

**CHAPTER 31
ADULT COUNTY CORRECTIONAL FACILITIES**

Authority

N.J.S.A. 2A:159A-1 et seq., 2A:160-6 et seq., 2C:33-1, 30:1B-6, 30:1B-10, 30:7C-1 et seq., 30:7D-1, 30:8-44, 30:8-44.1 and 47:1A-1 et seq.; U.S.C. Const. Art. 4, §2, cl.2 and 18 U.S.C. App. 2 §2.

Source and Effective Date

R.2006 d.59, effective January 9, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Chapter Expiration Date

Chapter 31, Adult County Correctional Facilities, expires on January 9, 2011.

Chapter Historical Note

Rules on County Correctional Facilities were originally codified as N.J.A.C. 10:34, effective October 15, 1975 as R.1975 d.300. See: 7 N.J.R. 506(c). The chapter was repealed by R.1986 d.182, effective May 19, 1986.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 31, Adult County Correctional Facilities, was adopted as R.1979 d.438, effective November 1, 1979. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e).

Subchapter 4, Remission of Time from Sentence, was adopted as emergency new rules by R.1981 d.270, effective June 23 1981. See: 13 N.J.R. 467(a). The provisions of R.1981 d.270 were readopted by R.1981 d.358, effective August 21, 1981. See: 13 N.J.R. 434(b), 13 N.J.R. 596(a).

Subchapter 5, Enforcement Procedures, was adopted as R.1982 d.149, effective May 17, 1982. See: 14 N.J.R. 227(a), 14 N.J.R. 474(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Adult County Correctional Facilities, expired on November 1, 1984.

Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1985 d.17, effective February 4, 1985. See: 16 N.J.R. 3284(a), 17 N.J.R. 312(a).

Subchapter 6, Work Release Program, was adopted as R.1986 d.261, effective July 7, 1986. See: 18 N.J.R. 604(a), 18 N.J.R. 1386(a).

Chapter 31, Adult County Correctional Facilities, was repealed and Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1990 d.140, effective March 5, 1990. See: 21 N.J.R. 2853(a), 22 N.J.R. 801(a). Pursuant to Executive Order 66(1978), Chapter 31 expired on March 5, 1995.

Chapter 31, Adult County Correctional Facilities, was adopted as new rules by R.1995 d.421, effective August 7, 1995. See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Subchapter 29, Fiscal Management, was adopted as R.1999 d.132, effective April 19, 1999. See: 31 N.J.R. 250(a), 31 N.J.R. 1067(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Adult County Correctional Facilities, was readopted as R.2000 d.332, effective July 19, 2000. See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Chapter 31, Adult County Correctional Facilities, was readopted by R.2006 d.59, effective January 9, 2006; Subchapter 30, Interjurisdictional Agreements and Statutes, was adopted as new rules; Subchapter 1, Introduction, was renamed General Provisions, Subchapter 6, Management Information System and Inmate Records, was renamed Management Information System and Government Record; and Subchapter 25, Work Release Program, was renamed Work and Vocational Training Release Program by R.2006 d.59, effective February 6, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, Management Information System and Government Records, was renamed Management Information System and Records by R.2007 d.64, effective February 20, 2007. See: 38 N.J.R. 4622(b), 39 N.J.R. 652(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10A:31-1.1 Purpose
- 10A:31-1.2 Scope
- 10A:31-1.3 Definitions
- 10A:31-1.4 Forms
- 10A:31-1.5 Rulemaking and exemption authority
- 10A:31-1.6 Rule exemption effective, extension and expiration dates
- 10A:31-1.7 Procedure for requesting a rule exemption
- 10A:31-1.8 Adult County Correctional Facility Request for Rule Exemption Form 31—100

SUBCHAPTER 2. ENFORCEMENT PROCEDURES

- 10A:31-2.1 Authority of the Commissioner, New Jersey Department of Corrections
- 10A:31-2.2 Physical inspection and/or program evaluation
- 10A:31-2.3 Re-inspection
- 10A:31-2.4 Extension of time to correct violations
- 10A:31-2.5 Enforcement action

SUBCHAPTER 3. PLANNING AND DESIGN

- 10A:31-3.1 Notification
- 10A:31-3.2 Submission of plans and specifications
- 10A:31-3.3 Construction principles
- 10A:31-3.4 General conditions
- 10A:31-3.5 Reception and booking area; holding room
- 10A:31-3.6 Minimum requirements for housing units and day-room areas
- 10A:31-3.7 Showers, drinking fountains, shutoff valves and drains
- 10A:31-3.8 Exercise areas
- 10A:31-3.9 Correctional program space
- 10A:31-3.10 Health care facilities and equipment
- 10A:31-3.11 Space for hair cutting
- 10A:31-3.12 Inmate commissary
- 10A:31-3.13 Dining areas
- 10A:31-3.14 Visiting and interview areas
- 10A:31-3.15 Janitor closet
- 10A:31-3.16 Administrative and staff areas
- 10A:31-3.17 Security perimeter
- 10A:31-3.18 Arsenal
- 10A:31-3.19 Building and fire codes
- 10A:31-3.20 Monitoring system
- 10A:31-3.21 Emergency power
- 10A:31-3.22 Plumbing and mechanical space

SUBCHAPTER 4. PERSONNEL

- 10A:31-4.1 Personnel manual
- 10A:31-4.2 Policy and procedure manual
- 10A:31-4.3 Affirmative Action Program
- 10A:31-4.4 Employee records
- 10A:31-4.5 Employee performance evaluation

