

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 The chapter was repealed by R.1986 d.182, effective May 19, 1986.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Chapter 31, Adult County Correctional Facilities, was repealed and Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1990 d.140, effective March 5, 1990.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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. INTRODUCTION

- 10A:31-1.1 Purpose
- 10A:31-1.2 Scope
- 10A:31-1.3 Definitions

SUBCHAPTER 2. ENFORCEMENT PROCEDURES

- 10A:31-2.1 Authority of the Commissioner, New Jersey Department of Corrections
- 10A:31-2.2 Physical inspection and/or program evaluation
- 10A:31-2.3 Re-inspection
- 10A:31-2.4 Extension of time to correct violations
- 10A:31-2.5 Enforcement action

SUBCHAPTER 3. PLANNING AND DESIGN

- 10A:31-3.1 Notification
- 10A:31-3.2 Submission of plans and specifications
- 10A:31-3.3 Construction principles
- 10A:31-3.4 General conditions
- 10A:31-3.5 Reception and booking area; holding room
- 10A:31-3.6 Minimum requirements for housing units and dayroom areas
- 10A:31-3.7 Showers, drinking fountains, shutoff valves and drains
- 10A:31-3.8 Exercise areas
- 10A:31-3.9 Correctional program space
- 10A:31-3.10 Health care facilities and equipment
- 10A:31-3.11 Space for hair cutting
- 10A:31-3.12 Inmate commissary
- 10A:31-3.13 Dining areas
- 10A:31-3.14 Visiting and interview areas
- 10A:31-3.15 Janitor closet
- 10A:31-3.16 Administrative and staff areas
- 10A:31-3.17 Security perimeter
- 10A:31-3.18 Arsenal
- 10A:31-3.19 Building and fire codes
- 10A:31-3.20 Monitoring system
- 10A:31-3.21 Emergency power
- 10A:31-3.22 Plumbing and mechanical space

SUBCHAPTER 4. PERSONNEL

- 10A:31-4.1 Personnel manual
- 10A:31-4.2 Policy and procedure manual
- 10A:31-4.3 Affirmative Action Program
- 10A:31-4.4 Employee records
- 10A:31-4.5 Employee performance evaluation

SUBCHAPTER 5. TRAINING AND STAFF DEVELOPMENT

- 10A:31-5.1 Training and Staff Development Program
- 10A:31-5.2 Training officer
- 10A:31-5.3 Orientation and training for employees

SUBCHAPTER 6. MANAGEMENT INFORMATION SYSTEM AND INMATE RECORDS

- 10A:31-6.1 Inmate population accounting system
- 10A:31-6.2 Intake form
- 10A:31-6.3 Inmate population movement
- 10A:31-6.4 Inmate records
- 10A:31-6.5 Public records
- 10A:31-6.6 Confidential records
- 10A:31-6.7 Limitation on inmate and parolee records
- 10A:31-6.8 Availability of information to non-institutional persons or outside agencies
- 10A:31-6.9 Availability of information to adult county correctional facility personnel
- 10A:31-6.10 Procedure for release of confidential inmate or parolee records
- 10A:31-6.11 Records authorized by the inmate or parolee for inspection or release
- 10A:31-6.12 Litigation
- 10A:31-6.13 Reimbursement for costs of copying
- 10A:31-6.14 Security of Management Information System and inmate records

SUBCHAPTER 7. EMERGENCIES

- 10A:31-7.1 Meeting emergencies
- 10A:31-7.2 Passive resistance
- 10A:31-7.3 Work stoppage
- 10A:31-7.4 Escapes
- 10A:31-7.5 Riots
- 10A:31-7.6 Natural disasters

SUBCHAPTER 8. SECURITY AND CONTROL

- 10A:31-8.1 (Reserved)
- 10A:31-8.2 Search of inmates and facilities
- 10A:31-8.3 Search of inmates
- 10A:31-8.4 Strip search of a person(s) who has been detained or arrested for commission of an offense other than a crime
- 10A:31-8.5 Strip searches of a person(s) lawfully confined in an adult county correctional facility
- 10A:31-8.6 Body cavity searches of a person(s) who has been detained or arrested for commission of an offense other than a crime
- 10A:31-8.7 Body cavity searches of an inmate(s) lawfully confined in an adult county correctional facility
- 10A:31-8.8 Search of facilities
- 10A:31-8.9 Center Control
- 10A:31-8.10 Counts
- 10A:31-8.11 Inmate movements
- 10A:31-8.12 Custody staff posts
- 10A:31-8.13 Electronic surveillance
- 10A:31-8.14 Transportation of inmates
- 10A:31-8.15 Staffing plan
- 10A:31-8.16 Reports and meetings
- 10A:31-8.17 Use of force

