

**CHAPTER 3
SECURITY AND CONTROL**

Authority

N.J.S.A. 2A:154-3 and 4, 2C:58-15, 30:1B-6, 30:1B-10,
30:4-123.47c, 52:14B-5.1c and 52:17B-169.

Source and Effective Date

R.2007 d.294, effective August 20, 2007.
See: 39 N.J.R. 2191(a), 39 N.J.R. 3936(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 3, Security and Control, expires on August 20, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 3, Security and Control, was adopted as R.1986 d.410 and d.409, effective October 6, 1986. See: 18 N.J.R. 1057(b), 18 N.J.R. 1067(a), 18 N.J.R. 2016(a).

Subchapter 2, Keep Separate Status, was adopted as R.1991 d.250, effective May 20, 1991. See: 23 N.J.R. 383(a), 23 N.J.R. 1672(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Security and Control, was readopted as R.1991 d.503, effective September 16, 1991. See: 23 N.J.R. 1259(a), 23 N.J.R. 3031(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Security and Control, expired on September 16, 1996.

Chapter 3, Security and Control, was adopted as new rules by R.1997 d.41, effective January 21, 1997. See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).

Subchapter 8, Fingerprinting and Photographing Juvenile Inmates, was repealed by R.2001 d.197, effective June 18, 2001. See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Chapter 3, Security and Control, was readopted as R.2002 d.171, effective May 8, 2002. See: 34 N.J.R. 962(a), 34 N.J.R. 1908(a).

Chapter 3, Security and Control, was readopted as R.2007 d.294, effective August 20, 2007. As a part of R.2007 d.294, Subchapter 1, Introduction, was renamed General Provisions, effective September 17, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:3-1.1 Purpose

(a) The purpose of this chapter is to establish policies and procedures regarding:

1. The use of force by custody staff members, both on-duty and off-duty;
2. The use of firearms on-duty and off-duty;
3. The search of inmates and facilities in order to control and deter contraband;
4. Contraband seizure and disposal;
5. Testing for prohibited substances;
6. The use of polygraph examinations to ensure that they are used only under limited and appropriate circumstances;
7. The transportation of inmates outside the correctional facility and from one jurisdiction to another; and
8. The placement of inmates into and removing inmates from keep separate status.

Amended by R.1991 d.250, effective May 20, 1991.

See: 23 N.J.R. 383(a), 23 N.J.R. 1672(b).

Added reference to keep separate status.

Amended by R.1996 d.209, effective May 6, 1996 (operative August 19, 1996).

See: 28 N.J.R. 763(a), 28 N.J.R. 2387(b).

Added breathalyzer provision.

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)6, added text "who may be transferred to a Department of Corrections facility".

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

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

Rewrote the section.

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

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

Rewrote the section.

10A:3-1.2 Scope

This chapter shall be applicable to the Department of Corrections unless otherwise indicated in this chapter.

Amended by R.1991 d.250, effective May 20, 1991.

See: 23 N.J.R. 383(a), 23 N.J.R. 1672(b).

Added reference to Subchapter 2 at (a).

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

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

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Rewrote the section.

10A:3-1.3 Definitions

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

"Imminent danger" means threatened harmful actions or outcomes that may occur during an encounter absent action by the custody staff member. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous, for example, imminent danger may be present even if an individual is not at that instant pointing a weapon at another individual, but is carrying a weapon and running for cover.

"Reasonable belief" means an objective assessment based upon an evaluation of how a reasonable staff member with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronted and known by the staff member at the scene.

"Roving patrol" means observation of the outer perimeter of a facility by making rounds at intervals on foot or in a vehicle.

"Substantial risk" means any discharge of a firearm that entails some risk of an unintended outcome. A substantial risk exists when a custody staff member disregards a foreseeable likelihood that innocent persons will be endangered. An example of substantial risk is firing a weapon into a confined space (such as a room or vehicle) occupied by innocent persons and exposes those persons to a substantial risk of harm.

SUBCHAPTER 10. SECURITY PROCEDURES FOR
ADMINISTRATIVE TRANSFERS OF INMATES
FROM SATELLITE UNITS AND COMMUNITY
BASED PROGRAMS

10A:3-10.1 Use of mechanical restraints

(a) Inmates assigned to satellite units and community based facilities may be transferred to medical or dental appointments, approved interviews, Parole Board Hearings and other similar destinations without the use of mechanical restraints, such as, handcuffs and security belts.

(b) When an inmate is to be returned to a correctional facility for any reason that creates an increased likelihood of an escape attempt, staff members of the satellite unit or community based program shall put into effect the security measures necessary to prevent an escape.

(c) Satellite units and community based programs shall notify the appropriate correctional facility when a decision has been made to remove an inmate from the program. The correctional facility shall assign escorting custody staff members to make the transfer. The escorting custody staff members shall routinely carry restraint equipment in order that the transfer will be made in a safe and secure manner.

(d) The inmate shall not be informed of his or her impending removal from the program prior to the arrival of escorting custody staff members from the correctional facility responsible for making the transfer. Upon arrival of the escorting custody staff members, the inmate to be transferred shall be identified and he or she shall immediately be secured with mechanical restraints in accordance with N.J.A.C. 10A:3-3.

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

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

In (d), inserted N.J.A.C. references.

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

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

In (c) and (d), substituted "custody staff members" for "officers".

10A:3-10.2 Inmate personal property

(a) All personal property of a handcuffed inmate shall be packed in his or her presence to ensure an accurate inventory.

(b) In instances where the inmate's behavior becomes disruptive while his or her personal property is being packed, and the disruption poses a threat to the orderly operation of the unit, the inmate shall be removed from the facility and his or her personal property shall be forwarded to the receiving correctional facility immediately following the transfer.

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

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

Rewrote the section.

10A:3-10.3 Inmate supervision

An escorting custody staff member and/or facility staff member(s) shall be in the presence of the inmate during the entire transfer process.

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

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

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

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

Deleted the paragraph identifier, and substituted "custody staff member" for "officer" following "escorting".