

## **CORRECTIONS**

### **THE COMMISSIONER**

#### **Inmate Visit Privileges**

**Adopted Amendments: N.J.A.C. 10A:18-1.3 and 6.1 and 10A:31-3.1 and 20.3**

**Adopted Repeal: N.J.A.C. 10A:31-20.4**

Proposed: May 6, 2019, at 51 N.J.R. 532(a).

Adopted: September 10, 2019, by Marcus O. Hicks, Esq., Acting Commissioner, Department of Corrections.

Filed: September 10, 2019, as R.2019 d.109, **without change**.

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

Effective Date: October 7, 2019.

Expiration Dates: October 27, 2022, N.J.A.C. 10A:18;

November 8, 2024, N.J.A.C. 10A:31.

#### **Summary of Public Comments and Agency Responses:**

A summary of the timely submitted comments and the Department of Correction's responses follows. The number in parentheses after each comment identifies the commenter(s) listed below.

Comments were received from the following:

1. Kathryn Prinz, Deacon, Evangelical Lutheran Church in America (ELCA)
2. Susan Mac Donnell, Chair, Criminal Justice Reform Task Force of UU Faith Action NJ
3. Tricia Idrobo
4. Andrea Ouida
5. Georgiana Hart

6. Lanisha Makle-Ridley

7. Alexi Jones, Policy Analyst, Prison Policy Initiative

8. Deborah Goodell

9. Katrina Wilkinson

10. Paul Wright, Executive Director, Human Rights Defense Center (HRDC)

1. COMMENT: All of the commenters support the proposed amendments and in particular offer support for defining contact and non-contact visits. (1-10)

RESPONSE: The Department appreciates the support offered for the rule changes.

2. COMMENT: Several commenters mention that, while the proposed amendments and repeal are supported, the language should specifically state that use of video teleconferencing should be mentioned in the definition of non-contact visits. (2, 3, 6, and 9)

RESPONSE: The Department appreciates the support offered and notes that the language included in the second sentence of the definition for non-contact visits is designed to account for not only video technology but also any similar, yet to be defined technology(ies). No further action will be taken to change the definition, as the Department believes it is more all-encompassing as written and should stand the test of time and technologic advances.

3. COMMENT: Several commenters noted that video conferencing is inferior and should not be used as a substitute for contact and/or non-contact visits. (3 and 6 through 10)

RESPONSE: The Department finds both contact and non-contact visits beneficial to inmates and is, therefore, requiring both in its rules at N.J.A.C. 10A:18-6.1(e), (f), and (g) and 10A:31-20.3

(a), (b), and (c) with the adoption of these amendments. The Department will not address further a technology that is not codified in its rules.

### **Federal Standards Statement**

The adopted amendments and repeal 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. The adopted amendments and repeal are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

**Full text** of the adopted amendments follows:

TEXT