SUBCHAPTER 9. USE AND CONTROL OF SECURITY EQUIPMENT

- 10A:31-9.1 Determining equipment needs
- 10A:31-9.2 Control of equipment
- 10A:31-9.3 Use of restraining equipment
- 10A:31-9.4 Key control
- 10A:31-9.5 Use and storage of chemical and non-chemical agents
- 10A:31-9.6 Storage of weapons

SUBCHAPTER 10. FOOD SERVICE

- 10A:31-10.1 Nationally recommended dietary allowance
- 10A:31-10.2 Food service management
- 10A:31-10.3 Menus
- 10A:31-10.4 Special diets or alternate foods
- 10A:31-10.5 Serving of meals
- 10A:31-10.6 Prohibited use of food for discipline
- 10A:31-10.7 Medical examination of food service personnel
- 10A:31-10.8 Personal hygiene of food service personnel
- 10A:31-10.9 Inspection of food service areas and equipment
- 10A:31-10.10 Storage areas
- 10A:31-10.11 Security in the food service area
- 10A:31-10.12 Budgeting, purchasing and accounting procedures
- 10A:31-10.13 Written policies and procedures

SUBCHAPTER 11. SANITATION

- 10A:31-11.1 Federal, State and local codes
- 10A:31-11.2 Housekeeping plan
- 10A:31-11.3 Daily sanitation inspections
- 10A:31-11.4 Floors
- 10A:31-11.5 Control of vermin and pests
- 10A:31-11.6 Disposal of liquid and solid wastes

SUBCHAPTER 12. INMATE CLOTHING AND HYGIENIC LIVING CONDITIONS

- 10A:31-12.1 Clothing
- 10A:31-12.2 Towels, linen and bedding
- 10A:31-12.3 Laundry services

- 10A:31-12.4 Issue of clothing, linen and bedding
- 10A:31-12.5 Cleaning of blankets and mattresses
- 10A:31-12.6 Storage of inmate personal clothing
- 10A:31-12.7 Personal hygiene products
- 10A:31-12.8 Shower and hair care services
- 10A:31-12.9 Written policies and procedures

SUBCHAPTER 13. MEDICAL, DENTAL AND HEALTH SERVICES

- 10A:31-13.1 Essential medical, dental and health services
- 10A:31-13.2 Responsibility for adult county correctional facility's medical services
- 10A:31-13.3 Security regulations
- 10A:31-13.4 Standard operating procedures
- 10A:31-13.5 Licensure
- 10A:31-13.6 Job descriptions
- 10A:31-13.7 Treatment
- 10A:31-13.8 First aid kits
- 10A:31-13.9 Medical screening
- 10A:31-13.10 Care of pregnant inmates
- 10A:31-13.11 Access to medical and dental services
- 10A:31-13.12 Inmate medical complaints
- 10A:31-13.13 Sick call
- 10A:31-13.14 Physician availability
- 10A:31-13.15 Emergency medical and dental care
- 10A:31-13.16 Chronic and convalescent care
- 10A:31-13.17 Medical and dental prosthetics
- 10A:31-13.18 Dental care
- 10A:31-13.19 Classification and Priority Treatment Program
- 10A:31-13.20 Preventive dentistry
- 10A:31-13.21 Refusal of treatment
- 10A:31-13.22 Mentally ill and developmentally disabled inmates
- 10A:31-13.23 Close medical supervision program
- 10A:31-13.24 Suicide prevention and intervention plan
- 10A:31-13.25 Special diets
- 10A:31-13.26 Detoxification
- 10A:31-13.27 Pharmaceutical management
- 10A:31-13.28 Medical records
- 10A:31-13.29 Informed consent for treatment
- 10A:31-13.30 Quarterly and annual report

