

4. A reasonable concern that a juvenile may be the victim of sexual or other abuse, or pose a risk of suicide or injury to self.]

(a) **Continuous face-to-face supervision shall be provided by a law enforcement officer or other facility staff for all juveniles who are not placed in a Commission-approved secure holding room or cell.**

(b) **A juvenile placed in a Commission-approved secure holding room or cell shall be visually checked at least once every 15 minutes by a law enforcement officer or other facility staff [shall directly observe a juvenile placed in a secure holding room or cell at least every 15 minutes.] unless the juvenile presents the following conditions, then continuous face-to-face supervision shall be provided when a juvenile:**

[(c) When a juvenile is placed in a secure holding room or cell or other designated area with potential suicide hazards, or other safety hazard, continuous face-to-face supervision shall be maintained by a law enforcement officer or other facility staff.

1. Such hazards include, but are not limited to, barred walls, doors and windows; door knobs; exposed pipes; and any other object or design feature to which an item may be tied.

(d) A detained juvenile, other than a juvenile detained in a secure holding room or cell, shall not be left unattended at any time.

(e) A law enforcement officer or other facility staff shall provide continuous face-to-face visual supervision, if the juvenile:]

1. (No change.)

2. Appears to be under the influence of drugs; or

3. Shows signs of emotional disturbance or risk of self-injury[; or].

[4. Is detained in a secure holding room or cell in which there is a suicide or safety hazard.]

[(f)] (c) (No change in text.)

13:94-2.6 Juvenile [admissions] **Admissions** and [secure custody logs] **Secure Custody Logs**

(a) Each facility[, other than a court holding facility,] shall maintain a [juvenile admissions log] **Juvenile Admissions Log** that documents all juveniles [detained] **held** at the facility.

(b) The [juvenile admissions log] **Juvenile Admissions Log** shall include the following information concerning each [detained] juvenile:

1.-7. (No change.)

8. [If] **Documentation identifying whether the juvenile is being held securely** beyond six hours in the facility;

9. (No change.)

10. [Information sufficient to enable the reader to determine whether the juvenile was held in] **Documentation of the type of custody, for example, secure or non-secure [custody], pursuant to which a juvenile is being held. If the juvenile is being held in secure custody, the following additional information must be documented:**

i. **Location and method of secure custody;**

ii. **Date and time the juvenile was placed in secure custody; and**

iii. **Date and time the juvenile was released from secure custody.**

[(c) A separate secure custody log shall be maintained for each juvenile held in a secure holding room or cell. The secure custody log shall be kept or posted in close proximity to the secure holding room or cell, and shall contain the following information:

1. The name of the juvenile;

2. The cell or room number;

3. The date and time the juvenile was placed in the cell or room;

4. The date and time of release from the cell or room; and

5. A record of each inspection of the juvenile by law enforcement personnel.

i. Each inspection shall be recorded, showing the date and time, describing the general condition of the juvenile, and shall be initialed by the inspecting law enforcement personnel.

ii. Inspections shall be made not less frequently than every 15 minutes.]

(c) **Each facility must maintain a Secure Custody Log that documents each visual check on a juvenile. The log must include the date, time, and general condition of the juvenile.**

13:94-2.7 Inspection by Commission, review of construction plans, and enforcement

(a) The Commission shall undertake such inspection of facilities, as necessary and appropriate, to determine compliance with this chapter.

1. (No change.)

2. Prior to undertaking any construction, [or] renovation, **or relocation** that may affect areas used to hold juveniles, a facility shall submit a written construction plan for review by and approval of the Commission.

3. The Commission shall approve any plan for construction, [or] renovation, **or relocation** consistent with the purposes of this chapter.

(b) A facility shall grant the Commission access to such records, reports, and information reasonably necessary to [verifying] **verify** the facility's compliance with the provisions of this chapter.

(c)-(d) (No change.)

## (a)

### JUVENILE JUSTICE COMMISSION

#### Secure Facilities

**Proposed Readoption with Amendments: N.J.A.C. 13:95**

**Proposed Repeals and New Rules: N.J.A.C. 13:95-7.3 and 8.1**

**Proposed Repeals: N.J.A.C. 13:95-8.8, 8.9, 12.7, 15.5, 15.6, 19.33, 20.28, and 21.2**

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Attorney General and Chair, through Daniel S. Hafetz, Attorney General Designee.

Authority: N.J.S.A. 2A:4A-60; 2C:39-6.a(9); 9:17A-1 and 4; 30:4-27.2; 30:4-27.24; 30:4-82.4; 30:4-123.53.a; 47:1A-1; 52:17B-170.e(8), (9), (14), and (22); 52:17B-171; 52:17B-174; 52:17B-175; and 52:17B-176.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-021.

Submit written comments by May 16, 2025, to:

Christina O. Broderick  
Chief, Legal and Regulatory Affairs  
New Jersey Juvenile Justice Commission  
1001 Spruce Street-Suite 202  
Trenton, New Jersey 08638  
or electronically at: [regulatory.affairs@jjc.nj.gov](mailto:regulatory.affairs@jjc.nj.gov)

The agency proposal follows:

#### Summary

The Juvenile Justice Commission (Commission) is the New Jersey agency responsible for planning, policy development, and provision of services in the juvenile justice system. For those youth within its care and custody, the Commission seeks to ensure that its facilities maintain a safe and respectful environment, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth, with the goal of improving outcomes for young people involved with the juvenile justice system, their families, and their communities.

Part of the Commission's responsibilities include assuming care and custody of youth committed or transferred to its custody, and management and operation of State juvenile secure facilities. As such, the Commission has developed standards for the operation of its secure care facilities and care and treatment of its residents. These standards and requirements, addressing numerous areas including, but not limited to, resident care standards, hygiene, behavior, visits, searches, contraband, suicide prevention, transportation, restrictions, and use of force, have been developed by the Commission to ensure that its secure care facilities maintain the appropriate level of care to all young people assigned to their care and custody, and are set forth at N.J.A.C. 13:95, Secure Facilities.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:95 was scheduled to expire on February 5, 2025. By filing this notice of readoption prior to that date, the expiration date is extended 180 days to August 4, 2025 pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, in addition to minor clarifying and technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:95 in their entirety with proposed amendments. The substantive provisions of the rules proposed to be readopted by the Commission are summarized below.

N.J.A.C. 13:95-1 sets forth general provisions, including the chapter's purpose (N.J.A.C. 13:95-1.1); scope (N.J.A.C. 13:95-1.2); relevant definitions (N.J.A.C. 13:95-1.3); forms (N.J.A.C. 13:95-1.4); and confidentiality and use of juvenile information (N.J.A.C. 13:95-1.5). Several minor technical changes are proposed to this subchapter. In addition, the Commission proposes to revise and remove various definitions to align with current practice and titles, the Commission proposes to add new definitions for "behavioral adjustment status," "Center Keeper," "classification manager," "custody level," "post orders," and "protective custody" and delete the definitions for "civil union couple," "Director of Operations," "domestic partner" or "partner," "Facility Classification Office," "non-deadly force," "Program Separation Unit," "secure facility satellite unit," and "substantial risk" at N.J.A.C. 13:95-1.3. The Commission proposes to add a definition for "Behavioral Adjustment Status" to define and describe when it will be used as a non-punitive temporary status, and reflect revisions the Commission proposes at N.J.A.C. 13:95-7 to change the "Behavior Accountability Unit" to "Behavioral Adjustment Status." The Commission proposes specific changes to definitions as follows: updating the definition of "Classification Committee" to indicate that it consists of a group of staff members designated to make assignment and reassignment decisions; updating the definition of "custody staff member" to reflect proper, current job titles; updating the definitions of "deadly force" and "imminent danger for consistency" with current Attorney General use of force guidance; revising the definition of "Deputy Executive Director" to indicate the title is "Deputy Executive Director of Operations" and include the general duties of such title; updating the definition of "identification process" to indicate that the process is used by the Superintendent, or designee, rather than the Office of Investigations; updating the definition of "juvenile" for consistency with other Commission chapters; revising the definition of "keep separate status" to include ensuring the safe, secure, and orderly operation of the secure facility as a reason for the status; revise the definition of "Ombudsman" to "Office of the Ombudsperson" to reflect that such matters are handled by the unit rather than a person; and revise the definition of "temporary close custody" to indicate that it is a status rather than a separate unit, and explain that is used when there is reason to believe a juvenile's behavior or actions could be a danger. The Commission further proposes to remove various form titles from the list of forms at N.J.A.C. 13:95-1.4, which are no longer used by the Commission or not relevant to the chapter, and revise the titles of several forms to reflect the Commission's proposed change of the Behavior Accountability Unit to Behavioral Adjustment Status.

N.J.A.C. 13:95-2 addresses keep separate status, including recommending placement (N.J.A.C. 13:95-2.1); authorization for placement (N.J.A.C. 13:95-2.2); procedures for tracking transfers (N.J.A.C. 13:95-2.3); recommending removal (N.J.A.C. 13:95-2.4); and authorization for removal from keep separate status (N.J.A.C. 13:95-2.5). Several minor technical changes are proposed to this subchapter. In addition, the Commission proposes various minor amendments to clarify titles and office names, consistently indicate that a designee may also perform the designated functions, and update the documentation process to reflect the Commission's use of an electronic system. The Commission also proposes to delete N.J.A.C. 13:95-2.5(c) and (d), which are unnecessary based on current recordkeeping practices.

N.J.A.C. 13:95-3 addresses use of force including custody staff member authority (N.J.A.C. 13:95-3.1); use of force (N.J.A.C. 13:95-3.2); non-deadly force (N.J.A.C. 13:95-3.3); when deadly force is justified and restricted, and restrictions on firearms (N.J.A.C. 13:95-3.4); use of force against others and perimeter security (N.J.A.C. 13:95-3.5); use of force while off duty (N.J.A.C. 13:95-3.6); reports (N.J.A.C. 13:95-3.7); use of mechanical restraints (N.J.A.C. 13:95-3.8); use of chemical or natural

agents and storage (N.J.A.C. 13:95-3.9); training (N.J.A.C. 13:95-3.10); penalties for violation (N.J.A.C. 13:95-3.11); and internal management procedures (N.J.A.C. 13:95-3.12). Minor technical changes are proposed to this subchapter. Additionally, the Commission proposes amendments throughout the subchapter to make the use of force language more consistent with the current New Jersey Office of the Attorney General Use of Force Policy, including the addition of the duty to intervene at N.J.A.C. 13:95-3.1, specifying the least amount of force that is proportional to safely achieve the law enforcement objective at N.J.A.C. 13:95-3.2(a), the addition of N.J.A.C. 13:95-3.2(c) clarifying that compliance with the Attorney General and Commission use of force policies is required at all times, amending the definition of "deadly force" to include potentially lethal actions, such as a chokehold, at N.J.A.C. 13:95-3.4(a), and clarifying that mechanical restraints may be used when necessary to accomplish a law enforcement objective, and adding that actions are required to reduce the risk of positional asphyxiation at N.J.A.C. 13:95-3.8.

N.J.A.C. 13:95-4 addresses use of firearms while on duty and use of personal firearms while off duty including authorization to carry firearms while on duty (N.J.A.C. 13:95-4.1); training, qualification, and requalification (N.J.A.C. 13:95-4.2); on-duty firearms (N.J.A.C. 13:95-4.3); authorization to carry firearms while off duty (N.J.A.C. 13:95-4.4); authorized off-duty firearms, ammunition, holsters, and security (N.J.A.C. 13:95-4.5); off-duty firearms (N.J.A.C. 13:95-4.6); firearm instructors (N.J.A.C. 13:95-4.7); training, qualification, and requalification for off-duty firearms (N.J.A.C. 13:95-4.8); storage of off-duty firearms while on duty (N.J.A.C. 13:95-4.9); unauthorized use of personal weapons while off duty (N.J.A.C. 13:95-4.10); possession of firearms within casinos (N.J.A.C. 13:95-4.11); reporting incidents (N.J.A.C. 13:95-4.12); penalties for violation (N.J.A.C. 13:95-4.13); and post orders and procedures (N.J.A.C. 13:95-4.14).

In addition to minor technical changes and title updates throughout this subchapter, the Commission also proposes amendments to make the subchapter more consistent with the current New Jersey Office of the Attorney General Use of Force Policy, including amending N.J.A.C. 13:95-4.3 to add the special requirements that must be met before a custody staff member may display a firearm, including unholstering a firearm, pointing a firearm, and reporting the pointing of a firearm. The Commission also proposes to amend N.J.A.C. 13:95-4.5 to include that only approved trigger locking devices may be used, consistent with language in similar Commission rules within other chapters. The Commission also proposes to amend N.J.A.C. 13:95-4.12 to add an additional reporting requirement in certain circumstances involving transport or perimeter patrol.

N.J.A.C. 13:95-5 provides for searches of juveniles and facilities, including purpose (N.J.A.C. 13:95-5.1); search plans (N.J.A.C. 13:95-5.2); searches of juveniles and facilities (N.J.A.C. 13:95-5.3); inspection of security devices (N.J.A.C. 13:95-5.4); use of scanning/testing devices (N.J.A.C. 13:95-5.5); pat searches (N.J.A.C. 13:95-5.6); strip searches (N.J.A.C. 13:95-5.7); body cavity searches (N.J.A.C. 13:95-5.8); canine searches (N.J.A.C. 13:95-5.9); testing for prohibited substances (N.J.A.C. 13:95-5.10); collection and analysis of urine specimens (N.J.A.C. 13:95-5.11); and staff orientation (N.J.A.C. 13:95-5.13). In addition to minor technical changes and title updates, the Commission proposes to add a provision addressing search restrictions based on gender identity, including where gender identity has not been disclosed or expressed as new provisions at N.J.A.C. 13:95-5.3(e) and 5.6(e); remove entering or leaving a close custody unit as one of the listed grounds for conducting a strip search at N.J.A.C. 13:95-5.7(b); and remove a Disciplinary Hearing Officer's ordered sanction as one of the grounds for testing juveniles for prohibited substances at N.J.A.C. 13:95-5.10(b).

N.J.A.C. 13:95-6 addresses contraband and its disposition, describing procedures for handling contraband upon discovery (N.J.A.C. 13:95-6.1); disposal or contraband personal property seized in reception units (N.J.A.C. 13:95-6.2); disposal of contraband personal property seized within a secure facility (N.J.A.C. 13:95-6.3); disposal of State-issued property as contraband (N.J.A.C. 13:95-6.4); disposal of contraband threatening security or disruptive to operations (N.J.A.C. 13:95-6.5); confiscation and disposal of unauthorized currency or money (N.J.A.C. 13:95-6.6); disciplinary reports (N.J.A.C. 13:95-6.7); introduction or

discharge of contraband into or from a facility by a visitor (N.J.A.C. 13:95-6.8); and introduction or discharge of contraband into or from a facility by mail (N.J.A.C. 13:95-6.9). Minor technical changes are proposed to the subchapter.

N.J.A.C. 13:95-7 establishes the Behavior Accountability Unit and sets forth the purpose of the unit (N.J.A.C. 13:95-7.1); assignment to the unit (N.J.A.C. 13:95-7.2); Behavior Accountability Unit Review Committee (BAURC) (N.J.A.C. 13:95-7.3); responsibilities of the BAURC (N.J.A.C. 13:95-7.4); appeal of initial assignment (N.J.A.C. 13:95-7.5); procedures for BAURC case reviews (N.J.A.C. 13:95-7.6); review of juveniles placed in the unit (N.J.A.C. 13:95-7.7); transfers and record maintenance (N.J.A.C. 13:95-7.8); and secure facility procedures (N.J.A.C. 13:95-7.9). In addition to minor technical changes and title updates, the Commission proposes amendments at N.J.A.C. 13:95-7.1, and throughout the subchapter for consistency, to change the name of the Behavior Accountability Unit (BAU) to the Behavioral Adjustment Status (BAS), to reflect the Commission's use of behavioral adjustment as a status to provide increased supervision and rehabilitative programming to a juvenile in need, rather than moving the juvenile to a separate unit. The Commission also proposes to amend N.J.A.C. 13:95-7.2(e) to remove the inability to maintain a satisfactory work record and inability or unwillingness to house with other juveniles as factors for use of BAS. The Commission proposes to amend N.J.A.C. 13:95-7.3 to update the name of the BAS review committee to reflect the change of BAU to BAS, to allow more flexibility in the selection of the committee's members and release from BAS, and set the standard for release from BAS. The Commission proposes to amend N.J.A.C. 13:95-7.4 to provide for recording and notification of the committee's review results. The Commission proposes to amend N.J.A.C. 13:95-7.7 to indicate that a formal review of each juvenile on BAS should be made every five days, rather than every two weeks.

N.J.A.C. 13:95-8 concerns institutional classification, including institutional classification committees (N.J.A.C. 13:95-8.1); juvenile classification files (N.J.A.C. 13:95-8.2); classification decisions (N.J.A.C. 13:95-8.3); classification upon assignment to a secure facility (N.J.A.C. 13:95-8.4); special reviews and juvenile transfer requests (N.J.A.C. 13:95-8.5); early review (N.J.A.C. 13:95-8.6); work assignments (N.J.A.C. 13:95-8.7); education assignments (N.J.A.C. 13:95-8.8); counseling assignments (N.J.A.C. 13:95-8.9); and written procedures (N.J.A.C. 13:95-8.10). In addition to minor technical changes and updating of titles and departments, the Commission proposes to repeal and replace N.J.A.C. 13:95-8.1 to allow more flexibility in the makeup of the Institutional Classification Committee (ICC) and better reflect the responsibilities of the ICC. The Commission proposes to amend N.J.A.C. 13:95-8.2 to reflect the Commission's current electronic records system. The Commission proposes to amend N.J.A.C. 13:95-8.3 to clarify that transfer and assignment decisions are made by the ICC and to remove family history, detainees, escape history, and State Parole Board information as factors to be considered in transfer and assignment decisions. The Commission proposes to clarify and streamline the process by which a juvenile may request reassignment at N.J.A.C. 13:95-8.5, and clarify the assignment types at N.J.A.C. 13:95-8.6. The Commission also proposes to amend N.J.A.C. 13:95-8.7 and repeal N.J.A.C. 13:95-8.8 and 8.9 to combine the three sections into one, at N.J.A.C. 13:95-8.7 addressing review of assignments, rather than addressing work, education, and counseling assignments in separate sections.

N.J.A.C. 13:95-9 addresses transportation, including the use of State-owned and privately owned vehicles (N.J.A.C. 13:95-9.1); transporting juveniles by aircraft (N.J.A.C. 13:95-9.2); transport of secure custody juveniles (N.J.A.C. 13:95-9.3); transport of reduced custody juveniles (N.J.A.C. 13:95-9.4); transportation documents (N.J.A.C. 13:95-9.5); recall to court (N.J.A.C. 13:95-9.6); juvenile supervision (N.J.A.C. 13:95-9.7); emergencies (N.J.A.C. 13:95-9.8); transporting parole violators and escapees with physical injuries (N.J.A.C. 13:95-9.9); clothing (N.J.A.C. 13:95-9.10); medical transport (N.J.A.C. 13:95-9.11); transportation costs in a civil action (N.J.A.C. 13:95-9.12); and written internal management procedures (N.J.A.C. 13:95-9.13). In addition to several minor technical changes and title and department name updates, the Commission proposes to amend N.J.A.C. 13:95-9.3 to clarify that the transportation provision addresses secure custody generally, rather than medium, maximum, or

close custody, and clarifies the distinction between appearing in a juvenile delinquency or criminal matter regarding the use of leg restraints in a courthouse. The Commission proposes to amend N.J.A.C. 13:95-9.10 to indicate that an exception to the requirement that a juvenile wear civilian clothing to court exists where, even after all reasonable efforts have been made by the Commission to assist the juvenile, the juvenile cannot obtain civilian clothing to wear.

N.J.A.C. 13:95-10 addresses security procedures for administrative transfers, including the use of mechanical restraints (N.J.A.C. 13:95-10.1); juvenile personal property (N.J.A.C. 13:95-10.2); and juvenile supervision (N.J.A.C. 13:95-10.3). In addition to minor technical changes, the Commission proposes removing references to satellite units and other facilities, which are no longer applicable.

N.J.A.C. 13:95-11 addresses protective and temporary close custody and room restriction for control, including forms (N.J.A.C. 13:95-11.1); admission to protective custody (N.J.A.C. 13:95-11.2); hearing procedure for involuntary placement to protective custody (N.J.A.C. 13:95-11.3); appeal procedure for protective custody placement (N.J.A.C. 13:95-11.4); review of juveniles in protective custody (N.J.A.C. 13:95-11.5); release of juveniles in protective custody units (N.J.A.C. 13:95-11.6); transfers and record maintenance (N.J.A.C. 13:95-11.7); secure facility procedures (N.J.A.C. 13:95-11.8); placement in temporary close custody (N.J.A.C. 13:95-11.9); and room restriction for control (N.J.A.C. 13:95-11.10). In addition to minor technical changes and title updates, the Commission proposes to clarify language regarding denying or releasing a juvenile from protective custody when voluntarily requested at N.J.A.C. 13:95-11.2.

N.J.A.C. 13:95-12 addresses juvenile orientation and handbooks, including responsibility for orientation (N.J.A.C. 13:95-12.1); scheduling orientation (N.J.A.C. 13:95-12.2); content of orientation and resident handbook (N.J.A.C. 13:95-12.3); staff participation (N.J.A.C. 13:95-12.4); responsibility for resident handbooks (N.J.A.C. 13:95-12.5); handbook distribution (N.J.A.C. 13:95-12.6); and unit-specific handbooks (N.J.A.C. 13:95-12.7). In addition to minor technical changes and title updates, the Commission proposes to remove secure facility and unit-specific designations from the handbook responsibility provision at N.J.A.C. 13:95-12.5, add a provision indicating that an explanation of the handbook may be provided in another language, if needed, at N.J.A.C. 13:95-12.6(c), and repeal N.J.A.C. 13:95-12.7, addressing unit-specific handbooks.

