

1. For maintenance of the firearm;
2. To secure the firearm;
3. When commanded by the firearms staff during training exercises, range practice, qualification or requalification with the firearm;
4. When circumstances create a reasonable belief that it may be necessary to use the firearm in the performance of the custody staff member's duties; or
5. When circumstances create a reasonable belief that display of a firearm as an element of constructive authority will help establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure custody staff safety.

(c) A custody staff member, if required to carry a firearm while on-duty, shall carry his or her on-duty firearm on his or her person at all times unless otherwise instructed by his or her immediate supervisor. The firearm shall:

1. Remain in the holster while in a rest room; and
2. Not be left in a motor vehicle or other unauthorized location except under unusual or special circumstances, such as when a custody staff member must remove his or her on-duty firearm and another authorized staff member is unavailable to take custody of the firearm. Under an unusual or special circumstance every effort shall be made to secrete the firearm within a locked compartment.

(d) The custody staff member entering any residential or correctional facility of the Department of Corrections shall store his or her firearm at the main correctional facility or at an approved Department of Corrections authorized weapons storage unit.

(e) When an authorized firearm is believed to have been lost or stolen, the custody staff member shall report this fact to the local law enforcement authorities and to the New Jersey Department of Corrections within three hours from the time the custody staff member is aware that the firearm is missing.

(f) When a State of New Jersey, Firearms Unit Weapons Card, official photo identification card or badge of the New Jersey Department of Corrections is believed to have been lost or stolen, the custody staff member shall notify the local law enforcement authorities and the Director of Custody Operations, Unit Chief, or their designee as soon as practicable.

Recodified from N.J.A.C. 10A:3-3.3 and 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 member" for "correction officer" throughout; added (b)5. Former N.J.A.C. 10A:3-4.3, Off-duty firearm, recodified to N.J.A.C. 10A:3-4.6.

10A:3-4.4 Personnel authorized to carry firearms while off-duty

(a) Firearms may be carried off-duty only by Department:

1. Custody staff holding the rank of Senior Correction Officer and higher who meet the following requirements:

i. Have taken and successfully completed the Police Training Commission (P.T.C.) approved basic course for State correction officers as set forth in N.J.S.A. 52:17B-66 et seq. (The Department of Corrections shall allow completion of an equivalent P.T.C. approved course for county correction officers to substitute for this requirement.);

ii. Have qualified in the use and handling of approved off-duty firearms at the firearms training course of the Corrections Staff Training Academy (CSTA), New Jersey Department of Corrections; and

iii. Have been sworn as a peace officer by taking the Oath of Office and completing Form 156-I Oath of Office; and

2. Administrative staff authorized by the Commissioner or designee who have taken and successfully completed the firearms training course at the Corrections Staff Training Academy (CSTA), New Jersey Department of Corrections.

Amended by R.1987 d.515, effective December 7, 1987.

See: 19 N.J.R. 1717(a), 19 N.J.R. 2302(a).

Added Superintendents and Assistant Superintendents.

New Rule, R.1988 d.107, effective March 7, 1988.

See: 20 N.J.R. 42(a), 20 N.J.R. 532(a).

Repealed text from old rule and inserted new.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1991 d.503, effective October 7, 1991.

See: 23 N.J.R. 1259(a), 23 N.J.R. 3031(b).

Administrative title changes made and correction of an internal N.J.S.A. citation.

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.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (a), inserted "N.J.A.C." following "provided by" in the introductory paragraph, substituted "Commissioner or designee" for "Chief of Staff" and deleted "Thomas M. Cooper" preceding "Corrections" in 2.

Recodified from N.J.A.C. 10A:3-4.1 and 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), rewrote the introductory paragraph, substituted "custody staff" for "correction officer" in 1, deleted "Thomas M. Cooper" preceding "Corrections Staff" throughout. Former N.J.A.C. 10A:3-4.4, Firearm instructors, recodified to N.J.A.C. 10A:3-4.7.

10A:3-4.5 Authorized off-duty firearms, ammunition, holsters and security

(a) Eligible employees who are trained and meet qualification specifications shall be permitted to have a maximum of two authorized firearms for off-duty use. An

eligible employee shall be authorized to carry only one such firearm at a time on his or her person while off-duty.