SUBCHAPTER 14. MISCELLANEOUS INMATE RIGHTS

- 10A:31-14.1 Presumption of innocence
- 10A:31-14.2 Protection from abuse
- 10A:31-14.3 Prohibition against discrimination
- 10A:31-14.4 Inmate grievance procedure
- 10A:31-14.5 Opportunity to practice religion
- 10A:31-14.6 Access to representatives of the media

SUBCHAPTER 15. ACCESS TO THE COURTS

- 10A:31-15.1 Inmate access to courts
- 10A:31-15.2 Inmate Law Library
- 10A:31-15.3 Access to supplies and services
- 10A:31-15.4 Attorneys and court related personal visits
- 10A:31-15.5 Legal telephone calls

SUBCHAPTER 16. DISCIPLINARY PROCEDURES

- 10A:31-16.1 Disciplinary rules and sanctions
- 10A:31-16.2 Disciplinary rule book
- 10A:31-16.3 Disciplinary report
- 10A:31-16.4 Inmate Law Library violation and sanctions
- 10A:31-16.5 Minor violations and sanctions
- 10A:31-16.6 Major violations and sanctions
- 10A:31-16.7 Notification of inmate
- 10A:31-16.8 Use immunity
- 10A:31-16.9 Investigation
- 10A:31-16.10 Prehearing Detention
- 10A:31-16.11 Disciplinary Board/hearing officer
- 10A:31-16.12 Disciplinary hearing
- 10A:31-16.13 Referral to the prosecutor
- 10A:31-16.14 Decision of the Disciplinary Board

ADULT COUNTY CORRECTIONAL FACILITIES

- 10A:31-16.15 Appeal of disciplinary decisions
- 10A:31-16.16 Expungement

SUBCHAPTER 17. DISCIPLINARY DETENTION

- 10A:31-17.1 Placement in Disciplinary Detention
- 10A:31-17.2 Time spent in Disciplinary Detention
- 10A:31-17.3 Disciplinary problems while in Disciplinary Detention
- 10A:31-17.4 Security checks
- 10A:31-17.5 Records in Disciplinary Detention
- 10A:31-17.6 Security procedures for Disciplinary Detention
- 10A:31-17.7 Correspondence, visits and telephone calls
- 10A:31-17.8 Recreation

SUBCHAPTER 18. PROTECTIVE CUSTODY

- 10A:31-18.1 Admission to Protective Custody
- 10A:31-18.2 Hearing procedure for involuntary placement to Protective Custody
- 10A:31-18.3 Review of inmates in Protective Custody
- 10A:31-18.4 Release of inmates from Protective Custody
- 10A:31-18.5 Security procedures for Protective Custody
- 10A:31-18.6 Correspondence, visits and telephone calls

SUBCHAPTER 19. MAIL

- 10A:31-19.1 Limitation on outgoing and incoming mail
- 10A:31-19.2 Cost of mailing correspondence by indigent inmates
- 10A:31-19.3 Processing mail
- 10A:31-19.4 Disapproved content
- 10A:31-19.5 Inspection and reading of incoming mail
- 10A:31-19.6 Inspection of outgoing mail
- 10A:31-19.7 Publications
- 10A:31-19.8 Packages
- 10A:31-19.9 Written policy and procedures

SUBCHAPTER 20. VISITS

- 10A:31-20.1 Visit regulations
- 10A:31-20.2 Visit regulations translated into foreign language
- 10A:31-20.3 Contact visits
- 10A:31-20.4 Non-contact visits
- 10A:31-20.5 Visit scheduling
- 10A:31-20.6 Registering and search of visitors
- 10A:31-20.7 Visits by attorneys and religious advisors
- 10A:31-20.8 Special visits
- 10A:31-20.9 Written policies and procedures

SUBCHAPTER 21. ADMISSION, SEARCH, ORIENTATION, PROPERTY CONTROL AND RELEASE

- 10A:31-21.1 Written policies and procedures regarding newly admitted inmates
- 10A:31-21.2 Search of newly admitted inmates
- 10A:31-21.3 Orientation
- 10A:31-21.4 Adult county correctional facility rules and regulations
- 10A:31-21.5 Telephone calls
- 10A:31-21.6 Release or diversion to intervention programs
- 10A:31-21.7 Property control
- 10A:31-21.8 Release of inmates

