

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 mechanical 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.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (a)2, added "mechanical."

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) Custody staff are authorized to enforce adult county correctional facility rules and regulations. Means to enforce such rules and regulations include, but are not limited to:

1. "Constructive authority" which means authority that does not involve actual physical contact with the individual, but does involve the use of the authority of the custody staff member to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures, warnings and unholstering a weapon. Pointing a firearm at an individual is an element of constructive authority to be used only in appropriate situations; and

2. "Physical contact" which means routine or procedural contact with an individual that is necessary to effectively accomplish a legitimate law enforcement objective. Examples of physical contact include, but are not limited to, holding the arm of an individual during escort, handcuffing an individual, maneuvering or securing an individual for a search, and guiding the individual into a vehicle.

(c) Custody staff members are encouraged 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.

(d) In any case that a custody staff member uses force to control an individual, the minimum force possible that is objectively reasonable under the totality of the circumstances shall be used, consistent with facility procedures.

(e) A custody staff member may use the amount of force reasonably necessary to accomplish the law enforcement objective. If the individual resists, the custody staff member may increase the degree of force as necessary to accomplish the law enforcement objective; however, as soon as the individual submits, the custody staff member shall reduce the degree of force used.

(f) 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.

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

(h) 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.

Amended by R.2004 d.332, effective September 7, 2004.

See: 36 N.J.R. 2294(a), 36 N.J.R. 4146(b).

In (b)2, substituted "natural" for "non-chemical".

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote the section.

10A:31-8.18 Use of non-deadly force; when justified

(a) The use of non-deadly force against persons is justified only under the following circumstances:

1. To protect self or others against the use of unlawful force;
2. To protect self or others against death or serious bodily harm;
3. To prevent serious damage to property;
4. To prevent escape;
5. To prevent or quell a riot or disturbance;
6. To prevent a suicide or attempted suicide; or
7. To enforce adult county correctional facility regulations where expressly permitted by facility regulations or in situations where a custody staff member with the rank of Sergeant or above believes that failure of the inmate to comply with regulations constitutes an immediate threat to personal safety or correctional facility security.

(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 affect a law enforcement objective. Physical force is employed when necessary to overcome an individual's physical resistance to the exertion of the authority of the custody staff member, or to protect persons or property. Examples of physical force include, but are not limited to, wrestling 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. "Mechanical force" which means the use of some device or substance, other than a firearm, to overcome an individual's resistance to the exertion of the authority of the custody staff member. Examples of mechanical force include, but are not limited to, the use of a baton or other object, use of canine physical contact with an individual, or use of a chemical or natural agent.

New Rule, R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

10A:31-8.19 Deadly force; when justified and when restricted

(a) Deadly force may be used against persons, consistent with provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq., as determined by the governing body of the county or the County Board of Freeholders and upon authorization of the Administrator of the adult county correctional facility.

(b) Deadly force may be used in the following situations under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq.:

1. When the custody staff member reasonably believes that deadly force is immediately necessary to protect the custody staff member or another person from imminent danger of death or serious bodily harm. However, deadly force is not justifiable if the custody staff member can otherwise secure his or her complete safety or the complete safety of the protected person;

2. When the custody staff member reasonably believes that deadly force is immediately necessary to prevent or stop an individual from committing or continuing to commit a criminal offense that would endanger human life or inflict serious bodily harm upon another person unless the commission or the consummation of the crime is prevented; or

3. When the custody staff member reasonably believes that deadly force is immediately necessary to prevent the escape of an inmate committed to a correctional facility, deadly force may be used to detain the person charged with, or convicted of an offense, provided that the custody staff member reasonably believes that the force employed creates no substantial risk of injury to innocent persons.

(c) Deadly force includes, but is not limited to, the use of shotguns, handguns, rifles, and other lethal weapons.

(d) Where feasible, before using a firearm, the custody staff member shall attempt to identify himself or herself as a custody staff member and state his or her intent to shoot. A custody staff member shall not discharge a firearm as a signal for help or as a warning shot.