

(b) No inmate shall be denied approval for a bedside, private viewing, or funeral visit solely because of the inability of the inmate and his or her family to pay travel and other expenses. In the event that an inmate is indigent and it can be verified that the inmate's family is unable to reimburse the correctional facility for the expenses of a bedside, private viewing, or funeral visit, the correctional facility shall assume the expenses of the visit.

(c) The Business Office of the correctional facility shall predetermine the expenses claimed for reimbursement upon the approval by the Superintendent.

(d) In accordance with N.J.A.C. 10A:3-9.13(c), a detailed written statement of expenses shall be prepared to determine the amount of reimbursement due.

Amended by R.1996 d.489, effective October 21, 1996.

See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b).

Added provision for private viewing.

Administrative correction.

See: 28 N.J.R. 5074(a).

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (d), substituted N.J.A.C. reference for specified criteria.

10A:18-7.9 Notification of Central Office

All bedside, private viewing, and funeral visits shall be noted in the Superintendent's monthly report.

Amended by R.1996 d.489, effective October 21, 1996.

See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b).

Added provision for private viewing.

Administrative correction.

See: 28 N.J.R. 5074(a).

SUBCHAPTER 8. TELEPHONE

Law Review and Journal Commentaries

ACLU Plans Suit to Challenge Prison Censorship. Hanna W. Rosin, 132 N.J.L.J. No. 13, 3 (1992).

10A:18-8.1 Written procedures

(a) Each correctional facility shall develop and implement written procedures which provide inmates with reasonable and equitable access to public telephones. These procedures shall specify:

1. Hours of telephone availability;
2. Maximum length of telephone calls; and
3. Any limitation on telephone calls.

10A:18-8.2 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding telephone calls by posting appropriate notices in each housing area and other areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding telephone calls shall be given to each Inmate Liaison Committee. These Committees shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding telephone calls.

(d) New or revised rules and procedures regarding telephone calls shall be incorporated into the next revision of the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-8.3 Monitoring of telephone calls

(a) Non-legal telephone calls shall not be monitored except in the following instances:

1. Where it is suspected that the inmate is using the telephone to harass or threaten someone;
2. Where it is suspected or determined that the inmate's conduct while placing a telephone call presents a danger to the safe, secure or orderly operation of the correctional facility;
3. When the call is in connection with investigations of violations of laws or Department rules; or
4. When the call must be monitored in those instances as set forth in this subchapter.

(b) All non-legal telephone calls by inmates in the Capital Sentence Unit (C.S.U.) shall be monitored.

(c) Legal telephone calls shall not be monitored, except to determine the identity of the party called.

10A:18-8.4 Cost of telephone calls

Outgoing telephone calls made by inmates shall be collect calls with the exception of telephone calls between incarcerated relatives which shall be handled in accordance with N.J.A.C. 10A:18-8.7.

Administrative Correction, effective January 27, 1989.

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

Institutional name change.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Deleted McCorkle Training School for Boys and Girls exception to collect calls requirement and substituted "relatives" for "family members".

10A:18-8.5 Emergency telephone calls

(a) An inmate shall be permitted to make monitored telephone calls of reasonable length, as determined by the monitor, in emergencies such as:

1. The serious illness of a relative;
2. The death of a relative; or

3. Impending disaster related to the inmate's property which cannot be deferred until regular mail delivery.

(b) Whenever an emergency telephone call for an inmate is received by the correctional facility:

1. The telephone number and name of the calling party shall be taken;
2. The particulars of the telephone call shall be noted;
3. The Social Service Department shall check, to the extent possible, the validity of the telephone call;
4. The Social Service Department shall inform the inmate of the validated telephone call within 24 hours from the time the call was received; and
5. The inmate shall be permitted to return the emergency telephone call.

(c) In the event emergency telephone calls are received after regular correctional facility working hours, on weekends or holidays and a social worker is not available to perform the duties in (b) above within 24 hours, a custody supervisor on duty shall check the validity of the emergency telephone call and follow the procedures outlined in (b) above.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-8.6 Legal telephone calls

(a) The Superintendent of the correctional facility shall establish written rules and regulations by which legal telephone calls may be made by:

1. Inmates;
2. Inmate paralegals; and
3. Professional staff.

(b) Legal telephone calls may be made to the following individuals or agencies for assistance in legal research and/or preparation of legal documents:

1. Office of the Public Defender;
2. Regional Legal Services;
3. Court Clerks;
4. Attorneys of Record;
5. Ombudsmen; and
6. The Legal Services Coordinator, Department of Corrections.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b), deleted "Office of the Public Advocate" from list of approved individuals or agencies.

10A:18-8.7 Telephone calls between incarcerated relatives

(a) Telephone calls shall be permitted between incarcerated relatives (see N.J.A.C. 10A:18-1.3).

(b) Telephone calls between incarcerated relatives shall be permitted if:

1. The relative relationship has been substantiated through documentation found in the classification folder or other appropriate resources;
2. The telephone calls have been approved by the Institutional Classification Committee (I.C.C.);
3. The full costs of the telephone calls are borne by the inmates involved; and
4. The frequency, duration and time of the calls are coordinated between the correctional facilities involved, subject to other provisions of this subchapter.

Amended by R.1988 d.238, effective June 6, 1988.

See: 20 N.J.R. 496(c), 20 N.J.R. 1229(a).

(a)4 substituted "siblings" for "brother and sister".

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Substituted reference to relatives for reference to family members throughout.

10A:18-8.8 Telephone use by authorized inmate groups

(a) Correctional facilities are not obligated to provide direct telephone lines to inmate groups or organizations.

(b) Authorized inmate groups and organizations may be permitted to make telephone calls to achieve approved objectives of that group in accordance with written rules and regulations established by the Superintendent.

(c) Authorized groups and organizations shall assume the cost of telephone calls that are made in furtherance of their approved objectives.

(d) Telephone calls may be monitored at the Superintendent's discretion.

10A:18-8.9 Telephone use in Close Custody Units

Inmate access to telephones in Close Custody Units shall be governed by N.J.A.C. 10A:5, Close Custody Units.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).