

10A:5-2.21 Exercise and recreation

(a) Efforts shall be made to provide opportunities for exercise and recreation consistent with custodial considerations. Each inmate in the Management Control Unit (M.C.U.) shall be permitted the minimum of two hours

exercise each week and every effort shall be made to provide at least five hours per week, unless compelling security, safety or weather reasons dictate otherwise. When exercise is not permitted, the reasons shall be well documented.

(b) The Superintendent may take emergency action in suspending exercise or recreation privileges for any or all inmates until the emergency has passed. In any such emergency, the Superintendent shall notify the Commissioner.

Recodified from 10A:5-2.20 by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.21, "Education", recodified to 10A:5-2.22.

10A:5-2.22 Education

(a) Educational programs shall be made available to inmates in the Management Control Unit (M.C.U.) who are desirous of participating in them.

(b) A teacher shall be assigned to the M.C.U. and an office shall be available in the Unit for the teacher's activities.

Recodified from 10A:5-2.21 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.22, "Visits by professional staff", recodified to 10A:5-2.23.

10A:5-2.23 Visits by professional staff

(a) Inmates in the Management Control Unit (M.C.U.) shall be visited daily during the work week by a member of the correctional facility's professional staff to determine any emergency or unusual needs of the inmates and make referrals to appropriate departments or staff members.

(b) Spiritual counseling shall be available on an individual basis as coordinated by the correctional facility's chaplain and consistent with the M.C.U. operating procedures.

Recodified from 10A:5-2.22 by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.23, "Work opportunities", recodified to 10A:5-2.24.

10A:5-2.24 Work opportunities

(a) Work opportunities shall be provided to all inmates in the Management Control Unit (M.C.U.) in keeping with the special conditions of the Unit.

(b) Pay and work time credits shall be commensurate with the skill level and the amount of work responsibilities involved.

(c) Education and program credits shall be commensurate with credits available to the general population.

Recodified from 10A:5-2.23 by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.24, "Social, psychological and counseling program", recodified to 10A:5-2.25.

10A:5-2.25 Social, psychological and counseling program

(a) Treatment programs shall be available in the Management Control Unit (M.C.U.) to at least the same extent as

available to the general inmate population. Social workers and a psychologist shall be assigned to the M.C.U. and offices shall be provided for each of these professional persons. The professionals shall provide services consistent with those provided to the general population such as, but not limited to, crisis intervention, problem solving, short and long term counseling, parole and classification evaluations, and shall work closely with the M.C.U. supervisor and staff.

(b) Counseling sessions shall be arranged upon the request of an inmate confined in the M.C.U. Counseling shall be coordinated by the professional assigned to the M.C.U.

(c) Two interview rooms shall be set aside within the M.C.U. for use by the assigned professionals, the M.C.U. supervisor, the Parole Counselor, and professional representatives of outside agencies such as, but not limited to, Social Security Administration, Veteran's Administration, and Vocational Rehabilitation Agencies.

Recodified from 10A:5-2.24 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.25, "Commissary", recodified to 10A:5-2.26.

10A:5-2.26 Commissary

(a) Purchase of commissary items in the Management Control Unit (M.C.U.) shall be permitted within guidelines developed by the M.C.U. supervisor and approved by the Superintendent.

(b) Procedures for obtaining commissary items shall be the same as for the general population.

Recodified from 10A:5-2.25 by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.26, "Withdrawal of personal items or activities", recodified to 10A:5-2.27.

10A:5-2.27 Withdrawal of personal items or activities

(a) Whenever in the judgement of the officer in charge of the Management Control Unit (M.C.U.) there is imminent danger that an inmate will destroy clothing or any items usually permitted the inmate in the cell, or will do injury to self, to another person or to property with such items, the officer may deprive the inmate of such items, if practicable. In such case, however, effort shall be made to provide a substitute for the item or to permit the inmate to use the item under the supervision of the officer.