SUBCHAPTER 5. TRAINING AND STAFF DEVELOPMENT

- 10A:31-5.1 Training and Staff Development Program
- 10A:31-5.2 Training officer
- 10A:31-5.3 Orientation and training for employees

SUBCHAPTER 6. MANAGEMENT INFORMATION SYSTEM AND RECORDS

- 10A:31-6.1 Inmate population accounting system

- 10A:31-6.2 Intake form
- 10A:31-6.3 Inmate population movement
- 10A:31-6.4 Inmate records
- 10A:31-6.5 Information pertaining to a victim(s)
- 10A:31-6.6 Access to records
- 10A:31-6.7 Identity theft prevention and reporting
- 10A:31-6.8 Availability of information to non-institutional persons or outside agencies
- 10A:31-6.9 Availability of information to adult county correctional facility personnel
- 10A:31-6.10 through 10A:31-6.12 (Reserved)
- 10A:31-6.13 Reimbursement for costs of copying
- 10A:31-6.14 Security of Management Information System and inmate records

SUBCHAPTER 7. EMERGENCIES

- 10A:31-7.1 Meeting emergencies
- 10A:31-7.2 Passive resistance
- 10A:31-7.3 Work stoppage
- 10A:31-7.4 Escapes
- 10A:31-7.5 Riots
- 10A:31-7.6 Natural disasters

SUBCHAPTER 8. SECURITY AND CONTROL

- 10A:31-8.1 (Reserved)
- 10A:31-8.2 Search of inmates and facilities
- 10A:31-8.3 Search of inmates
- 10A:31-8.4 Strip search of a person(s) who has been detained or arrested for commission of an offense other than a crime
- 10A:31-8.5 Strip searches of a person(s) lawfully confined in an adult county correctional facility
- 10A:31-8.6 Body cavity searches of a person(s) who has been detained or arrested for commission of an offense other than a crime
- 10A:31-8.7 Body cavity searches of an inmate(s) lawfully confined in an adult county correctional facility
- 10A:31-8.8 Search of facilities
- 10A:31-8.9 Center Control
- 10A:31-8.10 Counts
- 10A:31-8.11 Inmate movements
- 10A:31-8.12 Custody staff posts
- 10A:31-8.13 Electronic surveillance
- 10A:31-8.14 Transportation of inmates
- 10A:31-8.15 Staffing plan
- 10A:31-8.16 Reports and meetings
- 10A:31-8.17 Use of force
- 10A:31-8.18 Use of non-deadly force; when justified
- 10A:31-8.19 Deadly force; when justified and when restricted
- 10A:31-8.20 Use of force against persons other than inmates during duties outside the adult county correctional facility security perimeter
- 10A:31-8.21 Use of force while off-duty
- 10A:31-8.22 Reports
- 10A:31-8.23 Training
- 10A:31-8.24 Custody staff authorized to carry firearms while on-duty
- 10A:31-8.25 On-duty firearms training, qualification and requalification
- 10A:31-8.26 On-duty firearm
- 10A:31-8.27 Firearms training instructors
- 10A:31-8.28 Adult county correctional facility internal management procedures

SUBCHAPTER 9. USE AND CONTROL OF SECURITY EQUIPMENT

- 10A:31-9.1 Determining equipment needs
- 10A:31-9.2 Control of equipment
- 10A:31-9.3 Use of restraining equipment
- 10A:31-9.4 Key control
- 10A:31-9.5 Use and storage of chemical and natural agents
- 10A:31-9.6 Storage of weapons

SUBCHAPTER 10. FOOD SERVICE

- 10A:31-10.1 Nationally recommended dietary allowance
- 10A:31-10.2 Food service management
- 10A:31-10.3 Menus
- 10A:31-10.4 Special diets or alternate foods
- 10A:31-10.5 Serving of meals
- 10A:31-10.6 Prohibited use of food for discipline
- 10A:31-10.7 Medical examination of food service personnel
- 10A:31-10.8 Personal hygiene of food service personnel
- 10A:31-10.9 Inspection of food service areas and equipment
- 10A:31-10.10 Storage areas
- 10A:31-10.11 Security in the food service area
- 10A:31-10.12 Budgeting, purchasing and accounting procedures
- 10A:31-10.13 Written policies and procedures

SUBCHAPTER 11. SANITATION

- 10A:31-11.1 Federal, State and local codes
- 10A:31-11.2 Housekeeping plan
- 10A:31-11.3 Daily sanitation inspections
- 10A:31-11.4 Floors
- 10A:31-11.5 Control of vermin and pests
- 10A:31-11.6 Disposal of liquid and solid wastes

SUBCHAPTER 12. INMATE CLOTHING AND HYGIENIC LIVING CONDITIONS

- 10A:31-12.1 Clothing
- 10A:31-12.2 Towels, linen and bedding
- 10A:31-12.3 Laundry services
- 10A:31-12.4 Issue of clothing, linen and bedding
- 10A:31-12.5 Cleaning of blankets and mattresses
- 10A:31-12.6 Storage of inmate personal clothing
- 10A:31-12.7 Personal hygiene products
- 10A:31-12.8 Shower and hair care services
- 10A:31-12.9 Written policies and procedures

