

CHAPTER 31

ADULT COUNTY CORRECTIONAL FACILITIES

Authority

N.J.S.A. 30:1B-6, 30:1B-10 and P.L.1994, c. 153.

Source and Effective Date

R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Executive Order No. 66(1978) Expiration Date

Chapter 31, Adult County Correctional Facilities, expires on August 7, 2000.

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 The chapter was repealed by R.1986 d.182, effective May 19, 1986.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 became effective November 1, 1979 as R.1979 d.438. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e). Subchapter 4 was originally filed and became effective under the emergency provisions of the Administrative Procedure Act. See: 13 N.J.R. 467(a). The subchapter was subsequently readopted, effective August 21, 1981 as R.1981 d.358. See: 13 N.J.R. 434(b), 13 N.J.R. 596(a). Subchapter 5 became effective May 17, 1982 as R.1982 d.149. See: 14 N.J.R. 227(a), 14 N.J.R. 474(a). Chapter 31 expired on November 1, 1984 pursuant to Executive Order 66(1978) and a new rule was established on February 4, 1985 as R.1985 d.17. See: 16 N.J.R. 3284(a), 17 N.J.R. 312(a). Subchapter 6, Work Release Program, became effective July 7, 1986 as R.1986 d.261. See: 18 N.J.R. 604(a), 18 N.J.R. 1386(a).

Chapter 31 was repealed and new rules adopted as R.1990 d.140, effective March 5, 1990. Pursuant to Executive Order 66(1978), Chapter 31, Adult County Correctional Facilities, 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: Source and Effective Date.

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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 in the form of cash or remission of time from sentence or both;

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.

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.

“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; and/or

2. 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.

“County work release” means a program which permits selected inmates, committed by the municipal or county court to an adult county correctional facility, to be in the community during specified periods to engage in remunerative employment, to attend vocational training and, in the case of female offenders, to attend to family needs.

“Detainer” means a warrant or formal authorization to hold an inmate for prosecution or detention by a Federal, State or local law enforcement agency or the U.S. Immigration Department. Detainers may include, but are not limited to:

1. Adjudicated criminal charges for which sentence has been imposed;
2. Criminal charges resulting from indictment, for which there is no final disposition (open charges);
3. Warrants for violation of parole or probation; and
4. Immigration detainers.

“Disciplinary Board” means a custody supervisor and two non-custody staff members who have been designated by the Jail Administrator to hear and adjudicate inmate violations of facility rules.

“Disciplinary Detention” means the removal of an inmate from the general population to a short term close custody unit because of a violation of facility rules.

“Facility” means an adult county correctional facility.

“Handbook on Discipline” means a publication that is provided to inmates which contains the inmate’s rights and responsibilities, the acts and activities which are prohibited, and the disciplinary procedures and sanctions imposed.

“Involuntary protective custody” means confinement in Protective Custody which was not requested by the inmate.

“Jail Administrator” means a Sheriff, Warden or any other person who serves as the Chief Executive Officer of an adult county correctional facility.

“Multiple occupancy sleeping unit” means an area, room, or cell housing more than two, but less than 50, inmates.

“Objective classification” means the standardized evaluation and custody assignment score of an inmate based on the following criteria:

1. Severity of current offense;
2. Prior assaultive offense history;
3. Escape history;
4. History of correctional facility violence;
5. Balance of term to be served to expiration of sentence (initial only);
6. Alcohol/drug abuse (initial only);
7. Current detainer/open charges;
8. Prior felony convictions (initial only);
9. Education (initial only);
10. Employment (initial only);
11. Age;
12. Number of disciplinary reports (reclassification only);
13. Most severe disciplinary infraction received (reclassification only);
14. Program participation (reclassification only);
15. Balance on parole eligibility date (reclassification only); and
16. System overrides.

“On-the-Spot Correction” means the immediate imposition of a sanction upon an inmate for a minor rule violation.

“Prehearing detention” means the removal of an inmate from the general population pending an investigation and a hearing into an alleged violation of a rule.

“Productive occupation” means any assignment exclusive of a work release assignment, which involves work carried on by the governing body or by any board, commission or institution that receives funding from the county.

“Protective custody” means confinement to a secure unit designated to restrict or limit an inmate’s activities and contacts with others, in order to provide protection to the inmate from injury or harm actually threatened, or reasonably believed to exist based on events, investigative reports, informants’ reports or other reliable sources of information.

“Strip search” means the removal or rearrangement of clothing and the visual inspection of the person’s undergarments, buttocks, anus, genitals, or breasts.

“Unencumbered space” means usable space that is not hindered by furnishings or fixtures.

“Voluntary protective custody” means confinement in Protective Custody which was requested by the inmate.

Amended by R.1994 d.182, effective April 4, 1994.
See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).
Amended 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.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).
Amended by R.2000 d.206, effective May 15, 2000.
See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).
Inserted “Objective classification”.

SUBCHAPTER 2. ENFORCEMENT PROCEDURES

10A:31-2.1 Authority of the Commissioner, New Jersey Department of Corrections

(a) N.J.S.A. 30:1B-10 gives the Commissioner of the Department of Corrections the authority to establish minimum standards for adult county correctional facilities.

(b) The Commissioner may, in accordance with the Administrative Procedure Act, P.L.1968, c. 410 (N.J.S.A. 52:14B-1 et seq.) promulgate such rules and regulations as are deemed necessary to establish minimum standards for the care, treatment, government and discipline of inmates in adult county correctional facilities.

(c) The Department of Corrections takes note of the fact that a number of older adult county correctional facilities operate under the handicap of certain physical deficiencies. Such facilities will be allowed to make reasonable accommodations to meet this chapter. However, in the areas of renovation and/or new constructions of adult county correctional facilities, the Department of Corrections will insist that there be conformity to this chapter.

10A:31-2.2 Physical inspection and/or program evaluation

(a) The physical inspection and/or programmatic evaluation of adult county correctional facilities shall be conducted by the Bureau of County Services, New Jersey Department of Corrections.

(b) A report of the findings of the physical inspections and/or the programmatic evaluations, listing all violations shall be submitted to the Freeholder Director or County Executive with copies to the Sheriff or Jail Administrator and the County Assignment Judge.

(c) The report shall contain notice that corrective action must be effected or initiated within 60 days, and a date for re-inspection shall be scheduled.

10A:31-2.3 Re-inspection

(a) A re-inspection shall be conducted noting the abatement status of all violations.

(b) If additional violations are discovered during the re-inspection, a separate addendum will be attached to the original list of violations.

(c) A letter indicating the findings of each re-inspection shall be submitted to the parties listed in N.J.A.C. 10A:31-2.2(b).

(d) A date shall be scheduled for final re-inspection prior to any enforcement action.

10A:31-2.4 Extension of time to correct violations

(a) At any time prior to enforcement of restrictions, the county may request an extension of time to correct the violations. Said request must be in writing and must specify:

1. The particular violations which the county expects to have difficulty in correcting;
2. The reason(s) for the difficulty;
3. The nature of corrective action being undertaken; and
4. The date by which correction of violations will be completed.

(b) The Commissioner, New Jersey Department of Corrections, may, in his or her discretion, grant, modify or deny the request for an extension after consultation with the Bureau of County Services.

10A:31-2.5 Enforcement action

(a) In the event acceptable corrective action has not been effected or initiated upon final reinspection, notice shall be forwarded, by certified mail, to the county stating that:

1. Effective immediately, the county shall cease to admit persons sentenced to State correctional facilities;
2. Effective 30 days after receipt of notice, the county shall cease to admit persons sentenced to terms in said adult county correctional facility; and
3. Effective 90 days after receipt of notice, the county shall cease to accept all persons sent to said adult county correctional facility.

(b) The notice of restrictions in (a) above shall contain a statement of reasons for imposition of restrictions, based on:

1. The number, seriousness and duration of the violations cited; and
2. The willful, continuous disregard of the county in abating the violations.

(c) Restrictions imposed on a county pursuant to this subchapter shall continue until such time as the Commissioner shall determine that the violations specified have been corrected, or that the adult county correctional facility has initiated actions which will ensure the correction of said violations.

(d) During the pendency of restrictions imposed pursuant to this subchapter, location of inmates and payments therefor shall be governed by N.J.S.A. 30:8-57, 58 and 59.

(e) The Commissioner shall initiate such legal action as may be deemed necessary to ensure the enforcement of this subchapter.

Case Notes

Chancery judge was empowered to direct county to build additional facilities to remedy unconstitutional overcrowding and other conditions in county jail, but it was unnecessary to determine whether power was exercised pursuant to court's authority to implement remedy following declaration of unconstitutional conditions at jail or whether trial court was merely directing implementation of plan prepared by commissioner of Department of Corrections pursuant to commissioner's statutory jurisdiction, where county acknowledged its obligation to construct adequate county correctional facilities. *Morales v. County of Hudson*, 236 N.J.Super. 406, 566 A.2d 191 (A.D.1989).

SUBCHAPTER 3. PLANNING AND DESIGN

10A:31-3.1 Notification

(a) A letter of intent to construct, remodel or renovate any adult county correctional facility shall be submitted to the Chief, Bureau of County Services, Department of Corrections, by the governing body responsible for the facility prior to the initiation of any planning actions. The notification shall specify the proposed action to be taken and the estimated period of construction.

(b) Upon receipt of the letter of intent, the Chief, Bureau of County Services, shall furnish technical assistance throughout the planning process to assure that such planning complies with this subchapter.

10A:31-3.2 Submission of plans and specifications

(a) All plans and specifications shall be submitted to the Chief, Bureau of County Services, New Jersey Department of Corrections to ensure compliance with the requirements set forth in this subchapter.

(b) Contracts shall not be awarded until approval of final documents is received by the appropriate county administrator in writing from the Chief, Bureau of County Services, and other applicable regulatory agencies.

Recodified from 10A:31-3.3 and amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.3 Construction principles

All adult county correctional facility construction or renovations shall comply with the regulations required by State and local building and fire codes.

Recodified from 10A:31-3.4 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.4 General conditions

(a) The requirements within this subchapter shall apply to all areas of the adult county correctional facility with equal importance and shall be considered in the planning process.

(b) The facility should be geographically accessible (such as, but not limited to, public transportation and parking) to the public and to the facility staff, as well as to the officers of the court, attorneys and law enforcement officers.

(c) Staff work stations and control rooms shall be situated to provide the greatest degree of observation of traffic flow and supervised internal activities. The staff work stations and control rooms shall provide access to toilet facilities.

(d) The facility shall be so designed that sections or parts can be closed off for varied use to meet changing needs.

(e) Exit and entry control stations shall be separated from the public and inmates by security barriers and shall be protected from direct observation from outside of the facility.

(f) The design of the correctional facility shall provide for the secure confinement of inmates and for adequate separation of inmates of one classification from inmates of another (see N.J.A.C. 10A:31-22.2).

(g) The design of the facility shall provide for the segregation of certain types of inmates from the living areas of the general population, such as disciplinary detention, protective custody, etc.

(h) The number of special purpose cells shall be based on the size and needs of the facility and shall be used only for the temporary detention of inmates.

(i) General population sleeping units in new correctional facilities may be multiple or single occupancy units.

(j) Consistent with the security requirements of the facility, living units shall be located and designed to safeguard the privacy of inmates.

(k) Adult county correctional facilities shall contain sufficient space for programs which can include the public in areas other than the living areas of the facility, without compromising the security and control of the facility's operation.

(l) Storage areas for the personal property of inmates shall be sufficient to accommodate all necessary materials and provide for the separation and security of the personal property of inmates.

(m) The design shall allow for service deliveries without interference with the security of the facility.

(n) Provisions shall be made for the secure storage areas of the following:

1. Keys;
2. Weapons;
3. Drugs and medications;
4. Tools;
5. Evidence;
6. Personal clothing of inmates;
7. Personal property of inmates;
8. Institutional clothing for inmates;
9. Records;
10. Supplies; and
11. Other materials.

(o) Secure depositories for off-duty and on-duty weapons shall be provided at each facility outside the areas accessible to the inmates. Weapon lockers provided for off-duty weapons shall be equipped with individual compartments, each with an individual lock and key.

(p) Padlocks shall not be used in place of, or in addition to, a security lock on any door or window within the facility.

(q) The illumination level shall provide at least 20 foot candles of illumination at desk level and in personal grooming areas of the inmate's sleeping unit. Illumination throughout the remainder of the correctional facility shall be appropriate for the task being performed and light fixtures

shall be security tamper-proof recessed type protected by laminated tempered glass or break-resistant plastic lens.

(r) The design of windows shall take into consideration the need for the admission of natural light. All inmate sleeping units shall have a security type window installed. If the window is operable, security screening must be installed.

(s) Visiting areas shall be designed for contact and non-contact visiting.

(t) Each entrance to a secure area shall be constructed to permit observation and identification of the person seeking admission thereto.

(u) Eating areas shall be sufficiently separated from the toilet and shower facilities to avoid offensive or unsanitary conditions.

Recodified from 10A:31-3.5 and amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

Information arising from parole hearing not subject to disclosure under right to know law. Home News Pub. Co. v. State, 224 N.J.Super. 7, 539 A.2d 736 (A.D.1988).

10A:31-3.5 Reception and booking area; holding room

(a) Adult county correctional facilities shall have a receiving and discharge area. The space designed for receiving and discharging of inmates shall be constructed inside the security area, but outside the inmates' living quarters.

(b) There shall be a separate inmate entrance from a sally-port or safety vestibule into the receiving area with a minimum of corridors or passageways. Stairs should be avoided.

(c) The entrance area shall be arranged and constructed to allow sufficient observation by the correction officer to identify persons approaching the entrance.

(d) A holding room for the confinement of inmates during their initial processing shall be provided.

(e) Single occupancy holding rooms shall have a minimum of 60 square feet of floor area.

(f) Multiple occupancy holding rooms shall have a minimum of 100 square feet of floor area.

(g) The holding room shall provide adequate seating for the capacity of the room and access to toilet and lavatory facilities without staff assistance.

(h) Access to a telephone shall be provided to inmates while confined in a holding room.

(i) A sufficient number of individual interviewing rooms shall be available either in the booking area or in close proximity to the booking area.

Recodified from 10A:31-3.6 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

A prisoner is always free to challenge an institutional transfer, a failure to receive treatment, or a classification grievance through an administrative appeal and, ultimately, on appeal to the Superior Court, Appellate Division; Resentencing Panel is the wrong route for such an appeal; disparity between 30 year sentence being served for rape as a sex offender under Title 2A and the 20 year maximum sentence for the congruent offense of aggravated sexual assault under the Code of Criminal Justice, Title 2C, did not constitute "good cause" for resentencing. *State v. Smith*, 190 N.J.Super. 21 (App.Div.1982), 461 A.2d 1177, certification denied 96 N.J. 319 (1984), certification denied 475 A.2d 606, 96 N.J. 319.

10A:31-3.6 Minimum requirements for housing units and dayroom areas

(a) All single occupancy cells shall contain a minimum of 35 square feet of unencumbered floor space.

(b) All multiple occupancy sleeping units shall contain a minimum of 25 square feet of unencumbered floor space per inmate.

(c) Partitions are required if more than four inmates are housed in one multiple occupancy sleeping unit.

(d) Each single occupancy cell or multiple occupancy sleeping unit shall be equipped with the following:

1. A steel detention type bunk for each occupant which is securely fastened to the floor or wall or both and is capable of accommodating a standard fire retardant mattress;
2. A detention type toilet and lavatory with drinking font, serviceable from outside the cell or multiple occupancy sleeping unit;
3. A steel shelf or storage area for personal items;
4. An unbreakable mirror securely mounted with tamper-proof screws;
5. A writing surface affixed to the wall or floor with a proximate area to sit; and
6. Detention type ventilation and exhaust grills and registers.

(e) Depending on the size of the facility, one or more isolation, detention or segregation cells shall be constructed to detain violent and destructive inmates. These cell(s) shall contain:

1. A minimum of 70 square feet in floor space area;

2. A metal bunk firmly affixed to the wall, floor or both which is capable of accommodating a standard fire retardant mattress;

3. A security tamper-proof recessed light; and

4. A stainless steel toilet and lavatory sanitary unit serviceable from outside the cell via a plumbing chase.

(f) Cell and multiple occupancy sleeping unit walls shall be at least six inch reinforced concrete or eight inch concrete block containing vertical reinforcement rods with all voids filled with solid concrete.