N.J.A.C. 13:95-13 addresses resident care standards, including uniformity of standards (N.J.A.C. 13:95-13.1); ventilation, heating, lighting, sanitation, and room inspections (N.J.A.C. 13:95-13.2); visual observation of certain juveniles (N.J.A.C. 13:95-13.3); food (N.J.A.C. 13:95-13.4); grooming, showering, and shaving (N.J.A.C. 13:95-13.5); medical services (N.J.A.C. 13:95-13.6); visits by social services and supervisory staff (N.J.A.C. 13:95-13.7); chaplain services (N.J.A.C. 13:95-13.8); personal items and searches (N.J.A.C. 13:95-13.9); bedding, linen, and laundry services (N.J.A.C. 13:95-13.10); correspondence, visits, and telephone calls (N.J.A.C. 13:95-13.11); recreation for juveniles in room restriction for control, the Behavior Accountability Unit, protective custody, and temporary close custody (N.J.A.C. 13:95-13.12); education (N.J.A.C. 13:95-13.13); work opportunities (N.J.A.C. 13:95-13.14); psychological examinations for long-term protective custody (N.J.A.C. 13:95-13.15); withdrawal of personal items or activities (N.J.A.C. 13:95-13.16); records (N.J.A.C. 13:95-13.17); transfers and record maintenance (N.J.A.C. 13:95-13.18); inapplicability of disciplinary actions (N.J.A.C. 13:95-13.19); and secure facility procedures (N.J.A.C. 13:95-13.20). In addition to minor technical changes, the Commission proposes to remove qualifying language at N.J.A.C. 13:95-13.3 to indicate that visual observation is required for all juveniles and to change no "less frequently than hourly" to no "less than once per half hour." The Commission also proposes to remove language at N.J.A.C. 13:95-13.11(d) to reflect that, for juveniles in room restriction for control and temporary close custody, the juvenile does not bear the burden of notifying expected social visitors by mail concerning the restriction on ordinary visiting procedures.

N.J.A.C. 13:95-14 addresses juvenile hygiene and grooming, prohibition against tobacco products, juvenile identification photographs, housekeeping, sanitation, clothing, bedding, and laundry. Provisions

include purpose (N.J.A.C. 13:95-14.1); written internal management procedures (N.J.A.C. 13:95-14.2); orientation (N.J.A.C. 13:95-14.3); room restriction for control and close custody (N.J.A.C. 13:95-14.4); sanitary, hygiene, and grooming kit (N.J.A.C. 13:95-14.5); grooming, showering, and shaving (N.J.A.C. 13:95-14.6); procedures for purchasing and issuing supplies (N.J.A.C. 13:95-14.7); time for grooming (N.J.A.C. 13:95-14.8); hair (N.J.A.C. 13:95-14.9); tobacco products prohibited (N.J.A.C. 13:95-14.10); juvenile identification photographs (N.J.A.C. 13:95-14.11); housekeeping (N.J.A.C. 13:95-14.12); waste disposal (N.J.A.C. 13:95-14.13); control of vermin and pests (N.J.A.C. 13:95-14.14); inspections by staff members (N.J.A.C. 13:95-14.15); inspections by the State Department of Health and Senior Services (N.J.A.C. 13:95-14.16); policies of the Office of Administration (N.J.A.C. 13:95-14.17); basic clothing issue (N.J.A.C. 13:95-14.18); DEPTCOR, State Use Industries (N.J.A.C. 13:95-14.19); replenishing juvenile basic issue (N.J.A.C. 13:95-14.20); accountability for State-issued clothing (N.J.A.C. 13:95-14.21); special issue/work detail clothing (N.J.A.C. 13:95-14.22); clothing handling at release (N.J.A.C. 13:95-14.23); personal clothing (N.J.A.C. 13:95-14.24); marking State-issued clothing (N.J.A.C. 13:95-14.25); condemning clothing (N.J.A.C. 13:95-14.26); clothing storage (N.J.A.C. 13:95-14.27); bedding, towels, and washcloths (N.J.A.C. 13:95-14.28); laundry services (N.J.A.C. 13:95-14.29); central laundry policies and procedures (N.J.A.C. 13:95-14.30); and records (N.J.A.C. 13:95-14.31). In addition to minor technical changes, the Commission proposes to delete the requirement for a juvenile to reimburse the facility for the cost of an ID photograph under certain circumstances at N.J.A.C. 13:95-14.11(b), add gender identity as a consideration regarding clothing issues at N.J.A.C. 13:95-14.18, and clarify that towels will be laundered at central laundry rather than exchanged weekly at N.J.A.C. 13:95-14.29.

N.J.A.C. 13:95-15 addresses juvenile access to courts, including access to courts (N.J.A.C. 13:95-15.1); allocation of legal services (N.J.A.C. 13:95-15.2); law library (N.J.A.C. 13:95-15.3); general provisions for legal photocopying services (N.J.A.C. 13:95-15.4); legal photocopying services for indigent individuals (N.J.A.C. 13:95-15.5); legal photocopying services for non-indigent individuals (N.J.A.C. 13:95-15.6); legal telephone calls (N.J.A.C. 13:95-15.7); legal services (N.J.A.C. 13:95-15.8); notary public service (N.J.A.C. 13:95-15.9); juvenile legal materials (N.J.A.C. 13:95-15.10); juvenile paralegals (N.J.A.C. 13:95-15.11); juvenile paralegal training and security (N.J.A.C. 13:95-15.12); general provisions (N.J.A.C. 13:95-15.13); written policy and procedures (N.J.A.C. 13:95-15.14); change of juvenile's name and juvenile's responsibilities (N.J.A.C. 13:95-15.15); amendment of records to reflect name change (N.J.A.C. 13:95-15.16); common law name change (N.J.A.C. 13:95-15.17); orientation (N.J.A.C. 13:95-15.18); filing fee for civil action or proceeding in Federal court (N.J.A.C. 13:95-15.19); filing fee for civil action or proceeding in State court (N.J.A.C. 13:95-15.20); and civil action money judgment and use of funds (N.J.A.C. 13:95-15.21). In addition to minor technical changes, the Commission proposes to remove the reimbursement requirement and denial of access provision regarding legal photocopying at N.J.A.C. 13:95-15.4 and to repeal N.J.A.C. 13:95-15.5 and 15.6 regarding legal photocopying for indigent and non-indigent juveniles, to reflect that legal photocopying is now provided to all juveniles without cost.

N.J.A.C. 13:95-16 addresses suicide prevention, including purpose (N.J.A.C. 13:95-16.1); forms (N.J.A.C. 13:95-16.2); special observation status and reporting potential suicidal behavior (N.J.A.C. 13:95-16.3); decision-making criteria for placing on and releasing from special observation status (N.J.A.C. 13:95-16.4); temporary placement on special observation status (N.J.A.C. 13:95-16.5); psychological/psychiatric review (N.J.A.C. 13:95-16.6); special psychological/psychiatric assessment on special observation status prior to discipline (N.J.A.C. 13:95-16.7); change in type of observation (N.J.A.C. 13:95-16.8); daily written report (N.J.A.C. 13:95-16.9); personal property (N.J.A.C. 13:95-16.10); release from special observation status (N.J.A.C. 13:95-16.11); attempt to commit suicide (N.J.A.C. 13:95-16.12); cutting tool (N.J.A.C. 13:95-16.13); and required post orders and management procedures relating to juveniles on special observation status (N.J.A.C. 13:95-16.14). In addition to minor technical changes and title and department updates, the Commission proposes to remove language addressing copying of the Notice of Special Observation Status form as unnecessary due to the

Commission's electronic filing system. The Commission also proposes to remove an annual update requirement for post orders and management procedures relating to juveniles on special observation status at N.J.A.C. 13:95-16.14.

N.J.A.C. 13:95-17 addresses pregnant juveniles and critical injury or death of juveniles, including purpose (N.J.A.C. 13:95-17.1); care of pregnant juveniles (N.J.A.C. 13:95-17.2); obstetrical services (N.J.A.C. 13:95-17.3); maternity clothes, housing assignments, exercise, and work schedules (N.J.A.C. 13:95-17.4); termination of pregnancy (N.J.A.C. 13:95-17.5); placement of infants and infant's medical costs (N.J.A.C. 13:95-17.7); critical illness or death of juvenile and notification of next of kin (N.J.A.C. 13:95-17.8); advance directive for juveniles age 18 or older (N.J.A.C. 13:95-17.9); security procedures upon death of a juvenile (N.J.A.C. 13:95-17.10); claiming bodies of deceased juveniles (N.J.A.C. 13:95-17.11); attempt to commit suicide (N.J.A.C. 13:95-17.12); distribution of money and personal belongings of deceased juveniles (N.J.A.C. 13:95-17.13); and written procedures (N.J.A.C. 13:95-17.14). In addition to minor technical changes, the Commission proposes to add "critical injury" throughout the subchapter as a consideration, in addition to critical illness and death of a juvenile. The Commission proposes to expand the list of service providers for pregnant juveniles and provide additional patient-centered counseling at N.J.A.C. 13:95-17.5. The Commission proposes to clarify notification procedures at N.J.A.C. 13:95-17.8. The Commission proposes to eliminate the use of remaining funds in a juvenile's account to pay for burial or cremation of that juvenile's unclaimed body at N.J.A.C. 13:95-17.12. The Commission also proposes to eliminate the use of remaining funds in a deceased juvenile's account to pay various debts before it can be distributed to the juvenile's parent or guardian at N.J.A.C. 13:95-17.13.

N.J.A.C. 13:95-18 is reserved.

N.J.A.C. 13:95-19 addresses mail, including correspondence, legal correspondence, publications, and packages. Provisions include notice to juveniles (N.J.A.C. 13:95-19.1); limitation on number of correspondents (N.J.A.C. 13:95-19.2); limitation on number of postage stamps (N.J.A.C. 13:95-19.3); limitation on source of publications (N.J.A.C. 13:95-19.4); limitations on packages (N.J.A.C. 13:95-19.5); correspondence in languages other than English (N.J.A.C. 13:95-19.6); correspondence to or from other juveniles and inmates of adult correctional facilities (N.J.A.C. 13:95-19.7); inspection and identification of incoming correspondence (N.J.A.C. 13:95-19.8); inspection of outgoing correspondence (N.J.A.C. 13:95-19.9); identification of secure facility on outgoing correspondence (N.J.A.C. 13:95-19.10); identification of incoming legal correspondence (N.J.A.C. 13:95-19.11); inspection of incoming legal correspondence (N.J.A.C. 13:95-19.12); identification of outgoing legal correspondence (N.J.A.C. 13:95-19.13); identification of incoming publications (N.J.A.C. 13:95-19.14); inspection and identification of outgoing publications (N.J.A.C. 13:95-19.15); inspection of incoming packages (N.J.A.C. 13:95-19.16); identification of incoming mailed packages (N.J.A.C. 13:95-19.17); inspection of incoming packages (N.J.A.C. 13:95-19.18); inspection and identification of outgoing packages (N.J.A.C. 13:95-19.19); registered, certified, preferential, or special delivery mail (N.J.A.C. 13:95-19.20); proof of service (N.J.A.C. 13:95-19.21); correspondence processing (N.J.A.C. 13:95-19.22); receipt of funds (N.J.A.C. 13:95-19.23); disapproved correspondence (N.J.A.C. 13:95-19.24); control of correspondence (N.J.A.C. 13:95-19.25); procedures for handling withheld correspondence (N.J.A.C. 13:95-19.26); procedures for handling correspondence removed from the juvenile's possession (N.J.A.C. 13:95-19.27); appeal and final disposition (N.J.A.C. 13:95-19.28); cost of mailing legal correspondence by indigent juveniles (N.J.A.C. 13:95-19.29); cost of mailing correspondence for non-indigent juveniles and for juveniles in general intake and orientation (N.J.A.C. 13:95-19.30); cost of mailing correspondence by indigent juveniles (N.J.A.C. 13:95-19.31); correspondence to and from illiterate juveniles (N.J.A.C. 13:95-19.32); cost of mailing legal correspondence for non-indigent juveniles and for juveniles in general intake and orientation (N.J.A.C. 13:95-19.33); juvenile use of interoffice correspondence (N.J.A.C. 13:95-19.34); publications in a language other than English (N.J.A.C. 13:95-19.35); processing of publications (N.J.A.C. 13:95-19.36); disapproved content in publications (N.J.A.C. 13:95-19.37); control of publications (N.J.A.C. 13:95-19.38); procedure for handling

withheld publications (N.J.A.C. 13:95-19.39); procedure for handling publications removed from a juvenile's possession (N.J.A.C. 13:95-19.40); appeal and final disposition (N.J.A.C. 13:95-19.41); package processing (N.J.A.C. 13:95-19.42); forwarding mail to a juvenile transferred to another facility or program (N.J.A.C. 13:95-19.43); forwarding mail to a juvenile released on parole or at expiration of maximum sentence (N.J.A.C. 13:95-19.44); forwarding mail to a juvenile remanded to a detention facility (N.J.A.C. 13:95-19.45); and forwarding mail of a juvenile who has escaped (N.J.A.C. 13:95-19.46).

In addition to minor technical changes, the Commission proposes to remove references to newspapers as a publication source at N.J.A.C. 13:95-19.4 and remove a provision allowing a juvenile to sign for correspondence when mail room staff is unavailable at N.J.A.C. 13:95-19.20. The Commission also proposes to add that the safe, secure, and orderly operation of the facility is a consideration for correspondence processing at N.J.A.C. 13:95-19.22, processing of publications at N.J.A.C. 13:95-19.36, and package processing at N.J.A.C. 13:95-19.42. The Commission proposes to amend N.J.A.C. 13:95-19.29 to indicate that writing materials and postage for legal correspondence will be provided to all juveniles and to repeal N.J.A.C. 13:95-19.33, regarding cost of legal mailing for indigent juveniles, which is no longer necessary. The Commission also proposes to remove reference to a three-month limitation on mail forwarding after transfer at N.J.A.C. 13:95-19.43. The Commission's further proposes similar changes at N.J.A.C. 13:95-19.45 to indicate juvenile mail will be forwarded upon remand.

N.J.A.C. 13:95-20 addresses visits and telephone. Provisions include forms (N.J.A.C. 13:95-20.1); notice to juveniles (N.J.A.C. 13:95-20.2); list of visitors (N.J.A.C. 13:95-20.3); approval of potential visitors (N.J.A.C. 13:95-20.4); employee visits with incarcerated relatives (N.J.A.C. 13:95-20.5); special visits (N.J.A.C. 13:95-20.6); visits between incarcerated relatives (N.J.A.C. 13:95-20.7); attorneys and court-related personal visits (N.J.A.C. 13:95-20.8); visits from children (N.J.A.C. 13:95-20.9); notification of prospective visitors (N.J.A.C. 13:95-20.10); visitor identification (N.J.A.C. 13:95-20.11); visiting schedule (N.J.A.C. 13:95-20.12); number of visitors (N.J.A.C. 13:95-20.13); treatment of visitors (N.J.A.C. 13:95-20.14); search of visitors (N.J.A.C. 13:95-20.15); search of juveniles (N.J.A.C. 13:95-20.16); supervision of visits (N.J.A.C. 13:95-20.17); play areas for children (N.J.A.C. 13:95-20.18); gifts of money from visitors prohibited (N.J.A.C. 13:95-20.19); denial, termination, or suspension of a visit (N.J.A.C. 13:95-20.20); request to reinstate contact visit privileges (N.J.A.C. 13:95-20.21); suspension of visiting program under emergency conditions (N.J.A.C. 13:95-20.22); bedside, private viewing, and funeral visits (N.J.A.C. 13:95-20.23); verification of illness or death of a relative (N.J.A.C. 13:95-20.24); eligibility and restrictions (N.J.A.C. 13:95-20.25); security (N.J.A.C. 13:95-20.26); court-ordered private viewing or funeral visits (N.J.A.C. 13:95-20.27); payment of visit expenses (N.J.A.C. 13:95-20.28); notification in monthly report (N.J.A.C. 13:95-20.29); written procedures for telephone use (N.J.A.C. 13:95-20.30); monitoring of telephone calls (N.J.A.C. 13:95-20.31); cost of telephone calls (N.J.A.C. 13:95-20.32); emergency telephone calls (N.J.A.C. 13:95-20.33); legal telephone calls (N.J.A.C. 13:95-20.34); telephone calls between incarcerated relatives (N.J.A.C. 13:95-20.35); telephone use by authorized juvenile groups (N.J.A.C. 13:95-20.36); and telephone use by juveniles in protective and temporary close custody (N.J.A.C. 13:95-20.37). In addition to minor technical changes and title updates, the Commission proposes to delete an expense requirement for visits between incarcerated relatives at N.J.A.C. 13:95-20.7. The Commission proposes to delete the requirement concerning providing prospective visitors with information in English translated to Spanish at N.J.A.C. 13:95-20.10. The Commission proposes to remove Social Security cards as valid identification for visitors at N.J.A.C. 13:95-20.11. The Commission proposes to reduce the time after which a juvenile may request reinstatement of contact privileges from 120 days to 60 days at N.J.A.C. 13:95-20.21. The Commission proposes to repeal N.J.A.C. 13:95-20.28, which requires reimbursement to the Commission for a juvenile's travel expenses. The Commission proposes to add that certain telephone calls will be governed by internal management procedures at N.J.A.C. 13:95-20.32. The Commission proposes to remove examples of emergency calls and add that a juvenile may return an emergency call at the Superintendent's discretion, at

N.J.A.C. 13:95-20.33. The Commission proposes to delete the requirement that a juvenile bear the costs of a telephone call between incarcerated relatives at N.J.A.C. 13:95-20.35 and delete the requirement that an authorized juvenile group bear the cost of telephone calls at N.J.A.C. 13:95-20.37.

N.J.A.C. 13:95-21 addresses reports, including the subchapter's purpose (N.J.A.C. 13:95-21.1); written reports regarding release into a residential community facility (N.J.A.C. 13:95-21.2); written reports regarding release from custody (N.J.A.C. 13:95-21.3); written reports regarding critical illness or death (N.J.A.C. 13:95-21.4); initial response to an unusual incident or event (N.J.A.C. 13:95-21.5); follow up written report (N.J.A.C. 13:95-21.6); superintendent notification of law enforcement agencies, sentencing judge, and classification officer upon escape (N.J.A.C. 13:95-21.7); Office of Investigations notification of law enforcement agencies (N.J.A.C. 13:95-21.8); Commission liaison to outside law enforcement agencies (N.J.A.C. 13:95-21.9); cooperation with outside law enforcement agencies (N.J.A.C. 13:95-21.10); dissemination of reporting procedures for unusual incidents and events (N.J.A.C. 13:95-21.11); reportable suspected violations of criminal statutes (N.J.A.C. 13:95-21.12); non-reportable violations of criminal statutes (N.J.A.C. 13:95-21.13); and Office of Investigations reporting procedures (N.J.A.C. 13:95-21.14). In addition to minor technical changes and title and department updates, the Commission proposes to repeal N.J.A.C. 13:95-21.2, addressing written reports regarding release to a residential community facility. The Commission proposes to delete N.J.A.C. 13:95-21.3(b)4, regarding certain reporting requirements that are inapplicable to the Commission.

As the Commission has provided a 60-day comment period on the notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The Commission is committed to providing culturally responsive programming, support, and opportunities designed to help youth grow and thrive and to become independent, productive, and law-abiding citizens. As the agency charged with care and custody of young people who are adjudicated delinquent or convicted, the Commission seeks to ensure that those youth who are detained within its secure care facilities are cared for consistent with the Commission's mission, vision, and core values. The proposed amendments, repeals, and new rules clarify and modify some of the standards applicable to the Commission's secure care facilities to ensure this continued level of care for young people. As such, the rules proposed for readoption with amendments, repeals, and new rules are expected to enhance the positive social impact the existing rules already have on the young people detained within the Commission's secure care facilities, along with their families.

#### **Economic Impact**

The Commission anticipates that the rules proposed for readoption with amendments, repeals, and new rules will not have an economic impact on the Commission, any other department or agency of State government, funding sources, or the public, as some amendments simplify existing rules, and no amendments, repeals, and new rules would result in significant additional costs.

#### **Federal Standards Statement**

A Federal standards analysis is not otherwise required because the rules proposed for readoption with amendments, repeals, and new rules are not proposed pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, standards, or requirements.

#### **Jobs Impact**

The rules proposed for readoption with amendments, repeals, and new rules are not anticipated to result in the generation or loss of jobs.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on the agriculture industry in New Jersey.

### Regulatory Flexibility Statement

The rules proposed for readoption with amendments, repeals, and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as the rules pertain to the Commission and not businesses. Therefore, a regulatory flexibility analysis is not required.

### Housing Affordability Impact Analysis

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on the affordability of housing in New Jersey and will neither increase nor decrease the average cost of housing because the rules concern only standards for the Commission's secure facilities.

### Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designed centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the rules concern only Commission secure care facility standards.

### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for readoption with amendments, repeals, and new rules are not expected to have an impact on pretrial detention, sentencing, probation, or parole policies concerning youth or adults in the State. Decisions related to pretrial detention, sentencing, probation, and parole are outside the scope of N.J.A.C. 13:95, which is limited to establishing standards for Commission secure care facilities in which young people may be detained. However, because the majority of youth involved in the juvenile justice system in New Jersey are youth of color, through establishing standards of care of residents in its facilities, some of which ensure the young people detained in these facilities are properly cared for, screened, and provided individualized social, educational, mental, and medical services, N.J.A.C. 13:95 ensures that these justice-involved youth receive proper and individualized care, which may help improve outcomes and reduce recidivism once young people leave the Commission's facilities. Therefore, it is anticipated that the rules proposed for readoption with amendments, repeals, and new rules, which establish resident care standards for the Commission's secure facilities, may help reduce recidivism and improve outcomes for justice-involved youth of color, because they will be provided a level of care covering social, educational, mental health, and medical services while detained in Commission facilities.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:95.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:95-7.3, 8.1, 8.8, 8.9, 12.7, 15.5, 15.6, 19.33, 20.28, and 21.2.

**Full text** of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

### 13:95-1.1 Purpose

- (a) (No change.)
- (b) Among the policies and procedures established by this chapter are rules addressing:
  1. The use of force by custody staff members, both [on-duty and off-duty] **on duty and off duty**;
  2. The use of firearms [on-duty and off-duty] **on duty and off duty**;
  - 3.-6. (No change.)
  7. Assignment of juveniles to housing, education, treatment, work, [behavior accountability unit] **behavioral adjustment status**, and other programs;
  8. (No change.)
  9. Handling of juveniles' mail, visits to and by juveniles, and juvenile access to courts;
  10. (No change.)