SUBCHAPTER 13. MEDICAL, DENTAL AND HEALTH SERVICES

- 10A:31-13.1 Essential medical, dental and health services
- 10A:31-13.2 Responsibility for adult county correctional facility's medical services
- 10A:31-13.3 Security regulations
- 10A:31-13.4 Standard operating procedures
- 10A:31-13.5 Licensure
- 10A:31-13.6 Job descriptions
- 10A:31-13.7 Treatment
- 10A:31-13.8 First aid kits
- 10A:31-13.9 Medical screening
- 10A:31-13.10 Care of pregnant inmates
- 10A:31-13.11 Access to medical and dental services
- 10A:31-13.12 Inmate medical complaints
- 10A:31-13.13 Sick call
- 10A:31-13.14 Physician availability
- 10A:31-13.15 Emergency medical and dental care
- 10A:31-13.16 Chronic and convalescent care
- 10A:31-13.17 Medical and dental prosthetics
- 10A:31-13.18 Dental care
- 10A:31-13.19 Classification and Priority Treatment Program
- 10A:31-13.20 Preventive dentistry
- 10A:31-13.21 Refusal of treatment
- 10A:31-13.22 Mentally ill and developmentally disabled inmates
- 10A:31-13.23 Close medical supervision program
- 10A:31-13.24 Suicide prevention and intervention plan
- 10A:31-13.25 Special diets
- 10A:31-13.26 Detoxification
- 10A:31-13.27 Pharmaceutical management
- 10A:31-13.28 Medical records
- 10A:31-13.29 Informed consent for treatment
- 10A:31-13.30 Quarterly and annual report

SUBCHAPTER 14. MISCELLANEOUS INMATE RIGHTS

- 10A:31-14.1 Presumption of innocence

1. Any item, article or material found in the possession of or under the control of an inmate which is not authorized for retention or receipt;

2. Any item, article, or material found within the adult county correctional facility or on facility grounds which has not been issued by the facility or authorized as permissible for retention or receipt;

3. Any item, article or material found in the possession of, or under the control of staff or visitors within the facility or on facility grounds which is not authorized for receipt, retention or importation;

4. Any item, article or material that is authorized for receipt, retention or importation by inmates, staff or visitors but that is found in an excessive amount or that has been altered from its original form. An amount shall be considered excessive if it exceeds stated adult county correctional facility limits or exceeds reasonable safety, security, sanitary, or space considerations; and/or

5. Any article that may be harmful or presents a threat to the security and orderly operation of an adult county correctional 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 adult county correctional facility regulations;
- v. Hazardous or poisonous chemicals and gases;
- vi. Unauthorized drugs and medications;
- vii. Medicines dispensed or approved by the adult county correctional 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. Where prohibited, electronic communication devices.

“County work release” means a program which permits selected inmates, committed by the municipal or county court to an adult county correctional facility, to be in the community during specified periods to engage in remunerative employment, to attend vocational training and, in the case of female offenders, to attend to family needs.

“Custodian of a government record” or “record custodian” means any individual officially designated by formal action of the county governing body or agency director in accordance with the Open Public Records Act.

“Custody staff” except as otherwise provided, means Custody Supervisors, Senior Correction Officers and Correction Officer recruits who have been sworn as peace officers.

“Deadly force” means force that a custody staff member uses with the purpose of causing, or that the custody staff member knows will create a substantial risk of causing, death or serious bodily harm.

“Detainer” means a warrant of formal authorization to hold an inmate for prosecution or detention by a Federal, state or local law enforcement agency or the U.S. Immigration and Customs Enforcement (ICE). Detainers may include, but are not limited to:

1. Adjudicated criminal charges for which sentence has been imposed;
2. Criminal charges resulting from indictment, for which there is no final disposition (open charges);
3. Warrants for violation of parole or probation; and
4. Immigration detainers.

“Disciplinary Board” means a custody supervisor and two non-custody staff members who have been designated by the adult county correctional facility Administrator to hear and adjudicate inmate violations of facility rules.

“Disciplinary Detention” means the removal of an inmate from the general population to a short term close custody unit because of a violation of facility rules.

“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.

“Facility” means an adult county correctional facility.

“Firearm” means any hand gun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile, bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the ignition of flammable or explosive substances. Firearm shall also include, without limitation, any firearm, which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in

diameter, with sufficient force to injure a person (see N.J.S.A. 2C:39-1).

“Foreign national” means any person who is not a citizen or permanent alien resident (green card holder) of the United States and who is a foreign visitor or illegal alien.

“Government record” or “record” means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material. A government record shall not include information which is deemed to be confidential in accordance with N.J.S.A. 47:1A-1 et seq.

“Handbook on Discipline” means a publication that is provided to inmates which contains the inmate’s rights and responsibilities, the acts and activities which are prohibited, and the disciplinary procedures and sanctions imposed.

“Hearing officer” means an individual designated by and required to report to an official outside of the adult county correctional facility administration to hear and adjudicate inmate violations of prohibited acts.

“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 the custody staff member, but is carrying a weapon and running for cover.

“Indigent inmate” means an inmate who has no funds in his or her account and is not able to earn inmate wages due to prolonged illness or any other uncontrollable circumstances, and who has been verified as having no outside source from which to obtain funds.

“Internal Affairs unit” means the unit responsible for conducting investigations at the discretion of the adult county correctional facility Administrator.

“Involuntary protective custody” means confinement in Protective Custody which was not requested by the inmate.