(g) Cell and multiple occupancy sleeping unit ceilings shall be pre-cast concrete plank or reinforced concrete and shall be a minimum of eight feet in height.

(h) Dormitories in an existing facility shall have a minimum rated capacity of four inmates and a maximum capacity of 50 inmates. Dormitories shall have a minimum of 25 square feet of unencumbered floor space per inmate, a minimum ceiling height of eight feet and adequate space for lockers.

(i) Doors of cells and multiple occupancy sleeping units shall be detention type hollow metal with a vision security glazing port and secured with a detention type locking device. Where deemed appropriate, food passes shall be installed.

(j) The minimum ratio of toilets, wash basins and mirrors in multiple occupancy sleeping units shall be:

1. One toilet for every 12 inmates in male sleeping units (one half of these toilets may be urinals);
2. One toilet for every eight inmates in female sleeping units;
3. One operable wash basin with hot and cold running water for every 12 inmates; and
4. One unbreakable mirror per wash basin.

(k) All adult county correctional facilities shall have dayrooms. The dayroom areas shall contain 35 square feet of floor space per inmate, exclusive of lavatories, showers and toilets, for the maximum number of inmates who can use the dayroom at one time. The dayroom area shall be separate and distinct from the sleeping area, but immediately adjacent and accessible therefrom. Exterior light and view shall be provided.

(l) Dayrooms shall provide sufficient seating, writing, and eating surfaces for every inmate using the dayroom at one time. Dayroom furnishings shall be consistent with the custody level of the inmates assigned.

(m) A qualified inmate with a disability shall be housed in a manner that provides for his or her safety, security and accessibility to facility programs or activities. Rooms, sleeping units, or housing units shall be designed for use by qualified inmates with disabilities.

Recodified from 10A:31-3.7 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

Construction of additional county jail facilities was necessary. *Morales v. County of Hudson*, 236 N.J.Super. 406, 566 A.2d 191 (A.D. 1989).

10A:31-3.7 Showers, drinking fountains, shutoff valves and drains

(a) There shall be at least one operable shower with temperature controlled hot and cold water available for every 16 inmates and the shower shall be accessible to inmates without the necessity of leaving the immediate housing area.

(b) Drinking fountains shall be located in areas of the correctional facility to ensure that drinking water will be available.

(c) Each toilet, wash basin, and shower shall be equipped with an individual water shutoff valve tied into a master valve. The master valve and individual shutoff valves shall be located in secure plumbing chases which are readily accessible.

(d) Floor drains shall be provided in all inmate areas. In those housing units containing sleeping units, the floor drain shall be located outside of the actual sleeping unit in order to reduce the incidence of malicious tampering and flooding. Drain covers shall be securely anchored in place with tamper resistant security screws.

Recodified from 10A:31-3.8 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

A prisoner is always free to challenge an institutional transfer, a failure to receive treatment, or a classification grievance through an administrative appeal and, ultimately, on appeal to the Superior Court, Appellate Division; Resentencing Panel is the wrong route for such an appeal; disparity between 30 year sentence being served for rape as a sex offender under Title 2A and the 20 year maximum sentence for the congruent offense of aggravated sexual assault under the Code of Criminal Justice, Title 2C, did not constitute "good cause" for resentencing. *State v. Smith*, 190 N.J.Super. 21, 461 A.2d 1177 (App.Div. 1982) certification denied 96 N.J. 319, 475 A.2d 606 (1984).

An inmate's procedural due process rights at a prison disciplinary hearing have been meticulously implemented by this rule, prisoner not denied due process when Parole Board accepted a prison disciplinary hearing decision as res judicata and used it as the sole basis for parole rescission. *New Jersey State Parole Bd. v. Woupes*, 184 N.J.Super 533, 446 A.2d 1214 (App.Div.1981).

10A:31-3.8 Exercise areas

(a) Every adult county correctional facility shall contain indoor and outdoor exercise areas.

(b) The indoor and outdoor exercise area shall be proportionate to the size of the facility and the number of inmates housed.

(c) The indoor exercise area may be coupled with any other multipurpose room as long as the design and furnishings do not interfere with scheduled exercise activities. This area shall provide sufficient space to allow a moderate amount of physical activity and the minimum clearance height should be appropriate for the activities to be performed.

Recodified from 10A:31-3.9 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

Group contact in protective custody only permitted when the prisoners can be matched up as not constituting a threat to one another; the trial court's finding, that convicted former police officer's substantial risk of injury or death due to a combination of illness and possible prisoner attack constituted cruel and unusual punishment, held not supported by the evidence. *State v. Muessig*, 198 N.J.Super. 197, 486 A.2d 924 (App.Div.1985) certification denied 101 N.J. 234, 501 A.2d 912.

10A:31-3.9 Correctional program space

(a) Sufficient flexible area for correctional programming shall be provided in every adult county correctional facility. Such space and furnishing may be in the form of a multipurpose room or rooms with moveable partitions and storage area for seating equipment and writing tables. Such program area and furnishings shall be designed to meet facility needs, and shall include space for the following:

1. Religious services;
2. Group counseling;
3. Interviews;
4. Classroom and study; and
5. Meetings.

Recodified from 10A:31-3.10 by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.10 Health care facilities and equipment

(a) Health care space, equipment, supplies and material at a correction facility shall be as determined by the county appointed health authority.

(b) The medical examination room shall be designed for the privacy of inmates, and provide sufficient lockable storage space for medical supplies and drugs.

Recodified from 10A:31-3.11 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.11 Space for hair cutting

Space and suitable equipment shall be provided in all adult county correctional facilities for hair cutting and hair dressing.

Recodified from 10A:31-3.12 and amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

Amendment to regulations which gave county jail's physician discretion in testing new inmates for infectious diseases did not violate Eighth Amendment. Office of Inmate Advocacy v. Fauver, 222 N.J.Super. 357, 536 A.2d 1306 (A.D.1988), certification denied 111 N.J. 637, 546 A.2d 549.

Amendment to regulations which gave county jail's physician discretion in testing new inmates for infectious diseases was not arbitrary or capricious. Office of Inmate Advocacy v. Fauver, 222 N.J.Super. 357, 536 A.2d 1306 (A.D.1988), certification denied 111 N.J. 637, 546 A.2d 549.

10A:31-3.12 Inmate commissary

An area shall be provided for a commissary or provisions shall be made for a commissary service.

Recodified from 10A:31-3.13 and amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

County jail ordered to comply with clean clothing and towel requirements of N.J.A.C. 10A:31-3.13(b)5. Union County Jail Inmates v. Scanlon, 537 F.Supp. 993 (D.N.J.1982) reversed and remanded 713 F.2d 984 (3rd Cir.1983), rehearing denied 718 F.2d 1247 (3rd Cir.1983), certiorari denied 465 U.S. 1102 (1984), certiorari denied 104 S.Ct. 1600, 465 U.S. 1102, 80 L.Ed.2d 130.

Amendment to regulations which gave county jail's physician discretion in testing new inmates for infectious diseases did not violate Eighth Amendment. Office of Inmate Advocacy v. Fauver, 222 N.J.Super. 357, 536 A.2d 1306 (A.D.1988), certification denied 111 N.J. 637, 546 A.2d 549.

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10A:31-3.13 Dining areas

(a) Dining areas shall be designated so that inmates will be able to eat together in small groups.

(b) The dayroom or other multipurpose area may be used for dining.

(c) Dining areas shall not contain exposed toilets in the same room or in the view of inmates dining.

Recodified from 10A:31-3.14 by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.14 Visiting and interview areas

(a) Sufficient space shall be provided in all adult county correctional facilities for visiting.

(b) Visiting areas shall be designed for both contact and for non-contact visits.

(c) All facilities shall include interview areas which provide for confidential consultation with visitors, ministers, attorneys and parole or probation officers.

(d) The visiting area should be designed to permit appropriate screening and searching of both visitors and inmates.

(e) Storage space should be provided for visitor's coats, handbags, and other personal items not permitted into the visit area.

Recodified from 10A:31-3.15 and amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

County which undertook to provide medical services to prisoner outside of correctional facility can not escape responsibility for payment for services by suspending prisoner's sentence (also citing former N.J.A.C. 10:34-3.1, 3.25 and 3.27). Saint Barnabas Medical Center v. Essex Cty., 211 N.J.Super. 488, 511 A.2d 1287 (Law Div.1986) reversed 523 A.2d 248, 216 N.J.Super 161, affirmed in part, reversed in part 543 A.2d 34, 111 N.J. 67.

10A:31-3.15 Janitor closet

(a) A secure janitorial closet containing a mop sink and sufficient area for the storage of cleaning implements shall be provided within the security area of every adult county correctional facility.

(b) The janitorial closet shall be accessible to the living and activity areas of inmates.

Recodified from 10A:31-3.16 and amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

Reduction in inmate recreational time due to overcrowding noted. Union Cty. Jail Inmates v. Di Buono, 718 F.2d 1247 (3rd Cir.1983), certiorari denied 104 S.Ct. 1600, 465 U.S. 1102, 80 L.Ed.2d 130.

10A:31-3.16 Administrative and staff areas

(a) Provision shall be made to provide space for administrative, custody, professional, clinical and clerical staff use, which includes, but is not limited to, the following:

1. Conference rooms;
2. An employee lounge to include shower facilities;
3. A storage room for records;
4. A public lobby; and
5. Toilet facilities for staff use only.

Recodified from 10A:31-3.18 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.17 Security perimeter

(a) Provision shall be made for a security perimeter which includes, but is not limited to:

1. Security fencing;
2. Electrically operated and interlocking vehicle sally-port entrances and gates;
3. A separate prisoner entrance;
4. Separate visitor and delivery entrances;
5. Perimeter surveillance; and
6. Other considerations which enhance security within and surrounding the adult county correctional facility.

Recodified from 10A:31-3.19 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.18 Arsenal

The adult county correctional facility shall have a secure, adequately ventilated arsenal which is outside the housing units and activity areas, inaccessible to all unauthorized persons, but readily accessible to authorized staff members.

Recodified from 10A:31-3.20 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.19 Building and fire codes

(a) The correctional facility shall conform to all applicable Federal, State, and local building and fire codes.

(b) Conformance with the building and fire codes is indicated in the form of a letter or certificate issued by the appropriate code official.

Recodified from 10A:31-3.21 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.20 Monitoring system

There shall be an operable communication system which shall link the central control station with all housing areas, inmate and staff activity areas and supervisory officers.

Recodified from 10A:31-3.22 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.21 Emergency power

(a) Provision shall be made for a source of emergency power which is capable of providing minimal lighting throughout the facility.

(b) The emergency power source should provide sufficient power to operate:

1. The electrical locking devices;
2. The communications systems;
3. The alarm systems; and
4. Any other areas required by Federal, State, or local building and/or fire codes.

Recodified from 10A:31-3.23 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-3.22 Plumbing and mechanical space

(a) All plumbing space or any other mechanical space shall have an access door with a detention type locking device. No opening shall remain uncovered that is in excess of four inches.

(b) All ventilation ducts located within the security perimeter of the facility must contain security bars no more than four inches on center.

Recodified from 10A:31-3.24 and amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

SUBCHAPTER 4. PERSONNEL

10A:31-4.1 Personnel manual

A personnel manual shall be issued to each employee, who shall sign a receipt acknowledging receipt of the manual.

Amended by R.1998 d.222, effective May 4, 1998.

See: 30 N.J.R. 772(a), 30 N.J.R. 1617(a).

Rewrote the section.

10A:31-4.2 Policy and procedure manual

A policy and procedure manual for operating and maintaining the facility shall be available to each employee.

Amended by R.1998 d.222, effective May 4, 1998.

See: 30 N.J.R. 772(a), 30 N.J.R. 1617(a).

Rewrote the section.

10A:31-4.3 Affirmative Action Program

Each facility shall develop and implement an Affirmative Action Program, which is approved by the appropriate agency, and complies with all laws and government regulations.

10A:31-4.4 Employee records

(a) A current, accurate and confidential personnel record shall be maintained for each employee.

(b) Employee records shall be protected against unwarranted examination.

(c) Employees shall be permitted to review their personnel files, challenge inaccurate information, and have inaccurate information corrected or removed from their files.

10A:31-4.5 Employee performance evaluation

(a) Each employee shall have an annual written performance evaluation based upon defined job criteria and performance standards. The results of the performance evaluation shall be discussed with the employee.

(b) Appeals of the results of a performance evaluation shall be made through appropriate channels.

SUBCHAPTER 5. TRAINING AND STAFF DEVELOPMENT

10A:31-5.1 Training and Staff Development Program

(a) The Training and Staff Development Program shall consider the physical characteristics of the adult county correctional facility, its overall mission and the type of offenders served.

(b) The facility Training and Staff Development Program for all employees and all correction officers, subject to the Police Training Act (N.J.S.A. 52:17B-66 et seq.), shall be coordinated and supervised by a qualified training officer.

Amended by R.1993 d.324, effective July 6, 1993.
See: 25 N.J.R. 1817(a), 25 N.J.R. 2884(a).
Amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Case Notes

Sheriff required to accept inmates committed to him for jailing. State v. Hughes, 230 N.J.Super. 223, 553 A.2d 349 (A.D.1989).

10A:31-5.2 Training officer

(a) The training officer shall have responsibility for planning and implementing:

1. The Police Training Commission (P.T.C.) training program; and
2. Civilian employee training programs.

(b) In an adult county correctional facility of over 100 employees, a full time training officer shall be employed.

Amended by R.1993 d.324, effective July 6, 1993.
See: 25 N.J.R. 1817(a), 25 N.J.R. 2884(a).

10A:31-5.3 Orientation and training for employees

(a) All new civilian employees shall receive orientation training prior to job assignment and additional training on an as needed basis.

(b) Orientation shall cover the following subjects related to the adult county correctional facility:

1. Policies;
2. Organizational structure;
3. Programs; and
4. Regulations.

(c) All civilian employees who work in direct and continuing contact with inmates shall receive training that covers, at a minimum:

1. Security procedures;
2. Supervision of inmates;
3. Report writing;
4. Inmate rules and regulations;
5. Grievance and disciplinary procedures;
6. Rights and responsibilities of inmates;
7. Emergency procedures;
8. First aid;
9. Human relations and communication skills;
10. Special needs of minorities and women;
11. Crisis intervention;
12. Significant legal issues; and
13. Problem solving and guidance.

(d) It is recommended that the facility's administrative and senior managerial staff receive additional training in management skills each year.

(e) Library and reference services shall be available to complement the Training and Staff Development Program.

(f) All personnel authorized to use firearms shall be trained in weaponry on a continuing, in-service basis as required by the Gun Control Act (N.J.S.A. 2C:39-6j).

(g) County correction officers shall complete the Police Training Commission (P.T.C.) approved course at the Thomas M. Cooper Corrections Staff Training Academy, New Jersey Department of Corrections or at an alternative P.T.C. approved school (see N.J.S.A. 52:17B-66 et seq.).

Amended by R.1993 d.324, effective July 6, 1993.
See: 25 N.J.R. 1817(a), 25 N.J.R. 2884(a).
Amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

SUBCHAPTER 6. MANAGEMENT
INFORMATION SYSTEM AND INMATE
RECORDS

10A:31-6.1 Inmate population accounting system

(a) An inmate population accounting system shall be utilized which provides the following information:

1. The arresting agency;
2. The sentencing court;
3. The charge(s);
4. The date of booking;
5. The amount of bail and whether bail was posted;
6. The date of release on bail;
7. The time detained;
8. The sentence imposed;
9. The work and other programs in which inmates are participating;
10. The date and manner of release (other than bail);
11. Fines imposed, restitution penalties, etc.; and
12. Other relevant information.

10A:31-6.2 Intake form

(a) An intake form shall be completed for every inmate admitted to the facility which shall include, but is not limited to, the following information:

1. The inmate's picture;
2. The booking number;
3. The date and time of intake;
4. The name and aliases of the inmate;
5. The court and sentence, if sentenced;
6. The inmate's last known address;
7. The date and time of commitment and authority therefor;
8. The name, title and signature of delivering officer;
9. The specific charge(s);
10. The sex of the inmate;
11. The age of the inmate;
12. The date of birth of the inmate;
13. The place of birth of the inmate;
14. The race of the inmate;
15. The occupation of the inmate;
16. The last place of employment;
17. The education attained;
18. The religion of the inmate;
19. Medical information to include:
 - i. Medical insurance coverage;
 - ii. Any open wounds or sores requiring treatment;
 and

- iii. Evidence of disease, body vermin, tattoos, or other notable scars or conditions.
20. The name and relationship of next of kin;
21. The address of next of kin;
22. The number and state of the inmate's driver's license;
23. The disposition of motor vehicle, where applicable;
24. The Social Security number of the inmate;
25. The amount of cash and/or property of the inmate; and
26. Any additional remarks.

