

least one duplicate key for each lock. The duplicate keys shall be maintained in an area accessible to staff at all times.

(e) The municipal detention facility shall develop written internal management procedures to be followed by staff in the event of an escape.

Recodified from 10A:34-2.15 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.14, "Sanitation", recodified to 10A:34-2.13.

Recodified from 10A:34-2.14 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.12.

Amended by R.2002 d.206, effective July 1, 2002.

See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).

In (d), inserted the third sentence; in (e), inserted "internal management" following "written".

Recodified from N.J.A.C. 10A:34-2.13 and amended by R.2007 d.225, effective August 6, 2007.

See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

Section was "Security and control".

Amended by R.2015 d.020, effective January 20, 2015.

See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).

In (c), substituted "Firearms" for "Weapons".

### **10A:34-3.2 Search of persons detained, arrested or lawfully confined**

(a) Each person detained, arrested or lawfully confined to a municipal detention facility shall be thoroughly searched prior to placement in a cell in accordance with the applicable provisions of N.J.S.A. 2A:161A-1 et seq., and this subchapter.

(b) Searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the person.

(c) No detainee shall be searched as punishment or discipline.

(d) All objects or property in the possession of the person detained, arrested or lawfully confined in a municipal detention facility, whether the objects or property are opened or closed, shall be thoroughly searched and an inventory of the contents prepared. A copy of the inventory shall be provided to the person confined in the municipal detention facility.

Recodified from 10A:34-2.17 and amended by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.16, "Supervision and care of detainees", recodified to 10A:34-2.15.

Recodified from 10A:34-2.16 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.14.

Recodified from N.J.A.C. 10A:34-2.15 by R.2007 d.225, effective August 6, 2007.

See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

Amended by R.2010 d.134, effective July 6, 2010.

See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).

In (a), inserted "in accordance with the applicable provisions of N.J.S.A. 2A:161A-1 et seq., and this subchapter".

### **10A:34-3.3 Pat search**

(a) A pat search shall be conducted while the detainee is fully clothed. A pat search includes both the touching of the detainee's body through clothing, including hair, dentures, etc., and a thorough examination into pockets, cuffs, seams, etc., and all personal property in the detainee's possession.

(b) Pat searches of detainees may be conducted at any time where conditions indicate a need for such searches.

(c) In addition to the foregoing routine searches, a pat search may be conducted at any time when there is a reasonably clear indication that the detainee is carrying contraband.

(d) Pat searches may be conducted by either male or female custody staff members regardless of the sex of the inmate.

New Rule, R.2007 d.225, effective August 6, 2007.

See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

Amended by R.2010 d.134, effective July 6, 2010.

See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).

In (d), substituted "sex" for "gender".

### **10A:34-3.4 Strip search of a person(s) who has been detained or arrested for commission of an offense other than a crime**

(a) A person who has been detained or arrested for commission of an offense other than a crime and who is confined in a municipal detention facility shall not be subject to a strip search unless:

1. The search is authorized by a warrant or valid documented consent;

2. A recognized exception to the warrant requirement exists and the search is based on probable cause that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found and the custody staff member authorized to conduct the strip search has obtained the authorization of the custody staff supervisor in charge;

3. The person is lawfully confined and the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found, and the custody staff member authorized to conduct the strip search has obtained the authorization of the custody staff supervisor in charge; or

4. Exigent circumstances prevent obtaining a search warrant or authorization of the custody staff supervisor in charge and such exigent circumstances require custody staff to conduct a strip search in order to take immediate action for purposes of preventing bodily harm to the officer, person or others.

(b) As authorized in (a) above, a strip search of a person shall be conducted:

1. At a location where the search cannot be observed by unauthorized persons;

2. By a custody staff member of the same sex who has been authorized to conduct the search;

3. By the number of custody staff members deemed reasonably necessary to provide security;

4. Under sanitary conditions; and

5. In a professional and dignified manner.

(c) The custody staff member authorized to conduct a strip search shall file a written report to be made a part of the record of the detained or arrested person in accordance with this section. The report shall be reviewed by the supervisor who authorized the search and filed in accordance with internal management procedures. The report shall include, but not be limited to, the following information:

1. A statement of facts indicating any reasonable suspicion or probable cause for the search;

2. A statement of the exigent circumstances requiring immediate action to prevent bodily harm to the custody staff member(s), person or others when such conditions existed;

3. The name of the custody staff supervisor in charge who authorized the search;

4. The name(s) of the custody staff member(s) conducting the search;

5. The name(s) of the custody staff member(s) present during the search and the reason for custody staff presence;

6. An inventory of any item(s) found during the search; and

7. Any supporting documentation consisting of the warrant or consent when such documentation is the basis for the search.

(d) Reports required pursuant to this section shall not be deemed public records; however, upon request, such reports shall be made available to:

1. The New Jersey Department of Corrections Commissioner, or designee;

2. The municipal detention facility custody staff supervisor in charge;

3. The Attorney General;

4. The county prosecutor; and/or

5. The person searched.

New Rule, R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.17, "Search of detainees", recodified to 10A:34-2.16.

Recodified from 10A:34-2.17 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.15.

Amended by R.1998 d.263, effective May 18, 1998.

See: 30 N.J.R. 966(a), 30 N.J.R. 1811(a).

Rewrote (b).

Amended by R.2002 d.206, effective July 1, 2002.

See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).

Substituted "custody staff member" for "officer" throughout; in (b), substituted "gender" for "sex" following "same" in 2 and substituted "custody staff" for "law enforcement officers" preceding "deemed" in 3. Recodified from N.J.A.C. 10A:34-2.16 by R.2007 d.225, effective August 6, 2007.

See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

Amended by R.2010 d.134, effective July 6, 2010.

See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).

Rewrote (a) and (b); and added (c) and (d).

#### **10A:34-3.5 Strip searches of a person(s) who is lawfully confined for commission of a crime**

(a) A person lawfully confined for commission of a crime shall be strip searched when the custody staff supervisor in charge authorizes confinement in a municipal detention facility or transfer to an adult county correctional facility, the custody staff member authorized to conduct the strip search obtains the authorization of the custody staff supervisor in charge and one of the following exists:

1. A search warrant or valid documented consent; or

2. A reasonable suspicion that the person is concealing a weapon, controlled dangerous substance, contraband or evidence of a crime.

(b) A strip search may be conducted in any of the following circumstances:

1. When the custody staff supervisor in charge authorizes the search;

2. Before placement under psychological observation or suicide watch; or

3. After a contact visit.

(c) The authorized strip search of a person who has been confined in a municipal detention facility for the commission of a crime shall be conducted:

1. At a location where the search cannot be observed by unauthorized persons;

2. By a custody staff member of the same sex except as set forth in (e) below;

3. By the number of custody staff members deemed reasonably necessary to provide security;

4. Under sanitary conditions; and

5. In a professional and dignified manner.

(d) A strip search shall include a check for:

1. Body vermin;

2. Cuts;