

## CHAPTER 31

## ADULT COUNTY CORRECTIONAL FACILITIES

## Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-91.3 et seq.,  
30:4-91.4 and 52:17B-66 et seq.

## Source and Effective Date

R.2000 d.332, effective July 19, 2000.  
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 31, Adult County Correctional Facilities, expires on July 19, 2005.

## Chapter Historical Note

Rules on County Correctional Facilities were originally codified as N.J.A.C. 10:34, effective October 15, 1975 as R.1975 d.300. See: 7 N.J.R. 506(c). The chapter was repealed by R.1986 d.182, effective May 19, 1986. See: 17 N.J.R. 2525(a), 18 N.J.R. 1103(a).

Chapter 31, Adult County Correctional Facilities, was adopted as R.1979 d.438, effective November 1, 1979. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e).

Subchapter 4, Remission of Time from Sentence, was adopted as emergency new rules by R.1981 d.270, effective June 23 1981. See: 13 N.J.R. 467(a). The provisions of R.1981 d.270 were readopted by R.1981 d.358, effective August 21, 1981. See: 13 N.J.R. 434(b), 13 N.J.R. 596(a).

Subchapter 5, Enforcement Procedures, was adopted as R.1982 d.149, effective May 17, 1982. See: 14 N.J.R. 227(a), 14 N.J.R. 474(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Adult County Correctional Facilities, expired on November 1, 1984.

Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1985 d.17, effective February 4, 1985. See: 16 N.J.R. 3284(a), 17 N.J.R. 312(a).

Subchapter 6, Work Release Program, was adopted as R.1986 d.261, effective July 7, 1986. See: 18 N.J.R. 604(a), 18 N.J.R. 1386(a).

Chapter 31, Adult County Correctional Facilities, was repealed and Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1990 d.140, effective March 5, 1990. See: 21 N.J.R. 2853(a), 22 N.J.R. 801(a). Pursuant to Executive Order 66(1978), Chapter 31 expired on March 5, 1995.

Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1995 d.421, effective August 7, 1995. See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Subchapter 29, Fiscal Management, was adopted as R.1999 d.132, effective April 19, 1999. See: 31 N.J.R. 250(a), 31 N.J.R. 1067(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Adult County Correctional Facilities, was readopted as R.2000 d.332, effective July 19, 2000. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. INTRODUCTION

**10A:31-1.1 Purpose**

(a) The purpose of this chapter is to:

1. Establish the minimum criteria for the planning, design and construction of new adult county correctional facilities or renovation of existing facilities;
2. Establish the minimum criteria for the administration of adult county correctional facilities;
3. Establish guidelines for the provision of programs and services to inmates in adult county correctional facilities;
4. Establish guidelines which permit correctional officials at county and State levels to analyze and evaluate the performance and adequacy of services provided to inmates by adult county correctional facilities, and delineate the deficiencies which require improvement;
5. Establish guidelines whereby inmates employed in productive occupations while confined in adult county correctional facilities shall receive compensation for such employment;
6. Establish guidelines for the participation of inmates in the Work Release Program; and
7. Establish the abatement process in all cases where conditions or procedures are discovered in adult county correctional facilities which are in violation of the rules of this chapter and where a county has willfully and continuously failed to initiate corrective action in response to notice.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a)5, deleted "in the form of cash or remission of time from sentence or both" at the end.

**10A:31-1.2 Scope**

This chapter shall be applicable to the New Jersey Department of Corrections, the Bureau of County Services and all adult county correctional facilities.

**10A:31-1.3 Definitions**

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

"Adult county correctional facility" means any place, under the jurisdiction of a county, where adult persons convicted or accused of crimes are confined.

"Adult county correctional facility Administrator" when used in this chapter means a Sheriff, Warden or any other person who serves as the chief executive officer of an adult county correctional facility.

"Body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

"Classification Committee" means a group of staff members who have been designated to make decisions related to the needs of inmates from the time of admission until the time of release.

"Contraband" means:

1. Any item, article or material found in the possession of or under the control of an inmate which is not authorized for retention or receipt;
2. Any item, article, or material found within the adult county correctional facility or on facility grounds which has not been issued by the 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 facility or on facility grounds which is not authorized for receipt, retention or importation;
4. Any item, article or material which is authorized for receipt, retention or importation by inmates, staff or visitors but which is found in an excessive amount or which has been altered from its original form. An amount shall be considered excessive if it exceeds stated adult county correctional facility limits or exceeds reasonable safety, security, sanitary, or space considerations; and/or
5. Any article which may be harmful or presents a threat to the security and orderly operation of an adult county correctional facility. Items of contraband shall include, but shall not be limited to:
  - i. Guns and firearms of any type;
  - ii. Ammunition;
  - iii. Explosives;
  - iv. Knives, tools and other implements not provided in accordance with adult county correctional facility regulations;
  - v. Hazardous or poisonous chemicals and gases;
  - vi. Unauthorized drugs and medications;
  - vii. Medicines dispensed or approved by the adult county correctional facility but not consumed or utilized in the manner prescribed;
  - viii. Intoxicants, including, but not limited to, liquor or alcoholic beverages; and
  - ix. Where prohibited, currency and stamps.