10A:31-6.3 Inmate population movement

(a) The facility shall maintain a report of inmate population movement. This report shall include the following:

1. The number of inmates in the facility;
2. The inmates' names, numbers, and housing assignments;
3. The number and types of daily admissions and releases; and
4. The count at close of day.

10A:31-6.4 Inmate records

(a) The facility shall maintain inmate records which contain, but are not limited to:

1. Intake information;
2. Commitment papers and court orders;
3. Cash and property receipts (signed by inmates);
4. Reports of disciplinary action and unusual occurrences; and
5. Work record and program involvement.

(b) Inmate records shall be reviewed and maintained by qualified personnel to ensure that these records are current and accurate.

(c) Medical and/or mental health information shall be verified promptly with other agencies.

10A:31-6.5 Public records

(a) The following information and documents regarding an adult inmate or parolee shall be available for public inspection and copying:

1. Name;
2. Number;
3. Sentence;

4. Place of incarceration;
5. Order of Commitment; and
6. Any documents filed in a court of competent jurisdiction.

10A:31-6.6 Confidential records

(a) The following types of records are designated confidential and shall not be disclosed to unauthorized persons or agencies:

1. Reports which are evaluative, diagnostic or prognostic in nature furnished with a legitimate expectation of confidentiality and which, if revealed to the inmate, parolee or others, could be detrimental to the inmate or parolee, or could jeopardize the safety of individuals who signed the reports, or were parties to the decisions, conclusions or statement contained therein;
2. Information the disclosure of which could have a substantial adverse impact on the security or orderly operation of the facility;
3. Information or reports which would invade or jeopardize privacy rights of the inmate, parolee or others;
4. Disclosures which would jeopardize internal decision making or policy determinations essential to the effective operation of the facility;
5. Disciplinary and criminal investigative reports, including those from informants, disclosure of which would:
 - i. Impede ongoing investigations;
 - ii. Create a risk of reprisal; or
 - iii. Interfere with the security or orderly operation of the facility; and
6. Such other records as the Jail Administrator, based on his or her experience and exercise of judgment, believes must be kept confidential to ensure the maintenance of discipline and the orderly operation of the facility.

(b) Those documents deemed to be confidential shall be plainly stamped "Confidential Material—Do Not Release to Unauthorized Persons."

10A:31-6.7 Limitation on inmate and parolee records

Information on adult inmate or parolee records other than that outlined in N.J.A.C. 10A:31-6.5 shall not be released to or examined by any unauthorized person or agency except as set forth in this subchapter.

10A:31-6.8 Availability of information to non-institutional persons or outside agencies

(a) Information from adult inmate and parolee records shall be provided to law enforcement agencies or persons, who request it in the performance of their public duties, in accordance with N.J.A.C. 10A:31-6.10.

(b) Adult inmate or parolee records may be made available to the following agencies or persons:

1. Courts of competent jurisdiction;
2. The Attorney General;
3. A county prosecutor;
4. The State Parole Board;
5. The Bureau of Parole;
6. A county probation department; and
7. Police departments.

(c) Upon advice of the County Counsel or the Department of Corrections' Special Assistant for Legal Affairs, Office of the Deputy Commissioner, selected records of adult inmates or parolees shall be made available to government agencies or other authorized persons upon request. These agencies and persons include, but are not limited to, the following:

1. The Social Security Administration;
2. The Veteran's Administration;
3. Attorneys of record in pending cases, or investigating claims;
4. Law enforcement agencies other than those in (b) above; or
5. Medical or psychiatric doctors.

10A:31-6.9 Availability of information to adult county correctional facility personnel

Information from inmate and parolee records shall be provided to adult county correctional personnel on a limited basis, in accordance with written policies and procedures established by the facility.

10A:31-6.10 Procedure for release of confidential inmate or parolee records

(a) All requests for information shall be initially screened by the classification officer of the adult county correctional facility to determine the purpose for which the information is sought and the legitimacy of the request.

(b) Only the specific documents or information directly related to the purpose for which the information is sought shall be released.

(c) Requests for information which are deemed irrelevant, improper or not authorized by law shall be rejected.

(d) If the classification officer of the facility is unsure as to the legitimacy or authenticity of the request, he or she shall consult with the Jail Administrator, who may telephone the County Counsel or the Department of Corrections' Special Assistant for Legal Affairs, Office of the Deputy Commissioner, for guidance.

(e) When a question or dispute arises concerning release of material or the authority of the agency or person to obtain such information, the decision of the Jail Administrator will be final.

(f) In the event a request for release of the information is denied, the material shall not be released without a court order.

10A:31-6.11 Records authorized by the inmate or parolee for inspection or release

(a) The following categories of records may be inspected by or released to authorized persons or agencies, upon written consent of the adult inmate or parolee:

1. Medical records, except for psychiatric or psychological;
2. Dental records;
3. Educational records;
4. Work records;
5. Any document listed in N.J.A.C. 10A:31-6.5; and
6. Such other material as may be authorized for release under N.J.A.C. 10A:31-6.8(c).

(b) All records released under this section are subject to deletion of confidential information (see N.J.A.C. 10A:31-6.6).

10A:31-6.12 Litigation

All requests for release of information or records concerning any matter which is the subject of pending or ongoing litigation shall be referred to the Office of County Counsel, other county legal representatives and/or the Department of Corrections' Special Assistant for Legal Affairs, Office of the Deputy Commissioner, for handling pursuant to the applicable rules of the court.

10A:31-6.13 Reimbursement for costs of copying

(a) Pursuant to N.J.S.A. 47:1A-2, except as otherwise provided in this subchapter, adult county correctional facilities may charge the following fees for copying records deemed to be public:

- | | |
|-------------------------------|-----------------|
| 1. First through 10th page | \$0.75 per page |
| 2. Eleventh through 20th page | \$0.50 per page |
| 3. Over 20 pages | \$0.25 per page |

(b) Governmental agencies or officers shall be exempt from payment of fees for copying records.

(c) The copying fees for documents or records other than records deemed to be public shall also be based on the fee schedule in (a) above.

(d) When or if fees for the copying of public records change in accordance with the N.J.S.A. 47:1A-2, these

changes shall be published as a public notice in the New Jersey Register.

Amended by R.1993 d.635, effective December 6, 1993.
See: 25 N.J.R. 4552(a), 25 N.J.R. 5475(a).

10A:31-6.14 Security of Management Information System and inmate records

(a) The Jail Administrator shall provide for the security of the Management Information System and inmate records, to include:

1. Verification;
2. Access to data; and
3. Protection of the privacy of inmates under the jurisdiction of the adult county correctional facility.

SUBCHAPTER 7. EMERGENCIES

10A:31-7.1 Meeting emergencies

(a) Emergencies shall be met in a way which will safeguard the welfare of the inmate population, facility staff, and the public at large.

(b) All measures shall be taken to maintain effective security and restore normal conditions as expeditiously as possible.

(c) Each facility shall develop written plans for emergencies such as passive resistance, work stoppage, escapes, riots and natural disasters.

(d) All emergency plans shall be implemented with appropriate consideration and care for both inmate and staff safety.

10A:31-7.2 Passive resistance

(a) Each facility shall develop a written plan for maintaining security and custody of inmates, in the event of passive resistance by inmates.

(b) In the event of passive resistance by inmates, the facility shall be secured.

(c) Additional correction officers shall be readily available in passive resistance situations.

(d) Back up support shall be obtained from outside resources if, in the judgement of the Jail Administrator or his or her designee, the seriousness of the situation warrants.

10A:31-7.3 Work stoppage

(a) Each facility shall develop a written plan for maintaining custody of inmates and the safety and well-being of

inmates and staff members in the event of a work stoppage or other job action by employees.

(b) The work stoppage plan shall incorporate the ongoing continuation of essential services which may involve agreements with other law enforcement agencies such as local and State police or other outside resources.

10A:31-7.4 Escapes

(a) Each facility shall develop a written escape plan which shall be evaluated after each escape incident or escape attempt or at least once a year.

(b) All facility staff shall be trained in the specific action which is to be taken during or after an escape or an attempted escape.

(c) The Jail Administrator or the ranking supervisor shall be in charge of the implementation of all emergency escape plans.

(d) All records and relevant information regarding an inmate involved in an escape shall be studied immediately and used in efforts to reaprehend or secure the inmate.

(e) Immediate notice shall be given to all appropriate agencies to protect public safety in the event of an escape.

10A:31-7.5 Riots

(a) Each facility shall develop a written emergency riot plan which shall be evaluated at least once a year and immediately following a riot.

(b) All facility staff shall be trained in the specific action which is to be taken during and after a riot.

(c) The Jail Administrator or the ranking supervisory officer shall be in charge of the implementation of all emergency riot plans.

(d) Immediate efforts shall be made to isolate the troubled area or segment of the inmate population.

(e) Only the restraining action that is necessary to adequately contend with the emergency situation shall be taken.

(f) Progressively lethal forms of weaponry shall be used only with strict supervision and as the seriousness of the situation warrants, in the judgement of the Jail Administrator or the ranking supervisory officer.

(g) Immediate efforts shall be made to secure the facility and obtain as accurate a population count as possible.

(h) All available information shall be assessed and an appointed staff member or team shall be deployed to identify the cause of the riot and to initiate appropriate measures to resolve the situation.

(i) Due care shall be given to the safety of possible hostages, and special attempts shall be made to obtain their safe release.

(j) An alternative of safe return to security shall be offered to all inmates who select to cease and desist from continued participation in the riot.

(k) If the seriousness of the situation warrants, back up support shall be obtained from local and State police.

(l) If the seriousness of the situation warrants, other relevant back up supports may be obtained from the community, such as medical, food service, emergency repairs, etc.

(m) The facility shall have a written post emergency plan which will be implemented as soon as the situation permits.

10A:31-7.6 Natural disasters

(a) Each facility shall develop a written contingency plan which has been coordinated with the appropriate Department of Civil Defense, local and State police, and such other agencies and resources needed to contend with a natural disaster.

(b) Each facility shall develop a written comprehensive contingency plan for the movement of large numbers of inmates, which has been coordinated with neighboring correctional facilities, local and State police, and such other community resources as required.

(c) The contingency plan in (a) and (b) above shall be reviewed and updated at least once a year.

SUBCHAPTER 8. SECURITY AND CONTROL

10A:31-8.1 Contraband defined

(a) 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 the facility's 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 the facility grounds which is not authorized for receipt, retention or importation; or

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. At a location where the search cannot be observed by unauthorized persons;
3. By the number of custody staff deemed reasonably necessary to provide security;
4. Under sanitary conditions; and
5. In a professional and dignified manner.

(c) The person authorized to conduct a strip search shall file a written report to be made 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 custody staff present during the search and the reason for custody staff 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).

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

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

In (b), rewrote 2, inserted a new 3, and recodified former 3 and 4 as 4 and 5; and in (c), inserted references to "custody staff".

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:

1. At a location where the search cannot be observed by unauthorized persons;
2. By custody staff of the same sex as the inmate except as set forth in (e) below; and
3. By the number of custody staff deemed reasonably necessary to provide security.

(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).

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

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

Rewrote (d).

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.

(f) The person authorized to conduct a body cavity 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;
5. An inventory of any item(s) found during the search; and
6. The reason for use of force, if necessary.

(g) 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 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).

10A:31-8.7 Body cavity searches of an inmate(s) lawfully confined in an adult county correctional facility

(a) Under no circumstances may a body cavity search be conducted on an inmate lawfully confined in an adult county correctional facility unless the correction officer in charge is satisfied that a reasonable suspicion exists that contraband will be found in the inmate's body cavity.

(b) In the event an officer in charge is reasonably satisfied that contraband is being concealed in the inmate's body cavity, the inmate shall be escorted immediately to the adult county correctional facility's hospital or medical department, and the following procedure shall be followed for examination of the inmate and removal of contraband.

1. A body cavity search shall be conducted:
 - i. Under sanitary conditions;
 - ii. At a location where the search cannot be observed by unauthorized persons;
 - iii. By a physician or registered nurse of either sex;

iv. In the presence of only those correction officers deemed necessary for security, who are of the same sex as the inmate; and

v. Conducted in a professional and dignified manner, with maximum courtesy and respect for the inmate's person.

2. The inmate may:

i. Remove the object in the presence of the physician or registered nurse and a correction officer(s) of the same sex as the inmate; or

ii. Be examined by the physician or registered nurse who may remove the object without the use of force.

3. If a correction officer in charge determines there is reasonable suspicion to believe that a foreign object which contains metal is present in the inmate's body cavity, such object may be removed only by the physician with or without the use of force.

4. In the event the officer in charge or the physician or the registered nurse has determined that nonmetal contraband is being concealed in the inmate's body cavity, and the inmate refuses to permit contraband removal, the inmate shall receive appropriate disciplinary charges and may be placed in prehearing detention or medical isolation. During prehearing detention, medical isolation and disciplinary detention, if any, the inmate may be kept under visual surveillance to detect removal or elimination of the contraband.

(c) A written report of the results of a body cavity search shall be made part of the inmate's record and 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;
5. An inventory of any item(s) found during the search; and
6. The reason for use of force, if necessary.

Recodified from 10A:31-8.5 and amended by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.8 Search of facilities

(a) All inmate residential, work, training 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 limited to a specific building or area.

(b) Procedures to be utilized in conducting searches shall be as set forth by each facility's plan governing searches required by N.J.A.C. 10A:31-8.2. 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) Reports on the results of searches of the facility shall be submitted to the Jail Administrator.

(d) Items which are not permitted in the facility shall be confiscated and placed in a secure storage area.

(e) Inmates shall be given a receipt for any property that is confiscated, and disciplinary action shall be initiated when appropriate.

(f) Searches shall be conducted with a minimum amount of disturbance to an inmate's property. An inmate's property shall not be damaged, destroyed or confiscated unless it is determined to be contraband. An inmate shall be permitted to observe the search of his or her cell and property from a distance, where reasonably feasible.

(g) All vehicular traffic and supplies entering the facility shall be thoroughly searched by a correction officer.

Recodified from 10A:31-8.6 by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.9 Center Control

(a) The Center Control shall coordinate all security and communication functions within the facility.

(b) The Center Control shall be staffed 24 hours a day.

(c) Access to the Center Control shall be limited to authorized staff members who shall enter this location from a secure area not accessible to unauthorized persons, such as by way of the sally-port.

(d) All security perimeter doors, Center Control entrances and cell block doors shall remain secure except during use or in an emergency situation.

(e) The Center Control shall be responsible for the following:

1. Inmate counts;
2. Key control;
3. Operational coordination;
4. Internal and perimeter security; and
5. Communications.

(f) The Center Control shall monitor, as warranted, the following systems:

1. Fire alarms;
2. Smoke and thermal detection;
3. Public address;
4. Radio; and
5. Other mechanical and electrical systems.

Recodified from 10A:31-8.7 by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.10 Counts

(a) At the end of each work shift, a written count shall be taken by the oncoming shift correction officers.

(b) Correction officers taking count shall clearly sign their count sheets, and the count shall be delivered to the Center Control.

(c) Inmates assigned to cell blocks shall be in their respective cells during counts. During the count, correction officers shall verify that the inmates being counted are alive and not in an unsafe situation.

(d) No one except a correction officer shall conduct a count.

(e) During the third shift hours, approximately 10 P.M. to 6 A.M., inmates shall be counted every half hour and the results of these counts shall be submitted to the Center Control by telephone.

(f) The information contained on count slips shall be transposed to a master log located in the Center Control.

Recodified from 10A:31-8.8 by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.11 Inmate movements

(a) Inmates shall move about the adult county correctional facility in an orderly fashion to facilitate the maintenance of security and the orderly operation of the facility.

(b) Inmate movements shall be observed by correction officers located in strategic areas in order to:

1. Detect the occurrence of assaults;
2. Deter the passage of contraband;
3. Maintain security and order; and
4. Expedite the movement of inmates from one location to another.

Recodified from 10A:31-8.9 by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.12 Correction officer posts

(a) Every adult county correctional facility shall develop written operating procedures for every post, and these procedures shall be reviewed and updated annually.