“Lawfully confined” means custodially confined in a detention facility, adult county correctional facility or other facility of the Department of Corrections.

“Legal correspondence” means the exchange of documents between an inmate and:

1. An attorney of this State or any other state when properly identified as such on the outside of the envelope;
2. Offices of the Federal or State Public Defender;
3. The Office of the Attorney General;
4. Federal, State, county and municipal courts;
5. Federal, State, county and municipal court judges;
6. Offices of legal services;
7. Legal assistance clinics managed by accredited law schools of this or any other state;
8. The Administrative Office of the Courts;
9. Offices of the Federal, State or county prosecutor;
10. Other Federal, State, county or municipal governmental agencies;
11. The Office of Administrative Law; and
12. A foreign consul.

“Legitimate public official” means the following:

1. An elected or appointed national, state or municipal government official; or
2. A director of a national, state or municipal government agency.

“Mechanical restraints” means restraining devices such as, but not limited to, handcuffs, flex cuffs, leg irons, and belly chains.

“Multiple occupancy sleeping unit” means an area, room, or cell housing no less than two and no more than 64 inmates.

“Non-contact visit” means a visit between an inmate and a visitor where there is a barrier, such as, but not limited to, a window or wall between the inmate and the visitor.

“Non-lethal force” means force that is not likely to cause death or serious bodily harm.

“Objective classification” means the standardized evaluation and custody assignment score of an inmate based on the following criteria:

1. Severity of current offense;
2. Prior assaultive offense history;
3. Escape history;
4. History of correctional facility violence;
5. Balance of term to be served to expiration of sentence (initial only);
6. Alcohol/drug abuse (initial only);

7. Current detainer/open charges;
8. Prior felony convictions (initial only);
9. Education (initial only);
10. Employment (initial only);
11. Age;
12. Number of disciplinary reports (reclassification only);
13. Most severe disciplinary infraction received (reclassification only);
14. Program participation (reclassification only);
15. Balance on parole eligibility date (reclassification only); and
16. System overrides.

“On-the-Spot Correction” means the immediate imposition of a sanction upon an inmate for a minor rule violation.

“Open Public Records Act” or “OPRA” means N.J.S.A. 47:1A-1 et seq. as amended and supplemented.

“Personal information” means an individual’s first name or first initial and last name that is linked with any one or more of the following data elements:

1. Social Security number;
2. Driver’s license number or State identification card number; or
3. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account.

Dissociated data that, if linked, would constitute personal information is personal information if the means to link the dissociated data were accessed in connection with access to the dissociated data. Personal information shall not include publicly available information that is lawfully made available to the general public from Federal, state or local government records, or widely distributed media (see N.J.S.A. 56:8-161).

“Prehearing detention” means the removal of an inmate from the general population pending an investigation and a hearing into an alleged violation of a rule.

“Productive occupation” means any assignment exclusive of a work release assignment, which involves work carried on by the governing body or by any board, commission or institution that receives funding from the county.

“Protective custody” means confinement to a secure unit designated to restrict or limit an inmate’s activities and contacts with others, in order to provide protection to the inmate from injury or harm actually threatened, or reasonably be-

lieved to exist based on events, investigative reports, informants’ reports or other reliable sources of information.

“Publication” means a book, booklet, pamphlet, or similar document, or an issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific inmate such as advertising brochures, flyers, and catalogs.

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

“Reasonable suspicion” means a belief that an action is necessary based upon specific and articulable facts that, taken together with rational inferences from those facts, reasonably support a conclusion.

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

“Shift commander” means the custody staff member holding a supervisory rank who has been designated by the Administrator or designee as being responsible for the maintenance of security during a tour of duty in an adult county correctional facility.

“Strip search” means the removal or rearrangement of clothing and visual inspection of the person’s undergarments, buttocks, anus, genitals, or breasts.

“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 that exposes those persons to a substantial risk of harm.

“Unencumbered space” means usable space that is not hindered by furnishings or fixtures.

“Voluntary protective custody” means confinement in Protective Custody which was requested by the inmate.

“Weapon” means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to:

1. All firearms, even though not loaded or lacking a clip or other component to render them immediately operable;
2. All components that can be readily assembled into a weapon;
3. All gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, black-jacks, bludgeons, metal knuckles, sandclubs, slingshots,

cesti or similar leather bands studded with metal filings or razor blades imbedded in wood;

4. All stun guns; and

5. Any weapon or other device, which projects, releases, or emits a compressed gas or tear gas or any other substance or electrical signal intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air (see N.J.S.A. 2C:39-1).

Amended by R.1994 d.182, effective April 4, 1994.

See: 26 N.J.R. 727(a), 26 N.J.R. 1506(a).

Amended by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Inserted "Objective classification".

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Rewrote the section.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote definition "Adult county correctional facility Administrator"; added definitions "Central control," "Contact visit," "Custodian of a government record," "Deadly force," "Foreign national," "Government record," "Imminent danger," "Legal correspondence," "Mechanical restraints," "Non-contract visit," "Non-deadly force," "Open Public Records Act," "Reasonable belief," "Reasonable suspicion," "Roving patrol," "Shift commander" and "Substantial risk."

Amended by R.2007 d.64, effective February 20, 2007.

See: 38 N.J.R. 4622(b), 39 N.J.R. 652(b).

Added definition "Personal information".