(b) A firearm intended for use as an off-duty weapon must have been obtained and registered pursuant to State and local laws of the State in which the employee lives. Employees may not loan or improperly transfer personal firearms.

(c) Only off-duty firearm makes and models approved and authorized by the New Jersey Department of Corrections may be carried while off-duty.

(d) Trigger locking devices that are approved by the Department of Corrections shall be used, in accordance with this section and the operating instructions and standards provided by the manufacturer of the trigger locking device(s).

(e) Ammunition for the off-duty firearm(s) shall be approved and authorized by the New Jersey Department of Corrections.

(f) Only shoulder, waist and ankle holsters shall be used for off-duty use. A holster must hold the firearm firmly when inverted and have no internal clips. An off-duty firearm shall be carried in the approved holster on the body. No purse holsters or holstered firearms in purses are approved.

(g) The waist holster is the only holster approved for use while qualifying with the off-duty firearm(s).

(h) Personnel who elect to use a shoulder or ankle holster for off-duty use shall demonstrate proficiency in the use of that holster during firearms requalification but need not qualify while using the holster.

(i) The employee shall be responsible for assuming the cost of the firearm(s), ammunition, holsters, and trigger locking device(s) and for maintaining his or her firearm(s) in a safe, secure and serviceable condition.

(j) An employee who possesses an authorized off-duty firearm or a Departmentally issued firearm at a premises under the control of an employee shall:

1. Store the off-duty firearm in a securely locked box or container; and
2. Secure the off-duty firearm with a trigger locking device(s) that is approved by the Department of Corrections.

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.

Recodified from N.J.A.C. 10A:3-4.2 and amended by R.2002 d.171, effective June 3, 2002.

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

Rewrote section. Former N.J.A.C. 10A:3-4.5, Firearms training, qualification and requalification, recodified to N.J.A.C. 10A:3-4.8.

Amended by R.2004 d.90, effective March 1, 2004.

See: 35 N.J.R. 496(a), 36 N.J.R. 1192(b).

Added new (d); recodified existing (d) through (i) as (e) through (j); in (i), inserted "trigger locking devices" following "holsters" and rewrote (j).

Amended by R.2005 d.31, effective January 18, 2005.

See: 36 N.J.R. 3978(a), 37 N.J.R. 285(a).

In (j), inserted "or unauthorized adult" following "a minor".

Amended by R.2006 d.261, effective July 17, 2006.

See: 38 N.J.R. 911(b), 38 N.J.R. 3031(a).

Rewrote (j).

10A:3-4.6 Off-duty firearm

(a) The authorized off-duty firearm shall be the responsibility of the employee at all times.

(b) The employee shall not draw or exhibit his or her firearm except for one of the following circumstances:

1. For maintenance of the firearm;
2. To secure the firearm;
3. When commanded by the firearms staff during training exercises, range practice, qualification, or requalification with the firearm; or
4. When circumstances create a reasonable belief that it may be necessary to use the firearm.

Recodified from N.J.A.C. 10A:3-4.3 by R.2002 d.171, effective June 3, 2002.

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

Former N.J.A.C. 10A:3-4.6, Storage of personal firearms while on-duty, recodified to N.J.A.C. 10A:3-4.9.

10A:3-4.7 Firearm instructors

(a) As established by the New Jersey Division of Criminal Justice requirement, only those persons who have successfully completed a Police Training Commission (P.T.C.) approved firearms instruction course and are P.T.C. certified as Firearm Instructors shall instruct in the Department of Corrections Firearms Training Program at the Corrections Staff Training Academy (C.S.T.A.).

(b) As established by the New Jersey Division of Criminal Justice, all firearms training instructors engaged by the Department of Corrections for annual and requalification firearms training shall satisfy at least one of the following requirements:

1. Be certified by the P.T.C.;
2. Possess training equivalent to the P.T.C. approval firearms instructor course and are able to demonstrate a knowledge of and skill with a firearm; or
3. Have successfully completed some other recognized firearms instructor course as determined by the Commissioner of the Department of Corrections.