(b) Correction officers shall be required to sign for post orders and acknowledge that the content is understood.

(c) Correction officer posts shall be located immediately in or adjacent to inmate living areas.

(d) Correction officers shall not leave their assigned posts without being properly relieved.

(e) Under no circumstances shall a correction officer be removed from his or her post to perform another function if such removal results in the post becoming unmanned.

(f) Correction officers shall not respond to violent situations unless the correction officers have received prior approval from the Center Control.

(g) Post orders for each correction officer working in a housing unit shall include a requirement that each inmate, who has been classified as being in need of close supervision, shall be observed as frequently as the Jail Administrator or his or her designee has determined to be necessary.

Recodified from 10A:31-8.10 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.13 Electronic surveillance

(a) Observation through electronic surveillance systems may be used only in observing special risk inmates and only when approved by the Jail Administrator. Electronic surveillance shall not substitute for direct staff supervision or for regular contact with staff members.

(b) Electronic surveillance should be utilized in such a manner as to avoid interference with the privacy of inmates, wherever possible.

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).

10A:31-8.14 Transportation of inmates

(a) Correction officers involved in transportation shall receive special instructions which shall include, but not be limited to:

1. Use of firearms;
2. Use of 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).

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 correction officers 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).

10A:31-8.16 Reports and meetings

(a) A monthly meeting shall be conducted by the Jail Administrator or his or her designee with the supervisory staff.

(b) All supervisors shall submit a daily report to the Jail 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).

10A:31-8.17 Use of force

(a) All adult county correctional facilities shall promulgate written procedures governing the use of physical force.

(b) Weapons used in the application of non-deadly force may include:

1. Slapsticks;
2. Chemical agents;
3. Batons; and
4. Other weapons which are not likely to cause death or serious injury.

(c) Weapons used in the application of deadly force include, but are not limited to:

1. Shotguns;
2. Handguns;
3. Rifles; and
4. Other lethal weapons.

(d) In any case when a custody staff member uses force to control inmates, the minimum force possible under the

circumstances shall be used, consistent with facility procedures. Force shall be used only for the following reasons:

1. To defend one's self or others against physical assault;
2. To prevent serious damage to property;
3. To prevent escape;
4. To prevent or quell a riot or disturbance;
5. To prevent a suicide or attempted suicide; and
6. To enforce facility regulations or in situations where a ranking supervisory custody staff member believes that the inmate's failure to comply constitutes an immediate threat to facility security or personal safety.

(e) 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.

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

(g) 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.

SUBCHAPTER 9. USE AND CONTROL OF SECURITY EQUIPMENT

10A:31-9.1 Determining equipment needs

Careful analysis of the physical plant, the inmate population profile, and other relevant factors shall be utilized in determining the equipment an adult correctional facility needs for maintaining effective security and a state of readiness to adequately respond to major disturbances.

10A:31-9.2 Control of equipment

Written procedures shall specify the level of authority required for access and use of equipment for maintaining security.

10A:31-9.3 Use of restraining equipment

(a) Restraining equipment may be used only in the following instances:

1. As a precaution against escape during transit;
2. For medical reasons by direction of a medical officer;
3. To prevent inmate injury or injury to others; or
4. To prevent property damage.

(b) Restraining equipment shall be used to prevent property damage only in instances when such use has been approved by the Jail Administrator or his or her designee.

(c) At no time shall an inmate be left without proper supervision while in restraints.

(d) Restraints shall not be used as punishment, or in any way that causes undue physical discomfort, inflicts physical pain or restricts the blood circulation or breathing of an inmate.

(e) Restraints shall be removed promptly when the reason for their initial use has ceased to exist or has sufficiently abated.

(f) In the event restraints are used, a written report by the correctional personnel involved shall be submitted to the appropriate supervisor before the end of the tour of duty.

10A:31-9.4 Key control

(a) A written ongoing control system shall govern the access, use and return of all adult county correctional facility keys.

(b) Facility keys shall be stored in a secure locker when not in use.

(c) There shall be at least one full set of facility keys, other than the keys in use, that is stored in a safe place. These keys shall be accessible only to appropriate facility personnel for emergency use.

(d) Inmates shall under no condition have access to any facility keys.

10A:31-9.5 Use and storage of chemical agents

(a) Tear gas, mace and related chemical agents may be used only as a last resort and under the strict supervision of the ranking supervisory officer with due consideration for the safety of inmates and staff. Following the use of chemical agents, a report shall be submitted to the Jail Administrator which gives the reason(s) for the use of chemical agents and the results achieved from such use.

(b) No member of the custody staff may carry or use chemical agents unless he or she has received appropriate training in chemical agent uses and effects.

(c) After each instance of use, individuals who have been exposed to chemical agents shall be given a medical examination and treatment as soon as possible.

(d) Chemical agents shall be safely stored in an arsenal which is readily available for emergency use, but outside the security perimeter.

(e) Periodic checks shall be made for leakage or other malfunctions which could interfere with the effective use of chemical agents in an emergency situation.

10A:31-9.6 Storage of weapons

(a) Firearms shall be located in an arsenal readily available in case of emergencies, but outside the security perimeter.

(b) All law enforcement officers entering the adult county correctional facility shall check their weapons at the facility's weapons collection station located outside the security perimeter.

(c) Weapons may be used only under orders of the Jail Administrator or his or her designee, in emergency situations in which any lesser degree of force would be ineffective, or would subject the correction officer to serious threat of injury.

(d) A strict accounting procedure governing the issue, use and return of weapons shall be developed by the designated staff person. This procedure shall include a record of the lethal and non-lethal projectiles expended.

(e) Any staff or inmate injured in an incident where a weapon is used shall receive an immediate medical examination and treatment.

SUBCHAPTER 10. FOOD SERVICE

10A:31-10.1 Nationally recommended dietary allowance

Each adult county correctional facility shall document that the system of dietary allowance is reviewed at least annually by a dietician, registered by the American Dietetic Association, to ensure compliance with nationally recommended food allowances as stated by the National Academy of Sciences.

10A:31-10.2 Food service management

A staff, experienced in food service management, shall be designated to be responsible for food service management and operations within the adult county correctional facility.

10A:31-10.3 Menus

(a) Menu evaluations shall be conducted and maintained at least quarterly by the adult county correctional facility food service supervisory staff to verify adherence to nationally recommended basic daily serving.

(b) The signature of a registered dietician on the menus shall indicate official approval of the nutritional adequacy of food served to inmates within the facility.

(c) All menus including special diets shall be planned, dated and available for review at least one week in advance.

(d) In any case when a food substitution is made, the food that is substituted shall be of equal nutritional value and a notation of the substitution shall be made on the menu.

(e) A file of tested recipes, adjusted to prepare the number of meals appropriate to the size of the facility, should be maintained on the premises of the facility.

10A:31-10.4 Special diets or alternate foods

(a) Provisions shall be made for special diets as prescribed by a physician or dentist of the adult county correctional facility.

(b) When the religious beliefs of an inmate(s) require the inmate(s) to adhere to dietary laws, provisions shall be made for alternate food items.

10A:31-10.5 Serving of meals

(a) Three meals, of which two are hot, shall be provided at regular meal times during each 24 hour period, and no more than 14 hours shall elapse between the evening and breakfast meals.

(b) All meals shall be served under direct supervision of staff members in order to ensure sanitary conditions and avoid favoritism, careless serving and waste.

(c) A uniform system to record the number, type and cost of meals served to inmates, staff and visitors shall be established and maintained.

(d) A sanitary space shall be provided for group dining. Meals shall not be served in cells unless it is necessary for purposes of safety or security and only if a small table, shelf and seating arrangement can be provided.

(e) Compartment type trays, bowls and cups shall be utilized.

10A:31-10.6 Prohibited use of food for discipline

Food shall not be used as a disciplinary measure.

Amended by R.1999 d.328, effective September 20, 1999.
Sec: 31 N.J.R. 1849(a), 31 N.J.R. 2755(a).

Deleted "reward, or as a" preceding "disciplinary".

10A:31-10.7 Medical examination of food service personnel

(a) All food service personnel and inmates shall receive a pre-assignment medical examination to insure freedom from illnesses transmissible by food.

(b) All food service personnel and inmates shall receive a medical examination prior to resumption of duties if, for any reason, the inmate(s) or food service personnel have been away from the job for 30 days or more.

10A:31-10.8 Personal hygiene of food service personnel

(a) All food service personnel shall maintain high standards of personal hygiene and comply with Federal, State and local laws and regulations for food handlers.

(b) All food handlers shall wash their hands upon reporting to duty and after using toilet facilities.

(c) A daily inspection of food handlers for cleanliness and to detect any illness or infection shall be conducted by the food service supervisor.

(d) Written documentation that food service personnel comply with applicable health regulations shall be available for review.

10A:31-10.9 Inspection of food service areas and equipment

(a) A weekly inspection of all food service areas and equipment shall be conducted by administrative or dietary personnel.

(b) A daily check of refrigerator and water temperatures by administrative or dietary personnel shall be made.

(c) Written documentation that food service facilities and equipment meet established safety and protection standards and requirements shall be available for review.

10A:31-10.10 Storage areas

(a) Sanitary temperature controlled storage areas for all foods shall be provided in:

1. Refrigerators and freezers;
2. Cool, dry storage areas; and
3. Lockable areas for pepper, nutmeg, vanilla, yeast, dry fruit, or other food additives which may be utilized to manufacture illegal products.

10A:31-10.11 Security in the food service area

(a) Written procedures shall be developed and implemented that govern the safe and secure storage of all cutlery items and hazardous kitchen utensils.

(b) A designated staff person shall be accountable for maintaining an ongoing inventory of all cutlery items.

10A:31-10.12 Budgeting, purchasing and accounting procedures

(a) The food service operation shall follow written budgeting, purchasing and accounting procedures to ensure nutritional and economical meals with minimum waste.

(b) When the adult county correctional facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with the State and local regulations regarding food service.

10A:31-10.13 Written policies and procedures

Each adult county correctional facility shall develop written policies and procedures consistent with this subchapter.

SUBCHAPTER 11. SANITATION

10A:31-11.1 Federal, State and local codes

Each adult county correctional facility shall comply with Federal, State and local sanitation, safety and health codes.

10A:31-11.2 Housekeeping plan

Each adult county correctional facility shall develop a written housekeeping plan which shall include a cleaning schedule with staff members and inmates assigned to specific duties.

10A:31-11.3 Daily sanitation inspections

(a) The Jail Administrator shall require daily sanitation inspections by a designated staff member utilizing a check list developed by the Jail Administrator and approved by the Department of Corrections.

(b) The completed inspection check list shall be submitted to the Jail Administrator or his or her designee.

10A:31-11.4 Floors

The floors of each adult county correctional facility shall be kept clean, dry and free from hazardous substances.

10A:31-11.5 Control of vermin and pests

(a) Each adult county correctional facility shall make arrangements for the control of vermin and pests.

(b) Licensed pest control professionals shall be used at least once per month to clean or fumigate the facility.

10A:31-11.6 Disposal of liquid and solid wastes

Each adult county correctional facility shall develop a written plan for the disposal of liquid and solid wastes.

SUBCHAPTER 12. INMATE CLOTHING AND HYGIENIC LIVING CONDITIONS
10A:31-12.1 Clothing

(a) All inmates shall be provided with clothing that is clean, climatically suitable, durable and in good condition.

(b) Inmates participating in food service, sanitation, mechanical and other special work assignments shall be issued appropriate clothing and equipment in quantities that permit exchange as frequently as the work assignment requires.

10A:31-12.2 Towels, linen and bedding

(a) Each inmate shall be issued the following clean items:

1. Two towels;
2. One fire retardant mattress;
3. One pillow;
4. Two sheets;
5. One pillowcase; and
6. Sufficient clean blankets to provide comfort under existing temperature conditions.

10A:31-12.3 Laundry services

(a) Laundry services shall permit the exchange of inmate clothing (facility issue and/or personal), linen and bedding on a weekly basis.

(b) The collection, storage and exchange of clothing and linen shall be accomplished hygienically.

10A:31-12.4 Issue of clothing, linen and bedding

(a) The clothing, linen and bedding supply shall exceed that required for the maximum inmate population in order to allow the adult county correctional facility to compensate without delay for items that are lost, destroyed, or worn out.

(b) The issue of clothing and bedding shall be recorded to provide accountability for their use. Inmate accountability for clothing and bedding should be specified in the copy of the facility's regulations given to each inmate upon admission.

10A:31-12.5 Cleaning of blankets and mattresses

Blankets and mattresses shall be cleaned, sprayed and/or sterilized before reissue.

10A:31-12.6 Storage of inmate personal clothing

Provisions shall be made for the storage of inmate personal clothing and, when necessary, the clothing shall be cleaned and/or disinfected prior to storage.

10A:31-12.7 Personal hygiene products

(a) As part of the admission process, each inmate shall be provided with the following articles necessary for maintaining proper personal hygiene:

1. Soap;
2. Toothbrush;
3. Toothpaste or powder;
4. A comb;
5. Toilet paper;
6. Shaving, equipment, upon request; and
7. Products for the special hygiene needs of female inmates.

(b) Indigent inmates shall be provided basic items for personal hygiene set forth in (a) above on a continuing basis.

(c) Personal hygiene needs of inmates shall not be denied for punitive reasons.

10A:31-12.8 Shower and hair care services

(a) Upon admission to the adult county correctional facility inmates shall be required to shower and shall be permitted to shower daily thereafter.

(b) Hair care services shall be made available to all inmates on a regular basis.

(c) The area used for hair services shall be located to permit observation by the staff and equipment shall be stored securely when not in use.

10A:31-12.9 Written policies and procedures

Each adult county correctional facility shall develop written policies and procedures consistent with this subchapter.

SUBCHAPTER 13. MEDICAL, DENTAL AND HEALTH SERVICES
10A:31-13.1 Essential medical, dental and health services

The adult county correctional facility shall be responsible for essential medical, dental and health care services.

Case Notes

County required to provide medical treatment for inmates injured during imprisonment. *Saint Barnabas Medical Center v. Essex County*, 111 N.J. 67, 543 A.2d 34 (1988).

County was liable to private hospital for costs of treatment provided during indigent inmate's incarceration. *Saint Barnabas Medical Center v. Essex County*, 111 N.J. 67, 543 A.2d 34 (1988).

County not liable to private hospital for costs of indigent inmate's medical care provided after expiration of sentence. *Saint Barnabas Medical Center v. Essex County*, 111 N.J. 67, 543 A.2d 34 (1988).

10A:31-13.2 Responsibility for adult county correctional facility's medical services

(a) A physician, licensed in the State of New Jersey, shall be responsible for the adult county correctional facility's medical services pursuant to a written agreement between:

1. The county funding agency responsible for the facility;
2. The Jail Administrator; and
3. The physician responsible for medical services, or a qualified medical authority, such as a physician's group.

(b) The physician, responsible for medical services, shall have no restriction imposed on him or her by the adult county correctional facility administration regarding the practice of medicine.

10A:31-13.3 Security regulations

Security regulations applicable to adult county correctional facility personnel shall also apply to medical personnel.

10A:31-13.4 Standard operating procedures

(a) Written standard operating procedures, approved by the physician who is responsible for medical services, shall be developed for the following:

1. Medical screening;
2. Health appraisal data collections;
3. Non-emergency medical services;
4. Emergency medical and dental services;
5. Evaluating the emergency nature of illness or injury;
6. Dental screening, prevention, examination and treatment;
7. Medical and dental prosthetics;
8. First aid;
9. Notification of next of kin or legal guardian in case of major surgery, serious illness, injury or death;
10. Chronic care;
11. Convalescent care;
12. Medical preventive maintenance;

13. Screening, referral and care of mentally ill and retarded inmates;

14. Care of inmates requiring close medical supervision;

15. Delousing;

16. Detoxification; and

17. Pharmaceuticals.

10A:31-13.5 Licensure

(a) State licensure and/or certification requirements and restrictions shall apply to health care personnel working in the adult county correctional facility to the same extent as to those working in the community.

(b) Copies of current licenses and/or certification credentials shall be on file in the facility.

10A:31-13.6 Job descriptions

The work of medical personnel shall be governed by written job descriptions which are approved by the physician or medical authority responsible for medical services.

10A:31-13.7 Treatment

(a) Treatment by medical personnel other than the physician, responsible for medical services, shall be performed pursuant to written standing or direct orders from that physician.