11. Housekeeping, sanitation, bedding, and laundry; and
12. (No change.)

### 13:95-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...  
**"Behavioral Adjustment Status" or "BAS" means a non-punitive temporary status that allows the Commission to provide increased supervision and programming to a juvenile in need. It may be used when there is reason to believe supportive interventions are needed to improve a juvenile's behavior and does not mandate that the juvenile be moved to a separate unit.**

...  
**"Center Keeper" means the correctional police lieutenant assigned to Center Control who is responsible for the overall security and orderly running of a Commission secure facility.**

...  
 ["Civil union couple" means two persons who have established a civil union pursuant to N.J.S.A. 37:1-28 et seq., known as the Civil Union Act.  
**"Classification Committee" means either a juvenile reception classification committee, or a juvenile reclassification committee, as those terms are defined in N.J.A.C. 13:100, an institutional classification committee, within the meaning of N.J.A.C. 13:95-8, or other classification committee responsible for:**

1. Monitoring a juvenile's progress within a secure facility and for assigning the juvenile to appropriate programs or activities, or
2. Determining the secure facility or other Commission facility to which a juvenile is assigned and for approving requests for transfer from one Commission facility to another.]

**"Classification Committee" means a group of Commission staff members that have been designated to make decisions related to the assignment or reassignment of juveniles to Commission facilities and programs and activities within Commission facilities.**

**"Classification manager" means the staff member, by whatever name or title, charged with oversight of and responsibility for the overall operation and supervision of the Commission's Office of Classification, Intake, and Release.**

**"Close observation" means intermittent monitoring of a juvenile either [in person] in-person or by video monitor at [15 minute] 15-minute intervals.**

...  
**"Constant observation" means uninterrupted surveillance of one juvenile who is on special observation status that shall be conducted [in person] in-person, in close proximity to the juvenile, and that may be supplemented by video monitoring.**

...  
**"Contraband" means:**

1. Any item, article, or material found in the possession of, or under the control of, a juvenile [which] **that** is not authorized for retention or receipt;
  2. Any item, article, or material found within the facility or on its grounds [which] **that** has not been issued by the secure facility or authorized as permissible for retention or receipt;
  3. Any item, article, or material found in the possession of, or under the control of, staff or visitors within the secure facility or on its grounds [which] **that** is not authorized for receipt, retention, or importation;
  4. Any item, article, or material [which] **that** is authorized for receipt, retention, or importation by juveniles, staff, or visitors but [which] **that** is found in an excessive amount or [which] **that** has been altered from its original form. An amount shall be considered excessive if it exceeds stated secure facility limits or exceeds reasonable safety, security, sanitation, or space considerations; or
  5. Any article [which] **that** may be harmful or presents a threat to the security and orderly operation of the secure facility shall be considered contraband.
- Items of contraband shall include, but shall not be limited to: guns and firearms of any type; ammunition; explosives; knives, tools, and other implements not provided in accordance with secure facility regulations; hazardous or poisonous chemicals and gases; unauthorized drugs and

medications; medicines dispensed or approved by the secure facility but not consumed or utilized in the manner prescribed; intoxicants, including, but not limited to, liquor or alcoholic beverages; and, where prohibited, currency and stamps.

...  
**“Custody level” means the numerical classification status (for example, level 1, 2, or 3) assigned to a juvenile, determined using an objective scoring system, and reflecting the degree of supervision provided by the facilities housing juveniles within that custody level, from least (1) to most (3).**

“Custody staff member” means [any] a juvenile [corrections] **correctional police officer of any rank** working in a job title authorized [under] pursuant to the provisions [of] at N.J.S.A. 52:17B-174, or successor thereto. Such titles include, but are not limited to:

1. Director of Custody Operations 1, Juvenile Justice Commission;
2. Director of Custody Operations 2, Juvenile Justice Commission;
3. Correction Captain, Juvenile Justice;

**1. Correctional Police Major;**

[4.] **2. [Correction] Correctional Police Lieutenant, Juvenile Justice Commission;**

[5.] **3. [Correction] Correctional Police Sergeant, Juvenile Justice Commission;**

[6.] **4. Senior [Correction] Correctional Police Officer, Juvenile Justice Commission; and**

[7.] **5. [Correction] Correctional Police Officer [Recruit], Juvenile Justice Commission.**

...  
**“Deadly force” means force [which is intended to cause, or is likely to cause,] that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing, death or serious bodily harm.**

...  
**“Deputy Executive Director” means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.]**

**“Deputy Executive Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure facilities.**

...  
**“Director of Custody Operations” means the Director of Custody Operations employed at each secure facility of the Commission responsible for supervising the custody work force.]**

**“Director of Custody Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the custody work force.**

...  
**“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure facilities.]**

...  
**“Domestic partner” or “partner” means a person who is in a relationship that satisfies the definition of a domestic partnership as set forth in the New Jersey Domestic Partnership Act, N.J.S.A. 26:8A-1 et seq.]**

...  
**“Facility” means [a] any facility of the Commission used to house, train, or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.**

**“Facility Classification Office” means the office within a secure facility responsible for institutional classification functions.]**

**“Handbook on Discipline” means a handbook prepared by the Commission and provided to juveniles that contains a juvenile’s rights and responsibilities, the acts and activities [which] that are prohibited, and the disciplinary procedures and sanctions imposed.**

**“Health care provider” means the individual or the entity that is providing the medical, dental, and/or mental health services to juveniles.**

**“Housing unit” means a [cell, room,] dormitory or other type of [sleeping] area in which juveniles reside within a secure facility.**

...

**“Identification process” means the investigative method of operation to include, but not be limited to, the gathering and accumulation of evidence and information used by the [Office of Investigations] Superintendent, or designee, to reasonably identify juveniles appropriate for protective and temporary close custody.**

...

**“Imminent danger” means threatened [harmful] actions or outcomes that [may] are immediately likely to occur during an encounter absent action by the custody staff member. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous; for example, imminent danger may be present even if a subject is not at that instant pointing a weapon at the custody staff member, but is carrying a weapon and running for cover to gain a tactical advantage.**

...

**“Juvenile” means[, for the purpose of this chapter, both] an individual, regardless of age, who has been adjudicated delinquent [and sentenced to a term of incarceration to be served under the custody of the Commission; and an individual who has been] or convicted [of an offense subject to waiver under the provisions of N.J.S.A. 2A:4A-26.1] and sentenced to serve a [custodial sentence in a] term of incarceration under the custody of the Commission [facility], and [who] is residing in or being transferred to a [secure] Commission facility.**

...

**“Keep separate status” means the intentional assignment of certain juveniles to different secure facilities or different units within a secure facility, so as to maintain a separation between these juveniles to ensure the safe, secure, and orderly operation of the secure facility and/or to prevent the possibility of retaliation because of a previous act or occurrence.**

...

**“Legal correspondence” means the exchange of letters between a juvenile and:**

- 1.-13. (No change.)

**14. The New Jersey Division of [Youth and Family Services] Child Protection and Permanency.**

...

**“Legitimate public official” means the following:**

1. An elected or appointed national, state, county, or municipal government official; or
2. A director of a national, state, county, or municipal government agency.

**“Mechanical restraints” means restraining devices, such as, but not limited to, handcuffs, flex cuffs, leg irons, and belly chains.**

**“Non-deadly force” means force which is not likely to cause death or serious bodily harm.]**

...

**“Office of Education” means the unit within the Commission established pursuant to N.J.S.A. 52:17B-178 responsible for developing, implementing and evaluating educational programs for juveniles.]**

**“Office of Classification, Intake, and Release” means the unit within the Commission responsible for implementing procedures through which juveniles are assigned to custody levels, facilities, and treatment programs, based on assessments of the juveniles’ supervision requirements and service needs.**

**“Office of Education” means the unit within the Commission established pursuant to N.J.S.A. 52:17B-178 responsible for developing, implementing, evaluating, and assigning educational programs for juveniles in Commission custody.**

...

**“[Ombudsman] Office of the Ombudsperson” means the [individual(s)] unit within the Commission responsible for resolving complaints made by juveniles about the facility, the action or inaction of staff, or any other matter of concern to the juvenile.**

**“Orientation” means a program including one or more meetings or group sessions provided at a secure facility to familiarize juveniles with rules, procedures, units, services, and programs.**

...

["Program Separation Unit" means an area within a secure facility designated for assigning juveniles who are removed from the general population for disciplinary or administrative reasons.]

"Post orders" means written internal guidelines for custody staff members that dictate operating procedures for each post or job within the secure facility.

"Protective custody" means confinement to a secure unit designated to restrict or limit a juvenile's activities and contact with others, in order to provide protection to the juvenile from injury or harm, actually threatened, or reasonably believed to exist based on events, investigative reports, reports from an informant(s), or other reliable source(s) of information.

...  
 "Relative" means any person who is related to the juvenile through blood, marriage, adoption, civil union, or domestic partnership and including a stepparent.

...  
 ["Secure facility satellite unit" means a Juvenile Justice Commission secure unit located apart from the main secure facility and administered by Superintendent of the main secure facility.]

...  
 "Special observation status" means monitoring the activities, emotional status, and behavior of juveniles who are identified as emotionally troubled, mentally disturbed, or otherwise deemed likely to inflict physical injury or death upon themselves.

...  
 ["Substantial risk" means, with respect to the discharge of a firearm, that there exists some risk of an unintended outcome. It exists when a custody staff officer disregards a foreseeable likelihood that innocent persons will be endangered.]

"Superintendent" means the chief executive officer of [a] any secure **Commission facility that houses juveniles.**

"Temporary close custody" means the non-punitive removal of a juvenile from his or her regularly assigned [housing and to a close custody or other designated housing unit] **custody status** for a period not to exceed 72 hours, for purposes of special observation or investigation. **It may be used when there is a reason to believe a juvenile's behavior or actions could endanger himself, staff, others, or the security of the facility, and the juvenile is not in room restriction for control.**

"Truck mail" means interoffice mail that is exchanged among Commission facilities, units, and the Commission Central Office. Truck mail does not include mail sent by the United States Postal Service.

"Unusual incident or event" means any occurrence that has the potential of jeopardizing or disrupting the secure and orderly operation of a secure facility, including, but not limited to, escape or attempted escape, homicide or attempted homicide, suspicious death, serious injury to juvenile or staff member, suicide or suicide attempt, serious threat to the life of a juvenile or group of juveniles, taking of a hostage, riot, melee, acute medical emergency, use of a weapon or other use of force, introduction into the facility of a controlled substance, use of a controlled substance, commission of a crime, staff work stoppage, fire or natural disaster, and failure of heating, ventilation, and air conditioning (HVAC), power, plumbing, or other major mechanical systems.

#### 13:95-1.4 Forms

(a) The following forms related to secure facilities shall be [reproduced by each facility from originals that are] made available through the office of the **Deputy Executive Director** [of Custody Operations]:

[1. J156-I Oath of Office;]

Recodify existing 2.-3. as **1.-2.** (No change in text.)

[4. J171-III Notice of Decision on Appeal, Contraband Seizure (Non-Disciplinary);]

Recodify existing 5.-6. as **3.-4.** (No change in text.)

[7.] **5.** J173-III Transfer of Keep Separate Status [juvenile] **Juvenile;**

[8. J285-I Request for a Polygraph Examination;]

[9.] **6.** (No change in text.)

[10. Trip Authorization Form;]

Recodify existing 11.-21. as **7.-17.** (No change in text.)

[22. Form 101-Request to Transfer to the New Jersey Department of Corrections;]

[23.] **18.** (No change in text.)

[24. J081 Special Classification Request Form;]

[25.] **19.** [BAU-01] **BAS-01** (Referral to [Behavior Accountability Unit] **Behavioral Adjustment Status**);

[26.] **20.** [BAU-02] **BAS-02** ([Behavior Accountability Unit] **Behavioral Adjustment Status Case Review Form**);

[27.] **21.** [BAU-03] **BAS-03** ([Behavior Accountability Unit] **Behavioral Adjustment Status Appeal**); and

[28.] **22.** (No change in text.)

#### 13:95-1.5 Confidentiality and use of information relating to juveniles

(a) Records and statements in the possession of the Commission that are covered by the confidentiality provisions [of] **at** N.J.S.A. 2A:4A-60, 60.2, and 60.3 may be reviewed when necessary and appropriate in the course of classification, program, and other reviews necessary and appropriate [under] **pursuant to** this chapter. However, at no time shall this permitted use of such records and statements release or exempt them from the confidentiality provisions of this section.

(b) All records pertaining to juveniles charged [as a delinquent, adjudicated delinquent] **with, or adjudicated for, an offense**, or found to be part of a juvenile-family crisis, including records relating to the suicide or suicide attempt of a juvenile, are confidential. All such records:

1.-3. (No change.)

(c)-(e) (No change.)

#### SUBCHAPTER 2. KEEP SEPARATE STATUS

##### 13:95-2.1 Recommending placement of a juvenile in keep separate status

(a) (No change.)

(b) The staff person recommending that a juvenile be placed in keep separate status shall complete the recommendation section of Form J173-I Placement in Keep Separate Status, and submit Form J173-I to the Superintendent, **or designee**, indicating the reason(s) for the recommendation.

(c) The Superintendent, **or designee**, may order an immediate investigation be undertaken [by the Office of Investigations and that a report of that investigation be submitted] as soon as possible, but in no event more than one week after the request has been made, determining whether the information received is accurate and placement of the juvenile in keep separate status is warranted.

##### 13:95-2.2 Authorization of placement of juvenile in keep separate status

(a) The Superintendent, or designee, shall authorize the placement of a juvenile in keep separate status in instances when the Superintendent, or designee, determines that such placement is warranted for safety of the juvenile, for the maintenance of security, or for the orderly operation of the secure facility.

(b) If the Superintendent, or designee, authorizes that a juvenile be placed in keep separate status, the completed Form J173-I, along with supporting documents, shall be forwarded to:

1. The [Facility Classification] **Manager of the Office of Classification, Intake, and Release** to be filed in the juvenile's classification folder; and

2. The [secure] facility housing the other juvenile(s) involved in this assignment of keep separate status.

(c) (No change.)

##### 13:95-2.3 Procedures for tracking transfers of juveniles in keep separate status

(a) [A classification committee] **The Deputy Executive Director of Operations, or designee**, shall authorize the transfer of a juvenile in keep separate status to another secure facility when such transfer is determined to be warranted and appropriate. Emergency transfer procedures shall be followed in accordance with N.J.A.C. 13:100.

(b) Prior to the transfer of any juvenile in keep separate status, the [Facility Classification] Office of **Classification, Intake, and Release** shall:

1. Use the Commission's [Juvenile Information Management System] **electronic system of record** to confirm the juvenile's current location and the current location of other correlated juveniles in keep separate status;

2. (No change.)
3. Advise by telephone and [fax] **send** a copy of Form J173-III to the Superintendent of each secure facility housing, the other correlated keep separate status juvenile(s); and
4. (No change.)
- (c) (No change.)
- (d) Information recorded on Form J173-III shall be entered and maintained [on a computerized bed-check or comparable system, in order] **in the electronic system of record** to ensure that separation of juveniles on keep separate status is maintained at all times.

#### 13:95-2.4 Recommending removal from keep separate status

- (a) (No change.)
- (b) Any staff person recommending that a juvenile be removed from keep separate status shall complete the removal recommendation section of Form J173-II Removal [From] **from** Keep Separate Status, and submit Form J173-II to the Superintendent, **or designee**, indicating the reason(s) for the recommendation.
- (c) The Superintendent, **or designee**, may order that an investigation be undertaken [by the Office of Investigations and a report of that investigation be submitted determining] **to determine** whether the information received is accurate and removal of the juvenile from keep separate status is warranted.

#### 13:95-2.5 Authorization for removal from keep separate status

- (a) The Superintendent, **or designee**, may authorize the removal of a juvenile from keep separate status when a review of the factors in the juvenile's case indicates that the keep separate status is no longer appropriate.
- (b) Whenever a decision is made to remove a juvenile from keep separate status, the original Form J173-II along with the supporting documents shall be forwarded to the [Facility Classification] Office of **Classification, Intake, and Release** to be [filed in the juvenile's classification folder] **processed appropriately, including updating the electronic record**.
- [(c) A copy of the removal notice Form J173-II shall be sent to the Facility Classification Office of the facility at which the other juvenile(s) involved in the keep separate status is housed.
- (d) Computerized juvenile information recordkeeping systems shall be updated when a decision to remove a juvenile from keep separate status has been authorized by the Superintendent.]

### SUBCHAPTER 3. USE OF FORCE

#### 13:95-3.1 Custody staff member authority

- (a) Custody staff members are authorized to use appropriate means to enforce secure facility rules and regulations. Such means include, but are not limited to:
  1. "Constructive authority," which means authority that does not involve actual physical contact with the individual, but involves the use of the custody staff member's authority to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures, and warnings; and
  2. (No change.)
- (b) Custody staff members [are encouraged] **have a duty to intervene** to interrupt the flow of events to help ensure that a fellow custody staff member does not resort to employing an inappropriate or excessive use of force.
- (c) (No change.)

#### 13:95-3.2 Use of force

- (a) In any case that a custody staff member uses force while [on-duty] **on duty**, the custody staff member shall [only] use [that] **the least amount of** force that is objectively reasonable, [and] necessary, **and proportional to safely achieve the law enforcement objective** under the totality of the circumstances as known by the custody staff member at the time force is used.
- (b) (No change.)
- (c) **A custody staff member must, at all times, comply with the Commission's Use of Force Policy, and any applicable use of force directives and guidance issued by the New Jersey Office of the Attorney General. To the extent there is a conflict between the**

**Commission's Use of Force Policy and a use of force directive or guidance issued by the Office of the Attorney General, the Office of the Attorney General's applicable directive or guidance is controlling.**

#### 13:95-3.3 Non-deadly force; when justified

- (a) (No change.)
- (b) Non-deadly force includes, but is not limited to, the use of the following:
  1. "Physical force" which means contact with an individual beyond that which is generally utilized to effect a law enforcement objective. Physical force is employed when necessary to overcome an individual's physical resistance to the exertion of the custody staff member's authority, or to protect persons or property. Examples of physical force include, but are not limited to, [wrestling] **taking** a resisting individual to the ground, using wrist [locks] or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation; and

#### 2. (No change.)

#### (c) (No change.)

#### 13:95-3.4 Deadly force; when deadly force is justified and when restricted; restrictions on issuance and use of firearms

- (a) Deadly force includes, but is not limited to, the use of firearms and other lethal weapons, **and potentially lethal actions including, but not limited to, applying a chokehold, as set forth in the Attorney General guidance**.
- (b) (No change.)
- (c) Within a secure facility, a firearm shall be issued to a custody staff member only in an emergency situation and only upon the authorization of the [superintendent] **Superintendent**, or a higher ranking official of the Commission.
- 1.-3. (No change.)
- (d)-(l) (No change.)

#### 13:95-3.6 Use of force while [off-duty] **off duty**

- (a) Although N.J.S.A. 52:17B-[174(d)]**174.d** authorizes custody staff members to exercise law enforcement powers, custody staff members are not required to exercise those powers or to carry firearms during off-duty hours.
- (b) Custody staff members, while [off-duty] **off duty**, should not become involved with routine law enforcement duties that are under the jurisdiction of local law enforcement agencies. When a custody staff member observes what he or she believes to be a violation of the law, he or she should take note of the vehicle description, license plate numbers, identifying characteristics of persons involved, and other relevant information, and report such information to the local law enforcement agency having jurisdiction and to [the Director of Custody Operations] **his or her Superintendent**. Custody staff should avoid stopping or detaining vehicles or persons.
- (c)-(d) (No change.)

#### 13:95-3.7 Reports

- (a) A custody staff member shall immediately contact his or her shift supervisor and shall complete a JJ-001 Form, Incident Report, when he or she participated in, or witnessed, any incident in which:
  1. (No change.)
  2. Physical force, mechanical force, or deadly force is used;
  - 3.-4. (No change.)
- (b) (No change.)
- (c) The shift supervisor shall forward, as soon as possible, all such reports to the Office of Investigations and the [Director of Custody Operations] **Superintendent** for review. [The Director of Custody Operations shall forward all reports to the Superintendent.] The Superintendent shall then report the incident to the **Deputy Executive Director of Operations**.

#### 13:95-3.8 Use of mechanical restraints

- (a) On authorization of the shift supervisor, **when necessary to accomplish a law enforcement objective**, mechanical restraints may be used in the following instances:
  1. (No change.)

2. When the juvenile's history, disciplinary record, behavior, or present emotional state indicates a likelihood that bodily injury to any person, damage to property, or escape by the juvenile may occur; or

3. [On current medical advice, to] **To** prevent the juvenile from attempting suicide, self-inflicted injury, or injury to others.

(b) Mechanical restraints shall not be used as punishment, or in any way that causes undue physical discomfort, inflicts physical pain, or restricts the blood circulation or breathing of the juvenile.

(c)-(d) (No change.)

**(e) Custody staff members shall take actions to reduce the risk of positional asphyxiation.**

#### 13:95-3.11 Penalties for violation

(a) Custody staff action that does not conform to the provisions of this subchapter and any internal management procedures implemented in connection with this subchapter may result in the following:

1. (No change.)

2. Personal, civil, or criminal liability;

3.-4. (No change.)

(b) (No change.)

#### SUBCHAPTER 4. USE OF FIREARMS WHILE [ON-DUTY] **ON DUTY** AND USE OF PERSONAL FIREARMS WHILE [OFF-DUTY] **OFF DUTY**

##### 13:95-4.2 On-duty firearms training, qualification, and [re-qualification] **requelification**

(a) (No change.)

(b) Custody staff members shall requalify in accordance with the New Jersey Attorney General's Semi-Annual Qualification and [Re-qualification] **requelification** Standards for New Jersey Law Enforcement.

(c) Only those custody staff members who achieve and maintain the required level of proficiency during range qualification and [re-qualification] **requelification** shall be authorized to possess firearms while [on-duty] **on duty**.

(d) Once a custody staff member has qualified on his or her [Commission approved] **Commission-approved** firearm, the custody staff member shall receive the official State of New Jersey, Firearms Unit Weapons Card. Custody staff members shall be required to carry the weapons card, [the] official badge, and photo identification card of the Commission while [on-duty] **on duty**.

(e) The [Director of Custody Operations,] **Superintendent**, or designee, at each secure facility shall be responsible for preparing and maintaining a current list of each custody staff member authorized to carry a firearm, from a Commission-wide master list provided for that purpose by the Commission's Office of Training.

1. The master list shall be maintained by the [Director of Custody Operations] **Superintendent**, or designee, to indicate the custody staff member's firearm qualification date (new or expired).

