

(b) The Department, in accordance with N.J.S.A. 30:1B-6 and 30:1-16, has the authority to institute such legal proceedings or processes as may be necessary to remedy improper conditions in the detention facilities.

(c) If, in the enforcement of these regulations, the Department finds that to require a particular detention facility to comply strictly with one or more of the provisions of these regulations is unreasonable, and it is shown clearly and convincingly to the Department that compliance will result in undue hardship to the programs or goals and services, and if the detention facility is in substantial compliance with the regulations and its general purpose and intent and, in addition, it complies with such specific conditions as the Department may deem necessary for the protection of the health, safety, and welfare of juveniles, a variance may be granted specifically and in writing by the Department.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

In (b), substituted the provision allowing the Department to institute legal proceedings or processes for a general civil action provision.

#### 10:19-2.4 Other legal authority

Detention facilities shall conform to all applicable public health, safety, and fire codes, building regulations, laws, and regulations set forth by the State of New Jersey, the county, and municipality in which it is located.

### SUBCHAPTER 3. ORGANIZATION AND ADMINISTRATION

#### 10:19-3.1 Responsibilities of the County Board of Chosen Freeholders

(a) Among the responsibilities of the County Board of Chosen Freeholders or their duly authorized representatives shall be the following:

1. Secure and maintain fire insurance on the detention facility as well as comprehensive liability insurance for the staff and juveniles. Workmen's compensation insurance shall also be provided for all staff of the detention facility.
2. Select and appoint an executive to administer and give professional leadership to the facility and its program.
3. Assure adequate financial support for the facility.
4. Approve an annual budget for services and programs for the ensuing year prior to the end of each fiscal year, based on anticipated needs and projected plans.
5. Appraise continuously the adequacy and quality of the services provided by the detention facility.

6. Keep a written record of official actions, including those pertaining to administration of funds and development of programs and services.

#### 10:19-3.2 Financial requirements

(a) Systems and procedures for the management of funds, real properties, and securities shall be maintained in accord with sound budgeting disbursement and audit procedures.

(b) The detention facility budget shall include provisions for:

1. Salaries and costs of staff development;
2. Cost of food;
3. Cost of clothing;
4. Cost of medical, dental, and related services;
5. Cost of psychological and psychiatric services;
6. Adequate physical facilities and equipment and maintenance of same;
7. Cost of indoor and outdoor recreational materials and/or services;
8. Cost of educational equipment and supplies and/or services; and
9. Such special services as may be required.

(c) If any of the above budget items are provided by another source, they shall be included and an appropriate value ascribed.

### SUBCHAPTER 4. PHYSICAL STANDARDS

#### 10:19-4.1 Location and building approval

(a) No detention facility shall be part of, attached to, or in any way physically connected to a facility providing shelter care, as defined in N.J.S.A. 2A:4A-22(d).

(b) No new detention facility shall be part of, attached to, or in any way physically connected to an adult lockup facility.

(c) New and renovated detention facilities shall be approved by appropriate local construction officials in accordance with the provisions of the New Jersey Uniform Construction Code.

1. No new or renovated detention facility shall be used or occupied in whole or part until a certificate of occupancy shall have been issued by the appropriate local construction official.

(d) Plans for new buildings, or renovations to existing buildings, shall be submitted to the Department for review,

recommendations, and approval. To qualify for approval by the Department, plans and specifications must be in compliance with the appropriate provisions of the New Jersey Uniform Construction Code relating to institutions, the rules of the Department and all other applicable provisions of state and local laws, ordinances, rules and regulations.

1. No changes or modifications shall be made in approval plans or specifications without the approval of the Department.

2. Site design considerations shall include at least the following: security, privacy, ease of group movement and supervision, outdoor play features, parking, service access, and convenient accessibility to public transportation. Building features and equipment exhibiting a jail-like character are to be avoided.

Amended by R.1995 d.293, effective June 5, 1995.  
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

#### 10:19-4.2 Juvenile population capacity

(a) Each detention facility shall be inspected by the Department and, in consultation with the appropriate county administrator of the county facility, assigned a maximum population capacity based on minimum standards established herein.

(b) The population of a detention facility shall not exceed the maximum population capacity as assigned by the Department.

1. The following options may be explored to reduce the population if a detention facility is regularly over the maximum population capacity:

i. In conjunction with the Family Court judge, those juveniles who may be better served in their own homes, foster homes, or designated shelters should be identified and released.

ii. The use of a neighboring county's detention facility is required in situations of overcrowding, in accordance with N.J.S.A. 2A:4A-37.

(c) New detention facilities shall be designed to provide living accommodations for no more than 40 juveniles. Existing detention facilities which have a maximum population capacity of under 40 juveniles shall not be permitted to expand their facilities beyond 40 juveniles. Existing detention facilities which have a maximum population capacity of more than 40 juveniles shall not be permitted to expand unless it is clearly and convincingly demonstrated to the Department that the county has explored and found unsuitable all other options.

Amended by R.1991 d.118, effective March 4, 1991.  
See: 22 N.J.R. 3714(b), 23 N.J.R. 690(a).

New (d) and (e) established time frames and requirements for transporting juveniles receiving State sentence from county facilities.  
Amended by R.1995 d.293, effective June 5, 1995.  
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.1998 d.119, effective February 3, 1998.  
See: 30 N.J.R. 871(a).

Former (d) and (e) recodified as N.J.A.C. 13:90-4.2.

#### Case Notes

Informal adoption by Juvenile Justice Commission (JCC) of policy disregarding provisions of regulation requiring transfer of state-sentenced juveniles to State facilities was neither valid amendment nor valid waiver of regulation; JCC did not have implied authority to ignore regulation absent valid amendment, change or repeal of regulation. County of Hudson v. Department of Corrections, 152 N.J. 60, 703 A.2d 268 (N.J. 1997).

Juvenile Justice Commission (JCC) was obligated to remove state-sentenced juvenile offenders from counties' youth detention facilities within three days of notification of disposition, absent valid agreement between state and counties that counties would continue to house such juveniles. County of Hudson v. Department of Corrections, 300 N.J.Super. 389, 693 A.2d 146 (A.D.1997).

#### 10:19-4.3 Building and grounds

(a) Detention buildings shall be secure, as nonjail-like as possible, fire resistive, and spacious enough to meet the needs of juveniles and staff.

(b) Buildings shall be kept in good repair and in clean, sanitary condition.

(c) The entire building, including rooms not generally used by juveniles, should be secure. Stainless steel mesh detention screens over all windows or unbreakable, shatter-resistant security glass, locked outer doors, tamperproof protection of all ducts and openings, and tamperproof locks shall be provided.

(d) All rooms, including reception rooms, hallways, and stairways shall be adequately lighted. Power and lighting systems shall be installed and maintained in conformity with the New Jersey Uniform Construction Code and related national standards for efficient design and safety. Such systems shall include emergency light and power necessary and critical for safety, (particularly fire protection, equipment operation, and exit illumination), security and minimum program continuity.

(e) Heating equipment shall be in good condition, vented, and shall be capable of maintaining constant uniform temperatures and odor control. A minimum daytime temperature of 68 degrees Fahrenheit shall be provided in all rooms occupied by juveniles.

(f) Heating, electrical, ventilating, plumbing, and other mechanical systems shall be designed and maintained so that there is no danger to the health, safety, and welfare of the staff and juveniles.

(g) There shall be annual electrical inspection by an electrical inspection agency certified by the New Jersey Public Utilities Commission. Copies of reports resulting from such inspections shall be maintained at the detention facility.

(h) Adequate natural or mechanical ventilation shall be provided in all rooms used by juveniles.