

(d) Vehicles used to transport medium, maximum or close custody status inmates shall be thoroughly searched for contraband by the escorting custody staff member(s) before being used.

(e) Custody staff members escorting inmates shall be provided the necessary mechanical restraints by Central Medical/Transportation, the Interstate Escort Unit or the correctional facility as appropriate.

1. The use of mechanical restraints shall be governed by N.J.A.C. 10A:3-3.

2. FAA regulations and individual airline rules govern the use of mechanical restraints during aircraft flight.

(f) Upon arrival at a courthouse, leg restraints shall not be removed until the inmate has been placed in a secure area of the facility. Restraint belts and handcuffs shall not be removed unless otherwise ordered by the court. Immediately at the conclusion of the hearing, handcuffs and restraint belts that were removed by order of the court shall be replaced on the inmate.

(g) Custody staff members escorting medium, maximum or close custody status inmates shall always be armed with State issued weapons and ammunition. Any use of deadly force shall be governed by N.J.A.C. 10A:3-4.

(h) When escorting medium, maximum or close custody status inmates, the ratio of escorting custody staff members to inmates shall be two custody staff members to transport from one to five inmates unless security issues, such as, but not limited to, an inmate's propensity to acts of violence or escape, require a larger number of escorting custody staff members.

(i) When transporting groups of more than five medium, maximum or close custody status inmates, the appropriate Unit Supervisor, sending correctional facility Administrator or designee shall determine the number of escorting custody staff members based upon a careful review of staffing and security needs.

(j) Written internal management procedures shall be developed by Central Medical/Transportation, the Interstate Escort Unit, and each correctional facility regarding the security and staffing arrangements required when transporting inmates.

(k) When transporting inmates outside of a correctional facility, at least one custody staff member shall be of the same gender as the inmate(s) being escorted. Additional custody staff members may be assigned regardless of gender.

(l) Only properly trained escorting custody staff members may transport medium, maximum or close custody status inmates. Such escort custody staff members shall have been fully trained in the following areas:

1. Use of weapons and restraint equipment;

2. Effective search for contraband of inmates, their personal property and transportation vehicles, and

3. Any other activities required to successfully complete a transportation assignment.

(m) An inmate shall be strip searched by the escorting custody staff member(s) prior to the trip and at any time after the inmate has been out of their sight. Strip searching upon return to the correctional facility/unit or delivery to the receiving correctional facility/unit is the responsibility of that correctional facility/unit. See N.J.A.C. 10A:3-5.

(n) The strip search of an inmate(s), as part of the transportation process, shall be conducted in compliance with the provisions of N.J.A.C. 10A:3-5.

Amended by R.1990 d.536, effective November 5, 1990.
See: 22 N.J.R. 2223(a), 22 N.J.R. 3379(a).

Specified at least one same sex officer must be present for transportation and new (l) specified strip search rule compliance.

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

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

Substantially amended section.

Amended by R.1998 d.365, effective July 20, 1998.

See: 30 N.J.R. 1368(a), 30 N.J.R. 2618(c).

In (h), deleted "in a vehicle" following "five inmates"; inserted a new (i); recodified former (i) through (m) as (j) through (n); and in (j), inserted "the Interstate Escort Unit" after "Central Medical/Transportation".

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

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

In (i), substituted "Administrator" for "Superintendent" following "facility"; in (j), inserted "internal management" preceding "procedures"; in (k), substituted "gender" for "sex" following "same"; and substituted "custody staff members" for "officers" throughout.

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

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

Section was "Transport of medium, maximum or close custody inmates". Inserted "status" throughout: in (a), deleted the last sentence; in (b), deleted the comma preceding "Central"; in the introductory paragraph of (e), inserted "the necessary mechanical restraints" and deleted ";, with necessary mechanical restraints" from the end; in (e)2, substituted "during" for "while in"; and in (g), updated the N.J.A.C. reference.

10A:3-9.4 Transporting reduced custody status inmates

(a) The Administrator or designee shall make a determination with respect to the specific staffing and security arrangements required when transporting a reduced custody status inmate. In these cases, a careful review shall be made of the individual case to determine the most appropriate staffing and security arrangements for each trip.

