

(g) An approved strip search shall be conducted in private by a custody staff member(s) of the same gender as the visitor. No member of the opposite gender of the visitor shall be present in the room during the approved strip search.

(h) All contraband discovered during the search of a visitor shall be confiscated by the custody staff member performing the search, and a written report shall be submitted to the Administrator.

(i) The written report shall specify:

1. The name of the custody staff member who performed the search;
2. The name of the inmate who was to receive the visit;
3. The name and address of the visitor who was searched;
4. The time of the search;
5. The type of search and scanning/testing device used, if any, and the results if any;
6. The description of the items confiscated; and
7. The specific reason for confiscating the items.

(j) All contraband and evidence seized shall be turned over to the Special Investigations Division Investigator.

(k) If a controlled dangerous substance is discovered on, in the possession of, or in the vehicle of a visitor(s) who is on the premises of a facility under the jurisdiction of the Department of Corrections:

- i. The Special Investigations Division shall immediately be contacted;
- ii. The visitor(s) shall be detained;
- iii. The visitor(s) shall be subject to search and arrest;
- iv. No visit shall be permitted; and
- v. The visitor(s) shall be permanently banned from visiting an inmate(s) committed to the custody of the Department of Corrections.

(l) The Administrator shall decide whether the visitor shall continue to have visitation privileges except as established in (k) above and in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c).

(m) All searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the visitor's person.

Amended by R.1995 d.526, effective September 18, 1995.
See: 27 N.J.R. 2675(b), 27 N.J.R. 3613(b).

Administrative Correction.

See: 27 N.J.R. 3957(b).

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b), search by scanning device made mandatory; and in (g), reference to pat search deleted.

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (k), added an exception at the end.

Administrative change.

See: 32 N.J.R. 303(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.

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (l), updated the N.J.A.C. reference.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (c), inserted "calendar"; and rewrote (f).

10A:18-6.15 Search of inmates

All inmates shall be subject to a search(es) such as, but not limited to, a scanning/testing device, canine, passive canine and/or pat search before a visit, and a scanning/testing device, canine, passive canine, pat search and/or strip search after a visit, in accordance with procedures established by N.J.A.C. 10A:3-5, Searches of inmates and facilities.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

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:18-6.16 Supervision of visits

(a) Visits shall be supervised to help prevent the passage of contraband and to ensure the security and orderly operation of the correctional facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly and dignified manner.

(c) The staff member(s) supervising visits should be cognizant of any articles passed between the inmate and the visitor. If there is a reasonable suspicion that articles are being passed which constitute contraband or are otherwise in violation of the law or regulations, the articles shall be confiscated and examined.

(d) Handshaking, embracing and kissing shall be permitted, within appropriate bounds, at the beginning and end of the visit in order to minimize the opportunity to introduce contraband into the correctional facility.

1. An inmate and visitor may hold hands during the visit.

2. Time restrictions regarding contact shall not apply to small children.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a), substituted "orderly operation" for "welfare"; in (c), substituted "reasonable suspicion" for "substantial basis to conclude"; recodified (b)i and ii as (b)1 and 2; and in (b)2, substituted "Time restrictions regarding contact shall not" for "Contact restrictions shall not".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), substituted "ensure" for "insure".

10A:18-6.17 Play areas for children

If a correctional facility provides play areas for children of visitors, signs shall be posted in both English and Spanish stating that children who use the area must be supervised by the parents or a relative and that the area and equipment are used at their own risk.

10A:18-6.18 Gifts of money from visitors

(a) A visitor(s) may only bring a money order or check, other than a personal check, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice to the correctional facility for deposit in an inmate's account. Cash shall not be accepted.

(b) When a visitor(s) brings a money order or check, other than a personal check, for deposit in the inmate's account, the correctional facility shall:

1. Accept the funds;
2. Establish and/or maintain an appropriate record of funds received;
3. Issue a signed receipt to the visitor(s); and
4. Retain a copy of the receipt.

(c) Each correctional facility may place a limit on the amount of funds which an inmate is permitted to receive, per day, from one visitor or a combination of visitors.

Amended by R.1996 d.22, effective January 2, 1996 (operative February 1, 1996).

See: 27 N.J.R. 3674(a), 28 N.J.R. 152(a).

Substituted "a money order or certified check" and "funds" for "cash", and specified that cash shall not be accepted.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a) and the introductory paragraph of (b), deleted "certified" following "money order or"; in (a), inserted ", other than a personal check, such as, but not limited to, official State or government checks or checks from a legitimate business or law practice"; and in the introductory paragraph of (b), inserted ", or other than a personal check".

10A:18-6.19 Denial, termination or suspension of a visit

(a) An inmate's visiting privileges shall not be denied because of a violation of correctional facility regulations, other than those regulations specifically related to or concerned with visiting privileges, except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c).

(b) A visit may be denied, terminated or suspended and a visiting privilege suspended under the following circumstances:

1. The visitor(s) is under the influence of drugs or alcohol;
2. Space is unavailable;

3. The visitor(s) refuses to submit to search procedures;

4. The visitor(s) refuses or fails to produce sufficient identification or falsifies identifying information;

5. The visitor has failed to provide any disclosures required by N.J.A.C. 10A:18-6.3 and 6.9;

6. The inmate has not complied with the provisions at N.J.A.C. 10A:18-6.2 to request the addition of a potential visitor to their visitor list;

7. The visitor has been banned from visiting an inmate for a designated period of time and has failed to apply for reinstatement of visit privileges in accordance with N.J.A.C. 10A:18-6.3;

8. When no contact between the visitor and the inmate has been ordered by a court of jurisdiction;

9. The visit rules of the correctional facility are violated by the visitor, provided that such rules are posted;

10. Children are disturbing other persons in the correctional facility or visiting area;

11. Physical contact between the visitor and inmate that is in excess of N.J.A.C. 10A:18-6.16(d);

12. Any action that affects the ability of the staff to ensure the safe, secure and orderly operation of the correctional facility and the visiting room; or

13. A violation of the Zero Tolerance Drug/Alcohol Policy as defined in N.J.A.C. 10A:1-2.2.

(c) Except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c), prior to the denial or termination of visiting privileges for circumstances listed in (b) above, less restrictive action should be instituted. Such action may include:

1. Warning the inmate and/or visitor of improper conduct; and/or

2. Transferring the visit to a non-contact visiting area.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b)8, substituted "Any action ... the visiting room" for "Denial or termination of visiting privileges is necessary to preserve security of the correctional facility and maintain order in the visiting room".

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (a), added an exception at the end; in (b), added a new 9; and rewrote (c).

Amended by R.2006 d.398, effective November 20, 2006.

See: 38 N.J.R. 3121(a), 38 N.J.R. 4867(a).

In (a) and the introductory paragraph of (c), updated the N.J.A.C. reference.

Amended by R.2009 d.208, effective July 6, 2009.

See: 41 N.J.R. 954(a), 41 N.J.R. 2659(a).

Added new (b)5 through (b)8; recodified former (b)5 through (b)9 as (b)9 through (b)13; in (b)10, inserted "correctional facility or"; and in (b)11, substituted "that" for "which".