(e) Under no circumstances shall a custody staff member be removed from his or her post to perform another function if such removal results in the post becoming unmanned.

(f) Custody staff shall not respond to violent situations unless the custody staff have received prior approval from the Center Control.

(g) Post orders for each custody staff member working in a housing unit shall include a requirement that each inmate, who has been classified as being in need of close supervision, shall be observed as frequently as the adult county correctional facility Administrator or designee has determined to be necessary.

Recodified from 10A:31-8.10 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted a reference to custody staff for references to correction officers throughout.

#### 10A:31-8.13 Electronic surveillance

(a) Observation through electronic surveillance systems may be used to observe special risk inmates and to observe inmates during movement and other activities and only when approved by the adult county correctional facility Administrator. Electronic surveillance shall not substitute for regular contact with staff members.

(b) Electronic surveillance should be utilized in such a manner as to avoid interference with the privacy of inmates, wherever possible.

Recodified from 10A:31-8.11 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a) substituted a reference to adult county correctional facility Administrators for a reference to Jail Administrators; and deleted "direct staff supervision or for" preceding "regular".

#### 10A:31-8.14 Transportation of inmates

(a) Custody staff involved in transportation shall receive special instructions which shall include, but not be limited to:

1. Use of firearms;
2. Use of restraints;
3. Search of the transportation vehicle;
4. Strip searches; and
5. Appropriate court room demeanor.

(b) Special written transportation guidelines shall be developed by each facility which emphasize safety and the prevention of escape.

(c) All personnel involved in the transport of inmates shall receive a copy of the transportation guidelines.

Recodified from 10A:31-8.12 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a) substituted a reference to custody staff for correction officer.

#### 10A:31-8.15 Staffing plan

(a) The adult county correctional facility shall have a written staffing plan for all shifts.

(b) The staffing plan shall provide for back up assistance for all custody staff assigned to inmate living areas.

Recodified from 10A:31-8.13 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b), substituted a reference to custody staff for a reference to correction officers.

#### 10A:31-8.16 Reports and meetings

(a) A monthly meeting shall be conducted by the adult county correctional facility Administrator or designee with the supervisory staff.

(b) All supervisors shall submit a daily report to the adult county correctional facility Administrator that is consistent with their assigned areas of responsibility.

Recodified from 10A:31-8.14 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted references to adult county correctional facility Administrators for references to Jail Administrators throughout.

#### 10A:31-8.17 Use of force

(a) All adult county correctional facilities shall promulgate written procedures governing the use of physical force.

(b) Weapons used in the application of non-deadly force may include:

1. Slapsticks;
2. Chemical/non-chemical agents;
3. Batons; and
4. Other weapons which are not likely to cause death or serious injury.

(c) Weapons used in the application of deadly force include, but are not limited to:

1. Shotguns;
2. Handguns;
3. Rifles; and

#### 4. Other lethal weapons.

(d) In any case when a custody staff member uses force to control inmates, the minimum force possible under the circumstances shall be used, consistent with facility procedures. Force shall be used only for the following reasons:

1. To defend one's self or others against physical assault;
2. To prevent serious damage to property;
3. To prevent escape;
4. To prevent or quell a riot or disturbance;
5. To prevent a suicide or attempted suicide; and
6. To enforce facility regulations or in situations where a ranking supervisory custody staff member believes that the inmate's failure to comply constitutes an immediate threat to facility security or personal safety.

(e) Following the use of physical force, written reports shall be prepared and completed before the completion of the tour of duty by the custody staff members involved.

(f) In no case shall use of force be justified as a means of punishment or discipline.

(g) Custody staff members shall be prepared to justify the use of physical force.

Recodified from 10A:31-8.15 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.1999 d.327, effective September 20, 1999.

See: 31 N.J.R. 1848(b), 31 N.J.R. 2754(a).