Recodified from 10A:3-4.3 by R.1997 d.41, effective January 21, 1997.

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

Substantially amended (a); and added (b). Former rule recodified to N.J.A.C. 10A:3-4.5.

Recodified from N.J.A.C. 10A:3-4.4 and amended by R.2002 d.171, effective June 3, 2002.

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

Former N.J.A.C. 10A:3-4.7, Use of force while off-duty, recodified to N.J.A.C. 10A:3-3.6.

Recodified from 10A:3-6.9 and 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)2 and (b), substituted "correctional facility Internal Affairs Unit" for "appropriate police agency"; and in (c), inserted "to the appropriate law enforcement authority". Former rule recodified to N.J.A.C. 10A:3-6.7.

Administrative change.

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

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 or designee" for "Superintendent or his or her designee" in the introductory paragraph and rewrote 1; in (c), substituted "Administrator" for "Superintendent".

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

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

In the introductory paragraph of (a), substituted "grounds" for "ground"; in (a)2 and (b), substituted "is" for "shall be"; and in (c), substituted "due to" for "because of".

10A:3-6.9 Introduction or discharge of contraband into or from a facility by the mail

(a) Incoming correspondence and publications shall always be inspected for contraband. Any discovery of contraband in correspondence or publications shall be handled in accordance with N.J.A.C. 10A:18, Mail, Visits and Telephone.

(b) Unauthorized money, personal checks or currency found in correspondence or publications shall be handled in accordance with N.J.A.C. 10A:3-6.6.

Recodified from 10A:3-6.10 and amended by R.1997 d.41, effective January 21, 1997.

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

Former rule recodified to N.J.A.C. 10A:3-6.8.

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

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

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 ", personal checks".

SUBCHAPTER 7. POLYGRAPH EXAMINATIONS

10A:3-7.1 Use of polygraph examinations with inmates

(a) A polygraph examination may be requested by the Administrator or designee:

1. When there are issues of credibility regarding serious incidents or allegations which may result in a disciplinary charge; or

2. As part of a reinvestigation of a disciplinary charge, when the Administrator or designee is presented with new evidence or finds serious issues of credibility.

(b) The polygraph shall not be used in place of a thorough investigation, but shall be used to assist an investigation when appropriate.

(c) Agreement by the inmate to take a polygraph examination shall not be a pre-condition for ordering a reinves-

tigation. An inmate's request for a polygraph examination shall not be sufficient cause for granting the request.

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" in the introductory paragraph and 2.

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

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

In the introductory paragraph of (a) and (a)2, inserted "or designee"; and in (b), inserted "shall be used".

Case Notes

Inmate's request for polygraph not sufficient cause for granting request. *Johnson v. New Jersey Dept. of Corrections*, 298 N.J.Super. 79, 688 A.2d 1123 (A.D.1997).

10A:3-7.2 Use of polygraph examinations with staff

Pursuant to N.J.S.A. 2C:40A-1, no employee may be forced to consent to a polygraph examination as a prerequisite to employment or as a condition of retaining employment.

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

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

Updated the N.J.S.A. reference.

10A:3-7.3 Requesting a polygraph examination

The Administrator or designee shall request all polygraph examinations from the Department's Special Investigations Division, Polygraph Section, using Form 285-I, Request for Polygraph Examination. The Special Investigations Division, Polygraph Section, must approve all requests. If the polygraph involves a case in litigation, the request must be approved by the Commissioner or designee prior to being referred to the Polygraph Section.

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

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

Administrative change.

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

Amended by R.2002 d.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

Substituted "Administrator" for "Superintendent" and "designee" for "Chief of Staff" throughout.

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

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

Inserted "or designee" following "Administrator" and substituted "Form" for "form".

10A:3-7.4 Scheduling polygraph examinations

(a) Polygraph examinations shall be scheduled by the Department's Special Investigations Division, Polygraph Section. If the Department's polygraphists are not available, the Special Investigations Division shall make arrangements to obtain the services of a State Police polygraphist.