Amended by R.2007 d.199, effective July 2, 2007.

See: 39 N.J.R. 747(a), 39 N.J.R. 2537(a).

In the introductory paragraph, substituted a colon for the period at the end; in definition "Detainer", substituted "state" for "State" and "U.S. Immigration and Customs Enforcement (ICE)" for "U.S. Immigration Department".

Amended by R.2008 d.118, effective May 5, 2008.

See: 40 N.J.R. 84(a), 40 N.J.R. 2278(a).

Added definition "Electronic communication device".

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

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

Added definitions "Legitimate public official" and "Publication".

Amended by R.2008 d.190, effective July 21, 2008.

See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).

In definition "Contraband", substituted "that" for "which" throughout paragraphs 4 and 5, deleted "and" from the end of paragraph 5viii, substituted "; and" for a period at the end of paragraph 5ix and added paragraph 5x; added definition "Firearm"; in definition "Legal correspondence", substituted "; and" for a period at the end of paragraph 11 and added paragraph 12; rewrote definition "Strip search"; and added definition "Weapon".

10A:31-1.4 Forms

(a) A government records request form may be obtained from the record custodian (see definition of "custodian of a government record" at N.J.A.C. 10A:31-1.3).

(b) Adult County Correctional Facility, Request For Rule Exemption (Form 31—100) is available from the Department of Corrections, Office of County Services (see, N.J.A.C. 10A:31-1.7).

New Rule, R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

10A:31-1.5 Rulemaking and exemption authority

(a) Pursuant to N.J.S.A. 30:1B-10, the Commissioner of the Department of Corrections is authorized to establish minimum standards for adult county correctional facilities.

(b) The Commissioner is authorized to determine matters related to rules establishing the minimum standards regarding the administration of adult county correctional facilities and to modify rules so that such rules can function effectively.

(c) The Commissioner may exempt an adult county correctional facility from adherence to a rule or certain provisions or requirements of a rule in instances when strict compliance would result in:

1. An undue hardship;
2. An inability to meet a therapeutic, rehabilitative or medical need; or
3. A security risk to the overall management, safe or orderly operation of an adult county correctional facility.

New Rule, R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

10A:31-1.6 Rule exemption effective, extension and expiration dates

(a) The effective date of a rule exemption shall be the date of the Commissioner's signature on Form 31—100 Request for Rule Exemption.

(b) Except as set forth in (c) and (d) below, all rule exemptions shall expire two years from the date of approval by the Commissioner.

(c) A rule exemption may be terminated prior to the expiration date when:

1. The special circumstances exempting the rule no longer exist; or
2. The Commissioner no longer approves the rule exemption.

(d) A rule exemption may be extended beyond the expiration date when:

1. The adult county correctional facility Administrator or designee reapplies for the rule exemption by submitting Form 31—100 indicating a request for an extension and attaching a copy of the original approved and signed Form 31—100; and
2. The Commissioner signs the copy of Form 31—100 requesting the extension.

(e) Upon expiration or termination of a rule exemption, an adult county correctional facility shall return to compliance with the New Jersey Administrative Code.

New Rule, R.2006 d.59, effective February 6, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

10A:31-1.7 Procedure for requesting a rule exemption

(a) A request for a rule exemption may be submitted by inmates, staff or committees to the adult county correctional facility Administrator for review in accordance with internal management procedures.

(b) The adult county correctional facility Administrator shall review and determine, based on criteria set forth in N.J.A.C. 10A:31-1.5, whether to submit a Form 31—100 to the Commissioner for consideration.

(c) Designees of the Commissioner shall review the request for rule exemption and recommend whether to approve or disapprove a rule exemption, based on the criteria set forth in N.J.A.C. 10A:31-1.5. The Commissioner shall approve or disapprove the rule exemption by selecting the appropriate box, signing and dating the request, and returning the request to the adult county correctional facility Administrator.

New Rule, R.2006 d.59, effective February 6, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

10A:31-1.8 Adult County Correctional Facility Request for Rule Exemption Form 31—100

The following Adult County Correctional Facility Request for Rule Exemption, Form 31—100 shall be utilized for submission of a request for a rule exemption pursuant to related provisions of this subchapter.

(b) All measures shall be taken to maintain effective security and restore normal conditions as expeditiously as possible.

(c) Each facility shall develop written plans for emergencies such as, but not limited to, passive resistance, work stoppage, escapes, riots and natural disasters.

(d) All emergency plans shall be implemented with appropriate consideration and care for both inmate and staff safety.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).
In (c), inserted "but not limited to".

10A:31-7.2 Passive resistance

(a) Each facility shall develop a written plan for maintaining security and custody of inmates, in the event of passive resistance by inmates.

(b) In the event of passive resistance by inmates, the facility shall be secured.

(c) Additional custody staff shall be readily available in passive resistance situations.

(d) Back up support shall be obtained from outside resources if, in the judgment of the adult county correctional facility Administrator or designee, the seriousness of the situation warrants.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (c), substituted "custody staff" for "correction officers"; and in (d), substituted "adult county correctional facility" for "Jail".

10A:31-7.3 Work stoppage

(a) Each facility shall develop a written plan for maintaining custody of inmates and the safety and well-being of inmates and staff members in the event of a work stoppage or other job action by employees.

(b) The work stoppage plan shall incorporate the ongoing continuation of essential services which may involve agreements with other law enforcement agencies such as local and State police or other outside resources.