2. In the event that a custody staff member is assigned to a post that requires the issuance of a firearm for that custody staff member's exclusive use while [on-duty] **on duty**, the [Director of Custody Operations] **Superintendent**, or [his or her] designee, shall maintain a list that indicates the custody staff member's issued firearm, model name and number, and serial number of the firearm.

##### 13:95-4.3 On-duty firearm

(a) (No change.)

(b) The custody staff member shall not draw or exhibit his or her firearm, except for one of the following circumstances:

1.-2. (No change.)

3. When commanded by the firearms staff during training exercises, range practice, qualification or [re-qualification] **requelification** with the firearm, or by a supervisor for purposes of inspection;

4. When circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of the custody staff member's duties; [or]

5. When circumstances create a reasonable belief that display of a firearm as an element of constructive authority will help establish or

maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure custody staff safety[.]; **and**

**6. Special requirements must be met before a custody staff member may display a firearm.**

**i. Unholstering a firearm.** A custody staff member may unholster their firearm when they reasonably believe doing so will discourage resistance and ensure custody staff member safety in potentially dangerous situations.

**ii. Pointing a firearm.** Consistent with training, custody staff members may point a firearm at a person only when circumstances create a reasonable belief that it may be necessary for the custody staff member to use deadly force. When the custody staff member no longer reasonably believes that deadly force may be necessary, the custody staff member shall, as soon as practicable, secure or holster the firearm.

**iii. Reporting the pointing of a firearm.** Pointing a firearm, though not a use of force, constitutes a seizure that must be reported consistent with the requirements of the New Jersey Office of the Attorney General Use of Force Policy.

(c) A custody staff member, if required to carry a firearm while [on-duty] **on duty**, shall carry his or her on-duty firearm, together with [Commission approved] **Commission-approved** chemical or natural agent spray, on his or her person at all times unless otherwise instructed by a superior. The firearm shall:

1. (No change.)

2. Not be left in a motor vehicle or other unauthorized location except when necessary, such as when a custody staff member must remove his or her on-duty firearm and another authorized staff member is unavailable to take custody of the firearm. When necessary, a firearm may be stored in a [Commission approved] **Commission-approved** vehicle lock box.

(d) The custody staff member entering any facility of the Commission either shall temporarily transfer custody of his or her firearm to an authorized custody staff member, or shall store his or her firearm at the main secure facility, at a [Commission authorized] **Commission-authorized** weapons storage unit or secure it in a [Commission approved] **Commission-approved** vehicle lock box.

1. (No change.)

(e) (No change.)

(f) When a State of New Jersey Firearms Unit Weapons Card, official photo identification card, or badge of the Commission is believed to have been lost or stolen, or is otherwise missing, the custody staff member shall notify the local law enforcement authorities and [the Director of Custody Operations] **his or her Superintendent**, or [his or her] designee, as soon as practicable.

(g) Pursuant to N.J.S.A. 2C:58-15, a custody staff member who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the custody staff member's control shall:

1. (No change.)

2. Secure the [duty] **on-duty** firearm with a [Commissioner approved] **Commission-approved** trigger locking device.

##### 13:95-4.4 Personnel authorized to carry firearms while [off-duty] **off duty**

(a) Firearms may be carried [off-duty] **off duty** only by custody staff members holding the rank of Senior [Correction] **Correctional Police Officer**, Juvenile Justice **Commission** and higher who:

1.-3. (No change.)

##### 13:95-4.5 Authorized off-duty firearms, ammunition, holsters, and security

(a)-(b) (No change.)

(c) Only off-duty firearm makes and models approved and authorized by the Commission may be carried while [off-duty] **off duty**.

(d) Ammunition for an off-duty firearm shall be approved and authorized by the Commission. **Trigger locking devices that are approved by the Commission shall be used as required by this section and consistent with the operating instructions and standards provided by the manufacturers of the trigger locking devices.**

(e) Only shoulder, waist, and ankle holsters shall be used for off-duty use. A holster must hold the firearm firmly when inverted and have no

internal clips. An off-duty firearm shall be carried in the approved holster on the body. No purse holsters or holstered firearms in purses are approved.

(f)-(g) (No change.)

(h) The custody staff member shall be responsible for assuming the cost of the off-duty firearm, ammunition, **and** holsters, and for maintaining his or her firearm in a safe, secure, and serviceable condition.

(i) Pursuant to N.J.S.A. 2C:58-15, a custody staff member who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the custody staff member's control shall:

1. (No change.)

2. Secure the off-duty firearm with a [Commission approved] **Commission-approved** trigger locking device.

#### 13:95-4.7 Firearm instructors

(a) Only those persons who have successfully completed a Police Training Commission [(PTC) approved] **(PTC)-approved** firearms instruction course and are [PTC certified] **PTC-certified** as Firearm Instructors shall instruct in the Firearms Training Program **for recruits** at the Commission's Office of Training.

(b) All firearms training instructors engaged by the Commission for semi-annual and [re-qualification] **requalification** firearms training shall satisfy at least one of the following requirements:

1. (No change.)

2. Possess training equivalent to the [PTC approval] **PTC-approved** firearms instructor course and are able to demonstrate a knowledge of and skill with a firearm; or

3. (No change.)

#### 13:95-4.8 Off-duty firearms training, qualification, and [re-qualification] **requalification**

(a) All personnel authorized by the Commission to carry firearms [off-duty] **off duty** must be initially trained and shall qualify in the use and handling of approved off-duty firearms.

(b) (No change.)

(c) Only those custody staff members who achieve and maintain the required level of proficiency during range qualification and [re-qualification] **requalification** shall be authorized to carry firearms while [off-duty] **off duty**.

(d) Once an individual has qualified on his or her approved personal off-duty firearm, he or she shall receive the official State of New Jersey, Firearms Unit Weapons Card. The off-duty firearm he or she carries must be identified on the off-duty weapons card. Authorized personnel shall be required to carry their off-duty weapons card, [the] official badge, and photo identification card of the Commission at all times while carrying their off-duty firearm.

(e) The [Director of Custody Operations] **Superintendent**, or designee, at each secure facility shall be responsible for preparing and maintaining a current master list of each custody staff member authorized to carry an off-duty firearm, from a Commission-wide master list provided for that purpose by the Commission's Office of Training.

1. (No change.)

2. Each time the custody staff member registers a firearm, the [Director of Custody Operations] **Superintendent**, or designee, is responsible for comparing the firearms qualification date, firearm model name and number, and firearm serial number contained on the master list against the State of New Jersey, Firearms Unit Weapons Card accompanying the personal firearm.

(f) Should a personal firearm become unusable, stolen, or unserviceable and the custody staff member selects a personal off-duty firearm different from the one originally qualified for use, he or she must requalify on the different firearm before it can be used. This qualification may be completed prior to the next semi-annual qualification period.

(g) (No change.)

#### 13:95-4.9 Storage of off-duty firearms while [on-duty] **on duty**

(a) A custody staff member entering [a] **any** Commission facility grounds while armed with an off-duty firearm must proceed directly to the weapons collection station of the facility. The off-duty firearm shall be turned in fully loaded, in its holster, with the State of New Jersey, Firearms

Unit Weapons Card, [with] **and** any extra loaded magazines or speedloaders.

(b)-(e) (No change.)

(f) Under no circumstances may any Commission employee carry an off-duty firearm into a weapons prohibited area of any Commission facility, or into any area routinely dedicated for use by juveniles, including, but not limited to, areas for sleeping, living, eating, recreation, training, and education. Personally owned firearms shall not be carried or used while [on-duty] **on duty**, except when authorized by the Superintendent and approved by the **Deputy Executive** Director of Operations. In those instances, only firearms approved by the Commission may be used by qualified custody staff members.

#### 13:95-4.10 Unauthorized use of personal weapons while [off-duty] **off duty**

(a) A custody staff member shall not be authorized to carry an off-duty firearm in the following instances:

1. Where N.J.S.A. 2C:39-7 [(Persons Convicted of Certain Crimes) **Certain persons not to have weapons or ammunition**] is applicable;

2.-4. (No change.)

5. Any other situation where the Superintendent [or Director of Custody Operations], or [their] designee, may exercise their authority to withdraw off-duty firearms privileges, subject to the review of the **Deputy Executive** Director of Operations[, Deputy Executive Director,] or Executive Director.

(b) In any of the instances [in] **at** (a) above, the State of New Jersey, Firearms Unit Weapons Card shall be turned in to the Superintendent or Director of Custody Operations, or [their] designee.

#### 13:95-4.11 Possession of firearms within a casino or casino simulcasting facility

Pursuant to N.J.A.C. [19:45] **13:69D-1.13**, a custody staff member shall not possess or be permitted to possess a firearm within a casino or casino simulcasting facility.

#### 13:95-4.12 Reporting incidents

(a) (No change.)

(b) As soon as practicable, when a State of New Jersey, Firearms Unit Weapons Card, official photo identification card, or badge of the Commission is believed to have been lost or stolen, or is otherwise missing, the custody staff member shall notify the local law enforcement authorities and [Director of Custody Operations,] **his or her Superintendent**, or [his or her] designee.

(c) Except as outlined [in] **at** N.J.A.C. 13:95-4.6(b)1 [through], **2, or 3**, the custody staff member shall immediately and without exception report to the local law enforcement authorities and [to either the] **his or her Superintendent**, or [Director of Custody Operations or their] designee, the occurrence of any of the following:

1. Any incident where the custody staff member displayed, drew, or fired his or her off-duty firearm; or

2. (No change.)

(d) No later than the next working day after any incident as described in this section, the custody staff member shall report **the incident**, in writing, to the Superintendent, or [Director of Custody Operations or their] designee. **The report shall identify** the [incident and identifying] particulars of the incident. The Superintendent, or [Director of Custody Operations or their] designee, shall then forward the report for review to the Executive Director, or designee, the **Deputy Executive** Director of Operations, and the Office of Investigations.

(e) The custody staff member shall, within three days, report to the secure facility Superintendent, or [Director of Custody Operations or their] designee, in writing, whenever a registered authorized off-duty firearm has been sold, transferred to another person, or is no longer in use.

**(f) In addition to the other reporting requirements in this section, in circumstances where the custody staff member reasonably believes that it is necessary to use deadly force pertaining to the discharge of a firearm that results in injury or death while transporting a juvenile or on perimeter patrol to any location, the custody staff member shall:**

1. Immediately notify the New Jersey Department of Corrections Central Communications stating their name, department, location, any injured personnel, and any injured victims;

2. Assist local law enforcement in securing the scene;

3. Remain at the scene or area designated by the Division of Criminal Justice investigatory team; and

4. Provide his or her weapon for submission to the Division of Criminal Justice investigatory team for examination and ballistics tests.

#### 13:95-4.13 Penalties for violation

(a) Custody staff member actions [which] **that** do not conform to the provisions of this subchapter and any post orders or internal management procedures implemented in connection with this subchapter may result in the following:

1. (No change.)

2. Personal, civil, or criminal liability;

3.-4. (No change.)

(b) (No change.)

### SUBCHAPTER 5. SEARCHES OF JUVENILES AND FACILITIES

#### 13:95-5.2 Search plan

(a)-(b) (No change.)

(c) The Institutional Search Plan Coordinator shall submit monthly data to the Superintendent. The data shall include, but not be limited to, information regarding searches completed and contraband recovered. The reported data shall be included in the Superintendent's Monthly Report to the Deputy Executive Director of Operations.

#### 13:95-5.3 Searches of juveniles and facilities

(a) All secure facility housing, work, educational, training, visitation, and other areas to which juveniles have access shall be searched thoroughly for contraband on a routine, continuing basis. Searches shall be unannounced and irregularly timed, and may be limited to a specific building or area.

(b)-(d) (No change.)

(e) Search restrictions based on gender identity are as follows:

1. Staff members are prohibited from searching or viewing undressed juveniles of a different gender identity than their own, except in emergency situations.

2. In situations where a juvenile's gender identity has not been disclosed or expressed or a juvenile is non-binary or gender non-conforming, the juvenile shall be asked to identify the gender of staff whom they feel most comfortable performing searches. This preference shall be documented.

#### 13:95-5.4 Inspection of security devices

(a) All bars and sashes, locks, windows, doors, lock boxes, and other security devices shall be inspected daily to detect any tampering or defect.

(b)-(c) (No change.)

#### 13:95-5.5 Use of scanning/testing devices

(a) Searches of juveniles, areas, and objects by the use of scanning/testing devices may be done routinely and randomly, where necessary, for security purposes. This may be, but is not limited to, a walk-through device or a handheld device which is passed over the fully clothed body of the juvenile. A scanning/testing device may also be utilized in conjunction with a strip search.

(b) (No change.)

#### 13:95-5.6 Pat search

(a)-(c) (No change.)

(d) Pat searches shall be conducted by custody staff members of the same gender identity as the juvenile, except in emergency situations when ordered by the Superintendent, Assistant Superintendent, or the [highest ranking] **highest-ranking** custody supervisor on duty.

(e) In situations where a juvenile's gender identity has not been disclosed or expressed or a juvenile is non-binary or gender non-conforming, the juvenile shall be asked to identify the gender of staff whom they feel most comfortable performing the pat searches. This preference shall be documented.

#### 13:95-5.7 Strip searches

(a) (No change.)

(b) Strip searches of juveniles may be conducted in any of the following circumstances:

1. (No change.)

2. Before a juvenile enters the facility from the community, a [minimum security] **minimum-security** facility, or other area outside the secure facility;

3. Before a juvenile leaves the facility to go to the community, a [minimum security] **minimum-security** facility, or other area outside the secure facility;

4. (No change.)

[5. Upon entering or leaving any close custody unit;]

Recodify existing 6.-9. as **5.-8.** (No change in text.)

(c) A strip search shall be conducted:

1.-3. (No change.)

4. Only by custody staff of the same gender as the juvenile and may include a scanning/testing device operator or operators of the same gender as the juvenile, except as set forth [in (d) below] at N.J.A.C. **13:95-5.3(d) and (e).**

(d) Strip searches of juveniles may be conducted by custody staff and with a scanning/testing device operator or operators of the opposite gender only under emergent conditions as ordered by the Superintendent, Assistant Superintendent, or the [highest ranking] **highest-ranking** custody supervisor on duty.

(e)-(f) (No change.)

#### 13:95-5.8 Body cavity searches of juveniles

(a) A body cavity search shall not be conducted on a juvenile unless:

1. The [highest ranking] **highest-ranking** custody staff member on duty is satisfied that a reasonable suspicion exists that contraband will be found in the juvenile's body cavity; and

2. (No change.)

(b) In the event the [highest ranking] **highest-ranking** custody staff member on duty has reasonable suspicion to believe that contraband is being concealed in the juvenile's body cavity, the juvenile shall immediately be escorted to the infirmary or comparable [facility] **area** of the secure facility and ordered to remove the contraband. The [highest ranking] **highest-ranking** custody staff member on duty shall advise the juvenile that medical assistance is available to the juvenile for removal of the contraband.

(c) (No change.)

(d) If the juvenile refuses to remove the contraband from his or her body cavity, the juvenile shall receive appropriate disciplinary charges and shall be:

1. (No change.)

2. Transported to an outside hospital or medical facility for removal of the contraband, if necessary for the [well being] **well-being** of the juvenile, or the safe, secure, and orderly operation of the secure facility. The health care provider staff at the secure facility shall make the necessary arrangements with the outside hospital or medical facility for any procedures that are necessary for the safe removal of the contraband.

(e) If the suspected contraband cannot be removed from the juvenile's body cavity without the use of force, a court order may be sought if the following circumstances exist:

1. The juvenile cannot be confined to a dry room until the contraband is eliminated from the juvenile's body, because the nature of the suspected contraband presents a safety or security risk to the juvenile, staff, other juveniles, or the facility; or

2. (No change.)

(f) (No change.)

(g) The [highest ranking] **highest-ranking** custody staff member on duty at the time the cavity search was authorized shall prepare a written report of the results of the body cavity search. A copy of the report shall be made part of the juvenile's record, and a copy shall be submitted to the Superintendent, or designee. The report shall include, but [shall] not be limited to, the following information:

1.-6. (No change.)

(h)-(i) (No change.)

## 13:95-5.9 Canine searches

Juveniles' possessions and all secure facilities, areas, objects, and properties under the jurisdiction of the Commission are subject to routine and random searches by canine teams, specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

## 13:95-5.10 Testing for prohibited substances

(a) (No change.)

(b) Juveniles shall be tested:

1.-5. (No change.)

6. Randomly or for cause, when the Superintendent, Assistant Superintendent, or the Director of Custody Operations orders all juveniles from a particular housing unit, work detail, or other functional unit to be tested; **and**

7. Upon a juvenile's return from any unsupervised temporary release from custody[; and].

[8. When a Disciplinary Hearing Officer orders testing as part of a sanction for a prohibited substance related infraction.]

(c) (No change.)

## SUBCHAPTER 6. CONTRABAND AND DISPOSITION OF CONTRABAND

## 13:95-6.1 Procedures for handling contraband upon discovery

(a) Whenever an item, article, or material is determined to be contraband, it shall be immediately seized.

1.-2. (No change.)

3. The custody staff member or staff member shall give the juvenile from whose control or possession contraband is taken, an itemized, signed, and dated receipt (Form J171-II Juvenile[,] Receipt, Contraband Seizure), a copy of which shall also go to the Office of Investigations or to the secure facility Center Control. The contents of this form shall be either read or explained to the juvenile, if necessary.

4.-5. (No change.)

(b)-(e) (No change.)

## 13:95-6.5 Disposal of contraband threatening to security or disruptive to operations

(a) (No change.)

(b) Suspected contraband narcotics or dangerous drugs may be forwarded to an approved laboratory for chemical analysis or, where appropriate, field tested at the secure facility. All weapons, ammunition, explosives, chemicals, liquor, or items altered from original status may be sent to the laboratory for analysis. After analysis, the contraband shall be claimed at the laboratory and secured at the facility.

(c) (No change.)

## 13:95-6.6 Confiscation and disposal of unauthorized currency or money

(a) All unauthorized money or currency found in a juvenile's possession shall be immediately seized and turned over to Center Control[,], **or the** Office of Investigations together with reports required [by] **pursuant to** this subchapter.

1.-5. (No change.)

(b) All cash, checks, money orders, or other form of payment or currency brought into a secure facility by a visitor shall be deemed contraband, and will not be accepted by a secure facility for deposit into juvenile accounts.

(c)-(e) (No change.)

## 13:95-6.8 Introduction or discharge of contraband into or from a facility by a visitor

(a) Any visitor present within the secure facility or on its ground shall surrender any item, article, or material which the Superintendent, or designee, shall determine to be contraband.

1. The custody staff member or staff member seizing any item, article, or material determined to be contraband shall give the visitor an itemized, dated, and signed receipt. When possession of the seized item, article, or material does not appear to violate any Federal or State statute and the visitor exits the facility, the custody staff member shall, in return for the receipt, return the item to the visitor.

2. (No change.)

(b)-(c) (No change.)

## SUBCHAPTER 7. [BEHAVIOR ACCOUNTABILITY UNIT] BEHAVIORAL ADJUSTMENT STATUS

## 13:95-7.1 Establishment and purpose of [Behavior Accountability Unit] Behavioral Adjustment Status (BAS)

[(a) Each secure facility shall have rooms designated as the facility's Behavior Accountability Unit (BAU).]

[(b)] (a) The purpose of [the BAU shall be] **BAS is** to provide [a structured environment] **an increase in rehabilitative programming and supervision** for juveniles when they pose a threat to their own safety, [to] the safety of staff or other juveniles, [to] property, or [to] the safe and orderly operation of the secure facility. **Juveniles on BAS may remain in their current housing assignment or be moved to a different location depending on the specific circumstances that led to their placement.**

**(b) The Deputy Executive Director of Operations shall be responsible for the implementation, monitoring, and updating of the programming for youth on BAS and shall develop policies and procedures for BAS and the Behavioral Adjustment Status Review Committee (BASRC).**

## 13:95-7.2 Assignment of juveniles to [the Behavior Accountability Unit (BAU)] Behavioral Adjustment Status (BAS)

(a) In accordance with the standards and criteria [and] set forth in this section, and subject to review and concurrence by the full [Behavior Accountability Unit] **Behavioral Adjustment Status Review Committee [(BAURC)] (BASRC)**, the Superintendent, or designee, may order that a juvenile be placed [in the BAU] **on BAS**, either acting independently or upon the recommendation of:

1.-2. (No change.)

3. The [Institutional] Classification [Officer] **Manager, or designee;**

[4. The Shift Commander;

5. The Education Director;]

**4. A Facility Educational Supervisor;**

**[6.] 5. [The] A Facility Social [Services Director] Service Supervisor;**

or

**[7.] 6. A psychiatrist, psychologist, or psychiatric advanced practice nurse.**

(b) A juvenile shall be assigned to [the BAU] **BAS** when, after considering the information and criteria identified [in] **at** (e) below, the Superintendent, or designee, concludes that the juvenile poses a threat to either:

1. The safety of the juvenile, staff, or other juveniles;

2.-3. (No change.)

(c) As a transitional placement, a juvenile may be placed [in the BAU] **on BAS** upon discharge from room restriction for control when such placement is in accordance with the standards and criteria set forth in this section.

(d) Each assignment of a juvenile to [the BAU] **BAS** shall be documented, **in writing, on Form BAS-01** and [supported by a Form BAU-01 (Referral to Behavior Accountability Unit)] signed by the Superintendent, or designee.

(e) The following information and criteria [shall] **may** be utilized by the Superintendent, or designee, when determining the appropriateness of an assignment of a juvenile to [the BAU] **BAS**:

1. (No change.)

2. Information provided by psychologists, social workers, psychiatrists, and other professional staff;

3. (No change.)

[4. Inability to maintain a satisfactory work record as indicated in reports by work supervisors and/or frequency of job changes;]

**[5.] 4. Information indicating unsatisfactory adjustment to, or performance in, treatment, educational, vocational, or rehabilitative programs; and**

**[6. Evidence of the juvenile's inability or unwillingness to house with other juveniles; and]**

**[7.] 5. Whether the juvenile may benefit from transitional placement [in the BAU] on BAS upon discharge from room restriction for control.**

### 13:95-7.3 Behavioral Adjustment Status Review Committee (BASRC)

(a) The BASRC shall be formed by the Deputy Executive Director of Operations, or designee. The committee shall be comprised of at least three additional members selected by the Deputy Executive Director of Operations to represent a multidisciplinary perspective. These members shall possess direct experience in facility safety, programming, and treatment.