In (b), deleted a former 4, and recodified former 5 as 4; in (d), substituted a reference to custody staff members for a reference to correctional officers in the introductory paragraph, and substituted a reference to supervisory custody staff members for a reference to supervisory officers in 6; in (e), substituted a reference to custody staff members for a reference to correctional officers; and in (g), substituted a reference to custody staff members for a reference to custody personnel.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b)2, inserted a reference to non-chemical agents.

#### 10A:31-9.2 Control of equipment

Written procedures shall specify the level of authority required for access and use of equipment for maintaining security.

#### 10A:31-9.3 Use of restraining equipment

(a) Restraining equipment may be used only in the following instances:

1. As a precaution against escape during transit;
2. For medical reasons by direction of appropriately authorized medical staff;
3. To prevent inmate injury or injury to others; or
4. To prevent property damage.

(b) Restraining equipment shall be used to prevent property damage only in instances when such use has been approved by the adult county correctional facility Administrator or designee.

(c) At no time shall an inmate be left without proper supervision while in restraints.

(d) 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 an inmate.

(e) Restraints shall be removed promptly when the reason for their initial use has ceased to exist or has sufficiently abated.

(f) In the event restraints are used, a written report by the correctional personnel involved shall be submitted to the appropriate supervisor before the end of the tour of duty.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Rewrote (a)2; and in (b), substituted a reference to adult county correctional facility Administrators for a reference to Jail Administrators.

#### 10A:31-9.4 Key control

(a) A written ongoing control system shall govern the access, use and return of all adult county correctional facility keys.

(b) Facility keys shall be stored in a secure locker when not in use.

(c) There shall be at least one full set of facility keys, other than the keys in use, that is stored in a safe place. These keys shall be accessible only to appropriate facility personnel for emergency use.

(d) Inmates shall under no condition have access to any facility keys.

### SUBCHAPTER 9. USE AND CONTROL OF SECURITY EQUIPMENT

#### 10A:31-9.1 Determining equipment needs

Careful analysis of the physical plant, the inmate population profile, and other relevant factors shall be utilized in determining the equipment an adult correctional facility needs for maintaining effective security and a state of readiness to adequately respond to major disturbances.

**10A:31-9.5 Use and storage of chemical and non-chemical agents**

(a) Tear gas, mace and related chemical agents and Oleoresin Capsicum (OC) and related non-chemical agents may be used only under emergent circumstances and under the strict supervision of the ranking supervisory custody staff member with due consideration for the safety of inmates and staff. Following the use of chemical or non-chemical agents, a report shall be submitted to the adult county correction facility Administrator which gives the reason(s) for the use of chemical or non-chemical agents and the results achieved from such use.

(b) No member of the custody staff may carry or use chemical or non-chemical agents unless he or she has received appropriate training in chemical and non-chemical agent uses and effects.

(c) After each instance of use, individuals who have been exposed to chemical or non-chemical agents shall be given a medical examination and treatment as soon as possible.

(d) Chemical and non-chemical agents shall be safely stored in an arsenal which is readily available for emergency use, but outside the security perimeter.

(e) Periodic checks shall be made for expiration dates and leakage or other malfunctions which could interfere with the effective use of chemical or non-chemical agents in an emergency situation.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Inserted references to non-chemical agents throughout; rewrote (a); and in (e), inserted a reference to expiration dates.

**10A:31-9.6 Storage of weapons**

(a) Firearms shall be located in an arsenal readily available in case of emergencies, but outside the security perimeter.

(b) All law enforcement officers entering the adult county correctional facility shall check their weapons at the facility's weapons collection station located outside the security perimeter.

(c) Weapons may be used only under orders of the adult county correctional facility Administrator or designee, in emergency situations in which any lesser degree of force would be ineffective, or would subject the custody staff to serious threat of injury.

(d) A strict accounting procedure governing the issue, use and return of weapons shall be developed by the designated staff person. This procedure shall include a record of the lethal and non-lethal projectiles expended.

(e) Any staff or inmate injured in an incident where a weapon is used shall receive an immediate medical examination and treatment.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (c), substituted a reference to adult county correctional facility Administrators for a reference to Jail Administrators, and substituted a reference to custody staff for a reference to correction officers.

**SUBCHAPTER 10. FOOD SERVICE****10A:31-10.1 Nationally recommended dietary allowance**

Each adult county correctional facility shall document that the system of dietary allowance is reviewed at least annually by a dietician, registered by the American Dietetic Association, to ensure compliance with nationally recommended food allowances as stated by the National Academy of Sciences.

**10A:31-10.2 Food service management**

A staff, experienced in food service management, shall be designated to be responsible for food service management and operations within the adult county correctional facility.