10A:31-7.4 Escapes

(a) Each facility shall develop a written escape plan which shall be evaluated after each escape incident or escape attempt or at least once a year.

(b) All facility staff shall be trained in the specific action which is to be taken during or after an escape or an attempted escape.

(c) The adult county correctional facility Administrator or the ranking supervisor shall be in charge of the implementation of all emergency escape plans.

(d) All records and relevant information regarding an inmate involved in an escape shall be studied immediately and used in efforts to reapprehend or secure the inmate.

(e) Immediate notice shall be given to all appropriate agencies to protect public safety in the event of an escape.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (c), substituted "adult county correctional facility" for "Jail".

10A:31-7.5 Riots

(a) Each facility shall develop a written emergency riot plan which shall be evaluated at least once a year and immediately following a riot (see N.J.S.A. 2C:33-1).

(b) All facility staff shall be trained in the specific action which is to be taken during and after a riot.

(c) The adult county correctional facility Administrator or the ranking supervisory custody staff member shall be in charge of the implementation of all emergency riot plans.

(d) Immediate efforts shall be made to isolate the troubled area or segment of the inmate population.

(e) Only the restraining action that is necessary to adequately contend with the emergency situation shall be taken.

(f) Lethal forms of weaponry shall be used only with strict supervision and when the seriousness of the situation warrants, in the judgment of the adult county correctional facility Administrator or the ranking supervisory custody staff member.

(g) Immediate efforts shall be made to secure the facility and obtain as accurate a population count as possible.

(h) All available information shall be assessed and an appointed staff member or team shall be deployed to identify the cause of the riot and to initiate appropriate measures to resolve the situation.

(i) Due care shall be given to the safety of possible hostages, and special attempts shall be made to obtain their safe release.

(j) An alternative of safe return to security shall be offered to all inmates who select to cease and desist from continued participation in the riot.

(k) If the seriousness of the situation warrants, back up support shall be obtained from local law enforcement authorities.

(l) If the seriousness of the situation warrants, other relevant back up supports may be obtained from the community, such as medical, food service, emergency repairs, etc.

(m) The facility shall have a written post emergency plan which will be implemented as soon as the situation permits.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (c) substituted "adult county correctional facility" for "Jail" and "custody staff member" for "officer"; rewrote (f); and in (k) substituted "law enforcement authorities" for "and State police".

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (a), added "(see N.J.S.A. 2C:33-1)."

10A:31-7.6 Natural disasters

(a) Each facility shall develop a written contingency plan which has been coordinated with the New Jersey Office of Emergency Management, the applicable county office of emergency management or equivalent, local law enforcement authorities, and such other agencies and resources needed to respond to a natural disaster.

(b) Each facility shall develop a written comprehensive contingency plan for the movement of large numbers of inmates, which has been coordinated with neighboring correctional facilities, local law enforcement authorities and such other community resources as required.

(c) The contingency plan in (a) and (b) above shall be reviewed and updated at least once a year.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a) and (b), substituted references to law enforcement authorities for references to the State police; and in (a), substituted a reference to the Department of Emergency Management for a reference to the Department of Civil Defense.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (a), substituted "New Jersey Office" for "appropriate Department" and added ", the applicable county office of emergency management or equivalent,".

SUBCHAPTER 8. SECURITY AND CONTROL

10A:31-8.1 (Reserved)

Repealed by R.2000 d.322, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Section was "Contraband defined".

10A:31-8.2 Search of inmates and facilities

(a) Facilities and inmates may be searched as provided in this subchapter for the purpose of controlling and deterring the introduction and concealment of contraband.

(b) Each facility shall develop and implement a comprehensive written plan governing searches of facilities and inmates.

10A:31-8.3 Search of inmates

(a) All inmates admitted to an adult county correctional facility shall be thoroughly searched.

(b) All searches shall be conducted under sanitary conditions, in a professional and dignified manner, with maximum courtesy and respect for the inmate's person.

(c) No inmate shall be searched as punishment or discipline.

10A:31-8.4 Strip search of a person(s) who has been detained or arrested for commission of an offense other than a crime

(a) A person who has been detained or arrested for commission of an offense other than a crime and who is confined in an adult county correctional facility shall not be subject to a strip search unless there is reasonable suspicion that a weapon, controlled dangerous substance or contraband will be found.

(b) Strip searches shall be conducted:

1. By a person of the same sex;
2. At a location where the search cannot be observed by unauthorized persons;
3. By the number of custody staff deemed reasonably necessary to provide security;
4. Under sanitary conditions; and
5. In a professional and dignified manner.

(c) The person authorized to conduct a strip search shall file a written report to be made part of the detained or arrested person's record which shall include, but not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;
2. The name of the custody staff member in charge who authorized the search;
3. The name(s) of the custody staff present during the search and the reason for custody staff presence;
4. The name(s) of the person(s) conducting the search; and
5. An inventory of the item(s) found during the search.

(d) Reports required pursuant to this section shall not be deemed public records, but, upon request, shall be made available to:

1. The Commissioner, New Jersey Department of Corrections;
2. The adult county correctional facility Administrator;
3. The Attorney General;
4. The county prosecutor; and/or
5. The person searched.

New Rule, R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.1998 d.263, effective May 18, 1998.

See: 30 N.J.R. 966(a), 30 N.J.R. 1811(a).