(b) The juvenile shall be permitted to appear at all reviews of the juvenile's case, unless doing so would be unduly hazardous to the safety and security of the facility, or the juvenile refuses to appear.

(c) A juvenile shall be released from BAS when the BASRC determines the juvenile has made positive progress in their rehabilitative programming and no longer requires an increased level of supervision.

### 13:95-7.4 Responsibilities of the [Behavior Accountability Unit] Behavioral Adjustment Status Review Committee [(BAURC)] (BASRC)

(a) The [BAURC] BASRC has the authority and the responsibility to determine whether a juvenile is to be kept [in] on or released from [the Behavior Accountability Unit (BAU)] Behavioral Adjustment Status (BAS).

(b) The [BAURC] BASRC shall meet at least once a week [or more frequently when necessary], to deliberate on matters related to its responsibilities. The [BAURC] BASRC shall be responsible for:

1. Reviewing the cases of juveniles referred for assignment to [the BAU] BAS;

2. Reviewing the progress of each juvenile at least every two weeks to determine whether continued participation in [the BAU program] BAS is appropriate; [and]

3. Reviewing appeals from initial assignment to [the BAU] BAS, when requested by a juvenile [under] pursuant to the provisions [of] at N.J.A.C. 13:95-7.5[.];

4. Ensuring review results are recorded in the juvenile's progress notes on the day the review occurs; and

5. Notifying the Superintendent, in writing, of review results on the day the review occurs.

### 13:95-7.5 Appeal of initial assignment

(a) A juvenile may appeal his or her initial assignment to [the Behavior Accountability Unit (BAU)] Behavioral Adjustment Status (BAS) by submitting a written request to any staff member [a request] for a meeting of the [Behavior Accountability Unit Review Committee (BAURC)] Behavioral Adjustment Status Review Committee (BASRC) on [a] Form [BAU-03 (Behavior Accountability Unit Appeal)] BAS-03.

1. Juveniles unable to complete [the] Form [BAU-03] BAS-03 may request that the Superintendent, or designee, appoint another juvenile or staff member to provide assistance. When another person assists in completing the [BAU-03] form, that person's name shall appear on the form.

(b) The [BAURC] BASRC shall meet to consider the appeal within 72 hours of receipt [by a staff member of the BAU-03], exclusive of weekends and State holidays.

(c) When considering an appeal, the [BAURC] BASRC shall follow the procedures and requirements set forth [in] at N.J.A.C. 13:95-7.6 and 7.7 and, in addition, shall review any supplemental information provided on the [BAU-03] BAS-03.

### 13:95-7.6 Procedures for [Behavior Accountability Unit] Behavioral Adjustment Status Review Committee [(BAURC)] (BASRC) case reviews

(a) When a juvenile appears before the [BAURC] BASRC, the Chairperson shall explain to the juvenile the reason(s) for his or her appearance, the nature of the case review, and the particular areas of [BAURC] BASRC concern.

(b) During the case review with the juvenile, the [BAURC] BASRC shall give guidance to the juvenile with respect to the rules and policies of the secure facility.

(c) Prior to rendering a decision to maintain a juvenile [in the Behavior Accountability Unit (BAU)] on Behavioral Adjustment Status (BAS), the [BAURC] BASRC shall consider alternatives to [BAU placement] BAS as a means of addressing the secure facility's concerns related to the juvenile. These alternatives shall include, but not be limited to, [transfer to another secure facility] an increase in rehabilitative programming, reduction in privileges, or transfer to another housing unit in general population.

(d) When the [BAURC] BASRC notes a particular treatment or rehabilitative need that can be met by existing services, and the juvenile indicates a willingness to participate in such services, the [BAURC] BASRC shall make the appropriate referral.

(e) Records shall be maintained by the [BAURC] BASRC supporting and documenting each assignment of a juvenile to or removal from [the BAU] BAS.

1. (No change.)

### 13:95-7.7 Review of juveniles placed in [the Behavior Accountability Unit (BAU)] Behavioral Adjustment Status (BAS)

(a) When the [Behavior Accountability Unit Review Committee (BAURC)] Behavioral Adjustment Status Review Committee (BASRC) determines that continued assignment to [the BAU] BAS is appropriate for a particular juvenile, a preliminary determination shall also be made as to when the continued need for [the BAU program] BAS will be reviewed. In any case, a formal review of each juvenile [in the BAU] on BAS shall be made a minimum of every [two weeks] five days.

(b) A written record of all juveniles on BAS shall be maintained by the [BAURC] BASRC on [a] BAU-02 (Behavior Accountability Unit Case Review Form) of all reviews of juveniles in the BAU Form BAS-02. The [BAU-02] BAS-02 shall be kept in the [treatment folder in addition to being made a permanent part of the] juvenile's [main] classification folder. The chairperson shall sign the [BAU-02] BAS-02.

(c)-(d) (No change.)

(e) Any member of the [BAURC] BASRC may request a review for a juvenile [in the BAU] on BAS earlier than was previously determined, when the member believes a meeting is appropriate to consider improvements in behavior or other support on behalf of the juvenile.

(f) At each review, the [BAURC] BASRC shall [again] review the [information upon which the decision was based to assign the juvenile to the BAU] supervision and increased programming assigned to the juvenile. [Such information shall include:

1. Disciplinary reports;

2. Programs participation, such as, but not limited to, education, counseling, recreation activities, etc.; and

3. Records of the juvenile's behavior and attitude while in the BAU, such as, custody and professional staff reports, which must periodically be filed describing pertinent observations, both positive and negative, of the juvenile's behavior and attitude while in the BAU.]

(g) A juvenile shall be released from [the BAU] BAS when, in the opinion of the [BAURC] BASRC, the juvenile [no longer poses a threat either:] has made positive progress in their rehabilitative programming and no longer requires an increased level of supervision.

[1. To the safety of the juvenile, staff or other juveniles;

2. To property; or

3. To the safe and orderly operation of the secure facility.]

### 13:95-7.8 [Transfers; record] Record maintenance

All [transfers into or out of a Behavior Accountability Unit] Behavioral Accountability Status (BAS) placement and release records shall be entered [on] in the juvenile's classification [progress] record.

### 13:95-7.9 Secure facility procedures

(a) (No change.)

(b) All written post orders and procedures developed in accordance with this subchapter shall be submitted to the Deputy Executive Director [-] of Operations, or designee, for approval before implementation.

## SUBCHAPTER 8. INSTITUTIONAL CLASSIFICATION

## 13:95-8.1 Institutional classification committees

(a) Pursuant to the direction of the Executive Director, or designee, each secure facility shall establish an Institutional Classification Committee (ICC), which shall be chaired by the Deputy Executive Director of Operations, or designee, and shall be comprised of at least three additional members, selected by the Deputy Executive Director of Operations, to represent a multidisciplinary perspective. These members shall possess direct experience in facility safety, programming, and treatment.

(b) An ICC shall be responsible for:

1. Meeting with each juvenile quarterly, and recommending and assigning juveniles to housing, work, education, vocational training, treatment, or any other programs appropriate to their needs;
2. Making housing assignments for juveniles;
3. Monitoring the progress of all juveniles by performing periodic reviews to ensure that rehabilitative efforts are being maximized;
4. Reviewing referrals from the disciplinary hearing officers regarding restitution; and
5. Reviewing a juvenile's request for transfer to another facility or program in accordance with the provisions at N.J.A.C. 13:95-8.5(b) and 13:100-2.7.

(c) The ICC shall meet weekly, and more often, as required.

## 13:95-8.2 Juvenile classification files

Juvenile classification files shall be maintained [at each secure facility with respect to the juveniles housed therein, or at such other location as may be determined by the Executive Director. An electronic back up file shall be kept at the Commission's] by the Office of Classification, Intake, and Release, and in the electronic system of record.

## 13:95-8.3 [Classification] Institutional classification decisions

(a) [Classification decisions by an ICC] **Decisions on transfers and assignments to housing, work, education, vocational training, treatment, or any programs** shall be made [only] after consideration of all factors relevant to the particular juvenile. Such factors shall include, but shall not be limited to, the juvenile's:

- 1.-7. (No change.)
- [8. Family history;]
- [9.] **8.** (No change in text.)
- [10. Detainers on file or pending;]
- [11.] **9.** (No change in text.)
- [12. Escape history;]
- [13.] **10.** Current psychological and psychiatric reports; **and**
- [14.] **11.** Medical history and recommendations; **and**].
- [15. Information provided by the State Parole Board.]

13:95-8.4 [Classification] **Initial appearance** upon assignment to a secure facility

[The classification officer at the secure facility to which a juvenile is assigned] **Juveniles shall appear before an ICC within 15 days after assignment to the secure facility. The Classification Manager, or designee,** shall obtain the juvenile's existent classification evaluations and reports. These evaluations and reports shall be available at the juvenile's initial appearance [before an ICC, which shall occur within 15 days after admission to the secure facility].

13:95-8.5 Special reviews; juvenile requests for **reassignment or** transfer to another Commission [program or] facility

(a) [A] **Under the jurisdiction of the ICC,** a juvenile has the right to make a request for [a change in any assignment or status under the jurisdiction of an ICC. All such requests shall be submitted on a Special Classification Request Form, Form J081, and directed to a social worker. Upon receipt of the Form J081, the social worker shall forward it to other personnel, as appropriate.] **reassignment in the areas of:**

- 1. Housing;**
- 2. Work;**
- 3. Education;**
- 4. Vocational training; and**
- 5. Counseling or treatment.**

(b) All such requests shall be submitted, in writing, and directed to a social worker. The social worker shall forward the request to the Superintendent, or designee.

(c) It shall be the responsibility of the Superintendent, or designee, to determine if the requested review is appropriate. If the review is appropriate, the Superintendent, or designee, will forward all necessary information to the Classification Manager, or designee.

[(b)] (d) Requests for transfers to another Commission [program or] facility shall be processed in accordance with N.J.A.C. 13:100-2.7.

## 13:95-8.6 Early review

(a) A juvenile's case may be scheduled for review by an ICC, prior to a regular review date, [when referred for such review by secure facility staff.] **upon referral by a staff member or a secure facility committee for the purpose of making a change in:**

- 1. Housing;**
- 2. Work;**
- 3. Education;**
- 4. Vocational training; and**
- 5. Counseling or treatment.**

13:95-8.7 [Work] **Review of assignments**

(a) (No change.)

(b) An ICC shall be responsible for confirming the assignment or approval of juveniles to participate in vocational, social, or educational programs. Determining factors in assigning a juvenile to these programs shall include:

- 1. Recommendations of the Office of Education;**
- 2. Relevant test results;**
- 3. The interests and aptitude of the juvenile;**
- 4. The length of the juvenile's sentence; and**
- 5. The plan for community employment.**

(c) An ICC shall be responsible for confirming the assignment or approval of juveniles to counseling services based upon a review of all relevant factors. This review shall include, but not be limited to, review of the juvenile's psychological examination, predisposition report, identified risk factors and needs, and observation of the juvenile by staff.

## 13:95-8.8 and 8.9 (Reserved)

## 13:95-8.10 Written procedures

The Superintendent, or [his or her] designee, shall be responsible for developing written procedures consistent with this subchapter, which procedures shall be reviewed and updated annually.

## SUBCHAPTER 9. TRANSPORTATION OF JUVENILES

## 13:95-9.1 Use of State-owned and privately owned vehicles

(a) (No change.)

(b) If it is necessary for a juvenile to ride in an employee's private vehicle, the employee must secure approval from the Superintendent, or designee, of the facility responsible for the juvenile prior to such transportation.

1. (No change.)
2. When operating a private vehicle, the employee shall be in possession of a valid [drivers] **driver's** license and proof that the vehicle is properly registered and insured.
3. (No change.)

(c) Employees escorting juveniles shall carry in their possession a valid [drivers] **driver's** license.

## 13:95-9.2 Transporting juveniles by aircraft

(a) When necessary to transport a juvenile by aircraft, the **Deputy Executive Director of Operations, or designee,** shall either:

- 1.-2. (No change.)

13:95-9.3 Transport of [medium, maximum or close] **secure** custody juveniles

(a) State-owned vehicles used to transport [medium, maximum or close] **secure** custody juveniles shall be equipped with protective screening devices to separate juveniles from the driver. Opening devices on the inner rear doors and windows of passenger sedans shall be made

inoperable. The rear door locking mechanism shall be modified so that it is redirected, making it accessible to the custody staff member only when the front door is open.

1. (No change.)

(b) The standard passenger sedan or van shall be used only in lieu of more secure but unavailable vehicles. Use of such vehicles to transport [medium, maximum or close] **secure** custody juveniles shall be in accordance with written secure facility internal management procedures.

(c) Vans or buses shall be used to transport groups of juveniles. Those vehicles used to transport groups of [medium, maximum or close] **secure** custody juveniles shall comply with the following:

1.-4. (No change.)

5. The vehicle must be equipped with one portable fire extinguisher (ABC Class) that conforms to all applicable Federal, State, and local fire codes.

(d) Vehicles used to transport [medium, maximum or close] **secure** custody juveniles shall be thoroughly searched for contraband by the escorting custody staff members before being used.

(e) (No change.)

(f) Upon arrival at a courthouse, leg restraints shall not be removed until the juvenile has been placed in a secure area of the facility. **The use of mechanical restraints for juveniles appearing in court for a juvenile delinquency matter shall be governed by New Jersey Court Rule 5:19-4. [Restraint] For juveniles appearing before the court on an adult criminal matter, restraint** belts and handcuffs shall not be removed unless otherwise ordered by the court. Immediately at the conclusion of the hearing, [handcuffs and] restraints [belts] that were removed [by order of the court] shall be replaced on the juvenile.

(g) Custody staff members escorting [medium, maximum or close] **secure** custody juveniles shall always be armed with [State issued] **State-issued** weapons, ammunition, and Commission-approved chemical or natural agent spray. Any use of deadly force shall be governed by the use of force rules found [in] **at N.J.A.C. 13:95-3.**

(h) When escorting [medium, maximum or close] **secure** custody juveniles, the ratio of escorting custody staff members to juveniles shall be two custody staff members to transport from one to five juveniles unless security issues, [such as] **including**, but not limited to, a juvenile's propensity to acts of violence or escape, require a larger number of escorting custody staff members.

(i) When transporting groups of more than five [medium, maximum or close] **secure** custody juveniles, the appropriate shift supervisor, sending secure facility Superintendent, or designee, shall determine the number of escorting custody staff members based upon a careful review of staffing and security needs.

(j)-(k) (No change.)

(l) Only properly trained escorting custody staff members may transport [medium, maximum or close] **secure** custody juveniles. Such escort custody staff members shall have been fully trained in the following areas:

1. Use of weapons, restraint equipment, and chemical or natural agent spray;

2. Effective search for contraband of juveniles, their personal property, and transportation vehicles;

3. The use of [Commission supplied] **Commission-supplied** bloodborne pathogen protection kits; and

4. (No change.)

(m)-(n) (No change.)

#### 13:95-9.4 Transport of [reduced custody] juveniles **assigned to a community program**

(a) The Superintendent, or designee, shall make a determination with respect to the specific staffing and security arrangements required when transporting a [reduced custody] juvenile **assigned to a community program**. In these cases, a careful review shall be made of the individual case to determine the most appropriate staffing and security arrangements for each trip.

(b) (No change.)

#### 13:95-9.5 Transportation documents

(a) Prior to accepting escort responsibility for any juvenile, escorting custody staff members shall be informed of the following: juvenile's name

and number, destination, custody designation, **and any** unusual medical, emotional, or mental conditions for which there is a need to know. Escorting custody staff members shall also be provided appropriate medical information setting forth any prescribed medication or instructions for special handling when transporting juveniles with medical or psychiatric conditions.

1. (No change.)

(b) (No change.)

(c) Custody staff members escorting a juvenile on court trips shall ensure that [the order to produce and trip authorization form are] **all necessary documentation is** completed by [the] **a** member of the court and returned to the [parent] **sending** secure facility.

(d) (No change.)

#### 13:95-9.6 Recall to court

(a) A juvenile shall only be produced in court by a writ of habeas corpus, writ of habeas corpus ad testificandum, [post conviction] **post-conviction** relief order, or other order to produce which is to be received by the Commission's [Centralized Intake Unit] **Office of Classification, Intake, and Release**, 48 business hours prior to the scheduled court appearance.

[1. It shall be improper to produce a juvenile in court on a subpoena only.]

**1. The issuance of a subpoena alone is not sufficient to compel a juvenile's appearance in court.**

2. (No change.)

3. Questions concerning the validity of any writ shall be referred to the Office of the **Deputy Executive** Director of Operations.

4. Any requests for exception to this policy shall be referred to the Office of the **Deputy Executive** Director of Operations.

(b) (No change.)

#### 13:95-9.7 Juvenile supervision

(a) (No change.)

(b) No communication between juveniles and **the** public shall be permitted at any time during escort.

(c)-(e) (No change.)

#### 13:95-9.8 Emergencies

Escorting custody staff members shall immediately notify the Superintendent, or designee, if an emergency arises during the transportation of a juvenile. If time or other considerations make[s] it impossible to contact the Superintendent, the local law enforcement authorities may be notified by the escorting custody staff members without prior clearance by the Superintendent.

#### 13:95-9.10 Clothing

(a) (No change.)

(b) Juveniles shall wear civilian clothing on court trips, **except when, even after all reasonable efforts have been made by the Commission to assist the juvenile, the juvenile cannot obtain civilian clothing to wear.**

#### 13:95-9.11 Medical transportation

(a) In emergency situations when a non-ambulatory [medium, maximum or close] **secure** custody juvenile is in need of hospitalization or treatment outside of the secure facility, he or she shall be transported by ambulance, or by a State-owned vehicle if an ambulance is unavailable. A State-owned vehicle shall be used to transport an ambulatory juvenile who is in need of hospitalization or treatment outside of the facility.

(b)-(c) (No change.)

(d) When a [reduced custody] juvenile **assigned to a community program** requires medical transport, the Superintendent, or designee, shall make a determination with respect to specific staffing and security arrangements required. In these cases, a careful review shall be made of the individual case to determine the appropriate vehicle, staffing, and security arrangements for each trip.

#### 13:95-9.12 Transportation costs in a civil action

(a)-(b) (No change.)

(c) The secure facility Business Office shall prepare a detailed written statement of expenses using the following criteria to determine the cost of transportation due:

- 1.-3. (No change.)
4. The cost of meals;
  - i. (No change.)
  - ii. The fee charged for each meal (breakfast, lunch, and/or dinner), which shall be based on the rate in the current State of New Jersey Travel Regulations, Department of **the** Treasury; and
  - iii. (No change.)
5. (No change.)
- (d) (No change.)

#### SUBCHAPTER 10. SECURITY PROCEDURES FOR ADMINISTRATIVE TRANSFERS OF JUVENILES FROM [SECURE FACILITY SATELLITE UNITS AND] COMMUNITY PROGRAMS

##### 13:95-10.1 Use of mechanical restraints **when returning juveniles from community programs to secure care**

(a) [Secure facility satellite units and community] **Community** programs shall notify the Office of Investigations and the appropriate secure facility when a decision has been made to remove a juvenile from a **community** program. Either the Office of Investigations or the secure facility shall assign escorting custody staff personnel to make the transfer. The escorting custody staff personnel shall routinely carry restraint equipment in order that the transfer will be made in a safe and secure manner.

(b) (No change.)

(c) When a juvenile is to be returned to a secure facility for any reason that creates an increased likelihood of an escape attempt, staff members [of the secure facility satellite unit or community program] shall put into effect [the] security measures necessary to prevent an escape.

[(d) Juveniles assigned to secure facility satellite units and community facilities may be transported to medical or dental appointments, approved interviews, Parole Board hearings and other similar destinations without the use of mechanical restraints, such as handcuffs and security belts.]

#### SUBCHAPTER 11. PROTECTIVE AND TEMPORARY CLOSE CUSTODY; ROOM RESTRICTION FOR CONTROL

##### 13:95-11.2 Admission to protective custody

(a) A juvenile may be placed in protective custody by any of the following means:

- 1.-3. (No change.)
4. On the order of the Superintendent[;], [Director of Operations;] Deputy Executive Director[;] **of Operations**, or Executive Director; or
5. (No change.)

(b) If a juvenile voluntarily requests placement in protective custody, he or she shall fill out and sign Form J146-1 Voluntary-Protective Custody Consent in which the reasons for requesting protective custody are stated.

1. [If the juvenile's reasons cannot be verified or are deemed to be frivolous by the] **The** Superintendent, or designee, **may deny** placement in protective custody [may be denied] or **order** the juvenile released from [Protective Custody] **protective custody if the juvenile's reasons for the request cannot be confirmed or are deemed insufficient.**

(c) In all cases of involuntary placement in protective custody, the Superintendent, or designee, shall gather facts, information, and available documentation to support or reject the placement and shall order such additional investigation as is deemed necessary for a clear understanding of the case.

##### 13:95-11.3 Hearing procedure for involuntary placement to protective custody

- (a) (No change.)
- (b) A juvenile in emergency protective custody shall be given written notice on Form J146-II within 24 hours of his or her placement in emergency protective custody, including weekends and holidays, unless

there are exceptional circumstances, unavoidable delays, or reasonable postponements.

(c)-(f) (No change.)

(g) [Illiterate juveniles or juveniles otherwise] **Juveniles** unable to adequately collect and present the facts shall receive the assistance of a juvenile paralegal assigned by the [Disciplinary Hearing Officer] **disciplinary hearing officer** or Superintendent. An interpreter shall be utilized, if needed.

(h) The [Disciplinary Hearing Officer] **disciplinary hearing officer** shall have the discretion to keep the hearing within reasonable limits and to refuse to permit the collection and presentation of evidence which is not necessary for an adequate understanding of the case. The [Disciplinary Hearing Officer] **disciplinary hearing officer** may order further investigation and reports where deemed necessary and shall exercise control over all presentations to prevent lack of relevancy, harassment, abuse, or repetitiveness and to ensure that the hearing does not develop into an adversarial proceeding.

(i) Juveniles placed in emergency protective custody or under consideration for placement in protective custody shall receive a hearing within three business days after receipt of the notice served on the juvenile in accordance with (c) above unless there are exceptional circumstances, unavoidable delays, or reasonable postponements.

(j)-(l) (No change.)

##### 13:95-11.4 Appeal procedures for protective custody placement

(a)-(b) (No change.)

(c) All appeals shall be reviewed by the Superintendent, **or designee**, and the following factors shall be considered:

1.-3. (No change.)

