

CORRECTIONS

THE COMMISSIONER

Classification Process

Readoption with Amendments: N.J.A.C. 10A:9

Proposed: January 5, 2015, at 47 N.J.R. 65(a).

Adopted: April 24, 2015, by Gary M. Lanigan, Commissioner, Department of Corrections.

Filed: April 24, 2015, as R.2015 d.088, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

Effective Dates: April 24, 2015, Readoption;
May 18, 2015, Amendments.

Expiration Date: April 24, 2022.

Summary of Public Comment and Agency Response:

No comments were received.

Summary of Agency-Initiated Change:

The Department of Corrections is making several non-substantial changes upon adoption to N.J.A.C. 10A:9-4.9. These technical changes are being made to increase accuracy and reflect current terminology and include updating the phrase “satellite unit” to “minimum unit” throughout N.J.A.C. 10A:9-4.9. This change was proposed to the section heading so the section would be more “inclusive,” but the Department inadvertently neglected to change the remaining rule text of the section

Federal Standards Statement

The rules readopted with amendments are promulgated under the authority of the rulemaking requirements of the Department of Corrections as established at N.J.S.A. 30:1B-6 and 30:1B-10, and the Federal Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. § 15601. The rules readopted with amendments do not exceed any Federal statutes, requirements, or standards and conform with the rules of PREA, therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10A:9.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

10A:9-2.6 Objective criteria for the Reclassification Instrument for Male Inmates

(a) (No change from proposal.)

(b) The objective criteria for the Reclassification Instrument for Male Inmates are as follows:

1.-2. (No change from proposal.)

3. History of institutional violence based on institutional disciplinary reports and/or criminal convictions for any of the following offenses during the previous five years of incarceration from the date of review (see the Institutional Violence Scale for Male*[s]* Inmates at N.J.A.C. 10A:9-2.11):

i. – xiv. (No change.)

4. Escape history during the previous five years of incarceration from the date of review

regardless of the age or legal status of the inmate (see the Escape History Scale for Male*[s]*

Inmates at N.J.A.C. 10A:9-2.9);

5.-8. (No change from proposal.)

10A:9-4.9 Assignment of inmates to minimum units

(a) Only those inmates who are classified as full minimum custody status may be assigned to *[satellite]* **minimum** units.

(b) When assigning inmates to *[satellite]* **minimum** units, the Institutional Classification Committee (I.C.C.) may consider the following factors:

1. (No change.)

2. Proximity of the *[satellite]* **minimum** unit to the local community;

3. (No change.)

4. Any other factor which the Administrator or I.C.C. deems relevant to the inmate's successful placement at a *[satellite]* **minimum** unit.

(c) (No change from proposal.)

(d) At the time of initial placement of an inmate in the correctional system, the Institutional Classification Reception Committee (I.C.R.C.) may assign an eligible inmate directly to an appropriate *[satellite]* **minimum** unit.