(b) In lieu of written standing orders, nationally certified physician assistants and nurse practitioners may practice within the limits of their national certification(s), providing that such practice(s) shall be consistent with State law and shall be authorized by the physician or a qualified medical authority who is responsible for medical services within the adult county correctional facility.

(c) If medical services are delivered in the facility, adequate space, equipment, supplies and materials as determined by the physician who is responsible for medical services shall be provided for primary health care delivery.

10A:31-13.8 First aid kits

(a) First aid kits shall be available in all adult county correctional facilities.

(b) The physician who is responsible for medical services shall approve the:

1. Content of the kits;
2. Number of kits; and
3. Location of the kits.

(c) Written procedures for the use and monthly inspection of all first aid kits shall be established.

10A:31-13.9 Medical screening

(a) Upon admission, all inmates shall receive:

1. A medical screening by qualified health care personnel;
2. A physical examination by a licensed physician;
3. A pregnancy test for all female inmates, except those who are post menopausal or who have a history of a previous hysterectomy; and
4. Any tests determined to be necessary by the physician who is responsible for medical services.

(b) The medical screening and physical examination shall be performed on each inmate prior to the inmate's placement in the general population or housing area.

(c) The findings of the medical screening shall be recorded on a printed form approved by the physician who is responsible for medical services.

(d) The medical screening should include, but not be limited to:

1. Current illnesses and health problems, including those specific to women;
2. Medications taken and special health requirements;
3. Evaluating other health problems designated by the physician responsible for medical services;
4. Behavior observation, including state of consciousness and mental awareness;
5. Notation of body deformities, such as trauma markings, bruises, lesions, jaundice, ease of movement;
6. Condition of skin and body orifices, including rashes and infestation; and
7. Referral of inmates to qualified medical personnel on an emergency basis.

Amended by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Added pregnancy test for female inmates.

Amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-13.10 Care of pregnant inmates

(a) The county correctional facility shall provide pregnant inmates with medical and social services as soon as possible after the pregnancy is diagnosed. Medical and social services shall include:

1. Prenatal medical evaluation and care;
2. Nutritional supplements and diet as prescribed by the treating physician;
3. Non-directive counseling regarding:

- i. Family planning;
 - ii. Birth Control;
 - iii. Termination of pregnancy;
 - iv. Child placement services; and
 - v. Religious counseling, if desired by the inmate.
4. Obstetrical services;
 5. Abortion services, unless the treating physician and/or gynecologist determines that the pregnancy cannot be terminated; and
 6. Appropriate postpartum and follow-up medical care.

(b) The delivery or termination of pregnancy shall be scheduled only at a State-licensed medical facility or hospital.

(c) The county correctional facility shall also provide the pregnant inmate with:

1. Suitable maternity clothes if the inmate is unable to provide her own;
2. Reasonable housing assignments, as permitted by available space and the inmate's security status; and
3. Appropriate exercise and reduced work schedules as deemed advisable by the treating physician.

New Rule, R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Case Notes

Held that county order requiring inmates to secure court-ordered releases to obtain abortions while in county's custody was unconstitutional; county regulations requiring inmates to obtain their own funding for abortion was held unconstitutional as infringing on inmate's right to make abortion choice. *Monmouth County Correctional Institution Inmates v. Lanzaro*, 834 F2d 326 (3C1987).

10A:31-13.11 Access to medical and dental services

At the time of admission, all inmates shall be provided with a copy of the adult county correctional facility's rules and regulations which shall include the procedures for gaining access to medical and dental services (see N.J.A.C. 10A:31-21.4).

Recodified from 10A:31-13.10 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.12 Inmate medical complaints

(a) The written medical complaints of inmates shall be collected daily.

(b) The medical staff shall assess the medical complaints of inmates and provide for the treatment of inmates according to priorities of need.

Recodified from 10A:31-13.11 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.13 Sick call

(a) Sick call, conducted in adult county correctional facilities by a physician and/or other qualified medical personnel, shall be available to each inmate as follows:

1. Facilities of less than 40 inmates shall conduct sick call at least once a week;
2. Facilities of 50 to 200 inmates shall conduct sick call at least three times per week; and
3. Facilities of over 200 inmates shall conduct sick call at least five times per week.

Recodified from 10A:31-13.12 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.14 Physician availability

A physician shall be available at least once each week to respond to inmate complaints.

Recodified from 10A:31-13.13 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.15 Emergency medical and dental care

(a) The adult county correctional facility shall provide 24 hour seven day per week emergency medical and dental care.

(b) Written standard operating procedures (S.O.P.'s) shall be established which shall include, but not be limited to, arrangements for the following:

1. On-site emergency first aid;
2. Emergency evacuation of the inmate from the adult county correctional facility;
3. Use of an emergency medical vehicle;
4. Use of one or more designated hospital emergency rooms or other appropriate health facilities; and
5. An emergency on call physician or dental services when the emergency health facility is not located in a nearby community.

(b) Facility personnel shall be trained in the use of emergency care procedures. This training shall include, but not be limited to:

1. Signs and symptoms of potential emergency situations;
2. Types of action required for potential emergency situations;
3. Administration of first aid;

4. Method of obtaining emergency care;
5. Location of the facility's first aid kits; and
6. Transferring patient to appropriate medical provider.

(c) All facility personnel likely to be needed or involved in a medical emergency shall be trained in basic first aid that is equivalent to that defined by the American Red Cross.

(d) At least one person per shift shall have training in the following:

1. Receiving screening;
2. Basic life support;
3. Cardio-pulmonary resuscitation (C.P.R.); and
4. Recognition of symptoms of the illnesses common to the facility.

Recodified from 10A:31-13.14 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.16 Chronic and convalescent care

Chronic care, convalescent care and medical preventive maintenance shall be provided to inmates.

Recodified from 10A:31-13.15 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.17 Medical and dental prosthetics

As determined by the physician who is responsible for medical services, medical and dental prosthetics shall be provided when the health of the inmate patient would otherwise be adversely affected.

Recodified from 10A:31-13.16 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.18 Dental care

(a) Dental care shall be provided under the direction of a dentist licensed in the State of New Jersey.

(b) Dental screening shall be provided to new admissions.

(c) Inmates shall receive dental treatment as determined by the dentist in accordance with the Classification and Priority Treatment Program (see N.J.A.C. 10A:31-13.19).

Recodified from 10A:31-13.17 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.19 Classification and Priority Treatment Program

(a) A written Classification and Priority Treatment Program shall be established that will place inmates into a dental scheduling system.

(b) The Classification and Priority Treatment Program shall use the date of the inmate's incarceration as a basis for placement on the dental treatment lists in all categories of classification.

(c) The Classification and Priority Treatment Program shall give priority scheduling to:

1. Inmates who need emergency dental treatment;
2. Inmates who have medical problems, such as allergies, diabetes, heart conditions and blood diseases; and
3. Inmates who do not have sufficient teeth to masticate the food provided by the adult county correctional facility.

Recodified from 10A:31-13.18 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.20 Preventive dentistry

Preventive dentistry shall be routinely implemented into the adult county correctional facility's dental program.

Recodified from 10A:31-13.19 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.21 Refusal of treatment

The inmate shall have the right to refuse dental treatment.

Recodified from 10A:31-13.20 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.22 Mentally ill and retarded inmates

(a) Screening and referral for care shall be provided to mentally ill or retarded inmates whose adaptation to the adult county correctional facility environment is significantly impaired.

(b) The physician who is responsible for medical services shall provide a written list of symptoms or behavior indicative of mental illness and retardation and shall designate, in advance, specific referral sources.

(c) Facility personnel shall be trained regarding recognition of symptoms of mental illness and retardation.

Recodified from 10A:31-13.21 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.23 Close medical supervision program

(a) A special program shall be established for inmates requiring close medical supervision.

(b) An individual medical treatment plan for inmates requiring close medical supervision shall be developed by a physician which includes directions to medical and non-medical personnel regarding the staff's role in the care and supervision of these inmates.

Recodified from 10A:31-13.22 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.24 Special diets

Special medical diets shall be prepared and served to inmates as ordered by the physician or dentist who is responsible for medical or dental services (see N.J.A.C. 10A:31-10.4).

Recodified from 10A:31-13.23 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.25 Detoxification

Detoxification from alcohol, barbiturates and similar drugs, when not provided in a hospital or community detoxification center, shall be performed at the adult county correctional facility under medical supervision.

Recodified from 10A:31-13.24 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.26 Pharmaceutical management

(a) The adult county correctional facility's written standard operating procedures for the management of pharmaceuticals shall include:

1. A formulary;
2. Requirements that the facility shall adhere to regulations established by the State Board of Pharmacy regarding medications;
3. A policy regarding prescription practices which shall include, but not be limited to:
 - i. Prescriptions generated by consultant health providers;
 - ii. Blanket standing orders;
 - iii. Written prescriptions;
 - iv. Oral prescriptions; and
 - v. Renewal schedule of drugs.
4. Policies regarding medication dispensing and administration;
5. Policies on documenting the administration of medication; and

6. Policies regarding the maximum security storage and weekly inventory of all controlled substances, syringes, needles and surgical instruments.

Recodified from 10A:31-13.25 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.27 Medical records

(a) The medical record file shall contain the following:

1. Completed medical screening forms;
2. First appraisal data collection forms;
3. All findings, diagnoses, treatments, dispositions, prescriptions and administrations of medication;
4. Notes concerning inmate education; and
5. Notation of place, date and time of medical encounters and discharges from medical treatment.

(b) The method of recording entries in the medical record and the form and format of the record shall be approved by the physician who is responsible for medical services.

(c) Access to medical records is controlled by the physician who is responsible for medical services. The physician/patient privilege shall apply to the medical records (see N.J.A.C. 10A:31-6.11).

(d) The medical record file shall be kept separate from the inmate's classification record.

Recodified from 10A:31-13.26 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.28 Informed consent for treatment

All examinations, treatments and procedures affected by informed consent standards in the community shall be likewise observed when providing care for inmates.

Recodified from 10A:31-13.27 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.29 Quarterly and annual report

The physician who is responsible for medical services shall prepare and submit to the Jail Administrator a quarterly report on the health delivery system and an annual statistical summary of the health services provided to inmates during the previous year.

Recodified from 10A:31-13.28 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).
See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

SUBCHAPTER 14. MISCELLANEOUS INMATE RIGHTS

10A:31-14.1 Presumption of innocence

(a) The presumption of innocence of pre-trial detainees shall be respected at all times, and adult county correctional facility staff shall take no action which may interfere with the detainee's right to:

1. Remain silent regarding the charges; or
2. Prepare a defense to the charges.

10A:31-14.2 Protection from abuse

(a) Inmates shall be protected by adult county correctional facility staff from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

(b) Appropriate disciplinary action shall be taken against facility staff who engage in abusive behavior and, when necessary, these cases will be referred to the county prosecutor.

10A:31-14.3 Prohibition against discrimination

(a) There shall be no discrimination on the basis of race, sex, national origin, color, religion, economic status, political belief or handicap.

(b) Care, custody and treatment services of inmates shall be provided equally to male and female inmates.

10A:31-14.4 Inmate grievance procedure

A written inmate grievance procedure shall be afforded to all inmates which shall include at least one level of appeal.

10A:31-14.5 Opportunity to practice religion

Inmates shall be afforded full and equal opportunity to practice their religion, or refrain from involvement in religion, subject only to the limitations necessary to maintain order and security (See N.J.A.C. 10A:31-26.3).

10A:31-14.6 Access to representatives of the media

Inmates shall be afforded reasonable access to representatives of the media by correspondence, telephone and/or visits.

SUBCHAPTER 15. ACCESS TO THE COURTS

10A:31-15.1 Inmate access to courts

(a) Persons detained prior to trial and sentenced inmates have a constitutional right of access to the courts.

(b) Jail Administrators shall assist detainees and inmates in the preparation and filing of meaningful legal papers by providing law libraries or adequate assistance from persons trained in the law.

10A:31-15.2 Inmate Law Library

(a) If the Inmate Law Library is the selected method in assisting inmates in the preparation and filing of legal papers, the Inmate Law Library shall be so located as to enable the inmates to be taken to the library to do research.

(b) Arrangements shall be made with a bar association, law school(s), or other law libraries to borrow law books not contained in the adult county correctional facility's own collection.

(c) Inmates who so request shall be given access to the Inmate Law Library on a schedule which permits as many inmates as possible to use the library, depending on:

1. The resources of the adult county correctional facility;
2. The availability of space; and
3. Security considerations.

(d) Punishment for any Inmate Law Library infraction such as damage to law books or disruptive conduct shall not ordinarily include denial of access to the Inmate Law Library.

(e) An inmate who abuses the right of access to the Inmate Law Library may be disciplined in accordance with prescribed procedures as set forth in N.J.A.C. 10A:31-16, Disciplinary Procedures.

(f) In certain extreme instances and only with the approval of the Jail Administrator, an inmate may be denied direct personal access to the Inmate Law Library. In such instances, the inmate shall receive legal reference materials and related services from assigned persons trained in law.

10A:31-15.3 Access to supplies and services

(a) Inmates shall have access to legal supplies and services for preparing legal papers, such as:

1. Writing paper;
2. Carbon paper;
3. Reproduction equipment; and
4. Large mailing envelopes.

(b) The cost of the legal supplies noted in (a) above shall be borne by the inmate unless the inmate is indigent.

10A:31-15.4 Attorneys and court related personal visits

(a) Suitable meeting facilities shall be provided for inmates to meet with attorneys and representatives of attorneys in privacy with reasonable comfort.

(b) Representatives of attorneys may include:

1. Investigators;
2. Investigative aides;
3. Paralegals; and
4. Law students.

(c) Visits of attorneys and representatives of attorneys shall be permitted without notice, or upon reasonable notice, during at least six hours each business day.

(d) Only necessary security requirements may be permitted to interfere with such visits.

10A:31-15.5 Legal telephone calls

Telephone access to attorneys, courts, probation officers, and parole officers shall be provided for all inmates who so request.

SUBCHAPTER 16. DISCIPLINARY PROCEDURES

10A:31-16.1 Disciplinary rules and sanctions

(a) Equitable and consistent inmate discipline shall be employed to ensure the maintenance of security and the orderly operation of all adult county correctional facilities.

(b) Rules, upon which inmate discipline is based, must be reasonable and evenly applied, and the action taken to determine an alleged infraction must be based on findings of fact.

(c) The sanction(s) for infractions shall not be imposed in any manner that violates the inmate's civil rights. The sanction(s) must be related to the infraction, and must be fairly applied to all inmates.

(d) All persons who supervise the activities of inmates shall receive sufficient training to ensure that these staff members understand the rules of inmate conduct, the sanctions available and the rationale for the rules.

(e) N.J.A.C. 10A:4, Inmate Discipline, applies to State inmates incarcerated at adult county correctional facilities.

Amended by R.1994 d.182, effective April 4, 1994.
See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).

10A:31-16.2 Disciplinary rule book

(a) The adult county correctional facility shall develop a written inmate disciplinary rule book which includes:

1. All chargeable offenses;
2. The schedule of sanctions;
3. The disciplinary procedures;
4. The disciplinary appeal process; and
5. A notice that N.J.A.C. 10A:4, Inmate Discipline, also applies to State sentenced inmates incarcerated within the adult county correctional facility.

(b) Each inmate, upon admission to the facility, shall be given a copy of the disciplinary rule book and the inmate shall sign a form acknowledging receipt of the rule book.

(c) Each staff member shall be given a copy of the inmate disciplinary rule book.

(d) Staff members shall assist inmates who have literacy problems in understanding the disciplinary rules.

(e) Where a facility has a large number of inmates in the population who speak a foreign language, the disciplinary rules shall be printed and/or presented verbally in the foreign language.

Amended by R.1994 d.182, effective April 4, 1994.
See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).

10A:31-16.3 Disciplinary report

(a) Employees shall prepare a disciplinary report when the employees have reasonable belief that an inmate has committed a violation of the adult county correctional facility rules.

(b) The disciplinary report shall include the following information:

1. The specific rule violated;
2. Facts supporting the charge;
3. Unusual inmate behavior;
4. Staff or inmate witnesses;
5. The disposition of any physical evidence;
6. Any immediate action taken, including the use of force;
7. The reporting staff member's signature;
8. The date and time the report is prepared; and
9. The date, time and name of staff person who delivers the disciplinary report to the inmate.

