

**CHAPTER 21
REPORTS**

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

Source and Effective Date
R.1996 d.63, effective January 11, 1996.
See: 27 N.J.R. 4849(a), 28 N.J.R. 854(a).

Executive Order No. 66(1978) Expiration Date
Chapter 21, Reports, expires on January 11, 2001.

Chapter Historical Note

Chapter 21, Reports, was adopted as Subchapter 8, Reporting Violations of the Criminal Statutes, by R.1991 d.43, effective February 4, 1991. See: 22 N.J.R. 3440(a), 23 N.J.R. 306(a). Subchapter 5, Reports of Unusual Incidents or Events, was adopted as new rules by R.1991 d.53, effective February 4, 1991. See: 22 N.J.R. 3304(a), 23 N.J.R. 304(a). Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1996 d.63, effective January 11, 1996. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTERS 1 THROUGH 4. (RESERVED)

SUBCHAPTER 5. REPORTS OF UNUSUAL INCIDENTS OR EVENTS

10A:21-5.1 Preliminary inquiry

(a) When a Superintendent or his or her designee becomes aware of the occurrence of an unusual incident or

event, he or she shall notify the Special Investigations Division which shall make an immediate preliminary inquiry to determine the facts in the case.

(b) If there is a delay in the arrival of a staff member from the Special Investigations Division, the Superintendent shall assign a custody supervisor with a rank not lower than sergeant to secure and/or cordon off the location of the incident or event, when appropriate.

(c) No one, including non-custody staff and custody staff, shall be permitted access to the secured area and nothing shall be touched, moved or destroyed until the staff from the Special Investigations Division has completed the examination of the secured area.

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

10A:21-5.2 Telephone reports within the Department of Corrections; reportable unusual incidents or events

(a) If after the preliminary inquiry, it is the determination of the Superintendent or his or her designee that the incident or event is of such significance that the incident or event has the potential for disrupting the orderly operation of the correctional facility, or if the orderly operation of the correctional facility has been disrupted because of the incident or event, the Superintendent or his or her designee shall promptly contact the Assistant Commissioner of the Division of Operations or his or her designee and the Director of Communications, Office of Public Information, New Jersey Department of Corrections, by telephone and give them a summary of:

1. What happened;
2. Persons involved;
3. The action taken; and
4. The current assessment of the situation.

(b) The unusual incidents and events which shall be reported by telephone to the Assistant Commissioner, Division of Operations or his her designee and the Director of Communications, Office of Public Information shall include, but are not limited to:

1. A homicide;
2. A suspicious death;
3. A suicide or serious suicide attempt;
4. A disturbance involving a considerable number of inmates or employees which threatens the maintenance of security or the orderly operation of the correctional facility, for example:
 - i. A riot;

- ii. A work stoppage; or
 - iii. A melee.
5. A medical emergency;
 6. A medical problem requiring expeditious handling because of its special nature;
 7. An escape or walkaway in which:
 - i. Force was used;
 - ii. A weapon was used;
 - iii. An injury to an inmate(s) or a staff member resulted;
 - iv. A crime was committed;
 - v. The inmate(s) escaped from a secure or self contained unit;
 - vi. The inmate(s) involved is widely and/or unfavorably known by virtue of his or her offense history; and/or
 - vii. The inmate(s) involved is considered capable of committing violent acts;
 8. The taking of a hostage(s);
 9. A serious injury to an inmate(s) or staff member(s);
 10. Suspected introduction of drugs, narcotics or intoxicants into the correctional facility by staff;
 11. Suspected drug, narcotic or intoxicant abuse by staff on correctional facility grounds;
 12. A serious mechanical or engineering difficulty which could result in the loss of steam, electric power, sanitary facilities;
 13. A natural disaster such as a flood, tornado, earthquake or cyclone and the extent of damage that resulted;
 14. A fire which resulted in considerable damage or in which there is the potential for extensive property damage and/or loss of lives; and
 15. A situation involving an inmate(s) in which the life of an inmate or a group of inmates is in danger and an immediate transfer is needed to provide safety for the inmate(s) involved.

Amended by R.1996 d.63, effective February 5, 1996.
See: 27 N.J.R. 4849(a), 28 N.J.R. 854(a).

10A:21-5.3 Telephone reports to judges in the event of an escape

(a) All escapes from medium and maximum security correctional facilities shall be reported by telephone to the sentencing judge as soon as possible after the escape.

(b) If an escape from a medium or maximum security correctional facility occurs during the evening, weekend or on a holiday, the Superintendent or his or her designee shall notify the Assistant Commissioner, Division of Operations. The Assistant Commissioner shall be responsible for notifying the sentencing judge at his or her home. In cases when contact cannot be made with the Assistant Commissioner, Division of Operations, attempts shall then be made to contact the Chief of Staff, New Jersey Department of Corrections.

(c) The sentencing judge, who has been notified of an escape from a medium or maximum security correctional facility, shall also be notified of the capture and/or return of the escapee(s).

Amended by R.1996 d.63, effective February 5, 1996.
See: 27 N.J.R. 4849(a), 28 N.J.R. 854(a).

10A:21-5.4 Correctional facility liaison to outside law enforcement agencies

(a) At the direction of the Commissioner, Department of Corrections, the Special Investigations Division assigned to a correctional facility shall serve as the liaison to all outside law enforcement agencies.

(b) The liaison shall have the general responsibility of effecting a cooperative relationship with outside law enforcement agencies during investigations conducted and/or associated with a correctional facility. These outside law enforcement agencies shall include, but are not limited to:

1. County prosecutors;
2. State and local police agencies;
3. The New Jersey Division of Criminal Justice;
4. The Federal Bureau of Investigations; and
5. The United States Department of Treasury.

Amended by R.1996 d.63, effective February 5, 1996.
See: 27 N.J.R. 4849(a), 28 N.J.R. 854(a).
Administrative change.
See: 32 N.J.R. 303(a).

10A:21-5.5 Telephone reports to outside law enforcement agencies; reportable unusual incidents and events

(a) Upon notification by the Superintendent, an investigator from the Special Investigations Division shall promptly report, by telephone, the following unusual incidents or events to the appropriate county prosecutor, the local State Police Commander, and/or the local police agency having primary jurisdiction:

1. A homicide;
2. A serious injury to an inmate(s) or staff member(s);
3. A suspicious death;
4. A suicide;