**10A:31-10.3 Menus**

(a) Menu evaluations shall be conducted and maintained at least quarterly by the adult county correctional facility food service supervisory staff to verify adherence to nationally recommended basic daily serving.

(b) The signature of a registered dietician on the menus shall indicate official approval of the nutritional adequacy of food served to inmates within the facility.

(c) All menus including special diets shall be planned, dated and available for review at least one week in advance.

(d) In any case when a food substitution is made, the food that is substituted shall be of equal nutritional value and a notation of the substitution shall be made on the menu.

(e) A file of tested recipes, adjusted to prepare the number of meals appropriate to the size of the facility, should be maintained on the premises of the facility.

**10A:31-10.4 Special diets or alternate foods**

(a) Provisions shall be made for special diets as prescribed by a physician or dentist of the adult county correctional facility.

(b) When the religious beliefs of an inmate(s) require the inmate(s) to adhere to dietary laws, provisions shall be made for alternate food items.

**10A:31-10.5 Serving of meals**

(a) Three meals shall be provided at regular meal times during each 24 hour period. Two of the three meals provid-

ed shall be hot meals unless an emergency situation precludes the serving of hot meals. No more than 14 hours shall elapse between the evening and breakfast meals.

(b) All meals shall be served under direct supervision of staff members in order to ensure sanitary conditions and avoid favoritism, careless serving and waste.

(c) A uniform system to record the number, type, cost of meals served to inmates, staff and visitors and any variances due to an emergency situation shall be established and maintained.

(d) A sanitary space shall be provided for group dining. Meals shall not be served in cells unless it is necessary for purposes of safety or security and only if a small table, shelf and seating arrangement can be provided.

(e) Compartment type trays, bowls and cups shall be utilized.

Amended by R.2000 d.332, effective August 7, 2000.  
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Rewrote (a); and in (c), inserted "and any variances due to an emergency situation" following "visitors".

#### **10A:31-10.6 Prohibited use of food for discipline**

Food shall not be used as a disciplinary measure.

Amended by R.1999 d.328, effective September 20, 1999.  
See: 31 N.J.R. 1849(a), 31 N.J.R. 2755(a).

Deleted "reward, or as a" preceding "disciplinary".

#### **10A:31-10.7 Medical examination of food service personnel**

(a) All food service personnel and inmates shall receive a pre-assignment medical examination to insure freedom from illnesses transmissible by food.

(b) All food service personnel and inmates shall receive a medical examination prior to resumption of duties if, for any reason, the inmate(s) or food service personnel have been away from the job for 30 days or more.

#### **10A:31-10.8 Personal hygiene of food service personnel**

(a) All food service personnel shall maintain high standards of personal hygiene and comply with Federal, State and local laws and regulations for food handlers.

(b) All food handlers shall wash their hands upon reporting to duty and after using toilet facilities.

(c) A daily inspection of food handlers for cleanliness and to detect any illness or infection shall be conducted by the food service supervisor.

(d) Written documentation that food service personnel comply with applicable health regulations shall be available for review.

#### **10A:31-10.9 Inspection of food service areas and equipment**

(a) A weekly inspection of all food service areas and equipment shall be conducted by administrative or dietary personnel.

(b) A daily check of refrigerator and water temperatures by administrative or dietary personnel shall be made.

(c) Written documentation that food service facilities and equipment meet established safety and protection standards and requirements shall be available for review.

#### **10A:31-10.10 Storage areas**

(a) Sanitary temperature controlled storage areas for all foods shall be provided in:

1. Refrigerators and freezers;
2. Cool, dry storage areas; and
3. Lockable areas for pepper, nutmeg, vanilla, yeast, dry fruit, or other food additives which may be utilized to manufacture illegal products.

#### **10A:31-10.11 Security in the food service area**

(a) Written procedures shall be developed and implemented that govern the safe and secure storage of all cutlery items and hazardous kitchen utensils.

(b) A designated staff person shall be accountable for maintaining an ongoing inventory of all cutlery items.

#### **10A:31-10.12 Budgeting, purchasing and accounting procedures**

(a) The food service operation shall follow written budgeting, purchasing and accounting procedures to ensure nutritional and economical meals with minimum waste.

(b) When the adult county correctional facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with the State and local regulations regarding food service.

#### **10A:31-10.13 Written policies and procedures**

Each adult county correctional facility shall develop written policies and procedures consistent with this subchapter.

### **SUBCHAPTER 11. SANITATION**

#### **10A:31-11.1 Federal, State and local codes**

Each adult county correctional facility shall comply with Federal, State and local sanitation, safety and health codes.