

CHAPTER 31

ADULT COUNTY CORRECTIONAL FACILITIES

Authority

N.J.S.A. 2A:159A-1 et seq., 2A:160-6 et seq., 2C:33-1, 30:1B-6, 30:1B-10, 30:7C-1 et seq., 30:7D-1, 30:8-44, 30:8-44.1 and 47:1A-1 et seq.; U.S.C. Const. Art. 4, §2, cl.2 and 18 U.S.C. App. 2 §2.

Source and Effective Date

R.2006 d.59, effective January 9, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Chapter Expiration Date

Chapter 31, Adult County Correctional Facilities, expires on January 9, 2011.

Chapter Historical Note

Rules on County Correctional Facilities were originally codified as N.J.A.C. 10:34, effective October 15, 1975 as R.1975 d.300. See: 7 N.J.R. 506(c). The chapter was repealed by R.1986 d.182, effective May 19, 1986. See: 17 N.J.R. 2525(a), 18 N.J.R. 1103(a).

Chapter 31, Adult County Correctional Facilities, was adopted as R.1979 d.438, effective November 1, 1979. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e).

Subchapter 4, Remission of Time from Sentence, was adopted as emergency new rules by R.1981 d.270, effective June 23 1981. See: 13 N.J.R. 467(a). The provisions of R.1981 d.270 were readopted by R.1981 d.358, effective August 21, 1981. See: 13 N.J.R. 434(b), 13 N.J.R. 596(a).

Subchapter 5, Enforcement Procedures, was adopted as R.1982 d.149, effective May 17, 1982. See: 14 N.J.R. 227(a), 14 N.J.R. 474(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Adult County Correctional Facilities, expired on November 1, 1984.

Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1985 d.17, effective February 4, 1985. See: 16 N.J.R. 3284(a), 17 N.J.R. 312(a).

Subchapter 6, Work Release Program, was adopted as R.1986 d.261, effective July 7, 1986. See: 18 N.J.R. 604(a), 18 N.J.R. 1386(a).

Chapter 31, Adult County Correctional Facilities, was repealed and Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1990 d.140, effective March 5, 1990. See: 21 N.J.R. 2853(a), 22 N.J.R. 801(a). Pursuant to Executive Order 66(1978), Chapter 31 expired on March 5, 1995.

Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1995 d.421, effective August 7, 1995. See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Subchapter 29, Fiscal Management, was adopted as R.1999 d.132, effective April 19, 1999. See: 31 N.J.R. 250(a), 31 N.J.R. 1067(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Adult County Correctional Facilities, was readopted as R.2000 d.332, effective July 19, 2000. See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Chapter 31, Adult County Correctional Facilities, was readopted by R.2006 d.59, effective January 9, 2006; Subchapter 30, Interjurisdictional Agreements and Statutes, was adopted as new rules; Subchapter 1, Introduction, was renamed General Provisions, Subchapter 6, Management Information System and Inmate Records, was renamed Management Information System and Government Record; and Subchapter 25, Work Release Program, was renamed Work and Vocational Training Release Program by R.2006 d.59, effective February 6, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, Management Information System and Government Records, was renamed Management Information System and Records by R.2007 d.64, effective February 20, 2007. See: 38 N.J.R. 4622(b), 39 N.J.R. 652(b).

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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.

Amended by R.2008 d.270, effective September 15, 2008.

See: 40 N.J.R. 2652(a), 40 N.J.R. 5240(b).

In the introductory paragraph of (a), inserted "manually or electronically"; and in (a)8, inserted "or badge number" and inserted "the" preceding "delivering".

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 Information pertaining to a victim(s)

(a) Pursuant to N.J.S.A. 47:1A-2.2, a person convicted of any indictable offense under the laws of this State, any other state or the United States shall be denied access to a government record if the record contains personal information pertaining to the victim(s) of an inmate or to the family member(s) of the victim(s).

(b) An exception to (a) above may be made only if a court, upon motion by the requester or his or her representative, has determined that the information is necessary to assist in the defense of the requester. The inmate or representative thereof shall submit the determination by the court to the record custodian for review and release authorization.

Repeal and New Rule, R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Former section was "Public records."

10A:31-6.6 Access to records

(a) Requests for access to records held or controlled by the adult county correctional facility shall be submitted to the custodian of a government record in accordance with the Open Public Records Act.

(b) Contact information for the record custodian for the adult county correctional facility may be obtained from the adult county correctional facility or by accessing a facility website if available.