(b) Transportation of minimum custody status inmates in work/study release, furlough program and other such programs shall be done in accordance with appropriate Department rules.

(c) The searching of inmates shall be in accordance with the requirements of N.J.A.C. 10A:3-5, Search of Inmates and Facilities.

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

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

In (a) substituted "Administrator" for "Superintendent" following "The" and deleted "his or her" prior to "designee".
Amended by R.2007 d.294, effective September 17, 2007.
See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

Section was "Transporting reduced custody inmates". In (a) and (b), inserted "status".

10A:3-9.5 Transportation documents

(a) Prior to accepting escort responsibility for any inmate, escorting custody staff members shall be informed of the following: inmate's name and number, destination, custody status, unusual medical, emotional, or mental conditions for which there is a need to know. Escorting custody staff members shall also be provided appropriate medical information setting forth any prescribed medication or instructions for special handling when transporting inmates with medical or psychiatric conditions.

(b) Prior to escort to court and on inter-facility transfers, the escorting custody staff member shall ensure that he or she has all documents necessary to obtain custody and/or to effect delivery of the inmate being escorted.

(c) Custody staff members escorting an inmate on court trips shall ensure that the order to produce and Form 002 are completed by the officer of the court and returned to the parent correctional facility.

(d) All escorting custody staff members shall carry the official badge and photo identification card of the New Jersey Department of Corrections and the official State of New Jersey Firearms Unit Weapons Card.

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

Substantially amended section.

Amended by R.2002 d.171, effective June 3, 2002.
See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Substituted "custody staff members" for "officers" throughout.
Amended by R.2007 d.294, effective September 17, 2007.
See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

In (a), substituted "status" for "designation".

10A:3-9.6 Recall to court

(a) An inmate shall only be produced in court by a writ of habeas corpus, writ of habeas corpus ad testificandum, post conviction relief order, or other order to produce which is to be received by Central Medical/Transportation 48 business hours prior to the scheduled court appearance.

1. It shall be improper to produce an inmate in court on a subpoena only.

2. Writs of habeas corpus must be signed by either a New Jersey State Superior Court judge or a Federal court judge. No other writs to produce shall be honored.

3. Questions concerning the validity of any writ shall be referred to the Office of the Assistant Commissioner, *Division of Operations*, Department of Corrections.

4. Any requests for exception to this policy shall be referred to the Office of the Assistant Commissioner, Division of Operations.

(b) A county may send its own county escorting custody staff members to pick up an inmate at any time provided the county escorting custody staff members have with them an appropriate writ for the inmate.

Amended by R.1993 d.435, effective September 7, 1993.

See: 25 N.J.R. 2820(a), 25 N.J.R. 4105(b).

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

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

In (a), substituted "Central Medical/Transportation" for "correctional facility" and "48 business hours" for "48 hours".

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

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

In (b) substituted "custody staff members" for "officers" throughout.

10A:3-9.7 Inmate supervision

(a) During escort, inmates shall be carefully guarded to prevent escape and receipt of contraband.

(b) No communication between the inmate and the public shall be permitted at any time during escort.

(c) An inmate's special requests during escort not related to the purpose of the trip shall not be honored. The inmate shall be returned to the correctional facility upon completion of the trip.

(d) If, while at court, the judge approves an interview of the inmate with the attorney, the escorting custody staff member shall be present during the interview. The escorting custody staff member shall not monitor the attorney-client conversation.

(e) In accordance with N.J.A.C. 10A:18-7, an inmate shall be taken directly to the destination of a bedside, private viewing, or funeral visit. Side trips for any purpose shall not be permitted. An inmate on such a trip shall not be allowed out of sight of the escorting custody staff member.

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

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

In (e), inserted N.J.A.C. reference.

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

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

In (d) and (e), substituted "custody staff member" for "officer" throughout.

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

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

In (b), inserted "the" preceding "inmate" and "public"; and in (c), deleted "immediately" preceding "returned" and substituted "trip" for "trip's purpose".

10A:3-9.8 Emergencies

Escorting custody staff members shall immediately notify the Administrator or designee, if an emergency arises during the transportation of an inmate. If time or other considerations makes it impossible to contact the Administrator or designee, the local law enforcement authorities may be notified by the