(d) Within 10 business days of receipt of the appeal, the Superintendent, **or designee**, shall either:

1.-3. (No change.)

(e) (No change.)

(f) [Illiterate juveniles or juveniles otherwise] **Juveniles** unable to adequately present their appeal shall receive the assistance of a counsel substitute assigned by the [Disciplinary Hearing Officer] **disciplinary hearing officer** or Superintendent. An interpreter shall be [utilized] **provided**, if needed, at the discretion of the [Disciplinary Hearing Officer] **disciplinary hearing officer**.

##### 13:95-11.5 Review of juveniles in protective custody

(a) Each juvenile in protective custody, whether voluntary or involuntary, shall be reviewed at least monthly by the **Institutional Classification Committee**.

(b) (No change.)

##### 13:95-11.6 Release of juveniles in [Protective Custody Units] **protective custody status**

(a) A juvenile who has voluntarily signed himself or herself into protective custody may sign himself or herself out upon completion of a Form J146-IV, provided the **Institutional Classification Committee** and the Superintendent, or designee, are satisfied that there is no known danger to the juvenile's well-being.

(b) A juvenile who has been placed in protective custody **status** involuntarily may be released by the Superintendent, or designee, upon recommendation by the **Institutional Classification Committee** when they are satisfied that the conditions giving rise to the juvenile's placement in protective custody have abated or do not exist.

##### 13:95-11.7 Transfers; record maintenance

All transfers into or out of a [Protective Custody Unit] **protective custody status** shall be entered on the juvenile's classification progress record.

##### 13:95-11.8 Secure facility procedures

(a) Every secure facility shall be responsible for developing written [unit internal management] procedures and/or post orders consistent with this subchapter.

(b) (No change.)

##### 13:95-11.9 Placement in temporary close custody

(a) (No change.)

(b) Criteria for placement of a juvenile in temporary close custody status are:

1.-2. (No change.)

3. The juvenile exhibits assaultive, self-mutilating, and/or threatening behavior related to a medical or psychiatric condition, in the written opinion of a psychiatrist, psychologist, or medical doctor; and/or

4. (No change.)

(c) (No change.)

(d) On or before the expiration of the 72-hour period, unless there are emergent reasons for extension, the juvenile shall be released from temporary close custody to:

1. (No change.)

2. [The] Behavioral [Accountability Unit] **Adjustment Status** in connection with a disciplinary action pursuant to N.J.A.C. 13:101;

3.-4. (No change.)

(e) (No change.)

(f) In consideration of the reason for a juvenile's placement in temporary close custody, the [Director of Custody Operations] **Correctional Police Major**, or designee, shall determine the personal property and other services, such as, but not limited to, visits and telephone calls, which the juvenile may be afforded while in temporary close custody.

(g) The Superintendent shall forward a monthly written report of all placements and releases from temporary close custody to the **Deputy Executive Director of Operations**.

#### 13:95-11.10 Room restriction for control

(a) (No change.)

(b) A juvenile shall remain in room restriction for control only for the time necessary to eliminate the underlying threat.

1.-3. (No change.)

4. Once the underlying threat has been eliminated, and in any event at the expiration of the period set forth [in] **at** (b)2 above, the juvenile shall be released from room restriction for control to:

i. (No change.)

ii. The [BAU] **BAS**;

iii.-iv. (No change.)

### SUBCHAPTER 12. JUVENILE ORIENTATION AND HANDBOOK

#### 13:95-12.1 Responsibility for orientation

The [Superintendent of the secure facility] **Deputy Executive Director of Operations** shall designate a staff person to be responsible for orientation of juveniles.

#### 13:95-12.3 Content of orientation; resident handbook

(a) The Superintendent, or designee, shall prepare and issue to all juveniles as part of their standard issue a resident handbook, the contents of which shall be used as a guide for orientation sessions.

1. Prior to distribution to juveniles, a resident handbook shall be reviewed and approved by the **Deputy Executive Director of Operations**, or designee.

2. The resident handbook shall be reviewed and updated as required, but in any event not less frequently than annually; all updates are subject to review and approval by the **Deputy Executive Director of Operations**, or designee.

(b) The resident handbook and orientation sessions shall include[,] material clearly describing all material rights, privileges, services, programs, and obligations of juveniles [under] **pursuant to** the provisions of this chapter, [under] N.J.A.C. 13:101, Juvenile Discipline, [under] the Prison Rape Elimination Act of 2003, [42] **34** U.S.C. §§ [15601] **30301** et seq., [under] Commission internal management procedures and related policies, and [under] any other material deemed relevant by the **Deputy Executive Director of Operations**, or designee.

1. Subject to review by the Executive Director, or designee, the **Deputy Executive Director of Operations** shall maintain and shall update not less frequently than annually, a list of all subject matters to be covered in juvenile orientation.

#### 13:95-12.4 Staff participation

Staff members from various units within the secure facility may participate in orientation sessions to describe the programs, services, and/or activities of their units.

#### 13:95-12.5 Responsibility for [secure facility and unit-specific juvenile] resident handbooks

[(a)] The [Superintendent] **Deputy Executive Director of Operations** shall designate a staff person to be responsible for developing, reviewing, revising, printing, and issuing the [secure facility] resident handbook.

[(b)] When deemed necessary, the Director of Operations shall designate staff to be responsible for developing, reviewing, revising, printing and issuing unit-specific resident handbooks.]

#### 13:95-12.6 Resident handbook distribution

(a)-(b) (No change.)

**(c) In accordance with law, individuals with limited English proficiency shall also be provided with verbal or written explanations in their language.**

#### 13:95-12.7 (Reserved)

### SUBCHAPTER 13. RESIDENT CARE STANDARDS

#### 13:95-13.3 Visual observation of [certain] juveniles

(a) A juvenile [in either room restriction for control, the Behavior Accountability Unit (BAU), protective custody, or temporary close custody] shall be observed directly by custody staff on a regular basis, and in no event less [frequently] than [hourly] **once per half hour**.

1. (No change.)

#### 13:95-13.7 Visits by social services and supervisory staff

(a) A member of the secure facility social services staff shall make daily visits to juveniles in room restriction for control, and five visits per week to juveniles in protective custody, temporary close custody, or [the BAU] **on BAS**.

1.-2. (No change.)

(b) The **custody** supervisor in charge of a housing unit holding juveniles in room restriction for control, [the BAU,] protective custody, [or] temporary close custody, **or on BAS** shall make daily visits to the [unit] **resident**, and shall be available to interview individual juveniles as soon as administratively possible after an interview is requested.

(c) A juvenile in room restriction for control, [the BAU,] protective custody, [or] temporary close custody, **or on BAS** shall be visited daily by both a member of the secure facility's social services staff and the custody staff supervisor in charge of the juvenile's housing unit.

#### 13:95-13.8 Chaplain service[s]

(a) (No change.)

(b) The secure facility chaplain, or an outside religious leader approved by the chaplain and Superintendent, **or designee**, shall visit a juvenile to provide religious counseling or other pastoral services as soon as administratively possible after requested by the juvenile.

#### 13:95-13.9 Personal items; searches

(a)-(b) (No change.)

(c) Each juvenile shall be provided with the following items, subject to such reasonable guidelines as may be issued by the Superintendent, or designee:

1.-6. (No change.)

[7. Stamps;]

**7. Postage;**

8.-10. (No change.)

(d)-(e) (No change.)

#### 13:95-13.11 Correspondence, visits, and telephone calls

(a) (No change.)

(b) Juveniles in room restriction for control, [the Behavior Accountability Unit (BAU),] protective custody, [and] temporary close custody, **and on BAS** shall have the same correspondence opportunities that are available to juveniles in the general population.

(c) Juveniles in protective custody and [in the BAU] **on BAS** shall have the opportunity to:

1.-2. (No change.)

(d) Juveniles in room restriction for control and temporary close custody shall not be provided with visit or telephone opportunities, except for legal telephone calls.

1. (No change.)

2. Every effort shall be made **by social services staff** to notify expected social visitors of the restriction on ordinary visiting procedures prior to the next regularly scheduled visiting period. [If sufficient time exists for such notification to be made by mail, the burden of notification shall be on the juvenile.]

13:95-13.12 Recreation for juveniles in room restriction for control, [the Behavior Accountability Unit (BAU),] protective custody, [and] temporary close custody, **and on Behavioral Adjustment Status (BAS)**

(a) Where physical facilities permit, a juvenile in room restriction for control, [the BAU,] protective custody, [and] temporary close custody, **and on BAS** shall be allowed recreation and exercise outside the room for at least two hours for every eight waking hours, unless to do so would pose an immediate and significant threat to either the personal safety of the juvenile, other juveniles, staff, or others, or to the safe and orderly operation of the facility.

(b) Weather permitting, each juvenile in room restriction for control, [the BAU,] protective custody, [and] temporary close custody, **and on BAS** shall be given the opportunity for out-of-doors recreation for a minimum of two-hours per week, unless to do so would pose an immediate and significant threat to either the personal safety of the juvenile, other juveniles, staff, or others, or to the safe and orderly operation of the facility.

13:95-13.13 Education

(a) (No change.)

(b) A member of the educational staff shall be assigned to develop individualized educational programs for approved juveniles who are assigned to room restriction for control, [the Behavior Accountability Unit (BAU),] protective custody, [and] temporary close custody, **and on BAS**.

1. The educational opportunities available to juveniles in room restriction for control, [the BAU,] protective custody, [and] temporary close custody, **and on BAS** shall be comparable to those available to juveniles in general population **not on BAS** to the extent possible in accordance with security considerations.

13:95-13.18 Transfers; record maintenance

All transfers into or out of the general population, room restriction for control, [the Behavior Accountability Unit (BAU)], protective custody, [and] temporary close custody, **and on BAS** shall be entered on the juvenile's classification progress record.

13:95-13.19 Disciplinary actions applicable

Juveniles in all secure facility housing units, including general population, room restriction for control, [the Behavior Accountability Unit (BAU),] protective custody, [and] temporary close custody, **and on BAS** are subject to the rules set forth [in] **at** N.J.A.C. 13:101, Juvenile Discipline.

SUBCHAPTER 14. JUVENILE HYGIENE AND GROOMING;  
PROHIBITION AGAINST TOBACCO  
PRODUCTS; JUVENILE IDENTIFICATION  
PHOTOGRAPHS; HOUSEKEEPING AND  
SANITATION; CLOTHING, BEDDING, AND  
LAUNDRY

13:95-14.1 Purpose

(a) The purpose of this subchapter is to establish policies and procedures for:

1. (No change.)

2. The purchase and distribution of sanitary, hygienic, and grooming supplies to non-indigent and indigent juveniles;

3.-5. (No change.)

6. The establishment of guidelines governing clothing, bedding, and laundry;

7.-8. (No change.)

13:95-14.2 Written secure facility internal management procedures

(a) Each secure facility shall develop written internal management procedures governing juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding, and laundry. These written procedures shall be incorporated into the secure facility resident handbook (see N.J.A.C. 13:95-12).

(b) New or revised written internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding, and laundry shall be posted in each area housing juveniles and incorporated into the next publication of the secure facility resident handbook.

13:95-14.3 Juvenile orientation

Secure facility internal management procedures regarding juvenile hygiene and grooming, juvenile identification photographs, housekeeping and sanitation, clothing, bedding, and laundry shall be fully explained to all juveniles as a formal part of the secure facility orientation program in accordance with N.J.A.C. 13:95-12.

13:95-14.6 Grooming, showering, and shaving

(a)-(c) (No change.)

13:95-14.8 Time for grooming

(a) (No change.)

(b) Sufficient time for grooming shall be provided to general population juveniles at times deemed necessary by the Superintendent, or designee, such as, but not limited to, before or after [an] a juvenile's job detail (for example, food, medical, sanitation, or mechanical service details).

(c) (No change.)

13:95-14.9 Hair

(a) Juveniles shall be permitted to have a hair-style of personal choice, including facial hair, such as beards and mustaches, provided their hair is kept clean and does not present a safety hazard, health, sanitation, or security problem.

(b) When the length, style, or condition of a juvenile's hair is found to present a safety hazard, health, sanitation, or security problem, the juvenile shall be required to trim or cut his or her hair.

(c) Barbering, shaving, and hair care services, for both male and female juveniles, shall be provided, as needed. Hair shall be cut **or styled** under sanitary conditions and in an area that can easily be observed by staff. Hair care equipment shall be stored securely when not in use. A current inventory of hair cutting **or styling** equipment shall be maintained.

(d) (No change.)

13:95-14.11 Juvenile identification (ID) photographs

(a) Replacement identification (ID) photographs shall be taken when:

1. A juvenile intentionally changes his or her appearance, such as, but not limited to, a change in hair style, the growth or removal of facial hair, **and** weight gain or weight loss;

2. A juvenile's appearance changes due to circumstances beyond the control of the juvenile such as, but not limited to, hair, **and** weight gain or weight loss due to illness; or

3. A juvenile voluntarily changes his or her appearance in order to comply with a program safety, health, or sanitation recommendation.

[(b) Juveniles shall reimburse the secure facility for the cost of the ID photograph except when:

1. The juvenile is indigent as this term is defined in N.J.A.C. 13:95-1.3;

2. The juvenile's appearance changes due to circumstances beyond his or her control; or

3. The juvenile voluntarily changes his or her appearance in order to comply with a program safety, health, or sanitation recommendation.]

13:95-14.12 Housekeeping

(a) Housekeeping schedules of daily, weekly, and periodic cleaning duties shall be developed and maintained by each secure facility. These schedules shall set forth the type and frequency of cleaning assignments necessary to maintain all areas of the facility and grounds in a clean, orderly, and safe condition.

(b) Juveniles assigned to use housekeeping equipment shall be trained in the use of the equipment; cleaning activities shall be supervised to help ensure the work performed is appropriate, the equipment is in good working order, and supplies are used in accordance with manufacturer instructions.

(c) (No change.)

#### 13:95-14.13 Waste disposal

(a) Liquid, solid, and recyclable wastes shall be appropriately separated, stored, collected, and disposed of in a manner that will protect the health and safety of all persons within a secure facility and avoid the creation of a nuisance or hazard.

(b) Garbage shall be stored in durable rust-resistant, watertight, rodent-proof, and cleanable containers with tight-fitting lids.

(c) (No change.)

#### 13:95-14.16 Inspections by the State Department of Health [and Senior Services]

(a)-(c) (No change.)

(d) Form J360-I Remedial Action Plan Report shall be completed in the following manner:

1.-2. (No change.)

3. Secure facilities shall schedule completion of all corrective action(s) no later than 21 calendar days subsequent to receipt of the inspection report, except where the needed materials, supplies, and/or services are documented to require additional acquisition or completion time. In these cases, the earliest possible completion dates shall be scheduled and entered on the form.

(e) (No change.)

(f) Facilities receiving a rating other than satisfactory shall be subject to a reinspection within a time frame deemed appropriate by the New Jersey Department of Health [and Senior Services].

#### 13:95-14.17 Policies of the Office of Administration

(a) The Office of Administration shall be responsible for formulating written policies to help ensure compliance with New Jersey health codes, acceptable water supply, waste disposal methods, and control of vermin and pests.

1.-2. (No change.)

#### 13:95-14.18 Basic clothing issue

(a) The designated reception or other secure facility shall make sure that all juveniles are provided with a basic clothing issue, as deemed appropriate based on gender **or gender identity** and weather conditions, subject to the approval of the **Deputy Executive** Director of Operations.

(b) Additions to, deletions of, and substitutions to the listed clothing issue shall be approved, in writing, by the **Deputy Executive** Director of Operations, or designee.

#### 13:95-14.19 DEPTCOR, State Use Industries

(a) The basic clothing issue, footwear, special issue/work detail clothing, bedding, and towels shall be ordered through DEPTCOR, State Use Industries (see N.J.S.A. 30:4-95).

(b) (No change.)

#### 13:95-14.20 Replenishing juvenile basic issue

(a) When items of a juvenile's basic issue are lost, stolen, or condemned, they shall be replaced without delay.

(b) (No change.)

#### 13:95-14.21 Juvenile accountability for State-issued clothing

(a) (No change.)

(b) Juveniles who mutilate, destroy, or alter basic issue items may be subject to disciplinary action and may be required to make restitution.

#### 13:95-14.22 Special issue/work detail clothing

(a) (No change.)

(b) Juveniles scheduled for court trips, death bed visits, or attendance at funerals in the community shall be provided with authorized civilian clothing when deemed necessary by the Superintendent.

(c)-(d) (No change.)

#### 13:95-14.25 Marking State-issued clothing

[State issued] **State-issued** clothing shall be marked and or coded in a legible and uniform manner when deemed necessary in accordance with the internal management procedures of the secure facility.

#### 13:95-14.26 Condemning clothing

A secure facility staff person shall be designated and given the authority to condemn and replace [State issued] **State-issued** clothing that cannot reasonably be repaired.

#### 13:95-14.27 Clothing storage

Except in unusual circumstances, each juvenile shall be provided with a bureau, locker, closet, or shelving that can be used for the storage of clothing.

#### 13:95-14.28 Bedding towels and washcloths

(a) The secure facility shall be responsible for issuing the following clean items to juveniles in general population in accordance with facility internal management procedures:

1. Bedding, to include a pillow, [pillow case] **pillowcase**, mattress, sheets, and sufficient blankets to provide comfort under existing temperature conditions; and

2. (No change.)

#### 13:95-14.29 Secure facility/unit laundry services

(a) Unless laundry facilities are provided in housing areas, the secure facility shall be responsible for having juvenile clothing **and towels** laundered at a central laundry a minimum of once a week.

(b) Linens [and towels] shall be exchanged on at least a weekly basis.

(c) (No change.)

#### 13:95-14.30 Secure facility central laundry policies and procedures

(a) The Superintendent, **or designee**, shall be responsible for formulating written guidelines for the operation of any central laundry within a secure facility that shall include, but not be limited to, procedures for:

1.-5. (No change.)

6. [A preventative] **Preventative** maintenance of equipment and laundry areas;

7.-9. (No change.)

(b) (No change.)

### SUBCHAPTER 15. JUVENILE ACCESS TO COURTS

#### 13:95-15.1 Juvenile access to courts

(a) Juveniles have a constitutional right of access to the courts and appropriate access to reasonable legal services, which shall include the following:

1.-4. (No change.)

5. [Use of word processing resources] **Access to computers** to the extent that they are available;

6.-8. (No change.)

#### 13:95-15.2 Allocation of legal services

(a) (No change.)

(b) Based on the availability of space, supervisory staff, and the security needs of the secure facility, the Superintendent, or designee, shall determine those juveniles who may have direct personal access to legal reference materials and related services.

(c) (No change.)

#### 13:95-15.3 Law library

(a) In consultation with the Director of Education, each secure facility Superintendent, or designee, shall be responsible for establishing and maintaining a law library and for developing internal management procedures for library use and supervision. The procedures shall specify:

1.-5. (No change.)

[6. The use of word processing resources; and]

**6. Access to computers; and**

7. (No change.)

(b) Consideration shall be given to the following factors regarding the use of the law library:

1.-2. (No change.)

[3. The availability of word processing resources;]

**3. Access to computers;**

4.-5. (No change.)

(c)-(g) (No change.)

13:95-15.4 Legal photocopying services; general provisions

(a) The Commission shall provide photocopies of **legal correspondence and** legal material, as [that term is] **those terms are** defined [in] **at** N.J.A.C. 13:95-1.3, to juveniles [at the rate of \$.10 per page,] in accordance with the guidelines and limitations set forth in this subchapter.

(b) At a minimum, juveniles may submit legal material to be photocopied to a staff member designated by the [Supervisor of Education] **Superintendent, or designee**, or a juvenile paralegal under the supervision of a designated staff member, during the hours prescribed by the secure facility. The original and photocopies of the legal material shall be returned to the juvenile within two days of submission unless return of the legal material is prevented by exceptional circumstances. If the second day falls on a weekend or holiday, the legal material shall be returned on the weekday following the weekend or holiday.

**13:95-15.5 and 15.6 (Reserved)**

13:95-15.8 Legal services

(a) Legal supplies, such as paper, envelopes, and pens shall be provided in reasonable amounts, as needed, to all juveniles who request them for legal purposes. All juveniles may be required to justify the need for unusually large amounts of legal supplies.

(b) (No change.)

(c) Access to computers [or other electronic word processors] shall be provided, to the extent possible, consistent with orderly operations of the secure facility.

13:95-15.11 Juvenile paralegals

(a) (No change.)

(b) The **Institutional** Classification Committee shall interview and evaluate each candidate for a paralegal position.

(c) Upon approval by the **Institutional** Classification Committee, juveniles may render legal assistance to other juveniles.

(d) No juvenile paralegal shall solicit or accept any form of remuneration or gift from any juvenile or anyone associated with the juvenile, such as a family member or friend for rendering legal assistance. Acceptance of remuneration in any form will result in disciplinary action and/or referral to the **Institutional** Classification Committee for reconsideration of program assignment.

13:95-15.14 Written [policy] **policies** and procedures

(a)-(b) (No change.)

(c) Proposed written secure facility policies and procedures regarding juvenile legal services and any additions or revisions to such written policies and procedures shall be submitted to the **Deputy Executive** Director of Operations for review prior to implementation.

13:95-15.16 Amendment of secure facility records to reflect juvenile name change

(a) The Superintendent, **or designee**, shall order that the secure facility records, including the computerized juvenile information recordkeeping systems, be amended to reflect the juvenile's new legal name after the requirements [of] **at** N.J.A.C. 13:95-15.15(a) have been satisfactorily fulfilled.

(b) (No change.)

(c) The Superintendent, **or designee**, shall also notify the following of the juvenile's name change:

1. Central Intake at the Office of Classification, **Intake, and Release**;

2.-3. (No change.)

13:95-15.17 "Common law" change of name

No secure facility records shall be altered if a juvenile decides to change his or her name through the "common law" practice, that is, on the juvenile's own authority and without any legal court proceedings, **except as provided by the Commission's policy regarding gender identity and chosen name.**

13:95-15.19 Filing fee for civil action or proceeding in Federal court

(a) (No change.)

(b) A juvenile seeking to proceed in accordance with (a) above shall submit a request to the secure facility Business Manager for a certified copy of his or her juvenile account statement for the six-month period immediately preceding the filing of the complaint or notice of appeal. The Business Manager, or designee, shall provide the juvenile account statement in a timely manner.

(c) (No change.)