Repeal and New Rule, R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Former section was "Confidential records."

10A:31-6.7 Identity theft prevention and reporting

(a) Pursuant to the Identity Theft Prevention Act at N.J.S.A. 56:11-44 et seq. and definitions relative to security of personal information at N.J.S.A. 56:8-161, in order to prevent identity theft, adult county correctional facility staff shall be responsible for safeguarding "personal information" as this term is defined in N.J.A.C. 10A:31-1.3. Additionally, adult county correctional facility staff shall be responsible for taking reasonable steps to ensure that all records containing personal information are not lost, stolen, inappropriately accessed or released and for complying with any related internal management procedures.

(b) In the event that an incident which may constitute a breach of security is suspected or discovered, the staff member discovering the suspected breach shall report it to their immediate supervisor. Supervisory/administrative staff shall

ensure that any such incident is reported through the administrative chain of command to the Administrator. For purposes of rules regarding identity theft, "breach of security" means unauthorized access to electronic files, media or data containing personal information that compromises the security, confidentiality or integrity of personal information when access to the personal information has not been secured by encryption or by any other method or technology that renders the personal information unreadable or unusable. Good faith acquisition of personal information by an employee or agent of the adult county correctional facility for a legitimate business purpose is not a breach of security, provided that the personal information is not used for a purpose unrelated to business or subject to further unauthorized disclosure.

(c) All reports related to identity theft shall be provided to the Administrator or designee in accordance with internal management procedures of the adult county correctional facility. The Administrator or designee shall report the incident of identity theft to the governing body of the county or to the County Board of Freeholders.

Repealed by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Section was "Limitation on inmate and parolee records."

New Rule, R.2007 d.64, effective February 20, 2007.

See: 38 N.J.R. 4622(b), 39 N.J.R. 652(b).

Section was "Reserved".

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

(a) Information from adult inmate records shall be provided to law enforcement agencies or persons, who request it in the performance of their public duties.

(b) Adult inmate 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. A county probation department; and
6. Police departments.

(c) Upon advice of the County Counsel, selected records of adult inmates 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 Veterans 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.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b)5, substituted "Division" for "Bureau"; and in (c), deleted a reference to the Department of Corrections' Special Assistance for Legal Affairs, Office of the Deputy Commissioner.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (a), deleted "and parolee" and reference to N.J.A.C. 10A:31-6.10; in introductory paragraph (b), deleted "or parolee"; deleted (b)5; re-codified former (b)6-7 as (b)5-6; in introductory paragraph (c), deleted "or parolees."

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

(a) Information from inmate records shall be provided to adult county correctional facility personnel on a limited basis.

(b) Information may be provided only to personnel who have a clear and specific need to know the information for use in connection with their work responsibilities.

(c) The provision of information shall be determined by the Administrator or designee in accordance with written policies and procedures established by the facility.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote the section adding designation (a) and subsections (b) and (c).

10A:31-6.10 (Reserved)

Repealed by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Section was "Procedure for release of confidential inmate or parolee records."

10A:31-6.11 (Reserved)

Repealed by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Section was "Records authorized by the inmate or parolee for inspection or release."

10A:31-6.12 (Reserved)

Repealed by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Section was "Litigation."

10A:31-6.13 Reimbursement for costs of copying

(a) Pursuant to N.J.S.A. 47:1A-5, except as otherwise provided in this subchapter, adult county correctional facilities may charge the following fees for copying government records.

- | | |
|-------------------------------|-----------------|
| 1. First through 10th page | \$0.75 per page |
| 2. Eleventh through 20th page | \$0.50 per page |
| 3. All pages over 20 | \$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 government records shall also be based on the fee schedule in (a) above.

(d) When or if fees for the copying of government records change in accordance with N.J.S.A. 47:1A-5, these changes shall be published as a public notice in the New Jersey Register.

(e) Additional fees may be imposed in connection with a request for government records in accordance with N.J.S.A. 47:1A-1 et seq.

Amended by R.1993 d.635, effective December 6, 1993.

See: 25 N.J.R. 4552(a), 25 N.J.R. 5475(a).

Administrative change.

See: 37 N.J.R. 80(b).

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Added "government" to introductory paragraphs (a), (b) and (c); deleted "deemed to be public" from introductory paragraphs (a) and (c); in (d), deleted "public" following "copying of"; added (e).

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

(a) The adult county correctional facility 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.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a), substituted "adult county correctional facility" for "Jail".

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.