

## 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 The chapter was repealed by R.1986 d.182, effective May 19, 1986.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Chapter 31 was repealed and new rules adopted as R.1990 d.140, effective March 5, 1990.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 28. JUVENILES**

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

**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.

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

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.

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**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.