SUBCHAPTER 22. CLASSIFICATION

- 10A:31-22.1 Written classification policies and procedures
- 10A:31-22.2 Classification and housing of inmates
- 10A:31-22.3 Male and female inmates' access to programs and activities
- 10A:31-22.4 Initial classification
- 10A:31-22.5 Classification hearing
- 10A:31-22.6 Appeal of Classification Committee decision
- 10A:31-22.7 (Reserved)

SUBCHAPTER 23. REMISSION OF TIME FROM SENTENCE

- 10A:31-23.1 Eligibility for cash or remission of time from sentence
- 10A:31-23.2 Records and audits
- 10A:31-23.3 Reports
- 10A:31-23.4 Consultations

SUBCHAPTER 24. INMATE WORK PROGRAM

- 10A:31-24.1 Inmate work plan
- 10A:31-24.2 Pretrial and unsentenced detainees
- 10A:31-24.3 Inmate volunteers
- 10A:31-24.4 Compensation

SUBCHAPTER 25. WORK RELEASE PROGRAM

- 10A:31-25.1 Authority
- 10A:31-25.2 Role of New Jersey Department of Corrections
- 10A:31-25.3 Benefit to inmates
- 10A:31-25.4 Responsibility for designating County Work Release Administrator
- 10A:31-25.5 Placement in Work Release
- 10A:31-25.6 Inmates ineligible for Work Release Program participation
- 10A:31-25.7 Application for admission to the Work Release Program
- 10A:31-25.8 Job site evaluation
- 10A:31-25.9 Notice to inmate
- 10A:31-25.10 Work Release Plan
- 10A:31-25.11 Disbursement of wages
- 10A:31-25.12 Statement of disbursements
- 10A:31-25.13 Vocational Training Release Plan
- 10A:31-25.14 Family Need Release Plan
- 10A:31-25.15 Notification of local police departments
- 10A:31-25.16 Custody status
- 10A:31-25.17 Orientation
- 10A:31-25.18 Review of status and termination
- 10A:31-25.19 Escape
- 10A:31-25.20 Quarterly report
- 10A:31-25.21 Arrangements with other counties
- 10A:31-25.22 Time credits

SUBCHAPTER 26. INMATE SERVICES AND PROGRAMS

- 10A:31-26.1 Social Services Program
- 10A:31-26.2 Education Program
- 10A:31-26.3 Religious services
- 10A:31-26.4 Recreation and Leisure Time Activities Program
- 10A:31-26.5 Library Program

SUBCHAPTER 27. VOLUNTEER SERVICE PROGRAM

- 10A:31-27.1 Coordinator of Volunteer Service Program
- 10A:31-27.2 Recruiting volunteers
- 10A:31-27.3 Credentials
- 10A:31-27.4 Screening process
- 10A:31-27.5 Orientation
- 10A:31-27.6 Volunteer identification
- 10A:31-27.7 Volunteer agreement
- 10A:31-27.8 Curtailing, postponing or discontinuing the services of a volunteer

SUBCHAPTER 28. JUVENILES

- 10A:31-28.1 Prohibition against placement in adult county correctional facilities

SUBCHAPTER 29. FISCAL MANAGEMENT

- 10A:31-29.1 Commissary

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.

1. Any breach of confidentiality;
2. Unlawful conduct or breach of adult county correctional facility rules and regulations;
3. Violation(s) of the rules of the Volunteer Service Program; and
4. Any conduct which threatens the order or security of the facility or the safety of the volunteer or others.

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.

SUBCHAPTER 28. JUVENILES

10A:31-28.1 Prohibition against placement in adult county correctional facilities

Pursuant to N.J.S.A. 2A:4A-37, juveniles shall not be detained in an adult county correctional facility, except as set forth in N.J.S.A. 2A:4A-36.

SUBCHAPTER 29. FISCAL MANAGEMENT

10A:31-29.1 Commissary

Pursuant to N.J.S.A. 30:4-15.1, every commissary in an adult county correctional facility operated for the sale of commodities shall collect a surcharge of 10 percent of the sale price of every item sold. These collected funds shall be forwarded to the State Treasurer for deposit into the Victims of Crime Compensation Board (VCCB) account.

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 adult county correctional facilities for a reference to county correctional facilities.