(b) The only polygraph examinations acceptable to the Department shall be those performed by the Department's polygraphists or those assigned to the State Police Polygraph Unit. No action of any kind shall be taken based on the results of independently performed polygraph examinations.

(c) Because polygraph examinations may be inappropriate under certain circumstances, the final decision on whether a polygraph examination will be given at a particular time shall be made by the polygraphist assigned to each individual case.

Administrative change.
See: 32 N.J.R. 303(a).

10A:3-7.5 Procedural limitations

(a) The inmate must be advised that the test is being administered as part of an official investigation.

(b) No examination shall be conducted unless the inmate has knowingly and without duress signed a written consent form. Under no circumstances shall any inmate be threatened or coerced into taking a polygraph examination. No inmate shall receive a disciplinary charge for refusal to take a polygraph examination.

(c) Whenever possible, the examination shall be conducted at the correctional facility where the inmate resides. However, the polygraphist may choose any other competent testing facility.

10A:3-7.6 Use of polygraph examinations with juveniles

(a) A juvenile under the age of 18 who consents to take a polygraph examination shall take the examination only with the express written consent of his or her parent or guardian, or if there is an appropriately executed court order.

(b) All other factors relating to administering polygraph examinations to juveniles shall be handled in the same manner as to an adult inmate.

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. TRANSPORTATION OF INMATES

10A:3-9.1 Use of State-owned and privately owned vehicles

(a) Transportation of inmates shall be done only in State-owned vehicles, except when emergencies or other unusual circumstances require the use of privately-owned vehicles.

(b) If it is necessary for an inmate to ride in an employee's private vehicle, the employee must obtain approval from the Administrator or designee of the facility responsible for the inmate prior to such transportation.

1. If approval is granted, the employee shall be made aware of Departmental policy regarding the use of private vehicles and the liability provisions currently applicable as established by the Department of the Treasury.

2. In all cases, the employee shall furnish proof that the vehicle is properly licensed, registered and insured.

3. The use of an employee's vehicle may be authorized, but not required, by the correctional facility.

(c) Employees escorting inmates shall carry in their possession a valid drivers license.

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 "Transportation" for "Transporting"; in (b), substituted "Administrator or designee" for "Superintendent or his or her designee".

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

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

In the introductory paragraph of (b), substituted "obtain" for "secure"; and in (b)1, deleted ", Division of Budget and Accounting" from the end.

10A:3-9.2 Transporting inmates by aircraft

The transporting of inmates by aircraft shall be in accordance with written guidelines formulated by the Office of Interstate Services, pursuant to N.J.A.C. 10A:3-9.11.

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

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

10A:3-9.3 Transport of medium, maximum or close custody status inmates

(a) State-owned vehicles used to escort medium, maximum or close custody status inmates shall be equipped with protective screening devices to separate inmates from the driver. Opening devices on the inner rear doors and windows of passenger sedans shall be made inoperable.

(b) The standard passenger sedan or van shall be used only in lieu of more secure but unavailable vehicles. Use of such vehicles to transport medium, maximum or close custody status inmates shall be in accordance with written correctional facility or Central Medical/Transportation or Interstate Escort Unit internal management procedures.

(c) Vans or buses shall be used to transport groups of inmates. Those vehicles used to transport groups of medium, maximum or close custody status inmates shall comply with the following:

1. Windows or small ports must be protected by security screens or metal bars;

2. Security screen barricades with gates and locks must be located between driver and inmates;

3. A section of the rear of the bus must be screened off for baggage storage;

4. Transportation custody staff member(s) must be seated with a clear view of the bus compartment; and

5. The vehicle must be equipped with one ten pound fire extinguisher (ABC Class).

(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 custody staff members accepting escort responsibility for the custody of any inmate, sending facility staff shall ensure that the custody staff members are provided all mandatory inmate transportation documentation to include, but not be limited to:

1. Name and number;
2. Destination;
3. Custody status;
4. Current inmate photograph;
5. Any unusual medical, emotional, or mental conditions for which there is a need to know; and
6. 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".

Amended by R.2008 d.2, effective January 7, 2008.

See: 39 N.J.R. 3869(a), 40 N.J.R. 183(b).

Rewrote (a).

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".