In (b), rewrote 2, inserted a new 3, and recodified former 3 and 4 as 4 and 5; and in (c), inserted references to "custody staff".

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (c), inserted "part" following "made" in the introductory paragraph, and substituted a reference to custody staff members for a reference to officers in 2.

Case Notes

Subjecting driver to strip search violated driver's Fourth Amendment rights. *Ernst v. Borough of Fort Lee*, D.N.J.1990, 739 F.Supp. 220.

It was not reasonable to subject detainee to visual strip search on basis of mere suspicion that car in which detainee was passenger was stolen. *DiLoreto v. Borough of Oaklyn*, D.N.J.1990, 744 F.Supp. 610.

10A:31-8.5 Strip searches of a person(s) lawfully confined in an adult county correctional facility

(a) The person authorized to conduct a strip search on a person lawfully confined in an adult county correctional facility shall obtain the permission of the supervisor on duty to conduct the search and shall file a written report explaining the reasons for the search.

(b) Strip searches may be conducted in any of the following circumstances:

1. Prior to admitting a person lawfully confined to an adult county correctional facility, prison or jail by court order or pursuant to an arrest authorized by law;
2. Before an inmate enters the facility after being permitted to leave for any reason;
3. Whenever there is reasonable suspicion that an inmate is carrying contraband;
4. Before placement of an inmate into:
 - i. Prehearing Detention;
 - ii. Disciplinary Detention; or
 - iii. Protective Custody.
5. Before placement of an inmate under a psychological observation or suicide watch;

6. Whenever the person admitted for a minor offense(s) is known to have a history of violent or assaultive conduct or a previous conviction(s) for a crime(s); and

7. After a contact visit.

(c) A strip search shall include a check for:

1. Body vermin;
2. Cuts;
3. Bruises;
4. Needle scars; and
5. Other injuries, where appropriate.

(d) A strip search shall be conducted:

1. At a location where the search cannot be observed by unauthorized persons;
2. By custody staff of the same sex as the inmate except as set forth in (e) below; and
3. By the number of custody staff deemed reasonably necessary to provide security.

(e) Strip searches may be conducted by persons of the opposite sex under emergency conditions as ordered by the adult county correctional facility Administrator.

(f) No inmate shall be searched as punishment or discipline.

Recodified from 10A:31-8.4 and amended by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.1998 d.263, effective May 18, 1998.

See: 30 N.J.R. 966(a), 30 N.J.R. 1811(a).

Rewrote (d).

Case Notes

Strip search of newly admitted county inmate found unjustified absent suspicion of concealed weapons or contraband; blanket strip search of all arrestees mandated by former rule found constitutionally unsupported. *Davis v. City of Camden*, 657 F.Supp. 396 (D.N.J.1987).

10A:31-8.6 Body cavity searches of a person(s) who has been detained or arrested for commission of an offense other than a crime

(a) The person who has been detained or arrested for the commission of an offense other than a crime and who is lawfully confined in an adult county correctional facility shall not be subject to a body cavity search unless the custody staff member in charge determines that the search is based on a reasonable suspicion that a weapon, controlled dangerous substance or contraband will be found.

(b) An authorized body cavity search of a person who has been detained or arrested for commission of an offense other than a crime shall be conducted:

1. Under sanitary conditions;
2. At a location where the search cannot be observed by unauthorized persons;
3. By a physician or a registered nurse who must be of the same sex as the detained or arrested person;
4. In the presence of only those custody staff members deemed necessary for security, who are of the same sex as the detained or arrested person; and
5. In a professional and dignified manner, with maximum courtesy and respect for the person.

(c) The person who has been detained or arrested for the commission of an offense other than a crime may:

1. Remove the object in the presence of the physician or registered nurse and a custody staff member(s) of the same sex as the person; or
2. Be examined by the physician or registered nurse who may remove the object, without the use of force.

(d) In the event it is determined that a foreign object which contains metal is present in the body cavity of the person who has been detained or arrested for the commission of an offense other than a crime, such object may be removed only by the physician with or without the use of force.

(e) In the event the custody staff member in charge or the physician or the registered nurse has determined that nonmetal contraband is being concealed in the body cavity of the person who has been detained or arrested for the commission of an offense other than a crime, and that person refuses to permit contraband removal, the person may be placed in medical isolation. During medical isolation, that person may be kept under visual surveillance to detect removal or elimination of the contraband.

(f) The person authorized to conduct a body cavity search shall file a written report to be made part of the detained or arrested person's record which shall include, but not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;
2. The name of the custody staff member in charge who authorized the search;
3. The name(s) of the custody staff member(s) present during the search and the reason for his or her presence;
4. The name(s) of the person(s) conducting the search;
5. An inventory of any item(s) found during the search; and
6. The reason for use of force, if necessary.

(g) Reports required pursuant to this section shall not be deemed public records, but, upon request, shall be made available to:

1. The Commissioner, New Jersey Department of Corrections;
2. The adult county correctional facility Administrator;
3. The Attorney General;
4. The county prosecutor; and/or
5. The person searched.

New Rule, R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted references to custody staff members for references to officers throughout; and in (g)2 inserted "adult county" preceding "correctional".

10A:31-8.7 Body cavity searches of an inmate(s) lawfully confined in an adult county correctional facility

(a) Under no circumstances may a body cavity search be conducted on an inmate lawfully confined in an adult county correctional facility unless the custody staff member in charge is satisfied that a reasonable suspicion exists that contraband will be found in the inmate's body cavity.

