

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 facility limits or exceeds reasonable safety, security, sanitary or space considerations.

(b) Any article which may be harmful or presents a threat to the security and orderly operation of the facility shall be considered contraband. Items of contraband shall include, but shall not be limited to:

1. Guns and firearms of any type;
2. Ammunition;
3. Explosives;
4. Knives;
5. Tools;
6. Other implements not provided in accordance with facility regulations;
7. Hazardous or poisonous chemicals and gases;
8. Unauthorized drugs and medications;
9. Medicines dispensed or approved by the facility but not consumed or utilized in the manner prescribed;
10. Intoxicants, including, but not limited to, liquor or alcoholic beverages; and
11. Currency and stamps, where prohibited.

10A:31-8.2 Search of inmates and facilities

(a) Facilities and inmates may be searched as provided in this subchapter for the purpose of controlling and deterring the introduction and concealment of contraband.

(b) Each facility shall develop and implement a comprehensive written plan governing searches of facilities and inmates.

10A:31-8.3 Search of inmates

(a) All inmates admitted to an adult county correctional facility shall be thoroughly searched.

(b) All searches shall be conducted under sanitary conditions, in a professional and dignified manner, with maximum courtesy and respect for the inmate's person.

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

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

(a) A person who has been detained or arrested for commission of an offense other than a crime and who is

confined in an adult county correctional facility shall not be subject to a strip search unless there is reasonable suspicion that a weapon, controlled dangerous substance or contraband will be found.

(b) Strip searches shall be conducted:

1. By a person of the same sex;
2. In private;
3. Under sanitary conditions; and
4. In a professional and dignified manner.

(c) The person authorized to conduct a strip search shall file a written report to be made part of the detained or arrested person's record which shall include, but not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;
2. The name of the officer in charge who authorized the search;
3. The name(s) of the correction officer(s) present during the search and the reason for his or her presence;
4. The name(s) of the person(s) conducting the search; and
5. An inventory of the item(s) found during the search.

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

1. The Commissioner, New Jersey Department of Corrections;
2. The adult county correctional facility Administrator;
3. The Attorney General;
4. The county prosecutor; and/or
5. The person searched.

New Rule, R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Case Notes

Subjecting driver to strip search violated driver's Fourth Amendment rights. *Ernst v. Borough of Fort Lee*, D.N.J.1990, 739 F.Supp. 220.

It was not reasonable to subject detainee to visual strip search on basis of mere suspicion that car in which detainee was passenger was stolen. *DiLoreto v. Borough of Oaklyn*, D.N.J.1990, 744 F.Supp. 610.

10A:31-8.5 Strip searches of a person(s) lawfully confined in an adult county correctional facility

(a) The person authorized to conduct a strip search on a person lawfully confined in an adult county correctional facility shall obtain the permission of the supervisor on duty to conduct the search and shall file a written report explaining the reasons for the search.

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

1. Prior to admitting a person lawfully confined to an adult county correctional facility, prison or jail by court order or pursuant to an arrest authorized by law;
2. Before an inmate enters the facility after being permitted to leave for any reason;
3. Whenever there is reasonable suspicion that an inmate is carrying contraband;
4. Before placement of an inmate into:
 - i. Prehearing Detention;
 - ii. Disciplinary Detention; or
 - iii. Protective Custody.
5. Before placement of an inmate under a psychological observation or suicide watch;
6. Whenever the person admitted for a minor offense(s) is known to have a history of violent or assaultive conduct or a previous conviction(s) for a crime(s); and
7. After a contact visit.

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

1. Body vermin;
2. Cuts;
3. Bruises;
4. Needle scars; and
5. Other injuries, where appropriate.

(d) A strip search shall be conducted in private at a location where the search cannot be observed by persons not conducting the search and no member of the opposite sex shall be present during the search, except as set forth in (e) below.

(e) Strip searches may be conducted by persons of the opposite sex under emergency conditions as ordered by the adult county correctional facility Administrator.

(f) No inmate shall be searched as punishment or discipline.

Recodified from 10A:31-8.4 and amended by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Case Notes

Strip search of newly admitted county inmate found unjustified absent suspicion of concealed weapons or contraband; blanket strip search of all arrestees mandated by former rule found constitutionally unsupported. *Davis v. City of Camden*, 657 F.Supp. 396 (D.N.J. 1987).

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

(a) The person who has been detained or arrested for the commission of an offense other than a crime and who is lawfully confined in an adult county correctional facility shall not be subject to a body cavity search unless the officer in charge determines that the search is based on a reasonable suspicion that a weapon, controlled dangerous substance or contraband will be found.

(b) An authorized body cavity search of a person who has been detained or arrested for commission of an offense other than a crime shall be conducted:

1. Under sanitary conditions;
2. At a location where the search cannot be observed by unauthorized persons;
3. By a physician or a registered nurse who must be of the same sex as the detained or arrested person;
4. In the presence of only those correction officers deemed necessary for security, who are of the same sex as the detained or arrested person; and
5. In a professional and dignified manner, with maximum courtesy and respect for the person.

(c) The person who has been detained or arrested for the commission of an offense other than a crime may:

1. Remove the object in the presence of the physician or registered nurse and a correction officer(s) of the same sex as the person; or
2. Be examined by the physician or registered nurse who may remove the object, without the use of force.

(d) In the event it is determined that a foreign object which contains metal is present in the body cavity of the person who has been detained or arrested for the commission of an offense other than a crime, such object may be removed only by the physician with or without the use of force.

(e) In the event the officer in charge or the physician or the registered nurse has determined that nonmetal contraband is being concealed in the body cavity of the person who has been detained or arrested for the commission of an offense other than a crime, and that person refuses to permit contraband removal, the person may be placed in medical isolation. During medical isolation, that person may be kept under visual surveillance to detect removal or elimination of the contraband.