

(e) At each review, the M.C.U.R.C. shall again review the information upon which the decision was based to assign the inmate to the M.C.U. Such information shall include:

1. Disciplinary reports;
2. Programs participation such as, but not limited to, education, counseling, recreation activities; and
3. Records of the inmate's behavior and attitude while in the Unit such as, wing officers and professional staff reports which must periodically be filed describing pertinent observations, both positive and negative, of the inmate's behavior and attitude while in the M.C.U.

(f) An inmate shall be released from the M.C.U. when, in the opinion of the M.C.U.R.C., the inmate no longer poses a substantial threat:

1. To the safety of others;
2. Of damage to or destruction of property; or,
3. Of interrupting the operation of a State correctional facility.

Amended by R.1996 d.369, effective August 5, 1996.
See: 28 N.J.R. 2782(a), 28 N.J.R. 3791(b).

Case Notes

Inmate's release on parole mooted appeal from decision upholding his assignment to special confinement unit. *Cinque v. New Jersey Dept. of Corrections*, 261 N.J.Super. 242, 618 A.2d 868 (A.D.1993).

10A:5-2.11 Annual review of inmate status in the Management Control Unit (M.C.U.)

(a) The Department of Corrections shall conduct a hearing at least annually to review the status of the inmate in order to determine whether an inmate's release from M.C.U. is appropriate.

(b) The inmate has the initial burden of demonstrating at this review, that the inmate has:

1. Participated in the required programs, jobs, educational and recreational programs afforded the inmate pursuant to N.J.A.C. 10A:5-2.21, 2.22, 2.24 and 2.25;
2. Complied with the criteria detailed by the M.C.U.R.C.;
3. Remained free from prohibited acts preceded by an asterisk for the program year; and
4. Agreed to reaffirm the obligation to adhere to the rules and regulations for inmate behavior, as described in the Handbook on Discipline and correctional facility inmate handbooks.

(c) If the inmate demonstrates the criteria established in (b) above, the inmate will be considered for release from the M.C.U. and the inmate will be released unless the Department of Corrections can demonstrate through substantial evidence including behavior and attitude adjustment

and disciplinary history that the inmate continues to pose an identifiable threat:

1. To the safety of others;
2. Of damage to, or destruction of property; or
3. Of interrupting the operation of a State correctional facility.

New Rule, 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:5-2.11, "Ventilation, heating, lighting and sanitation", recodified to 10A:5-2.12.

10A:5-2.12 Ventilation, heating, lighting and sanitation

(a) Proper ventilation, lighting, normal room temperatures, cleanliness and properly functioning sanitary fixtures shall be maintained in cells within the Management Control Unit (M.C.U.).

(b) Daily inspections shall be made to insure that the cells, corridors, toilets, showers and other areas within the M.C.U. are kept secure, clean and sanitary.

Recodified from 10A:5-2.11 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:5-2.12, "Food", recodified to 10A:5-2.13.

10A:5-2.13 Food

(a) Management Control Unit (M.C.U.) inmates shall be served the normal correctional facility meals on the "Menu of the Day" or such special diet as shall be prescribed.

(b) Disposable utensils shall be used when necessary.

Recodified from 10A:5-2.12 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:5-2.13, "Showers, shaving", recodified to 10A:5-2.14.

10A:5-2.14 Showers, shaving

Each inmate in the Management Control Unit (M.C.U.) shall be permitted to shave and shower at least two times a week, unless permitting these activities would present an undue security hazard. Every effort shall be made to permit each inmate in M.C.U. to shave and shower every other day.

Recodified from 10A:5-2.13 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:5-2.14, "Medical and psychiatric services", recodified to 10A:5-2.15.

10A:5-2.15 Medical and psychiatric services

(a) Medical and psychiatric emergencies of inmates in the Management Control Unit (M.C.U.) shall be attended to immediately.

(b) Requests for medical attention by staff or inmates in non-emergency situations shall be responded to by the physician who visits the M.C.U. every weekday.

(c) The level of all other medical and psychiatric services shall be the equivalent of that provided to inmates in the general population.

Recodified from 10A:5-2.14 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:5-2.15, "Personal items", recodified to 10A:5-2.16.

10A:5-2.16 Personal items

(a) All inmates shall be admitted to the Management Control Unit (M.C.U.) dressed in normal correctional facility clothing after a thorough search for contraband.

(b) Each inmate shall be provided with the following items to the same extent as such items are provided for inmates in the general population:

1. Clothing required for use in cell;
2. Bedding and mattress;
3. Personal hygiene supplies (including soap, deodorant, toothbrush, toothpaste or powder, towel and toilet paper);
4. Utensils and supplies for adequately cleaning cell;
5. Eyeglasses; and
6. Writing materials.

(c) The possession and use of radios, televisions, typewriters and other appliances in the M.C.U. shall be subject to the same guidelines as those developed by the Superintendent for the general population.

(d) Inmates in M.C.U. shall be permitted the same number of personal and library books as the general population. Written procedures shall be in effect for requesting, receiving and returning reading materials to the correctional facility's library and Inmate Law Library.

Recodified from 10A:5-2.15 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:5-2.16, "Disposition of inmate's personal possessions not authorized in the Management Control Unit (M.C.U.)", recodified to 10A:5-2.17.

10A:5-2.17 Disposition of inmate's personal possessions not authorized in the Management Control Unit (M.C.U.)

(a) The inmate's personal possessions not authorized in the Management Control Unit (M.C.U.) shall not be stored by the correctional facility.

(b) Disposition of these non-permissible personal possessions shall be handled in accordance with N.J.A.C. 10A:1, ADMINISTRATION, ORGANIZATION AND MANAGEMENT.

Recodified from 10A:5-2.16 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:5-2.17, "Correctional facility clothing, bedding and linen", recodified to 10A:5-2.18.

10A:5-2.18 Correctional facility clothing, bedding and linen

Written procedures shall be established which provide for each inmate in the Management Control Unit (M.C.U.) to send clothing, towels, sheets and other linens to the laundry on a weekly basis.

Recodified from 10A:5-2.17 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:5-2.18, "Inmate legal activities", recodified to 10A:5-2.19.

10A:5-2.19 Inmate legal activities

(a) Inmates shall be provided access to attorneys.

(b) Inmates shall also have access to the Inmate Law Library by means of inmate law library clerks who shall respond to the appropriate request of the Management Control Unit (M.C.U.) residents for legal reference materials, services and supplies as afforded inmates in the general population.

(c) The Superintendent shall be responsible for ensuring that M.C.U. inmates have reasonable access to notary services.

Recodified from 10A:5-2.18 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:5-2.19, "Correspondence, visits and telephone calls", recodified to 10A:5-2.20.

10A:5-2.20 Correspondence, visits and telephone calls

(a) Correspondence, visiting or telephone calling opportunities shall be available to inmates in the Management Control Unit (M.C.U.) but conducted in accordance with any special precautions deemed necessary or appropriate by the Superintendent.

(b) No staff member shall monitor the content of conversation between an inmate and the inmate's attorney or spiritual advisor.

(c) Restrictions of visits or telephone calls for persons in the M.C.U. shall be made in accordance with N.J.A.C. 10A:5-2.26.

Recodified from 10A:5-2.19 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:5-2.20, "Exercise and recreation", recodified to 10A:5-2.21.

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.