10A:31-16.4 Inmate Law Library violation and sanctions

Punishment for any Inmate Law Library infraction, such as damage to the law books or disruptive conduct, shall not ordinarily include denial of access to the Inmate Law Library.

10A:31-16.5 Minor violations and sanctions

(a) The immediate imposition of a sanction upon an inmate for a minor violation shall be referred to as On-The-Spot Correction.

(b) Written guidelines shall specify the minor violations that may be handled informally through the imposition of On-The-Spot Correction.

(c) The following are authorized sanctions for On-The-Spot Correction:

1. Verbal reprimand;
2. Loss of recreation privileges for a period of no more than five days;
3. Up to four hours of extra work duty; and/or
4. Up to four hours confinement to tier, room or cell.

(d) Minor violations must be reported in writing and forwarded immediately to the shift supervisor for review.

(e) The shift supervisor shall issue the inmate a copy of the report and afford the inmate the right to a conference before the imposition of any sanction(s).

(f) If the shift supervisor concurs with the written minor violation report, the On-The-Spot Correction sanction shall be imposed within 24 hours of the shift supervisor's review.

(g) The shift supervisor may also dismiss the minor rule violation or upgrade the minor violation to a major violation.

10A:31-16.6 Major violations and sanctions

(a) Major violations shall be defined as that conduct which is punishable by sanctions more stringent than those for minor violations.

(b) The following are authorized sanctions for major violations:

1. Up to 15 days Disciplinary Detention;
2. Loss of commutation time subject to confirmation by the Jail Administrator;
3. Loss of privileges up to 30 days;
4. Forfeiture/confiscation;
5. Restitution;
6. Any sanction prescribed for On-the-Spot Correction; and/or

7. Suspension of any one or more of the above sanctions at the discretion of the Disciplinary Board for 60 days.

(c) No inmate may receive more than 15 days in Disciplinary Detention as a result of a single disciplinary charge.

(d) If an inmate is found guilty of multiple disciplinary charges, he or she may receive up to 15 days Disciplinary Detention for each charge provided that the total time to be served does not exceed 30 days.

10A:31-16.7 Notification of inmate

(a) As a notification of the major violation charge(s), a copy of the disciplinary report shall be served upon the inmate within 48 hours of the violation unless there are exceptional circumstances, and at least 24 hours prior to the disciplinary hearing unless such notice is waived by the inmate in writing.

(b) The disciplinary report shall be delivered by the reporting staff member or the investigating officer. The report shall be signed by the person delivering it, and the time of delivery shall be noted.

10A:31-16.8 Use immunity

(a) In all cases, the inmate shall be advised of his or her right to use immunity at any investigative interview and at the disciplinary hearing.

(b) The use immunity warning shall consist of a statement which indicates that any statements made in connection with the disciplinary hearing or evidence derived directly or indirectly from those statements shall not be used in any subsequent criminal proceeding.

(c) Failure to give the use immunity warning by the investigative officer shall not be grounds for dismissing the disciplinary report.

10A:31-16.9 Investigation

(a) An investigation of the infraction shall be conducted within 48 hours of the time the disciplinary report is served upon the inmate, unless there are exceptional circumstances for delaying the investigation.

(b) The Jail Administrator shall appoint an investigating officer who was not involved in the incident to be investigated.

(c) The inmate shall be advised of his or her right to consult with a counsel substitute prior to the Disciplinary Hearing.

(d) The inmate shall be advised of his or her right to waive the Disciplinary Hearing and plead guilty to the disciplinary charges.

10A:31-16.10 Prehearing Detention

(a) Until the Disciplinary Hearing, the inmate shall remain in his or her existing status, unless the inmate constitutes a threat to other inmates, staff members, himself or herself or to the orderly operation of the adult county correctional facility.

(b) If Prehearing Detention is ordered by the shift supervisor, such order shall be reviewed by the Jail Administrator or his or her designee within 24 hours. Failure to do so shall return the inmate to his or her previous status.

10A:31-16.11 Disciplinary Board

(a) All hearings for major offenses shall take place before a Disciplinary Board composed of an impartial three member panel which shall include one custody supervisor and two non-custody staff members.

(b) Any Disciplinary Board member shall be disqualified in every case in which:

1. The Board member filed the complaint or witnessed the incident;
2. The Board member participated as an investigating officer;
3. The Board member will be charged with subsequent review of the decision; and/or
4. The Board member has personal interest in the outcome.

10A:31-16.12 Disciplinary hearing

(a) The inmate shall be entitled to a hearing within seven days of the alleged violation, including weekends and holidays, unless such hearing is prevented by exceptional circumstances, unavoidable delays or reasonable postponements. Should the seventh day fall on a Saturday, Sunday or holiday, the hearing shall be held on the weekday immediately following the weekend or holiday.

(b) Inmates confined in Prehearing Detention shall receive a hearing within three days of their placement in Prehearing Detention, including weekends and holidays, unless there are exceptional circumstances, unavoidable delays or reasonable postponements. Should the third day fall on a Saturday, Sunday or holiday, the hearing shall be held on the weekday immediately following the weekend or holiday.

(c) Inmates confined in Prehearing Detention shall be given priority in scheduling their appearance before the Disciplinary Board.

(d) Time spent in Prehearing Detention shall be credited against any subsequent sentence imposed.

(e) No delays in hearing a case shall be permitted for the purpose of punishment or discipline.

(f) An inmate shall be provided the opportunity to be present during the Disciplinary Hearing except for the Disciplinary Board's deliberations and reasons of security. The reasons for excluding an inmate from a Disciplinary Hearing must be documented in the inmate's record.

(g) An inmate may be represented by a counsel substitute (staff or inmate) when it is determined by the Disciplinary Board that the inmate is illiterate or cannot adequately collect and present the evidence in his or her own behalf.

(h) An inmate shall be provided an opportunity to call witnesses on his or her behalf, unless doing so would be irrelevant, repetitive or unduly hazardous to institutional safety. The reasons for denying the opportunity to call witnesses must be stated in writing and filed in the inmate's record.

(i) An inmate shall be provided the opportunity to make a statement and present documentary evidence.

(j) An inmate shall be provided the opportunity to confront and cross-examine his or her accuser and all adverse witnesses unless doing so would be unduly hazardous to institutional safety or would endanger the physical safety of a witness. The reasons for denying the opportunity to cross-examine accusers or adverse witnesses must be stated in writing and filed in the inmate's record.

(k) In absentia hearings may be held if the inmate refuses to attend the Disciplinary Hearing. Documentation of this refusal must be reported in writing.

(l) Should further investigation be required, the Disciplinary Hearing may be postponed by the Disciplinary Board for up to 48 hours for Prehearing Detention cases and for seven days for all other Hearings.

10A:31-16.13 Referral to the prosecutor

All rule violations which may constitute crimes of the first, second, third or fourth degree under the Criminal Code of the State of New Jersey (N.J.S.A. 2C:1-1 et seq.) shall be referred to the prosecutor of the county in which the adult county correctional facility is located.

10A:31-16.14 Decision of the Disciplinary Board

(a) At the conclusion of the Disciplinary Hearing, the Disciplinary Board shall issue a written decision. This decision shall contain:

1. The Board's finding on the question of guilt;
2. The sanction imposed;
3. A summary of the evidence upon which the finding is based, with the exception of confidential information which was withheld for security reasons;
4. A list of all non-confidential witnesses;

5. The reason requested witnesses were not called or cross-examination was not permitted if applicable;

6. The reason for the sanction which shall include such factors as the offender's past history and circumstances of the offense;

7. The date and time of the Disciplinary Hearing; and

8. The signatures of all Board members.

10A:31-16.15 Appeal of disciplinary decisions

(a) The inmate shall be advised of his or her right to appeal the decision of the Disciplinary Board.

(b) Appeals of disciplinary decisions shall be submitted to the Jail Administrator in writing, within 48 hours of the Disciplinary Hearing.

(c) Appeals of disciplinary decisions shall be reviewed by the Jail Administrator who may affirm, rescind or downgrade the decision. The Jail Administrator may reduce but may not increase the sanction imposed by the Disciplinary Board.

(d) Copies of the appeal and the disposition on appeal shall be forwarded to the Disciplinary Board for their records.

10A:31-16.16 Expungement

(a) If the Disciplinary Board finds the inmate innocent of the charges, all reference to the offense shall be removed from the inmate's file.

(b) Copies of the disciplinary report, investigation and adjudication sheet shall be maintained by the adult county correctional facility and the Disciplinary Board in the event of judicial review and for statistical and accounting purposes only. These records shall be maintained separately from the inmate's record.

SUBCHAPTER 17. DISCIPLINARY DETENTION

10A:31-17.1 Placement in Disciplinary Detention

Disciplinary Detention shall be used only when all other possible remedies have failed. A decision to place an inmate in Disciplinary Detention may be made only by the Disciplinary Board subject to review by the Jail Administrator.

10A:31-17.2 Time spent in Disciplinary Detention

(a) Inmates may be placed in Disciplinary Detention by the Disciplinary Board for a period not to exceed 15 days as a result of a single disciplinary charge.

(b) Inmates found guilty of multiple disciplinary charges may receive up to 15 days Disciplinary Detention for each charge provided that the total time to be served does not exceed 30 days.

(c) The time an inmate spends in Disciplinary Detention shall be proportionate to the offense committed, taking into consideration:

1. The severity of the offense;
2. The inmate's prior conduct;
3. The inmate's specific program needs; and
4. Other relevant factors.

10A:31-17.3 Disciplinary problems while in Disciplinary Detention

In the event of further disciplinary infractions by the inmate(s) while in Detention, the inmate(s) shall be charged with the appropriate violation and be given a Disciplinary Hearing by the Disciplinary Board.

10A:31-17.4 Security checks

Security and visual observation checks shall take place every 30 minutes in Disciplinary Detention.

10A:31-17.5 Records in Disciplinary Detention

(a) A written log of all security checks and/or counts shall be maintained, and the log shall be signed by the respective correction officer conducting the security check(s) and/or counts.

(b) Visits by medical, psychiatric, social work or custody supervisory staff, and all unusual behavior shall be noted in the log book together with the time and date.

(c) A record stating the following information shall be maintained in Disciplinary Detention:

1. The inmate's name;
2. The inmate's number;
3. The date of admission;
4. The type of infraction leading to Disciplinary Detention;
5. The expiration date of Disciplinary Detention; and
6. Any special problems, such as medical, behavioral, etc.

10A:31-17.6 Security procedures for Disciplinary Detention

(a) At no time shall correction officers handle Disciplinary Detention inmates on a one-to-one basis. There shall be a minimum of two correction officers to one inmate.

(b) At no time in Disciplinary Detention shall more than one inmate at a time be out of his or her cell.

(c) The Disciplinary Detention area shall be equipped with an alarm device which, when activated, will alert the Center Control of any unusual occurrences. The alarm device shall be tested on each shift.

(d) A telephone(s) shall be available within Disciplinary Detention in order to provide immediate communication with the Center Control.

(e) All inmates in Disciplinary Detention shall be strip-searched any time they enter or leave the Disciplinary Detention area.

(f) Bars, doors, windows, locks, corridors, floors and ceilings of the Disciplinary Detention area shall be checked daily and a written report completed and forwarded to the supervising officer responsible for this area.

10A:31-17.7 Correspondence, visits and telephone calls

(a) Inmates in Disciplinary Detention shall have the same correspondence opportunities that are available to inmates in the general population.

(b) Inmates in Disciplinary Detention shall not be provided with visit or telephone opportunities while in Disciplinary Detention with the exception of legal telephone calls.

(c) The Jail Administrator or his or her designee may authorize a special visit or telephone call for an inmate when there are compelling reasons to do so.

(d) Every effort shall be made to notify expected social visitors of the restriction on ordinary visiting procedures prior to the next regularly scheduled visiting period. If adequate time for correspondence exists, the burden of this notification shall be placed on the inmate.

10A:31-17.8 Recreation

The facility shall provide inmate recreation outside the cells for at least five hours per week, unless security or safety considerations dictate otherwise.

Amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

SUBCHAPTER 18. PROTECTIVE CUSTODY

10A:31-18.1 Admission to Protective Custody

An inmate may be placed in Protective Custody only with the approval of the Jail Administrator or his or her designee.

10A:31-18.2 Hearing procedure for involuntary placement to Protective Custody

(a) The adult county correctional facility's Classification Committee shall review involuntary Protective Custody placements within seven days.

(b) At the involuntary Protective Custody review the inmate shall be given the opportunity to appear personally before the Classification Committee.

(c) The Classification Committee shall provide the inmate with a written notice of the committee's decision and a summary of the evidence relied upon.

10A:31-18.3 Review of inmates in Protective Custody

Each inmate in Protective Custody shall be reviewed every 30 days by the Classification Committee.

10A:31-18.4 Release of inmates from Protective Custody

(a) Provided the Classification Committee and the Jail Administrator or his or her designee are satisfied that there is no known danger to the inmate's well being, an inmate who has voluntarily signed himself or herself into Protective Custody may sign himself or herself out upon completion of a release form.

(b) An inmate who has been placed in Protective Custody involuntarily may be released by the Jail Administrator or his or her designee upon recommendation by the Classification Committee when they are satisfied that the conditions giving rise to the inmate's placement in Protective Custody have abated or no longer exist.

(c) A release form that is signed by the Jail Administrator and the inmate shall be placed in the inmate's classification folder.

10A:31-18.5 Security procedures for Protective Custody

(a) Any inmate who is not in a Protective Custody status shall be prohibited from entering the Protective Custody area at any time.

(b) All Protective Custody inmates shall be escorted by two correction officers any time the inmate or inmates leave the Protective Custody area.

(c) All inmates in Protective Custody shall be strip-searched when entering and leaving the Protective Custody area.

10A:31-18.6 Correspondence, visits and telephone calls

The writing, visiting and telephone privileges of inmates shall not be suspended while the inmate(s) is confined in Protective Custody.

SUBCHAPTER 19. MAIL**10A:31-19.1 Limitation on outgoing and incoming mail**

(a) There shall be no limit on the amount of outgoing or incoming correspondence an inmate may send or receive.

(b) There shall be no restriction on the length, language or content of letters or on the persons to whom an inmate may write, except where there is clear and convincing evidence to justify restrictions to ensure the maintenance of public safety or adult county correctional facility order and security.

10A:31-19.2 Cost of mailing correspondence by indigent inmates

Indigent inmates shall be provided with postage and stationery enabling the inmates to send at least three letters of general correspondence per week.

10A:31-19.3 Processing mail

(a) Daily collection, handling and distribution of inmate mail shall be done by authorized staff personnel only.

(b) Outgoing correspondence shall not be held within the adult county correctional facility more than 24 hours after the correspondence has been received or collected for mailing, except on weekends or holidays.

(c) Incoming correspondence shall be delivered to the inmate within 24 hours after it has been received at the facility.

10A:31-19.4 Inspection and reading of incoming mail

(a) All incoming correspondence and packages shall be inspected for cash, checks, money orders and contraband.

(b) Monies received through the mail shall be credited to the inmate's account and a receipt shall be given to the inmate.

(c) Contraband shall be removed from incoming correspondence and the inmate shall be notified concerning the items removed and the disposition of the contraband. Contraband shall be fully described in the copy of adult county correctional facility rules and regulations given to the inmate at admissions (see N.J.A.C. 10A:31-21.4).

(d) Inmate incoming correspondence may not be read except when there is reliable information indicating that the mail is a threat to order and security, or when mail is being used in the furtherance of illegal activity. It shall be the responsibility of the Jail Administrator to document that sufficient reason exists to read an inmate's correspondence.

10A:31-19.5 Inspection of outgoing mail

Outgoing inmate correspondence shall be permitted to be sealed by the inmate and shall not be opened, inspected or censored unless there is evidence to suspect that there is contraband enclosed or that a criminal activity is involved.

10A:31-19.6 Publications

Inmates shall be permitted to receive books, magazines, newspapers or other printed matter, unless such publications are deemed to constitute an immediate threat to the security of the adult county correctional facility, or these publications are determined to be obscene by current laws or court decisions on obscenity.

10A:31-19.7 Packages

(a) Inmates shall be provided with a list of items permitted to be received in packages.

(b) All incoming and outgoing packages shall be thoroughly searched for contraband (see N.J.A.C. 10A:31-8.1).

10A:31-19.8 Written policy and procedures

Written policies and procedures consistent with this subchapter shall be developed by all adult county correctional facilities and be made available to staff and inmates.

