscribed behavior may be known by both juveniles and staff;

3. Establish administrative due process safeguards in the disciplinary process and impartial and fair disciplinary procedures, and by so doing, foster morale among juveniles and staff with regard to the disciplinary process; and

4. Establish a range of authorized sanctions for responding to inappropriate behavior and rules for imposing such sanctions.

13:101-1.2 Scope

This chapter shall apply to all committed juveniles in Juvenile Justice Commission facilities.

13:101-1.3 Definitions

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

“Bodily fluid” means saliva, blood, urine, feces, seminal fluid or any other fluid produced by the body.

“Bodily injury” means physical pain, illness or any impairment of physical condition.

“Chief Investigator, Office of Investigations” means the Commission staff member who heads the unit responsible for conducting investigations within the Commission at the direction of the Executive Director.

“Commission” means the New Jersey Juvenile Justice Commission.

“Committed juvenile” or “juvenile” means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission. For the purpose of this chapter, “committed juvenile” or “juvenile” shall only refer to those individuals residing in a Juvenile Justice Commission facility.

“Counsel substitute” means an individual, such as a juvenile paralegal, teacher or social worker, who represents and defends a juvenile at a disciplinary hearing which is conducted within a facility under the jurisdiction of the Juvenile Justice Commission.

“Custody status” means the degree of supervision that is assigned to a juvenile in a Commission facility.

“Director of Custody Operations” means the Commission staff member at each secure facility of the Commission responsible for supervising the custody work force.

“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure and non-secure facilities.

“Disciplinary Hearing Officer” means a staff member of the Juvenile Justice Commission designated to hear and adjudicate juvenile violations.

“Executive Board” means the Executive Board of the Commission.

“Executive Director” means the Executive Director of the Commission.

“Extra work duty” means a task in addition to those related to a juvenile’s work or program assignment to which a juvenile has been assigned as a sanction for committing a violation.

“Facility” means any facility operated by the Commission which houses juveniles.

“Facility restriction” means the restriction of the juvenile to the confines of the facility’s building or grounds.

“Gang” means a group of juveniles possessing common characteristics, interests and goals which serve to distinguish these juveniles from other juveniles or groups of juveniles and which, as a discrete entity, poses a threat to the safety of staff, other juveniles, the community or to the orderly operation of the facility.

“Handbook on Discipline” means a handbook prepared by the Commission and provided to juveniles which contains a juvenile’s rights and responsibilities, the acts and activities which are prohibited and the disciplinary procedures and sanctions imposed.

“Institutional Classification Committee (I.C.C.)” means a group of Commission staff members that have been designated to make decisions related to the assignment or reassignment of juveniles to programs and activities within a Commission facility and to conduct initial reviews of juvenile requests for transfer to another such facility.

“Juvenile Handbook” means a booklet prepared by the Commission and provided to juveniles which contains a facility’s rules, procedures and information about a facility’s services and programs.

“Office of Investigations” means the unit responsible for conducting investigations within the Commission at the direction of the Executive Director.

“Program Separation Unit” means an area within a secure facility designated for assigning juveniles who are removed from the general population for disciplinary or administrative reasons.

“Room restriction” means confining a juvenile for disciplinary or administrative reasons, either in the room in which he or she usually sleeps or in a room in a program separation unit.