13:95-15.20 Filing fee for civil action or proceeding in State court

(a) (No change.)

(b) A juvenile shall obtain a certified copy of his or her juvenile[s] account statement by submitting a written request to the secure facility's Business Manager, or designee. The Business Manager, or designee, shall provide the trust fund account statement in a timely manner.

(c) (No change.)

13:95-15.21 Civil action money judgment; use of funds

(a) A monetary judgment awarded to a juvenile as a result of a civil action shall be deposited in the juvenile's secure facility **trust** account and, in accordance with N.J.S.A. 30:4-16.4 and applicable Commission rules and procedures, shall be used to satisfy outstanding court-imposed obligations or claims for reimbursement for medical treatment.

(b) (No change.)

**SUBCHAPTER 16. SUICIDE PREVENTION**

13:95-16.1 Purpose

The purpose of this chapter is to establish guidelines for the identification, placement, and monitoring of juveniles who are deemed to be at risk for suicide.

13:95-16.3 Special observation status; reporting potential suicidal behavior

(a) (No change.)

(b) Any staff person or volunteer who, by reason of experience, education, or observation of a juvenile, suspects that a juvenile may be at risk for suicidal behavior, shall immediately convey this information to [the highest ranking] **a** custody [supervisor on duty or a designated professional person] **staff member or mental health professional.**

13:95-16.5 Temporary placement on special observation status

(a) The following secure facility staff persons are authorized to order that a juvenile be placed on temporary special observation status:

1.-2. (No change.)

3. The [higher ranking] **highest-ranking** custody supervisor on duty;

4. The Superintendent; **or**

[5. The Director of Custody Operations; or]

[6.] **5.** (No change in text.)

(b) Form JJC CO-1 Notice of Special Observation Status shall be completed by the staff person who ordered the initial placement of the juvenile on special observation status and this notice shall be submitted to the Superintendent, or designee, for review and approval as soon as possible, but in any event within two hours of placement on special observation status. [A copy of Form JJC CO-1 shall be forwarded by the staff person who ordered the initial placement of the juvenile on special observation status to the Office of Classification for placement in the juvenile's classification file and medical record.]

13:95-16.6 Psychological/psychiatric review

(a) A psychologist, psychiatrist, or psychiatric advanced practice nurse shall interview the juvenile as soon as possible, but in no event later than 24 hours after placement on special observation status and the juvenile shall be interviewed daily thereafter by a psychologist, psychiatrist, psychiatric advanced practice nurse, or mental health clinician.

(b) Form JJC CO-4 Daily Observation Status Monitoring Report shall be completed by a psychologist, psychiatrist, psychiatric advanced practice nurse, or mental health clinician after each visit. This report shall be filed daily in the juvenile's medical record.

13:95-16.7 Special psychological/psychiatric assessment required of juvenile on special observation status prior to discipline

Within 48 hours of any scheduled disciplinary hearing before a [Disciplinary Hearing Officer] **disciplinary hearing officer**, a juvenile on special observation status shall be evaluated by a staff psychologist, psychiatrist, or psychiatric advanced practice nurse to ascertain the appropriateness of going forward with the hearing as scheduled. The findings of the psychologist, psychiatrist, or psychiatric advanced practice nurse shall be presented on Form JJC CO-6 Disciplinary Report [from Mental Health Services] shall be submitted to the Superintendent, or designee, and shall be placed in the juvenile's medical record.

13:95-16.8 Change in type of observation

(a) After the initial placement of a juvenile on special observation status, a psychiatrist, psychologist, or psychiatric advanced practice nurse may change the type of observation of a juvenile from close observation to constant observation or from constant observation to close observation by filling out Form JJC CO-2 Notice of Change in Special Observation Status. The original of JJC CO-2 shall be filed in the juvenile's medical record and a copy shall be forwarded by the staff person ordering the change to the [Facility Classification] Office of **Classification, Intake, and Release** for placement in the juvenile's classification file.

(b) (No change.)

13:95-16.9 Daily written report

(a) (No change.)

(b) The completed Form JJC CO-3 shall be submitted to the [highest ranking custody supervisor] **Center Keeper** on duty at the conclusion of the shift, and copies of Form JJC CO-3 shall be forwarded by the third shift [highest ranking custody supervisor] **Center Keeper** to:

1. The [Director of Custody Operations] **Major of Correctional Police**;

2.-3. (No change.)

(c) Form JJC CO-3 shall be placed in the juvenile's medical record by the supervising psychologist of the secure facility **and submitted to the Deputy Executive Director of Operations**.

13:95-16.10 Personal property

The [highest ranking custody supervisor on duty] **Center Keeper**, after consultation with the lead psychologist of the secure facility or other psychologist or psychiatrist, shall determine the items of personal property which a juvenile on special observation status is permitted to possess in the juvenile's room.

13:95-16.11 Release from special observation status

(a)-(b) (No change.)

(c) The [highest ranking custody supervisor on duty] **Center Keeper** shall be notified by the Superintendent, or designee, of an order to release a juvenile from special observation status.

(d) If the juvenile's release from special observation status involves a transfer of the juvenile and space is unavailable to accommodate an immediate transfer, the [highest ranking custody supervisor on duty] **Center Keeper** shall determine the time the transfer will take place.

(e) Form JJC CO-5 shall be forwarded to the [Facility Classification] Office of **Classification, Intake, and Release** and a copy shall be filed in the juvenile's medical record.

13:95-16.12 Attempt to commit suicide

(a) (No change.)

(b) Center Control shall advise the custody staff member or other staff person on actions to take and shall send such additional supervisory, emergency, medical, or other staff as are deemed necessary.

(c)-(e) (No change.)

13:95-16.13 Cutting tool

A special cutting tool known as a "911 rescue tool" shall be available to [a] custody staff [officer] for purposes of cutting down a hanging juvenile.

13:95-16.14 Required post orders and management procedures relating to juveniles on special observation status

(a) (No change.)

(b) Such post orders and management procedures shall have as their primary goal the objectives set forth [in] **at N.J.A.C. 13:95-16.3(a)**, while giving due consideration to maintaining security of the secure facility and the safety of other juveniles and staff.

[(c) The post orders and management procedures required hereunder shall be updated on a yearly basis, subject to review and approval of the Director of Operations.]

SUBCHAPTER 17. PREGNANT JUVENILES AND **CRITICAL ILLNESS, CRITICAL INJURY, OR DEATH OF JUVENILES**

13:95-17.1 Purpose

(a) The purpose of this subchapter is to establish guidelines for:

1. Providing assistance to pregnant juveniles and placement of [her] **their** newborn; and

2. Providing notification to next of kin in the event of a juvenile's critical illness, **critical injury**, or death.

13:95-17.2 Care of pregnant juveniles

(a) The Commission shall provide a pregnant juvenile with medical and social services, which, at a minimum, shall include:

1. (No change.)

2. Nutritional supplements and diet as prescribed by a physician, advance practice nurse, or certified nurse midwife;

3. Counseling regarding:

i. (No change.)

ii. Prenatal [Counseling] **counseling** and [Education] **education**;

iii.-vii. (No change.)

4. (No change.)

13:95-17.4 Maternity clothes, housing assignments, exercise, and work schedules

(a) The secure facility shall provide the pregnant juvenile with:

1. (No change.)

2. Appropriate housing assignments, as may be recommended by a physician, advanced practice nurse, or certified nurse midwife; and

3. Appropriate exercise and reduced work schedules, as deemed medically advisable by a treating physician, advance practice nurse, or certified nurse midwife.

13:95-17.5 Termination of pregnancy

(a) As soon as possible after the pregnancy is diagnosed, a physician, **physician's assistant**, advanced practice nurse, **certified midwife**, or certified nurse midwife shall provide the pregnant juvenile with appropriate medical care, and the pregnant juvenile shall be given [religious and social] **patient-centered counseling regarding her options to continue or terminate the pregnancy** to aid [her] **the juvenile** in making [the] **that** decision [to continue or to terminate the pregnancy].

(b) Should the pregnant juvenile elect to terminate the pregnancy, arrangements shall be made by the health care provider without undue delay to schedule and complete the procedure, unless a treating physician, **physician's assistant**, advance practice nurse, **certified midwife**, or certified nurse midwife determines that the pregnancy cannot be terminated.

(c) A juvenile who elects to terminate a pregnancy shall be required to [sign a form indicating her] **indicate their** desire to terminate the pregnancy, **in writing**, and [acknowledging] **acknowledge** that [she has] **they have** received medical care and [has] **have** been offered [religious and social] **patient-centered** counseling in reaching [her] **their** decision.

(d) (No change.)

13:95-17.8 Critical illness, **critical injury**, or death of a juvenile; notification of next of kin

(a) In the event of a juvenile's critical illness, **critical injury**, or death, the juvenile's next of kin shall be notified **immediately, but in all instances** within 24 hours, by the Superintendent, or designee, of the secure facility that maintains the classification and medical files of the juvenile. **When necessary and appropriate, the Commission shall seek assistance with notification from local law enforcement authorities and the New Jersey State Police.**

(b) (No change.)

[(c)] The Commission shall take all reasonable steps to notify next of kin immediately of a juvenile's critical injury or death, including, when necessary and appropriate, seeking assistance from local law enforcement authorities and the New Jersey State Police.]

[(d)] (c) A letter confirming the [telephone conversation] **notification** shall be forwarded to the next of kin, and a copy of the letter shall be placed in the juvenile's classification file.

[(e)] (d) (No change in text.)

[(f)] (e) In the case of a death of a juvenile, the Superintendent, or designee, shall be responsible to ensure that the following individuals have immediately been notified:

1. (No change.)
2. The **Deputy Executive** Director of Operations;
3. The county medical examiner's office; [and]
4. The appropriate state child protective services agency[.]; **and**
5. **The Office of Investigation.**

[(g)] (f) All reports shall be prepared in accordance with N.J.A.C. 13:95-21, Reports.

13:95-17.10 Security procedures upon the death of a juvenile

(a)-(b) (No change.)

(c) Prior to release of a body from the secure facility, hospital, or medical examiner, photographs and fingerprints shall be obtained by the Office of Investigations for the records.

(d) (No change.)

13:95-17.12 Burial or cremation of unclaimed bodies

(a)-(b) (No change.)

(c) The Social Security Administration, [Veteran's] **Veterans'** Administration, and the New Jersey Department of Human Services shall be contacted by the secure facility for any possible death benefits.

[(d)] Money remaining in the account of a deceased juvenile may be used for burial or cremation expenses.]

13:95-17.13 Distribution of money and personal belongings of deceased juveniles

[(a)] Prior to the distribution of any money remaining in the account of a deceased juvenile, those funds shall be used to pay:

1. Court ordered penalty assessments, restitution, and fines;
  2. Other revenue obligations or fees;
  3. Fees for medical and/or dental treatment; and
  4. Fees for prescription or nonprescription drugs or medicine.]
- Recodify existing (b)-(e) as (a)-(d) (No change in text.)

#### SUBCHAPTER 19. MAIL: CORRESPONDENCE, LEGAL CORRESPONDENCE, PUBLICATIONS, AND PACKAGES

13:95-19.1 Notice to juveniles

(a) Juveniles shall be informed of all existing, new, or revised rules and procedures regarding the mailing and receipt of correspondence, legal correspondence, publications, and packages by posting appropriate notices in each housing area and other areas of the secure facility.

(b) (No change.)

(c) All current rules and procedures regarding correspondence, legal correspondence, publications, and packages shall be incorporated into the next revision of the resident handbook, as provided for [in] **at** N.J.A.C. 13:95-12.7.

13:95-19.3 Limitation on [number] **amount** of postage [stamps]

Each secure facility shall establish a **reasonable** limit [of stamps] **on the amount of postage** that juveniles may possess that is consistent with the maintenance of security and the orderly operation of the secure facility.

13:95-19.4 Limitation on source of publications

(a) Juveniles [in general population] shall be permitted to receive [hardcover] books, [paperback books,] magazines, and other soft cover publications from the publisher or source of sale only.

[(b)] Juveniles shall be permitted to receive newspapers only by subscription mailed directly from the publisher.]

[(c)] (b) The Superintendent, or designee, may impose reasonable restrictions on the number **and type** of publications a juvenile [in general population] may receive to the extent appropriate for purposes of ensuring the safe, secure, and orderly operation of the secure facility or operational unit.

[(d)] (c) All books, magazines, **and** publications [and newspapers] must be prepaid.

[(e)] (d) Limitations regarding publications for juveniles confined in protective custody and temporary close custody shall be set forth in the [unit internal management procedures] **facility post orders**.

13:95-19.5 Limitations on packages

(a) Each secure facility Superintendent, or designee, shall promulgate:

1. Internal [management procedures] **policies** written in accordance with this section that include a written list of items [which] **that** may be received in a package; and

2. A **reasonable** limit on the number [and weight] of packages [which] **that** may be received by a juvenile each month.

(b)-(d) (No change.)

13:95-19.7 Correspondence to or from other juveniles and inmates of adult correctional facilities

(a) (No change.)

(b) The superintendent, or designee, shall be authorized to limit correspondence to or from other juveniles and inmates of adult correctional facilities, for purposes of ensuring the safe, secure, and orderly operation of the secure facility [or operational unit].

13:95-19.9 Inspection of outgoing correspondence

(a) (No change.)

(b) Outgoing mail shall not be opened, read, or censored if it is considered legal correspondence, or if it is addressed to:

1.-3. (No change.)

(c) Outgoing mail from juveniles to public officials, governmental agency officials, and news media representatives may be held, for a maximum of 72 hours, in order to verify that the addressee is a legitimate public official, governmental agency official, or news media representative.

(d) Any outgoing correspondence addressed to someone other than those cited [in] **at** (b) above shall not be opened, read, or censored unless there is reason to believe that the correspondence contains disapproved content pursuant to N.J.A.C. 13:95-19.24 and then only with the prior approval of the Superintendent, or designee.

(e)-(f) (No change.)

13:95-19.12 Inspection of incoming legal correspondence

(a)-(c) (No change.)

(d) Where there is substantial reason to believe that the incoming correspondence is not legal in nature or that it contains disapproved content pursuant to N.J.A.C. 13:95-19.24, the Superintendent shall immediately notify the **Deputy Executive** Director of Operations. The incoming legal correspondence shall not be inspected in a manner other than as outlined in this subchapter without first obtaining instructions from the **Deputy Executive** Director of Operations.

13:95-19.15 Inspection and identification of outgoing publications

(a)-(c) (No change.)

(d) Except as stated [in] **at** (c) above, outgoing publications shall not be opened, read, or censored unless there is reason to believe that the publication contains disapproved content [under] **pursuant to** the provisions [of] **at** N.J.A.C. 13:95-19.37 and then only with the prior approval of the Superintendent, or designee.

(e)-(f) (No change.)

13:95-19.20 Registered, certified, preferential, or special delivery mail

(a) (No change.)

[(b)] In instances where the mail room staff is not on duty to sign for registered, certified, preferential, or special delivery correspondence of a non-legal nature, the juvenile shall be required to sign for the correspondence to acknowledge receipt.]

Recodify existing (c)-(d) as (b)-(c) (No change in text.)

## 13:95-19.22 Correspondence processing

(a) Properly identified incoming correspondence shall be distributed to juveniles, and outgoing properly identified correspondence shall be forwarded to the post office within one day of receipt in the mail room, excluding weekends[,] and holidays, and [during emergency incidents] **in consideration of the safe, secure, and orderly operation of the secure facility.**

(b) (No change.)

## 13:95-19.24 Disapproved correspondence

(a) Any correspondence to or from a juvenile may be withheld in the mail room or taken from a juvenile's possession if it falls within one of the following categories:

1. The correspondence contains material [which] **that** is detrimental to the security and/or order of the secure facility because it incites violence based upon race, religion, creed, or nationality and a reasonable inference can be drawn, based upon the experience and professional expertise of correctional administrators, that it may result in the outbreak of violence within the facility;

2.-4. (No change.)

5. The correspondence incites violence or destructive or disruptive behavior toward:

i.-ii. (No change.)

iii. Secure facility juveniles, visitors, and/or volunteers; or

iv. (No change.)

6. The correspondence contains material [which] **that**, based upon the experience and professional expertise of correctional administrators and judged in the context of a secure facility and its paramount interest in security, order, and rehabilitation:

i. Taken as a whole, appeals to a prurient interest [in sex];

ii. Lacks, as a whole, serious literary, artistic, political, or scientific value; and

iii. Depicts, in a patently offensive way, sexual conduct including patently offensive representations or descriptions of ultimate sexual acts, masturbation, excretory functions, lewd exhibition of the genitals, sadism, or masochism.

## 13:95-19.28 Appeal and final disposition

(a)-(b) (No change.)

(c) The Superintendent, or designee, whose title shall not be lower than an Assistant Superintendent or [Director of Custody Operations] **Correctional Police Major**, shall consider the appeal.

(d) (No change.)

(e) If [a] **the** correspondence is found to be objectionable only in part and such part is easily separable from the rest of the correspondence, the sender or juvenile, as appropriate, shall be given the choice of whether to allow the secure facility to excise the offending portions or to forfeit the juvenile's right to the correspondence.

## 13:95-19.29 Cost of mailing legal correspondence by [indigent] juveniles

(a) The secure facility shall provide [letter writing] **letter-writing** materials and shall assume the cost of mailing legal correspondence for [indigent] juveniles [as defined in N.J.A.C. 13:95-1.3].

(b) (No change.)

13:95-19.32 Correspondence to and from [illiterate] juveniles **who need assistance**

(a) (No change.)

**13:95-19.33 (Reserved)**

## 13:95-19.36 Processing of publications

(a) All properly identified and inspected incoming publications shall be distributed to juveniles within one day of their receipt in the mail room, excluding weekends[,] and holidays, and [during emergency incidents] **in consideration of the safe, secure, and orderly operation of the secure facility.**

(b) All properly identified outgoing publications shall be forwarded to the post office within one day of their receipt in the mail room, excluding weekends[,] and holidays, and [during emergency incidents] **in**

**consideration of the safe, secure, and orderly operation of the secure facility.**

(c) (No change.)

## 13:95-19.37 Disapproved content in publications

(a) Any incoming publication may be withheld in the mail room or taken from a juvenile's possession if it falls within one of the following categories:

1. The publication contains material that is detrimental to the security and/or order of the secure facility because it incites violence based upon race, religion, creed, or nationality and a reasonable inference can be drawn, based upon the experience and professional expertise of correctional administrators, that it may result in the outbreak of violence within the secure facility;

2.-4. (No change.)

5. The publication incites violence[,] or destructive or disruptive behavior toward:

i.-ii. (No change.)

iii. Secure facility juveniles, visitors, and/or volunteers; or

iv. (No change.)

6. The publication contains material [which] **that**, based upon the experience and professional expertise of correctional administrators and judged in the context of a correctional facility and its paramount interest in security, order, and rehabilitation:

i. Taken, as a whole, appeals to a prurient interest [in sex];

ii. Lacks, as a whole, serious literary, artistic, political, or scientific value; and

iii. Depicts, in a patently offensive way, sexual conduct including patently offensive representations or descriptions of ultimate sex acts, masturbation, excretory functions, lewd exhibition of the genitals, sadism, or masochism.

## 13:95-19.38 Control of publications

(a) Publications [which] **that** are withheld or removed from a juvenile shall be disposed of in a manner determined by the [juvenile and at his or her expense] **Superintendent, or designee.**

(b) (No change.)

## 13:95-19.39 Procedure for handling withheld publications

(a) When a publication violates one of the categories [cited in] **at** N.J.A.C. 13:95-19.37 and is withheld in the mail room, the following action shall be taken:

1. (No change.)

2. The decision of the staff member shall be reviewed by the [shift supervisor] **Superintendent, or designee.**

3. The publication shall be given to the juvenile within 48 hours if the [shift supervisor] **Superintendent, or designee**, disagrees with the determination of the staff member.

4. The written report shall be initialed and returned to the staff member if the [shift supervisor] **Superintendent, or designee**, agrees with the determination of the staff member.

5.-6. (No change.)

## 13:95-19.41 Appeal and final disposition

(a)-(b) (No change.)

(c) The Superintendent, or designee, whose title shall not be lower than Assistant Superintendent [or Director of Custody Operations], shall consider the appeal.

(d)-(e) (No change.)

## 13:95-19.42 Package processing

(a) (No change.)

(b) All properly identified outgoing packages shall be forwarded to the post office within one day of their receipt in the mail room excluding weekends[,] and holidays, and [during emergency incidents] **in consideration of the safe, secure, and orderly operation of the secure facility.**

(c) (No change.)

13:95-19.43 Forwarding correspondence, legal correspondence, publications, and packages to a juvenile transferred to another facility or program

(a) (No change.)

(b) [For a period not to exceed three months, the] **The** secure facility from which the juvenile is transferred shall forward all incoming correspondence, legal correspondence, publications, and packages to the facility to which the juvenile has been transferred.

[(c) Any correspondence and legal correspondence received after the three-month period shall be returned to the sender. If the sender cannot be identified, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(d) Any publications received after the three-month period may be destroyed or placed in the library of the secure facility from which the juvenile was transferred.

(e) Any packages received after the three-month period shall be returned to the sender, if possible, or destroyed.]

13:95-19.44 Forwarding correspondence, legal correspondence, publications, and packages to juvenile released on parole or at expiration of maximum sentence

(a) (No change.)

(b) The juvenile shall be asked whether correspondence, legal correspondence, publications, and packages received at the secure facility should be forwarded to the juvenile.

(c) Upon the juvenile's request, the secure facility shall forward the correspondence, legal correspondence, publications, and packages to the juvenile.

(d) (No change.)

(e) Correspondence, legal correspondence, publications, and packages shall be forwarded for a maximum of three months from the date of the juvenile's release. Correspondence received thereafter shall be returned to the sender. If the sender cannot be identified, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

(f) (No change.)

(g) Packages shall be forwarded for a maximum of three months from the date of the [Juvenile's] **juvenile's** release. Packages received thereafter shall be returned to the sender, if possible, or destroyed.

13:95-19.45 Forwarding correspondence, legal correspondence, publications, and packages to a juvenile remanded to a detention facility

(a) When a juvenile is remanded to a county or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, correspondence, legal correspondence, publications, and packages received for the juvenile at the secure facility shall be forwarded to the other facility[, upon the juvenile's request].