SUBCHAPTER 20. VISITS
10A:31-20.1 Visit regulations

Written visit regulations shall be available for all staff, inmates, and visitors.

10A:31-20.2 Visit regulations translated into foreign language

Where deemed necessary by the Jail Administrator, visit regulations shall be translated into a foreign language.

10A:31-20.3 Contact visits

An area shall be provided for contact visits, for those inmates who do not represent a substantial security risk.

10A:31-20.4 Non-contact visits

An area shall be provided for non-contact visits, for those inmates classified as high risk inmates.

10A:31-20.5 Visit scheduling

(a) The visit program shall include provisions for week-day, evening and weekend visitation.

(b) Visits shall be no less than 15 minutes in length.

(c) Limitation on the length or frequency of visits shall be imposed only to avoid overcrowded conditions in the visiting area.

10A:31-20.6 Registering and search of visitors

(a) Visitors shall register upon entry into the adult county correctional facility, and their belongings shall be searched and/or stored in lockers.

(b) Circumstances under which a visitor may be searched shall be specified in written visit regulations (N.J.A.C. 10A:31-20.1).

10A:31-20.7 Visits by attorneys and religious advisors

(a) Attorneys and religious advisors (chaplains, ministers, priests, imams, etc.) shall be allowed additional visitation privileges and accommodations that ensure privacy.

(b) Visit hours shall include evening hours for attorneys, where reasonably feasible.

10A:31-20.8 Special visits

(a) Prior arrangements should be made for special visits, if possible.

(b) Special visits may include, but are not limited to:

1. Visits from persons who have come long distances;
2. Visits to hospitalized inmates; and
3. Visits to inmates in disciplinary status.

10A:31-20.9 Written policies and procedures

Each adult county correctional facility shall develop written policies and procedures consistent with this subchapter.

SUBCHAPTER 21. ADMISSION, SEARCH, ORIENTATION, PROPERTY CONTROL AND RELEASE
10A:31-21.1 Written policies and procedures regarding newly admitted inmates

(a) Each adult county correctional facility shall develop written policies and procedures regarding the admission of new inmates which include, but are not limited to:

1. Verification of commitment papers;
2. A thorough search of individual inmates;
3. Disposition of clothing and personal possessions;
4. Medical screening;
5. Telephone calls;
6. Showers;

7. Hair care;
8. Issue of clean institutional clothing;
9. Photographs;
10. Fingerprinting;
11. Notations of identifying marks and unusual characteristics;
12. Intake screening interview by staff member, preferably a social worker or counselor;
13. Issue of personal hygiene items; and
14. Classification and assignment to a housing unit.

10A:31-21.2 Search of newly admitted inmates

Newly admitted inmates may be subjected to a strip search or body cavity search only in accordance with the conditions set forth in N.J.A.C. 10A:31-8.3, 8.4 and 8.5.

10A:31-21.3 Orientation

Orientation shall be provided to newly admitted inmates in their own languages where possible. Such orientation shall be documented by the dated signatures of the inmates who have been oriented to the adult county correctional facility.

10A:31-21.4 Adult county correctional facility rules and regulations

(a) All inmates shall be provided with a copy of the facility's rules and regulations which shall be explained by a staff member.

(b) State sentenced inmates incarcerated in a county correctional facility shall be advised that they are subject to the inmate discipline of the county correctional facility except when there is a conflict with N.J.A.C. 10A:4. When a conflict exists, the State sentenced inmate is subject to N.J.A.C. 10A:4, Inmate Discipline.

(c) The rules and regulations shall be available in English and Spanish, where appropriate.

(d) An interpreter may be provided at the discretion of the Jail Administrator.

Amended by R.1994 d.182, effective April 4, 1994.
See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).

10A:31-21.5 Telephone calls

Newly admitted inmates shall be permitted to complete at least two local or collect long distance telephone calls as soon as possible during the admission process.

10A:31-21.6 Release or diversion to intervention programs

(a) Written procedures shall be developed with the Court and Probation Department for initial screening and evaluation of individuals for possible release or diversion to intervention programs.

(b) Jail Administrators shall coordinate with the Courts, Probation Departments and other community agencies the release from confinement under certain conditions, selected individuals who are not a danger to the community.

10A:31-21.7 Property control

(a) Written policy and procedures shall specify the types of personal property inmates can retain in their possession during incarceration.

(b) A written itemized inventory of all personal property shall be given to newly admitted inmates.

(c) Secure storage of inmate property including money and other valuables shall be provided and inmates shall be given receipts for all property held until release.

(d) A system of strict staff accountability shall be maintained to assure the safety of inmate personal property, money and other valuables.

(e) Clothing and personal property taken from inmates shall be cleaned and/or placed in appropriate storage areas.

10A:31-21.8 Release of inmates

(a) Each adult county correctional facility shall develop written policies and procedures related to the release of inmates which include, but are not limited to:

1. Verification of inmate's identity;
2. Verification of inmate's release reports;
3. Completion of release arrangement, including the person or agency to whom the inmate is to be released;
4. Return of inmate's personal property;
5. Verification that no facility property leaves with the inmate; and
6. Completion of any pending action, such as grievances or claims for damages or lost possessions.

Amended by R.1991 d.143, effective March 18, 1991.
See: 22 N.J.R. 3714(c), 23 N.J.R. 860(a).

Deleted list of types of inmates who should not be confined in same cell or living space.

SUBCHAPTER 22. CLASSIFICATION

10A:31-22.1 Written classification policies and procedures

(a) Each adult county correctional facility shall develop written policies and procedures for classifying inmates which include the following:

1. The composition and responsibilities of the Classification Committee;
2. The initial classification of inmates;
3. The review of the classification of inmates; and
4. The reassignment or transfer of inmates from one program and/or facility to another.

10A:31-22.2 Classification and housing of inmates

(a) The classification and housing of inmates shall be based upon available space and either:

1. The objective classification scoring system; or
2. The reception classification system which shall be based upon the following factors regarding the inmate:
 - i. Gender;
 - ii. Age;
 - iii. Size;
 - iv. Offense;
 - v. Previous incarcerations;
 - vi. Aggressive and passive/dependent behavior;
 - vii. Problems, such as, but not limited to, alcoholism and drug addiction(s);
 - viii. Physical illness;
 - ix. Mental status;
 - x. Confinement status, such as pretrial detainee or sentenced inmate; and
 - xi. Security needs.

(b) The classification of inmates in the categories in (a) above may be modified based on the direct observation and supervision of individual inmates, and in such instances each classification decision shall be fully documented.

(c) The classification of State prisoners housed in county correctional facilities remains the responsibility of the New Jersey Department of Corrections.

(d) Segregation of inmates by race, color, creed, or national origin shall be prohibited.

Amended by R.1991 d.143, effective March 18, 1991.
See: 22 N.J.R. 3714(c), 23 N.J.R. 860(a).

Changed terms from "misdemeanors" and "felons"; also changed "first offenders" and "habitual criminals".
Amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).
Rewrote the section.

10A:31-22.3 Male and female inmates' access to programs and activities

Male and female inmates, depending on their custody levels, shall have equal access to all programs and activities, but integrated participation by male and female inmates in programs and activities is not required.

Recodified from N.J.A.C. 10A:31-22.4 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Text of former N.J.A.C. 10A:31-22.3, Segregation of inmates based upon race, color, creed or national origin, recodified to N.J.A.C. 10A:31-22.2(d).

10A:31-22.4 Initial classification

(a) Initial classification of sentenced inmates shall be completed within two weeks after admission from court or transfer from another institution, except where there are clear and convincing reasons to do otherwise.

(b) Wherever possible, inmates shall initially be assigned to an intake area until appropriately classified and medically screened pursuant to N.J.A.C. 10A:31-13.9.

Amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Recodified from N.J.A.C. 10A:31-22.5 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Former N.J.A.C. 10A:31-22.4, Male and female inmates' access to programs and activities, recodified to N.J.A.C. 10A:31-22.3.

10A:31-22.5 Classification hearing

All sentenced inmates shall be given 48 hours notice prior to their classification hearing and shall have the opportunity to appear and participate in their hearing.

Recodified from N.J.A.C. 10A:31-22.6 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Former N.J.A.C. 10A:31-22.5, Initial classification, recodified to N.J.A.C. 10A:31-22.4.

10A:31-22.6 Appeal of Classification Committee decision

All sentenced inmates shall be given the opportunity to appeal the decision of the Classification Committee to the county correctional facility Administrator or designee.

Recodified from N.J.A.C. 10A:31-22.7 and amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Substituted a reference to the county correctional facility Administrator for a reference to the Jail Administrator. Former N.J.A.C. 10A:31-22.6, Classification hearing, recodified to N.J.A.C. 10A:31-22.5.

10A:31-22.7 (Reserved)

Recodified to N.J.A.C. 10A:31-22.6 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

SUBCHAPTER 23. REMISSION OF TIME FROM SENTENCE

10A:31-23.1 Eligibility for cash or remission of time from sentence

(a) Inmates who are employed in productive occupations while incarcerated in an adult county correctional facility may receive compensation for such employment in the form of cash or remission of time from sentence or both (see N.J.S.A. 30:4-92).

1. An inmate employed under this section may receive remission of time from sentence not to exceed one day for each five days of productive occupation, but remission granted under this section shall not affect deductions for good behavior as otherwise provided by law.

2. In addition, all inmates classified as minimum security and who are considered sufficiently trustworthy to be employed in honor camps, farms or details, shall receive further remission of time from sentence at the rate of three days per month for each month of such employment.

(b) Inmates in adult county correctional facilities, who are employed in the community pursuant to N.J.A.C. 10A:31-25, Work Release Program, are eligible for diminution of sentence as set forth in N.J.S.A. 30:8-50. The inmate may be granted a diminution of not more than one-quarter of his or her term if the inmate's conduct, diligence and general attitude meet such diminution.

(c) Inmates who are receiving credits while participating in a Work Release Program under (b) above may also, in appropriate circumstances, receive work credits under (a) above. Such additional credits may be granted only where the inmate engages in a productive occupation in the adult county correctional facility in addition to the inmate's participation in the Work Release Program.

(d) Any remission of time shall in no way affect deduction for good behavior as otherwise provided in N.J.S.A. 2A:164-24.

10A:31-23.2 Records and audits

(a) The New Jersey State Department of Corrections shall periodically audit records pertinent to the remission of time or cash payments for periodic occupation or minimum security status of inmates. Such audits shall be conducted not less than annually.

(b) The remission of time or cash payment records shall indicate the following:

1. The dates the inmate was placed upon and removed from productive occupation and/or minimum security status;
2. The reason for removal from productive occupation or minimum security status;

3. The time the inmate earned while in productive occupation or on minimum security status; and

4. The cash remuneration, if any, the inmate received while in productive occupation.

(c) Individual records shall be maintained for each inmate placed in productive occupation or classified on minimum security status.

10A:31-23.3 Reports

(a) The Jail Administrator of the adult county correctional facility shall submit an annual report to the New Jersey State Department of Corrections, Bureau of County Services.

(b) The annual report shall contain, but not be limited to, the following:

1. The operation of the remission of time for productive operations and minimum security status; and/or
2. The payment of cash to inmates for employment in productive occupations.

(c) In counties electing to provide cash payments for employment in productive occupations, the schedule of payments shall be filed with the New Jersey State Department of Corrections, Bureau of County Services.

10A:31-23.4 Consultations

The New Jersey State Department of Corrections will provide the consultative services of staff members with respect to questions, issues or problems arising out of the interpretation of the Statutes or from operational procedures.

SUBCHAPTER 24. INMATE WORK PROGRAM

10A:31-24.1 Inmate work plan

(a) The adult county correctional facility shall develop and maintain a written inmate work assignment plan that provides for inmate employment, subject to the availability of work opportunities and the security considerations of the facility.

(b) The inmate work plan shall include provision for inmate employment in facility maintenance and operations such as:

1. Cleaning;
2. Painting;
3. Food service; and
4. Laundry operations.

(c) The inmate work plan shall include provisions for inmate employment in public works projects such as construction work, conservation projects, county road work, and cleaning and maintenance tasks in local government buildings.

(d) The inmate work plan shall include provisions for the employment of handicapped inmates.

10A:31-24.2 Pretrial and unsentenced detainees

Pretrial and unsentenced detainees shall not be required to work except to do personal housekeeping.

10A:31-24.3 Inmate volunteers

Any inmate may volunteer for work assignments or adult county correctional facility programs.

10A:31-24.4 Compensation

(a) Inmates employed in inmate work programs shall receive compensation for employment in the form of cash or

remission of time from sentence or both (see N.J.A.C. 10A:31-23).

(b) Any remission of time shall in no way interfere with the reduction for good behavior time.

(c) State sentenced inmates who are being housed in adult county correctional facilities shall be compensated in accordance with N.J.A.C. 10A:9-5.6.

SUBCHAPTER 25. WORK RELEASE PROGRAM

10A:31-25.1 Authority

N.J.S.A. 30:8-44 authorizes the operation of a County Work Release Program in the counties in which the Board of Freeholders has approved the establishment of this type of program.

10A:31-25.2 Role of New Jersey Department of Corrections

The New Jersey Department of Corrections may make staff available for maintaining general supervision over County Work Release Programs.

10A:31-25.3 Benefit to inmates

(a) Participation in the Work Release Program provides the following benefits to inmates:

1. Provides inmates the opportunity to participate in full time normal employment or vocational training in the community;
2. Permits inmates the opportunity to develop or strengthen good work habits and skills;
3. Affords inmates opportunities to continue or strengthen constructive ties with family, friends and the community;
4. Permits the pre-release preparation of inmates and the opportunity to evaluate the readiness of these inmates for release to the community;
5. Permits disbursements to be made from inmate earnings to help defray the cost of incarceration, support dependents, reduce debts and pay court fines;
6. Enables inmates to accumulate savings to help meet financial needs or burdens after release from confinement;
7. Provides inmates the opportunity to meet family needs; and
8. Provides inmates the opportunity to earn credits which will reduce the time to be served on the inmate's sentence.

10A:31-25.4 Responsibility for designating County Work Release Administrator

(a) Upon adoption of a resolution to implement a Work Release Program, the County Board of Freeholders shall designate a County Work Release Administrator who may be the Sheriff, Jail Administrator or other person who shall be responsible for administering the Work Release Program.

(b) The Board of Freeholders shall promptly notify the Commissioner of the Department of Corrections of the Board's action and the name of the designated County Work Release Administrator.

10A:31-25.5 Placement in Work Release

A person convicted and sentenced to an adult county correctional facility may be placed in a Work Release Program by order of the court in which such person was convicted, or by the assignment judge of the county in which the sentence was imposed at the time such person is sen-

tenced or at any time thereafter during the term of the sentence.

10A:31-25.6 Inmates ineligible for Work Release Program participation

(a) The following circumstances shall make an inmate ineligible for participation in the Work Release Program:

1. Untried detainers for criminal offenses or immigration detainers;
2. Current convictions involving arson offenses; or
3. Previous convictions for arson offenses, even if the current conviction is for an offense(s) other than arson.

(b) No person confined to a county correctional facility shall be eligible to participate in any work release or vocational training release program if he or she has been convicted of any of the following:

1. Any crime involving a sexual offense or child molestation as set forth in N.J.S. 2C:14-1 et seq.;
2. Any crime endangering the welfare of children or incompetents which concerns sexual conduct which would impair or debauch the morals of the child or an incompetent, as set forth in N.J.S. 2C:24-4 and N.J.S. 2C:24-7;
3. Any crime involving the manufacture, transportation, sale or possession, with the intent to sell or distribute, of a "controlled dangerous substance" or a "controlled dangerous substance analog," as defined in the "Comprehensive Drug Reform Act of 1986," P.L. 1987, c.106 (C.2C:35-1 et al.); or
4. Any crime involving the use of force or the threat of force upon a person or property including: armed robbery, aggravated assault, kidnapping, arson, manslaughter and murder.

Amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-25.7 Application for admission to the Work Release Program

(a) The County Work Release Administrator shall be responsible for advising county sentenced inmates that an application may be submitted to him or her for submission to the court for approval to participate in the Work Release Program.

(b) An inmate sentenced by the court to an adult county correctional facility, who desires an opportunity to participate in the Work Release Program by being released to the community for employment, vocational training or meeting family needs shall be required to complete and submit form CWR-1 APPLICATION AND AGREEMENT FOR ASSIGNMENT UNDER THE WORK RELEASE PROGRAM to the County Work Release Administrator for submission to the court.

