

CHAPTER 34

NEW JERSEY MUNICIPAL DETENTION FACILITIES

Authority

N.J.S.A. 30:1B-6 and 30:1B-10.

Source and Effective Date

R.2007 d.225, effective June 27, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 34, New Jersey Municipal Detention Facilities, expires on June 27, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 34, County Correctional Facilities, was adopted as the Department of Institutions and Agencies as R.1975 d.300, effective October 15, 1975. See: 7 N.J.R. 506(c). With the formation of the Department of Corrections on November 1, 1976, all rules of the Department of Institutions and Agencies, Division of Correction and Parole, were transferred to the Department of Corrections. The Department of Corrections adopted N.J.A.C. 10A:31, Adult County Correctional Facilities, as R.1979 d.438, effective November 1, 1979. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e). The new rules at adopted N.J.A.C. 10A:31 replaced Chapter 34, County Correctional Facilities, which was repealed by R.1986 d.182, effective May 19, 1986.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 34, New Jersey Municipal and County Correctional Facilities, was adopted as Subchapter 2, Minimum Standards for New Jersey Municipal Detention Facilities, by R.1987 d.149, effective April 6, 1987. See: 18 N.J.R. 2412(a), 19 N.J.R. 548(a).

Subchapter 3, Processing and Housing Juveniles in Municipal Detention Facilities, was adopted as R.1991 d.293, effective June 17, 1991. See: 23 N.J.R. 935(c), 23 N.J.R. 1945(b).

Pursuant to Executive Order No. 66(1978), Chapter 34, New Jersey Municipal and County Correctional Facilities, was readopted as R.1992 d.193, effective April 6, 1992. See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

Chapter 34, New Jersey Municipal and County Correctional Facilities, was renamed New Jersey Municipal Detention Facilities by R.1996 d.405, effective August 19, 1996. See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.1997 d.129, effective February 21, 1997. See: 29 N.J.R. 298(a), 29 N.J.R. 886(a). As part of R.1997 d.129, effective March 17, 1997 (operative April 6, 1997), Subchapter 1, General Provisions, was adopted as new rules and Subchapter 3, Processing and Housing Juveniles in Municipal Detention Facilities, was repealed.

Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.2002 d.206, effective June 7, 2002. See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).

Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.2007 d.225, effective June 27, 2007. As a part of R.2007 d.225, Subchapter 2, Minimum Standards for New Jersey Municipal Detention Facilities, was renamed Inspection and Minimum Standards for New Jersey Municipal Detention Facilities and Subchapter 3, Security and Control, and Subchapter 4, Supervision and Care of Detainees, were adopted as new rules via recodification of various sections of former Subchapter 2, effective August 6, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:34-1.1 Purpose

(a) The purpose of this chapter is to establish the minimum standards for the:

1. Planning, design, inspection, and construction of new adult municipal detention facilities or renovation of existing facilities; and

2. Administration of adult municipal detention facilities. These minimum standards include guidelines for:

- i. Security and control; and
- ii. The supervision and care of detainees.

Amended by R.2002 d.206, effective July 1, 2002.

See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).

In (a), rewrote the introductory paragraph and deleted "Establish the minimum criteria for the" in 1 and 2.

Amended by R.2007 d.225, effective August 6, 2007.

See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

In (a)1, inserted "; inspection,"; in (a)2, inserted "These minimum standards include guidelines for:"; and added (a)2i and (a)2ii.

10A:34-1.2 Scope

This chapter shall be applicable to the New Jersey Department of Corrections, the Bureau of County Services, and all adult municipal detention facilities.

10A:34-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

"Canine search" means a search conducted by a canine team consisting of a handler(s) and a dog(s) specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

"Commissioner" means the Commissioner of the New Jersey Department of Corrections.

"Contraband" means:

1. Any item, article or material which is not authorized for retention or receipt, found in the possession of, or under the control of, a person who has been detained, arrested or lawfully confined; and/or

2. Any article that may be harmful or presents a threat to the security and orderly operation of a municipal detention 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 municipal detention facility regulations;
- v. Hazardous or poisonous chemicals and gases;
- vi. Unauthorized drugs and medications;
- vii. Medicines dispensed or approved by the municipal detention facility but not consumed or utilized in the manner prescribed;

viii. Intoxicants, including, but not limited to, liquor or alcoholic beverages;

ix. Where prohibited, currency and stamps; and

x. Electronic communication devices.

"Crime" means an indictable offense or equivalent in another state.

"Custody staff member in charge" means the law enforcement officer in charge of the municipal detention facility.

"Electronic communication device" means a device or related equipment or peripheral that is capable of electronically receiving, transmitting or storing a message, image or data. Examples of such electronic devices include, but are not limited to, all types and sizes of a computer, telephone, two-way radio, camera or video/audio player/recorder, fax machine, pager or beeper, personal data assistant, hand-held e-mail system, or any other device containing a means of internet access or receiving, transmitting or storing information electronically by means of audio, visual or recorded data.

"Exigent circumstances" means the probable cause to believe that the person is concealing a weapon, contraband or evidence of crime, and circumstances prevent obtaining a search warrant.

"Lawfully confined" means custodial confinement in a municipal detention facility, county correctional facility or a Department of Corrections facility.

"Licensed medical professional" means an appropriately licensed health care provider who is a physician, registered nurse, nurse practitioner or physician assistant.

"Minimum standards" means this chapter, the rules promulgated by the Department of Corrections for the construction and management of a municipal detention facility and for the care and treatment of persons who have been arrested.

"Municipal detention facility" means a holding or lockup facility, usually located in and operated by a municipal police department, which receives and temporarily detains for no more than 24 hours, excluding holidays or weekends, persons who have been arrested who are awaiting release or transfer to other authorities.

"Offense other than a crime" means a non-indictable offense or equivalent in another state.

"Pat search" means a thorough search of a fully-clothed inmate, including the clothing and personal property in the inmate's possession.

"Probable cause" means reasonable ground(s) of suspicion, supported by circumstances sufficiently strong to warrant a cautious person to believe that criminal activity is taking place.