

disposition of contraband set forth in N.J.A.C. 10A:3-6, Contraband and Disposition of Contraband, are fully applicable to this subchapter.

Amended by R.2002 d.171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Amended by R.2007 d.294, effective September 17, 2007.

See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

Substituted "Procedures" for "The definition of contraband and all procedures".

10A:3-5.2 Search plan

(a) Each correctional facility shall develop and implement a comprehensive written plan governing routine and random searches of facilities and inmates. Each plan shall be submitted to the Office of the Commissioner or designee for review and approval on or before February 15 of each year.

(b) Each correctional facility shall appoint a custody staff member of the rank of Correction Major as Institutional Search Plan Coordinator.

(c) The Institutional Search Plan Coordinator shall submit monthly data to the Administrator and the Indicator Report Coordinator. The data shall include, but not be limited to, information regarding searches completed and contraband recovered. The reported data shall be included in the Monthly Indicator Report.

Amended by R.1988 d.582, effective December 19, 1988.

See: 20 N.J.R. 2441(a), 20 N.J.R. 3155(a).

Added (b)-(d).

Amended by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

In (a), inserted "routine and random" preceding "searches"; in (b), substituted "a custody staff member" for "an officer"; in (c), inserted "and search results" following "Institutional Search Plan", and substituted "Administrator" for "Superintendent"; rewrote (d).

Amended by R.2002 d.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

Substituted "Commissioner or designee" for "Chief of Staff" throughout.

Amended by R.2002 d.171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (b), substituted "of" for "at" prior to "a rank"; rewrote (c); and deleted (d).

Amended by R.2015 d.037, effective March 16, 2015.

See: 46 N.J.R. 1928(a), 47 N.J.R. 649(b).

In (b), substituted "of the rank of Correction Major" for "of a rank no less than Captain".

10A:3-5.3 Searches of inmates and facilities

(a) All facility residential, work, training, visit areas and other areas to which inmates have access shall be searched thoroughly for contraband on a routine, continuing basis. Searches shall be unannounced and irregularly timed, and may be limited to a specific building or area.

(b) Procedures to be utilized in conducting searches shall be as set forth in an internal management document prepared by each correctional facility Administrator or designee to be promulgated pursuant to the search plan required by N.J.A.C.

10A:3-5.2. Such procedures may provide that an inmate may be excluded from entry into an area being searched to facilitate the safe and effective performance of the search.

(c) Searches of inmates shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the inmate's person, and under sanitary conditions.

(d) No inmate shall be searched as punishment or discipline except as provided by N.J.A.C. 10A:3-5.10.

Amended by R.1997 d.41, effective January 21, 1997.

See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Added (c) and (d).

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

In (a), substituted "inmate" for "facility" preceding "residential" and inserted "visit" preceding "areas and other areas"; in (b), inserted "in an internal management document prepared" following "as set forth" and substituted a reference to Administrator or designee for a reference to Standard Operating Procedures.

10A:3-5.4 Inspection of security devices

(a) All bars and sashes, locks, windows, doors, lock boxes and other security devices shall be inspected daily to detect any tampering or defect.

(b) Emergency keys shall be checked at least quarterly to determine that they work properly.

(c) Inspections of security devices shall be conducted continuously and systematically but scheduled to avoid an observable or predictable routine. The results of all inspections shall be submitted in writing to the shift commander for review by a Correction Major.

Amended by R.2002 d.171, effective June 3, 2002.

See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

In (c), substituted "commander" for "supervisor".

Amended by R.2015 d.037, effective March 16, 2015.

See: 46 N.J.R. 1928(a), 47 N.J.R. 649(b).

In (c), substituted "a Correction Major" for "the Director of Custody Operations".

10A:3-5.5 Use of scanning/testing devices

(a) Searches of inmates, areas and objects by the use of scanning/testing devices may be done routinely and randomly where necessary for security purposes. This may be, but is not limited to, a walk-through device or a handheld device which is passed over the fully clothed body of the inmate. A scanning/testing device may also be utilized in conjunction with a strip search.