(c) The County Work Release Administrator shall review and evaluate the information collected on each application and make a recommendation to the court concerning admission to the Work Release Program. The basic information shall include, but is not limited to:

1. Prior criminal history;
2. Detailed information concerning present offense;
3. Detailed information regarding untried criminal charges pending and the current status of these charges;
4. Psychological and psychiatric evaluations, when available;
5. Record of violent or assaultive conduct;
6. Record of violation of financial or public trust;
7. Data on family relationships including responsibility to assist in family maintenance;
8. Work history;
9. Personal health;
10. Record of substance abuse; and
11. Information on job opportunities or vocational programs to meet the inmate's needs.

(d) The following facts and circumstances shall be viewed as negative factors when considering an inmate's application for the Work Release Program:

1. A record of association with organized crime;
2. A record of serious emotional or personality disorders;
3. A record of violent or assaultive behavior;
4. Previous violations of financial or public trust;
5. A high degree of public notoriety which would cause adverse reaction if the inmate were released to the community;
6. Indications that release to the community would be contrary to punitive intention of sentence; and
7. A history which indicates a record of convictions for offenses related to controlled dangerous substances (CDS).

10A:31-25.8 Job site evaluation

(a) The County Work Release Administrator shall be responsible for evaluating all prospective places of employment of inmates.

(b) Whenever possible, work release employment shall be related to prior vocational training, work experience and/or the institutional training of the inmate.

(c) The following shall initially be taken into account when evaluating the job site:

1. Working conditions of employees;
2. Potential hazards to health of employees;
3. Credibility of the employer;
4. Verification of a fair rate of pay, not less than minimum wage;
5. Coverage of an appropriate workers' compensation plan;
6. Availability of transportation;
7. Duration of the offered employment and benefits; and
8. Proximity to the adult county correctional facility.

(d) Inmates shall not be placed in Work Release Program assignments which will result in the displacement of workers employed in the community.

(e) Representatives of local union central bodies or similar labor union organizations shall be consulted about the placement of inmates with an employer, when appropriate.

(f) If suitable private outside employment cannot be found for an inmate, the inmate may be employed by the county at a fair wage and reasonable hours of work.

10A:31-25.9 Notice to inmate

Form CWR-2 NOTIFICATION OF ADMISSION TO WORK RELEASE WITH SPECIFIED CONDITIONS shall be used by the County Work Release Administrator to notify the inmate of the court's decision on the inmate's application.

10A:31-25.10 Work Release Plan

(a) The County Work Release Administrator and the inmate shall prepare a detailed Work Release Plan (Form CWR-3 APPROVED WORK RELEASE PLAN). The plan shall include information concerning the job, transportation and a statement authorizing the County Work Release Administrator to make disbursements from earnings.

(b) The information concerning the job placement shall include, but is not limited to:

1. The name of employer;
2. The address of employer;
3. The telephone number of employer;
4. The location of work site;
5. The hourly or other rate of pay;
6. Work days and hours;
7. A plan for overtime or shift work, if necessary; and
8. An evaluation of the job offer by the County Work Release Administrator.

(c) Each Work Release Plan shall contain a written detailed Transportation Plan. The Transportation Plan shall include, but is not limited to:

1. The dates and times of leaving and returning to the adult county correctional facility;
2. The times of arrival and departure from the job;
3. The method of transportation (for example, facility vehicle, public, private conveyance);
4. The daily cost of transportation;
5. The routes of travel; and
6. A procedure to be used when there are unexpected changes in travel arrangements, such as extended work conditions, delays caused by breakdowns, etc.

(d) If the Transportation Plan calls for the use of a private conveyance as the method of transportation, the County Work Release Administrator should ensure that the appropriate licensing, vehicle registration and insurance coverage are provided. Copies of these documents shall be contained in the inmate's file.

(e) The Transportation Plan should be flexible so as to allow for normal problems anticipated in daily travel. Generally, travel time to and from a job should not exceed one hour each way.

(f) The final section of the Work Release Plan shall include information on the disbursement of wages.

(g) When the Work Release Plan is completed and reviewed by the County Work Release Administrator, the inmate shall be asked to read and indicate his or her acceptance of the provisions of the Work Release Plan by signing it.

(h) The employer shall receive a copy of the approved Work Release Plan by certified mail, return receipt requested, along with a copy of the court's order placing the inmate in outside employment. The inmate shall also receive a copy of the Work Release Plan.

10A:31-25.11 Disbursement of wages

(a) An inmate participating in the Work Release Program shall submit his or her salary, wages or stipend, in the form that it is paid (cash or check), to the County Work Release Administrator who shall make payments from these earnings for:

1. Money advances made to purchase or redeem work clothes, travel clothes and/or work tools;
2. The cost of work transportation and cash advanced for miscellaneous daily expenses while outside the adult county correctional facility;

3. Payment of cost for board which shall be charged for each day that the inmate is participating in the Work Release Program;

4. Court costs and fines;

5. Legally ascertained support of dependents after written notice to the appropriate welfare board; and/or

6. Payment on debts and legal obligations acknowledged by the inmate in writing and filed with the County Work Release Administrator on such forms as the Administrator shall specify.

(b) Every effort shall be made to secure full payment of advances as soon as possible. Except in the most unusual situations, full repayment shall be obtained no later than the second full pay.

(c) Any balance of earnings remaining after payment of items in (a) above shall be retained as required by N.J.S.A. 30:8-49(4), and paid to the inmate when he or she is discharged.

(d) Each county shall develop a written system whereby each inmate participating in the Work Release Program shall pay a fair percentage of his or her earnings for board. The daily per capita rate for the payment of board shall not include any part of the costs arising from the administration of the Work Release Program.

10A:31-25.12 Statement of disbursements

(a) An inmate participating in the Work Release Program shall receive a statement on Form CWR-4 STATEMENT OF DISBURSEMENTS itemizing deductions made from each pay check within two weeks of the county's receipt of the paycheck.

(b) The statement shall report all income and expenses and accurately reflect the statement of the inmate's account for the period covered.

10A:31-25.13 Vocational Training Release Plan

(a) If the inmate is approved for vocational training, a detailed Vocational Training Release Plan (Form CWR-5 VOCATIONAL TRAINING RELEASE PLAN) shall be prepared by the County Work Release Administrator. A copy of the Vocational Training Release Plan shall be sent to the inmate and a copy shall be sent to the training agency by certified mail, return receipt requested. The plan shall include the following:

1. The name and address of the training agency;
2. The location where training will take place;
3. The dates and times of leaving and returning to the adult county correctional facility;
4. The times of arrival and departure from the training site;

5. The mode of transportation; and
6. Other pertinent data including responsibility for payment of costs, such as transportation, meals, etc.

10A:31-25.14 Family Need Release Plan

(a) A detailed Family Need Release Plan (Form CWR-6 FAMILY NEED RELEASE PLAN) shall be prepared by the County Work Release Administrator with a copy to the inmate outlining the following:

1. The nature of need;
2. The location of where family need is to be served;
3. The dates and times of leaving and returning to the adult county correctional facility;
4. The times of arrival and departure from the family need site;
5. The mode of transportation; and
6. Other pertinent data including responsibility for paying costs, such as transportation, meals, etc.

10A:31-25.15 Notification of local police departments

(a) N.J.S.A. 30:4-91.3(a) requires that the local police departments be notified when the county intends to place an inmate in the respective municipality for the purpose of a visit, study, work or residence.

(b) The local police departments shall be notified in writing whenever an inmate is being considered for placement into the work release, vocational training release or family care release phase of the Work Release Program.

10A:31-25.16 Custody status

Inmates approved for outside employment, family care or vocational training under a Work Release Program shall be classified as minimum custody and housed separately from other inmates serving terms in ordinary confinement, if possible.

10A:31-25.17 Orientation

(a) When the inmate has been accepted into the Work Release Program and the appropriate applications and plans have been completed, the County Work Release Administrator shall provide an orientation to the inmate.

(b) The orientation shall ensure that the inmate is made aware of and has a clear understanding of the rules, regulations and conditions governing the Work Release Program.

(c) The County Work Release Administrator or his or her designee shall also ensure that the employer is made aware of the rules and regulations and of the employer's responsibilities concerning the Work Release Program.

(d) The County Work Release Administrator shall make periodic evaluations of the extent of family needs and of job and vocational training sites to ensure that the rules and regulations governing the Work Release Program are not being violated.

10A:31-25.18 Review of status and termination

(a) The County Work Release Administrator may hold the inmate in confinement pending judicial review of the inmate's status, when there is cause to believe that the inmate has:

1. Violated the rules of the Work Release Program; or
2. Been charged with the commission of an offense.

(b) The County Work Release Administrator shall submit a written report to the court which will include the reason(s) for holding the inmate in confinement and a request that the court review the inmate's status in the Program.

(c) The County Work Release Administrator shall implement the court's decision.

(d) No inmate may be removed from the Work Release Program without an order from the court authorizing such a removal.

10A:31-25.19 Escape

(a) An inmate shall be deemed an escapee if the inmate:

1. Fails to return to the adult county correctional facility within the prescribed time or has not notified the facility within the one hour grace period that he or she is in the process of returning; or
2. Fails to notify the facility that he or she has been detained (that is, hospitalized, arrested, etc.); or
3. Fails to obtain authorization to leave his or her place of employment.

(b) If the inmate contacts the facility within the one hour grace period and is given a reasonable time limit within which to return to the facility but fails to do so, the inmate shall be declared an escapee if there are no extenuating circumstances or verified legitimate reasons for the inmate's failure to return within the time limit.

(c) In all cases of escape, the County Work Release Administrator shall arrange for immediate notice to the:

1. County Jail Administrator;
2. Local police;
3. State police; and
4. Court.

10A:31-25.20 Quarterly report

(a) The County Work Release Administrator shall be responsible for preparing a quarterly report (Form CWR-9 QUARTERLY REPORT OF WORK RELEASE) which shall be submitted to the County Board of Freeholders and the New Jersey Department of Corrections.

(b) The quarterly report shall contain a general summary of Work Release Program information, which includes, but is not limited to, the following:

1. The total number of participants in the Program;
2. The total number of admissions to the Program;
3. The total number of terminations from the Program;
4. The total number of revocations for violations of conditions; and
5. The total number of removals because of illness or death.

(c) The quarterly report shall also contain other statistical information on the Work Release Program and facts as may be requested by the County Board of Freeholders and the New Jersey Department of Corrections.

10A:31-25.21 Arrangements with other counties

(a) An inmate may be housed in another county for the purposes of work release when the court, issuing the release placement order, authorizes the County Work Release Administrator to arrange with the County Work Release Administrator of another county for the employment of an inmate within that county.

(b) The inmate shall be in the custody of the other county and subject to the commitment and all applicable regulations while the inmate is participating in the Work Release Program.

(c) Agreements between cooperating counties shall include a statement of financial arrangements.

10A:31-25.22 Time credits

(a) Pursuant to N.J.S.A. 30:8-50, an inmate participant may be granted a reduction of not more than one-quarter of his or her term if the inmate's conduct, diligence and general attitude merit such reduction (see N.J.A.C. 10A:31-23.1).

(b) Form CWR-7 DIMINUTION OF TERM shall be used to notify the appropriate person in the county jail as to the number of days to be credited in reduction of an inmate's sentence.

SUBCHAPTER 26. INMATE SERVICES AND PROGRAMS**10A:31-26.1 Social Services Program**

(a) A Social Services Program shall be administered and supervised by a person with a Bachelor's degree or four years experience in the social and behavioral sciences.

(b) Counseling shall be provided by a qualified, trained counselor and shall include, but is not limited to:

1. Individual counseling;
2. Drug and alcohol addiction counseling;
3. Family counseling;
4. Crisis intervention;
5. Vocational counseling;
6. Discharge planning;
7. Release preparations; and
8. The referral of inmates to existing community resources.

(c) In the absence of qualified social service personnel, social services may be provided through contractual arrangements with community agencies.

(d) When community agencies are used to provide social services, a staff member of the adult county correctional facility shall be responsible for coordinating and documenting the use of these community agencies.

(e) Records shall be maintained documenting all counseling activities.

10A:31-26.2 Education Program

(a) An area suitable for conducting educational classes shall be designated for the Education Program.

(b) A qualified teacher shall administer and supervise the Education Program.

(c) Inmates shall have access to educational programs and vocational training, when it is available within the adult county correctional facility.

(d) Educational courses available for inmates shall include, but not be limited to, the following:

1. Adult Basic Education;
2. General Education Diploma (G.E.D.); and
3. Correspondence courses for both high school and college credits.

(e) English as a second language (ESL) may be made available for inmates when deemed appropriate.

10A:31-26.3 Religious services

(a) All inmates shall be afforded full and equal opportunity to practice their religion, or refrain from involvement in religion, subject only to the limitations necessary to maintain order and security.

(b) The adult county correctional facility shall provide for inmate participation in religious services on a voluntary basis.

(c) Representatives from the various recognized religions shall be contacted to provide counseling and religious services.

(d) The facility shall ensure that weekly religious services are conducted.

10A:31-26.4 Recreation and Leisure Time Activities Program

(a) A staff member shall administer and supervise the Recreation and Leisure Time Activities Program.

(b) The adult county correctional facility shall provide for both indoor and outdoor recreation areas.

(c) All inmates, except those in disciplinary detention, shall be provided with the opportunity to participate in leisure time activities on a daily basis. Such leisure time activities may include:

1. Watching television;
2. Listening to the radio;
3. Playing cards; and
4. Initiating and completing arts and crafts projects.

(d) The facility shall provide inmates access to recreational opportunities and equipment.

(e) Inmates shall be given the opportunity to participate in a minimum of one hour of physical exercise and recreation each day outside the living unit.

(f) Weather permitting, recreation activities should be scheduled for out-of-doors.

10A:31-26.5 Library Program

(a) An area accessible to inmates shall be designated as the library.

(b) The adult county correctional facility shall provide a staff member or a volunteer to coordinate and supervise the Library Program.

(c) Library services shall be made available to inmates daily, excluding weekends and holidays.

(d) Library services provided shall include, but are not limited to:

1. Materials responsive to the interests and educational needs of users; and
2. An information service to locate facts as needed.

(e) Library resources shall be supplemented by local, regional, and State libraries.

(f) Foreign language materials, as well as materials for the blind and physically handicapped, shall be made accessible when appropriate.

SUBCHAPTER 27. VOLUNTEER SERVICE PROGRAM**10A:31-27.1 Coordinator of Volunteer Service Program**

A staff member shall be responsible for coordinating the Volunteer Service Program.

10A:31-27.2 Recruiting volunteers

In adult county correctional facilities where there is limited staff to provide the necessary programs and services, the Jail Administrator shall attempt to secure the services of volunteers and/or county-based organizations.

10A:31-27.3 Credentials

Volunteers shall present their credentials or otherwise prove their professional competency at the time of submitting their initial volunteer application.

10A:31-27.4 Screening process

Any person desiring to become a volunteer shall be screened, and the appropriate State Bureau of Investigation (SBI) and Federal Bureau of Investigation (FBI) checks shall be completed.

10A:31-27.5 Orientation

Volunteers shall receive an orientation appropriate to the nature of their assignments within the adult county correctional facility.

10A:31-27.6 Volunteer identification

(a) A system for volunteer identification shall be developed, which may include, but is not limited to, the following:

1. A volunteer I.D. card;
2. A photograph of the volunteer;
3. The name and address of the volunteer;
4. The home and work telephone number of the volunteer;

- 5. The agency or group represented by the volunteer; and
- 6. The volunteer service provided.

10A:31-27.7 Volunteer agreement

Volunteers shall sign an agreement to abide by the adult county correctional facility policies, procedures and rules, particularly those relating to confidentiality of information (see N.J.A.C. 10A:31-6.6).

10A:31-27.8 Curtailing, postponing or discontinuing the services of a volunteer

(a) The Jail Administrator may curtail, postpone or discontinue the services of a volunteer or volunteer organization for reasons which include, but are not limited to:

- 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.

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

Authority

N.J.S.A. 30:1B-6, 30:1B-10 and 30:4-15.1.

Source and Effective Date

R.1999 d.132, effective April 19, 1999.
See: 31 N.J.R. 250(a), 31 N.J.R. 1067(a).

10A:31-29.1 Commissary

Pursuant to N.J.S.A. 30:4-15.1, every commissary in a 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.