(b) Written procedures shall be developed by the secure facility for forwarding a juvenile's correspondence, legal correspondence, publications, and packages when the juvenile is remanded to a detention or other facility. [These procedures shall include a form which the juvenile shall sign before the juvenile is transferred to the other facility indicating whether the juvenile wishes correspondence, legal correspondence, publications and packages to be forwarded.]

13:95-19.46 Forwarding correspondence, legal correspondence, publications, and packages of a juvenile who has escaped

(a) All incoming correspondence, legal correspondence, publications, and packages addressed to a juvenile who has escaped from a secure facility shall be returned to the sender with an indication that the juvenile is no longer in custody.

(b)-(c) (No change.)

## SUBCHAPTER 20. VISITS AND TELEPHONE

13:95-20.4 Approval of potential visitors

(a) The secure facility Superintendent, or designee, may approve the following persons to visit a juvenile:

1. Relatives (see N.J.A.C. 13:95-1.3). For the purpose of this subchapter, "relative" shall also include grandparents, cousins, [and] aunts, and uncles;

2.-4. (No change.)

(b)-(c) (No change.)

(d) At the discretion of the Superintendent, former employees of the Commission may be permitted to visit a juvenile. The decision of the Superintendent shall be made on a case-by-case basis after due consideration of the security interests involved, and after the Superintendent is satisfied that the visit will not pose a threat to the safe, secure, and orderly operation of the secure facility.

13:95-20.7 Visits between incarcerated relatives

(a) (No change.)

(b) The following requirements must be met before visits between incarcerated relatives shall be permitted:

1. Relative relationships must be substantiated by documentation found in the classification folder or from other appropriate resources; **and**

2. Visits must be approved by the [Classification Committee; and] **Superintendent.**

[3. The cost of the visit to the Commission shall be borne by the juvenile involved.

(c) The Business Manager or designee of the secure facility shall predetermine the expenses involved in arranging a visit between relatives and a detailed statement of expenses shall be prepared in accordance with N.J.A.C. 13:95-9.12(c).]

Recodify existing (d)-(e) as **(c)-(d)** (No change in text.)

13:95-20.10 Notification to prospective visitors

(a) The secure facility Superintendent, or designee, shall be responsible to write a letter of information[, in English and translated into Spanish,] which provides the pertinent visiting policies with which prospective visitors should be familiar. This letter shall include, but is not limited to, the:

1.-5. (No change.)

6. Notification that in accordance with N.J.A.C. 13:95-20.15, all visitors, their belongings, and vehicles are subject to searches while on the premises of a facility [under] **within** the jurisdiction of the Commission;

7.-10. (No change.)

(b)-(e) (No change.)

13:95-20.11 Visitor identification

(a)-(b) (No change.)

[(c) Social Security cards shall not be used as a means of identification.]

[(d)] **(c)** Inability to establish identity shall be reported to the Superintendent, or designee.

13:95-20.14 Treatment of visitors

All secure facility staff members shall treat visitors in a professional, dignified, courteous, and respectful manner.

13:95-20.15 Search of visitors

(a) Signs written in English and Spanish shall be posted in both the visiting area and visiting entrances stating that, as a condition of visitation, all visitors, their belongings, and vehicles are subject to search while on the premises of a secure facility.

(b) All visitors entering the premises of a secure facility shall be required to submit to a search, which may include a passive canine, scanning/testing device, and pat search.

(c) If a visitor refuses to submit to a search, and there is no reasonable suspicion that the visitor is in possession of contraband, the visitor shall be directed to immediately leave the premises of the secure facility. No visit shall be permitted, the visitor shall be banned from visiting any juvenile committed to the custody of the Commission for 60 days, and the visitor shall be required to reapply, in writing, to the Superintendent for approval/disapproval of the reinstatement of visit privileges.

(d) (No change.)

(e) If a custody staff member or other staff receives information sufficient to form a reasonable suspicion that a visitor is carrying contraband, or when contraband has been detected or indicated on a visitor, [a custody staff member with the rank of Sergeant or above] **an area supervisor** shall be notified immediately. In the event the reasonable suspicion is confirmed, and in all cases when contraband has been detected or indicated on a visitor, the visitor shall be pat searched. In

addition, if possession of the contraband would constitute a crime, the visitor shall be detained. In all cases under this subsection, the Superintendent, or designee, shall be notified, and the Office of Investigations shall be contacted.

(f)-(k) (No change.)

#### 13:95-20.16 Search of juveniles

All juveniles shall be subject to search [such as] **including**, but not limited to, a scanning/testing device, canine, passive canine, and/or pat search before a visit, and a scanning/testing device, canine, passive canine, pat search, and/or strip search after a visit, in accordance with procedures established [by] **at** N.J.A.C. 13:95-5, Searches of Juveniles and Facilities.

#### 13:95-20.17 Supervision of visits

(a) Visits shall be supervised to help prevent the passage of contraband and to [insure] **ensure** the security and orderly operation of the secure facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly, and dignified manner.

(c) (No change.)

(d) Handshaking, embracing, and kissing shall be permitted, within appropriate bounds, at the beginning and end of the visit in order to minimize the opportunity to introduce contraband into the secure facility.

1.-2. (No change.)

#### 13:95-20.19 Gifts of money from visitors prohibited

No cash, checks, money orders, or other form of money, currency, or payment may be brought into a secure facility by a visitor for a juvenile; any items brought into a secure facility in violation of this section will be treated as contraband [under] **pursuant to** the provisions [of] **at** N.J.A.C. 13:95-6.

#### 13:95-20.20 Denial, termination, or suspension of a visit

(a) (No change.)

(b) A visit may be denied, terminated, or suspended and a visiting privilege suspended [under] **in** the following circumstances:

1.-7. (No change.)

8. Any action that affects the ability of the staff to ensure the safe, secure, and orderly operation of the secure facility and the visiting room.

(c) (No change.)

#### 13:95-20.21 Request to reinstate contact visit privileges

A juvenile may request the reinstatement of contact visit privileges that were terminated after [120] **60** days from the date the sanction was imposed. On or after that date, the juvenile may forward a written request for reinstatement of contact visit privileges to the Superintendent, or designee. If a request is not produced by the juvenile, no consideration of reinstatement shall be extended. If the Superintendent, or designee, determines that [an] **a** juvenile's contact visit privileges should be reinstated, such recommendation shall be forwarded to the Executive Director, or designee, for review and final approval or disapproval. No reinstatement shall be permitted without the expressed consent/approval of the Executive Director, or designee.

#### 13:95-20.22 Suspension of visiting program under emergency conditions

(a) The **Deputy Executive** Director of Operations, or **designee**, may suspend visits to juveniles, including visits to juveniles by attorneys and attorney representatives, for the duration of any emergency that threatens the safe, secure, and orderly operation of the secure facility.

(b) (No change.)

(c) The scheduling of visiting, in terms of the number of visitors, times of visitation, and frequency of visits, shall be subject to special conditions as determined by the **Deputy Executive** Director of Operations.

#### 13:95-20.23 Bedside, private viewing, and funeral visits: authority

(a) (No change.)

(b) A juvenile shall not be permitted to visit relatives or friends during the private viewing of a deceased relative unless the Superintendent has made a recommendation to, and received approval from, the **Deputy Executive** Director of Operations.

(c) A juvenile shall not be permitted to attend or participate in a funeral service unless the Superintendent has made a recommendation to, and received approval from, the **Deputy Executive** Director of Operations.

#### 13:95-20.25 Eligibility and restrictions

(a) The secure facility Superintendent, or designee, shall determine whether a juvenile is eligible to go on a bedside, private viewing, and/or funeral visit, subject to the following restrictions:

1. (No change.)

2. The juvenile shall not be permitted to go on a bedside, private viewing, or funeral visit that is in a private residence.

(b) In deciding to permit bedside, private viewing, or funeral visits, the Superintendent shall consider whether:

1.-6. (No change.)

7. The location of the bedside visit, private viewing, or funeral could place either escorting custody staff members or the juvenile in jeopardy.

(c) If the Superintendent is in doubt as to the propriety of permitting a particular juvenile to leave the secure facility [under] **pursuant to** the circumstances enumerated in this subchapter, the Superintendent shall consult with the **Deputy Executive** Director of Operations.

#### 13:95-20.26 Security

During the bedside, private viewing, or funeral visit, the juvenile shall at all times be in the custody of one or more custody staff members.

#### 13:95-20.28 (Reserved)

#### 13:95-20.32 [Cost of telephone] Telephone calls

Outgoing telephone calls made by juveniles shall be [collect calls] **governed by internal management procedures** with the exception of telephone calls between incarcerated relatives which shall be handled in accordance with N.J.A.C. 13:95-20.35.

#### 13:95-20.33 Emergency telephone calls

(a) A juvenile shall be permitted to make monitored **emergency** telephone calls of reasonable length, as determined by the [monitor, in emergencies such as, but not limited to:] **Superintendent, or designee**.

[1. The serious illness of a relative;

2. The death of a relative; or

3. An impending disaster related to the juvenile's property which cannot be deferred until regular mail delivery.]

(b) Whenever an emergency telephone call for a juvenile is received by the secure facility:

1.-4. (No change.)

5. The juvenile shall be permitted to return the emergency telephone call **at the discretion of the Superintendent, or designee**.

(c) In the event emergency telephone calls are received after regular secure facility working hours, on weekends, or **on** holidays and a social worker is not available to perform the duties [in] **at** (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] **at** (b) above.

#### 13:95-20.35 Telephone calls between incarcerated relatives

(a) Telephone calls shall be permitted between incarcerated relatives provided that:

1. (No change.)

2. The telephone calls have been approved by the [Classification Committee] **Superintendent; and**

[3. The full costs of the telephone calls are borne by the juveniles involved; and]

[4.] **3.** The frequency, duration, and time of the calls are coordinated between the secure facilities involved, subject to other provisions of this subchapter.

#### 13:95-20.36 Telephone use by authorized juvenile groups

(a)-(b) (No change.)

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

[(d)] **(c)** Telephone calls may be monitored at the discretion of the Superintendent, or designee.

## SUBCHAPTER 21. REPORTS

## 13:95-21.1 Purpose

(a) The purpose of this subchapter is to establish:

1.-2. (No change.)

3. Guidelines for providing written reports of the release, critical illness, **critical injury**, or death of a juvenile;

4.-5. (No change.)

## 13:95-21.2 (Reserved)

## 13:95-21.3 Written reports regarding release of a juvenile from custody

(a) Written reports regarding the release of a juvenile from custody shall be provided in accordance with N.J.S.A. 30:4-6.1, [and] 30:4-82.4, **and 30:4-123.53a**.

(b) No less than 90 days before the date on which a juvenile's maximum term is scheduled to expire, the **Deputy Executive** Director of Operations, or designee, shall provide written notification of the juvenile's status to the Attorney General and the prosecutor of the county from which the juvenile was committed when:

1. The juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute aggravated sexual assault, sexual assault, or aggravated criminal sexual contact, and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

2. The Superintendent of the secure facility in which the juvenile has been confined has advised the Executive Director, or designee, that the conduct of the juvenile during the period of confinement, the juvenile's mental condition, or, if 18 years of age or older, the juvenile's past history indicates that the juvenile may be "in need of involuntary commitment," as that term is defined [in] **at** N.J.S.A. 30:4-27.2; **or**

3. The juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute "sexually violent offense" as defined [in] **at** N.J.S.A. 30:4-27.26; **or**.

[4. The juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute murder; manslaughter; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.A. 2C:24-4; luring or enticing pursuant to N.J.S.A. 2C:13-6; or any other offense involving serious bodily injury or an attempt to commit any of the aforementioned offenses.]

(c) Except as provided [in] **at** (b) above, and unless the juvenile is released on **adult** parole, in which case the State Parole Board shall notify the prosecutor of the release [under] **pursuant to** the provisions [of] **at** N.J.A.C. 10A:71-3, **and** pursuant to N.J.S.A. 30:4-6.1 and 30:4-123.53a, the Superintendent, or designee, of the secure facility in which a juvenile is confined shall provide written notification to the prosecutor of the county from which the juvenile was committed 90 days before a juvenile's anticipated release whenever possible, but in no event, fewer than 30 days before release if such release is due to the expiration of the juvenile's maximum term or any other release of a juvenile from custody.

(d) All written reports provided in accordance with this section shall include the juvenile's name, identifying information, and anticipated residence.

13:95-21.4 Written reports regarding the critical illness, **critical injury**, or death of a juvenile

(a) Notification to the juvenile's next of kin of a juvenile's critical illness, **critical injury**, or death shall be in accordance with N.J.A.C. 13:95-17.

(b) Written reports of the death of a juvenile shall be provided to the prosecutor of the county from which the juvenile was committed by the Superintendent, or designee, of the Commission facility that maintains the juvenile's [classification and] medical files as soon as possible on the next business day after the death of the juvenile.

(c) (No change.)

## 13:95-21.5 Initial response to an unusual incident or event

(a) Upon the occurrence of an unusual incident or event, as defined [in] **at** N.J.A.C. 13:95-1.3, the [Superintendent or designee] **Center Keeper** shall immediately notify the Office of Investigations by telephone.

(b) Pending arrival on the scene of Office of Investigation personnel, the [Superintendent or designee] **Center Keeper** shall assign a custody supervisor with a rank not lower than sergeant to secure and/or cordon off the location of the incident or event, as appropriate.

(c) (No change.)

13:95-21.6 [Follow up] **Follow-up** written report

Within 48 hours of the occurrence of the unusual incident or event, the [Superintendent or designee] **Correctional Police Major** shall [prepare] **review** and [shall] submit to the Office of Investigations and [to] the **Deputy Executive** Director of Operations, a detailed written report that discloses all material facts and allegations relating to the incident or event, including copies of all related special reports.

## 13:95-21.7 Superintendent notification of law enforcement agencies, sentencing judge, and classification officer upon escape of a juvenile

(a) In addition to any other requirements of this subchapter, upon any escape [or walk away] of a juvenile from a secure facility, juvenile transport, court, funeral or bedside visit, or from any other situation of custody, the Superintendent, or designee, shall immediately notify by telephone:

1.-2. (No change.)

3. The [secure facility's classification officer] **Office of Classification, Intake, and Release**.

## 13:95-21.8 Office of investigations notification of law enforcement agencies

(a) Upon receipt of the notification from the [Superintendent] **Center Keeper** required [by] **pursuant to** N.J.A.C. 13:95-21.5, the Office of Investigations shall promptly report by telephone to the relevant law enforcement agencies, including appropriate county prosecutors, all acts committed [which] **that** may constitute crimes of the first, second, third, or fourth degree [under] **pursuant to** the Criminal Code of the State of New Jersey, N.J.S.A. 2C:1-1 et seq.

(b) The Office of Investigations shall promptly inform relevant law enforcement agencies, county prosecutors, and the sentencing judge of the capture or other return of an escaped juvenile.

## 13:95-21.10 Cooperation with outside law enforcement agencies

(a)-(b) (No change.)

(c) The Superintendent, **or designee**, shall ensure that relevant secure facility staff are made available to outside law enforcement agencies that are undertaking lawful investigations of any unusual incident or event. Unusual requests for assistance made by outside law enforcement agencies shall be referred to the **Deputy Executive** Director of Operations.

(d) (No change.)

## 13:95-21.11 Dissemination of reporting procedures for unusual incidents and events

(a) (No change.)

(b) Copies of the written procedures and/or post orders regarding the reporting of unusual incidents or events shall be [disseminated] **made available** to all [supervisory] custody personnel.

(c) (No change.)

## 13:95-21.12 Reportable suspected violations of criminal statutes

(a) The Office of Investigations shall be responsible for ensuring that the following suspected violations of criminal statutes are reported, in writing, to the prosecutor of the county in which the secure facility is located, if the act occurred in a secure facility, or to the county prosecutor where the suspected violation of the criminal statutes occurred:

1. All acts committed by juveniles, staff, or visitors, [which] **that** could constitute offenses of the first, second, third, or fourth degree [under] **pursuant to** the New Jersey Criminal Statutes or the Controlled Dangerous Substance Act, N.J.S.A. 24:21-1 et seq.;

2. Simple assaults committed by juveniles, staff, or visitors, which become aggravated assaults if committed upon any law enforcement officer acting in the performance of his or her duties while in uniform or while exhibiting evidence of his or her authority, pursuant to N.J.S.A. 2C:12-1a and b;

3. (No change.)

4. The introduction of, or providing a juvenile with, any weapon, tool, or other item [which] **that** could be used in an escape.

13:95-21.14 Office of Investigations reporting procedures

(a) (No change.)

(b) The Office of Investigations shall ensure that all juvenile acts [which] **that** may constitute crimes of the first, second, third, or fourth degree [under] **pursuant to** the Criminal Code of the State of New Jersey, N.J.S.A. 2C:1-1 et seq., requiring written prosecutor notification shall be timely forwarded to the appropriate county prosecutor.

(c) (No change.)

(d) The Office of Investigations shall be responsible to ensure that all investigative reports shall be made available upon request to the:

1. Executive Director; **and**

2. Deputy Executive Director[; and] **of Operations.**

[3. Director of Operations.]

## (a)

### JUVENILE JUSTICE COMMISSION

#### Juvenile Discipline

#### Proposed Readoption with Amendments: N.J.A.C. 13:101

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Attorney General and Chair, through Daniel S. Hafetz, Attorney General Designee.

Authority: N.J.S.A. 52:17B-170.e, 52:17B-171, 52:17B-176, and 52:17B-182 through 186.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-022.

Submit written comments by May 16, 2025, to:

Christina O. Broderick  
Chief, Legal & Regulatory Affairs  
New Jersey Juvenile Justice Commission  
1001 Spruce Street-Suite 202  
Trenton, New Jersey 08638  
or electronically at: [regulatory.affairs@jjc.nj.gov](mailto:regulatory.affairs@jjc.nj.gov)

The agency proposal follows:

#### Summary

The Juvenile Justice Commission (Commission) is the New Jersey agency responsible for planning, policy development, and provision of services in the juvenile justice system. For those youth within its care and custody, the Commission seeks to ensure that its facilities maintain a safe and respectful environment, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth, with the goal of improving outcomes for young people involved with the juvenile justice system, their families, and their communities.

Part of the Commission's responsibilities include assuming care and custody of youth committed or transferred to its custody, and management and operation of State juvenile facilities and programs. As such, the Commission has developed standards for a disciplinary system that promotes positive behavior, discourages negative behavior, and ensures fairness and due process for residents. These provisions, which address notification, rights, violations, reporting, corrective action, hearings, and appeals, are set forth at N.J.A.C. 13:101, Juvenile Discipline.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:101 was scheduled to expire on February 5, 2025. Therefore, the filing of this notice of rules proposed for readoption by the Commission with the Office of

Administrative Law extended the expiration date 180 days to August 4, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission has reviewed the rules proposed for readoption with amendments and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, in addition to minor clarifying and technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:101 in their entirety, with proposed amendments at N.J.A.C. 13:101-1, 2, 4, 5, 6, and 7. The substantive provisions of the rules proposed for readoption by the Commission are summarized below.

N.J.A.C. 13:101-1 sets forth general provisions, including the chapter's purpose (N.J.A.C. 13:101-1.1); scope (N.J.A.C. 13:101-1.2); relevant definitions (N.J.A.C. 13:101-1.3); forms (N.J.A.C. 13:101-1.4); and confidentiality and use of juvenile information (N.J.A.C. 13:101-1.5). Several minor technical changes are proposed to this subchapter. The Commission proposes to amend or delete various definitions at N.J.A.C. 13:101-1.3 for clarification and consistency, and add several terms including "constructive custody" and "panel". The Commission also proposes an update to the list of forms at N.J.A.C. 13:101-1.4(a) to remove a room restriction form that is no longer utilized. The term "Chief Investigator" is proposed for amendment to clarify that the Chief Investigator is charged with oversight and management for overall operation and supervision. "Juvenile" is proposed for amendment to clarify who is and can be a juvenile pursuant to this chapter. The term "Director of Custody Operations" is proposed for deletion, as is the term "Program Separation Unit." The term "shift supervisor" is proposed for amendment to clarify that it applies to a custody supervisor of the rank of sergeant, or above. The terms "constructive custody" and "panel" are proposed to be added.

N.J.A.C. 13:101-2 addresses publication of rules, including notification to juveniles about rules and regulations (N.J.A.C. 13:101-2.1); review of facility rules (N.J.A.C. 13:101-2.2), which is proposed for amendment to add that a designee of the Superintendent shall keep an ongoing rule review; and promulgation of rules (N.J.A.C. 13:101-2.3), which is proposed for amendment to clarify that the rules of the facility shall be approved by the Deputy Executive Director of Operations. Several minor technical changes are proposed to this subchapter. The Commission proposes an amendment to the notification requirement at N.J.A.C. 13:101-2.1(a) to specify that juveniles shall receive a copy of the handbook within one business day of admission, rather than at the time of reception. In addition, the Commission proposes to delete N.J.A.C. 13:101-2.1(b) regarding issuance of resident handbooks, which is addressed in other Commission regulations.

N.J.A.C. 13:101-3 addresses juvenile rights and responsibilities including notification to juveniles of their rights and responsibilities (N.J.A.C. 13:101-3.1). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:101-4 addresses violations including specifying violations (N.J.A.C. 13:101-4.1); mechanisms for responding to violations (N.J.A.C. 13:101-4.2); and reports to the prosecutor on violations (N.J.A.C. 13:101-4.3). In addition to various minor technical changes throughout this subchapter, the Commission proposes to amend N.J.A.C. 13:101-4.1 to indicate that a juvenile may (rather than shall) be subject to disciplinary action and include that leaving the constructive authority of the Commission also constitutes escape. The Commission further proposes to amend N.J.A.C. 13:101-4.2(a) to indicate that the witnessing staff member will determine whether to handle a violation through a full disciplinary hearing or immediate corrective action and amend N.J.A.C. 13:101-4.2(b) to indicate that the staff determination is subject to appeal by the juvenile.

N.J.A.C. 13:101-5 provides for immediate corrective action procedures, including immediate corrective reports (N.J.A.C. 13:101-5.1); immediate corrective action conferences (N.J.A.C. 13:101-5.2); authorized immediate corrective actions (N.J.A.C. 13:101-5.3); imposition of immediate corrective action (N.J.A.C. 13:101-5.4); records of immediate corrective action (N.J.A.C. 13:101-5.5); and referral to the disciplinary hearing officer for a disciplinary hearing (N.J.A.C. 13:101-5.6). In addition to minor technical changes to this subchapter, the Commission proposes to amend N.J.A.C. 13:101-5.3 to delete facility