(b) Scanning/testing device searches of inmates may be conducted by male or female custody staff members or scanning/testing device operators subject to the limitations set forth in N.J.A.C. 10A:3-5.7 and 5.8.

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Rewrote the section.

10A:3-5.6 Pat search

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

(b) Pat searches of inmates may be conducted at any time in the following circumstances:

1. Prior to the departure or return of the inmate to or from any area where the inmate has had access to dangerous or valuable items;
2. Prior to entering or departing the visiting area; or
3. Under any other circumstances where conditions indicate a need for such searches, such as, but not limited to, upon departure of inmates from kitchen or dining areas.

(c) In addition to the foregoing routine searches, a pat search may be conducted at any time when there is a reasonable suspicion that the inmate is carrying contraband. Factors which may form the basis for such search may include, but not be limited to:

1. Personal observations of activities or conditions which may be interpreted in light of the custody staff member's experience and knowledge of the inmate as indicating the possession of contraband; or
2. Information received from a third party who is believed to be reliable.

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

Amended by R.1988 d.406, effective September 6, 1988.
See: 20 N.J.R. 1331(a), 20 N.J.R. 2294(a).

Changed frisk to pat.

Amended by R.1997 d.41, effective January 21, 1997.
See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

In (b)1 inserted reference to returning inmates; and in (b)2, inserted reference to departing visiting rooms.

Amended by R.1997 d.343, effective August 18, 1997.
See: 29 N.J.R. 2614(b), 29 N.J.R. 3732(a).

In (c), deleted prior approval requirement.

Amended by R.2001 d.197, effective June 18, 2001.
See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

In (c)1, substituted "custody staff member's" for "correction officer's"; in (d), substituted "custody staff members" for "officers" and "gender" for "sex".

Amended by R.2007 d.294, effective September 17, 2007.
See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

In (b)2, substituted "area" for "room"; in (b)3, inserted "such" and substituted "but not limited to" for "for example"; and in the introductory paragraph of (c), substituted "reasonable suspicion" for "reasonably clear indication" and inserted ", but not be limited to".

10A:3-5.7 Strip searches

(a) A strip search shall be conducted while the inmate is unclothed. A strip search includes a thorough and systematic examination of the inmate's body and orifices, including

visual inspection of external genital and anal areas, as well as the inmate's clothing and all personal possessions.

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

1. After a contact visit;
2. Before an inmate enters or leaves the facility's main building, whether to go to a destination in the outside community or to a minimum security camp or farm area;
3. Prior to the departure of the inmate from any area where the inmate has had access to dangerous or valuable items;
4. Upon entering or leaving any close custody unit;
5. During housing unit/wing searches;
6. Before placement of an inmate under constant observation or suicide watch; or
7. When a custody staff member with a rank of Sergeant or above is satisfied that there is a reasonable suspicion that an inmate is carrying or concealing contraband on his or her person, or in the inmate's anal or vaginal cavity.

(c) A strip search shall be conducted:

1. At a location where the search cannot be observed by unauthorized persons;
2. In a professional and dignified manner, with maximum courtesy and respect for the inmate's person;
3. By the number of custody staff deemed reasonably necessary to provide security; and
4. By custody staff of the same gender as the inmate and may include a scanning/testing device operator(s) of the same gender as the inmate except as set forth in (d) below.

(d) Strip searches of inmates may be conducted by custody staff and a scanning/testing device operator(s) of the opposite gender under emergent conditions as ordered by the Administrator, Associate Administrator, Assistant Superintendent or the highest ranking custody supervisor on duty.

(e) In emergent circumstances, strip searches may be observed by persons, such as, but not limited to, the on-call Corrections Ombudsperson, a Special Investigations Division Investigator(s), or Special Operations Group (SOG) Unit members required to be present who are not conducting the search and who may be of the opposite gender to help ensure:

1. The secure and orderly operation of the procedure;
2. The accurate recordkeeping regarding the emergent circumstances and incident; and
3. That the strip search is conducted in a professional and dignified manner, with maximum courtesy and respect for the inmate's person.