

PUBLIC NOTICE

CORRECTIONS

THE COMMISSIONER

Notice of Receipt of Petition for Rulemaking

**Fiscal Management, Limitations on Packages, Function of the Inmate Liaison
Committee, and Correctional Facility/Unit Chaplaincy and Religious Issues
Committee**

N.J.A.C. 10A:2-11, 10A:12-3.1, 10A:17-6.4, 6.5, 6.6, and 6.7, and 10A:18-5.2

Petitioner: Abdiel Avila.

Take notice that on December 9, 2019, the New Jersey Department of Corrections (Department) received two letters containing petitions for rulemaking from the above petitioner requesting that the Department adopt new rules and amendments to the rules governing N.J.A.C. 10A:2-11, Fiscal Management, N.J.A.C. 10A:12-3.1, Function of the Inmate Liaison Committee, N.J.A.C. 10A:17-6.4, 6.5, 6.6, and 6.7, Correctional Facility/Unit Chaplaincy and Religious Issues Committee, and N.J.A.C. 10A:18-5.2, Limitations on Package.

Specifically, petitioner requests that N.J.A.C. 10A:2-11 be amended to include a new subparagraph for food services rules, N.J.A.C. 10A:18-5.2(d) be amended regarding food packages, and N.J.A.C. 10A:12-3.1(c) be amended to establish rules for a new Commissary Committee. In addition, the petitioner requests that N.J.A.C. 10A:17-6.5, 6.6, and 6.7 be amended to increase the number of chaplains per correctional facility to four and to require Hispanic ethnicity and language skills in both English and Spanish of

at least one chaplain in each facility. The petitioner further requests that the Department establish new rules at N.J.A.C. 10A:17-6.4 to specify sources for Department Chaplaincy budget, specific budget allocations, State and/or Federal budget appropriations, and participation in grants funding for the establishment of the following new and/or amended programs/services:

- an “in-prison Colleg[u]e and Seminary Program available in E[e]nglish and S[s]panish”;
- a tax exempt 501(c)(3) licensed and independent religious organization within the correctional facility with a separate account, bookkeeping, and operating procedures for each religious group;
- designate religious leadership structure “based on biblical and church standards by ordination of inmates”;
- a religious mentoring program;
- the ability to enter into “memoranda of understanding with other organizations”;
- using inmate welfare funds for religious awards, annual religious licensing fees, religious holiday incentive program decorations, outside food, and guest speakers;
and
- “space, computer equipment, seating, tables and office supply materials.”

The petitioner states that:

- the rule changes “are recommended to remedy problems and oversights” ... “after “exhausting” ... “the facility inmate remedy system” ... “thereby memorializing the intent” and appealing grievances by way of rule amendments;
- only “the adult county correctional facility has published rules” regarding food services and the petition provides the Department “a much needed opportunity to promulgate food service rules for the Department of Corrections” ... and ... “avoid the perils of a class action suit”;
- the Commissioner can amend 10A:18-5.2 to provide clarity and increase the incentive food package to every three months;

- “establishing an inmate Commissary Committee” ... “provides an added safeguard from economic [R]risk factors to prevent [a] law suit”;
- the petitions and suggested amendments and new rules “provides the Department of Corrections solutions to provide” ... “nutrient[s] to resolve this crisis,” reduce “liability and state risk factors from law suits by providing alternatives to the high cost[ly] medications” ... “for high blood pressure; high cholesterol; and diabetes and heart disease”;
- the petitions and suggested amendments and new rules allows redirection of spending on medication elsewhere and “increases state-wide bottom line profits from sales of approved vendors”;
- the Department rules “do not use any fair employment practices and in 10A:17 et seq. avoids any language that provides hiring and promotion practices to H[h]ispanics”;
- “adding Hispanic Chaplain” may “encourage a personal relationship with God” which “redirects” inmates “to be productive members of society” and provides “rehabilitation”; and
- addresses a list of this inmate’s grievances that he feels are not satisfied using Inmate Remedy System forms and correspondence to the Religious Issues Committee.

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.