(b) Whenever an inmate is deprived of any usually authorized item or activity, a written report shall immediately be forwarded to the Superintendent or his or her designee and the M.C.U. Supervisor, identifying the inmate and the item or activity.

(c) The Management Control Unit Review Committee (M.C.U.R.C.) shall review any such restriction within one

week. Any continued restriction shall be permitted only with the written authorization of the M.C.U.R.C.

(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.

Recodified from 10A:5-2.26 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.27, "Special custodial responsibilities", recodified to 10A:5-2.28.

10A:5-2.28 Special custodial responsibilities

(a) Because of the increased need for close security within the Management Control Unit (M.C.U.), the frequency and intensity of certain custodial functions shall be increased. Thorough cell searches may be conducted as often as once a week if found necessary for certain inmates or as often as twice a month for the entire population of the M.C.U. Spotchecks of cells may be conducted at any time.

(b) Despite the increased need for security, precautions shall be taken to insure that the inmates in the M.C.U. are not subjected to unnecessary limitations of their personal privacy. The M.C.U. supervisor or another person acting on the direct or standing orders of the Superintendent must authorize any non-routine cell searches.

Recodified from 10A:5-2.27 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.28, "Disciplinary action within the Management Control Unit (M.C.U.)", recodified to 10A:5-2.29.

10A:5-2.29 Disciplinary action within the Management Control Unit (M.C.U.)

(a) The rules set forth in N.J.A.C. 10A:4, INMATE DISCIPLINE shall be in full force and effect in the Management Control Unit (M.C.U.).

(b) No special restriction of privilege on disciplinary grounds, such as denial of outside recreation or of work opportunities, may be continued in M.C.U. for longer than 30 days. If, in the judgment of the Disciplinary Hearing Officer/Adjustment Committee, there are special custodial reasons for desiring to maintain special restriction of privileges upon an inmate for longer than 30 days, the Disciplinary Hearing Officer/Adjustment Committee shall recommend assignment to Administrative Segregation to the Institutional Classification Committee (I.C.C.).

Recodified from 10A:5-2.28 by R.1996 d.369, effective August 5, 1996. See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.29, "Program monitoring, review and modification", recodified to 10A:5-2.30.

10A:5-2.30 Program monitoring, review and modification

The Management Control Unit Review Committee (M.C.U.R.C.) shall continuously monitor and review all aspects of the Management Control Unit (M.C.U.). When the M.C.U.R.C. desires to make any significant deviation from the M.C.U. Program as delineated in this subchapter a request shall as submitted in writing through the Superintendent to the Assistant Commissioner, Division of Operations.

Recodified from 10A:5-2.29 and amended by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Former N.J.A.C. 10A:5-2.30, "Compliance with all other rules", recodified to 10A:5-2.31.

10A:5-2.31 Compliance with all other rules

In addition to the rules contained in this subchapter, all other Department rules applicable to inmates in the New Jersey State Prison, shall apply with equal force to inmates in the Management Control Unit (M.C.U.).

Administrative correction, effective January 27, 1989.

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

Institutional name change.

Recodified from 10A:5-2.30 by R.1996 d.369, effective August 5, 1996.

See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

SUBCHAPTER 3. ADMINISTRATIVE SEGREGATION

10A:5-3.1 Admission to administrative segregation

(a) Whenever the Disciplinary Hearing Officer/Adjustment Committee imposes a sanction which includes administrative segregation, the administrative segregation part of the sanction shall be referred by the Disciplinary Hearing Officer to the Institutional Classification Committee (I.C.C.) for review at the Committee's next regularly scheduled meeting.

(b) In considering the sanction, the Institutional Classification Committee (I.C.C.) shall consider any relevant factors including, but not limited to:

1. The circumstances and gravity of the disciplinary infraction;
2. The reason(s) given by the Disciplinary Hearing Officer/ Adjustment Committee for the sanction imposed;
3. The inmate's previous disciplinary record; and,
4. Whether other available dispositions are adequate to regulate the inmate's behavior within acceptable limits.