(b) In the event a custody staff member in charge is reasonably satisfied that contraband is being concealed in the inmate's body cavity, the inmate shall be escorted immediately to the adult county correctional facility's hospital or medical department, and the following procedure shall be followed for examination of the inmate and removal of contraband.

1. A body cavity search shall be conducted:

- i. Under sanitary conditions;
- ii. At a location where the search cannot be observed by unauthorized persons;
- iii. By a physician or registered nurse of either sex;
- iv. In the presence of only the custody staff deemed necessary for security, who are of the same sex as the inmate; and
- v. Conducted in a professional and dignified manner, with maximum courtesy and respect for the inmate's person.

2. The inmate may:

- i. Remove the object in the presence of the physician or registered nurse and a custody staff member(s) of the same sex as the inmate; or
- ii. Be examined by the physician or registered nurse who may remove the object without the use of force.

3. If a custody staff member in charge determines there is reasonable suspicion to believe that a foreign object which contains metal is present in the inmate's body cavity, such object may be removed only by the physician with or without the use of force.

4. In the event the custody staff member in charge or the physician or the registered nurse has determined that nonmetal contraband is being concealed in the inmate's body cavity, and the inmate refuses to permit contraband removal, the inmate shall receive appropriate disciplinary charges and may be placed in prehearing detention or medical isolation. During prehearing detention, medical isolation and disciplinary detention, if any, the inmate may be kept under visual surveillance to detect removal or elimination of the contraband.

(c) A written report of the results of a body cavity search shall be made part of the inmate's record and shall include, but not be limited to, the following information:

1. A statement of facts indicating reasonable suspicion for the search;
2. The name of the custody staff member in charge who authorized the search;
3. The name(s) of the custody staff member(s) present during the search and the reason for his or her presence;
4. The name(s) of the person(s) conducting the search;
5. An inventory of any item(s) found during the search; and
6. The reason for use of force, if necessary.

Recodified from 10A:31-8.5 and amended by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted references to custody staff members for references to officers throughout.

10A:31-8.8 Search of facilities

(a) All inmate residential, work, training and other areas to which inmates have access shall be searched thoroughly for contraband on a routine, continuing basis. Searches shall be unannounced and irregularly timed, and limited to a specific building or area.

(b) Procedures to be utilized in conducting searches shall be as set forth by each facility's plan governing searches required by N.J.A.C. 10A:31-8.2. Such procedures may provide that an inmate may be excluded from entry into an area being searched to facilitate the safe and effective performance of the search.

(c) Reports on the results of searches of the facility shall be submitted to the adult county correctional facility Administrator.

(d) Items which are not permitted in the facility shall be confiscated and placed in a secure storage area.

(e) Inmates shall be given a receipt for any property that is confiscated, and disciplinary action shall be initiated when appropriate.

(f) Searches shall be conducted with a minimum amount of disturbance to an inmate's property. An inmate's property shall not be damaged, destroyed or confiscated unless it is determined to be contraband. An inmate shall be permitted to observe the search of his or her cell and property from a distance, where reasonably feasible.

(g) All vehicular traffic and supplies entering the facility shall be thoroughly searched by a custody staff member.

Recodified from 10A:31-8.6 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (c), substituted a reference to adult county correctional facility Administrators for a reference to Jail Administrators; and in (g), substituted a reference to custody staff members for a reference to correctional officers.

10A:31-8.9 Center Control

(a) The Center Control shall coordinate all security and communication functions within the facility.

(b) The Center Control shall be staffed 24 hours a day.

(c) Access to the Center Control shall be limited to authorized staff members who shall enter this location from a secure area not accessible to unauthorized persons, such as by way of the sally-port.

(d) All security perimeter doors, Center Control entrances and cell block doors shall remain secure except during use or in an emergency situation.

(e) The Center Control shall be responsible for the following:

1. Inmate counts;
2. Key control;
3. Operational coordination;
4. Internal and perimeter security; and
5. Communications.

(f) The Center Control shall monitor, as warranted, the following systems:

1. Fire alarms;
2. Smoke and thermal detection;
3. Public address;
4. Radio; and

5. Other mechanical and electrical systems.

Recodified from 10A:31-8.7 by R.1994 d.484, effective September 19, 1994.
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

10A:31-8.10 Counts

(a) At the end of each work shift, a count shall be taken by the oncoming shift custody staff.

(b) Custody staff taking count shall convey count sheets to the area/individual designated in adult county correctional facility internal management procedures.

(c) Inmates assigned to cell blocks shall be in their respective cells during counts. During the count, custody staff shall verify that the inmates being counted are alive and not in an unsafe situation.

(d) No one except a custody staff member shall conduct a count.

(e) During the third shift hours, approximately 10 P.M. to 6 A.M., inmates shall be counted every half hour and the results of these counts shall be communicated to the central control area.

(f) The information contained on signed count slips shall be transposed to a master log located in the Center Control.

Recodified from 10A:31-8.8 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).
Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted references to custody staff for references to correctional officers throughout; rewrote (e); and in (f), inserted "signed" preceding "count".

Amended by R.2006 d.59, effective February 6, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

In (a), deleted "written"; rewrote (b).

10A:31-8.11 Inmate movements

(a) Inmates shall move about the adult county correctional facility in an orderly fashion to facilitate the maintenance of security and the orderly operation of the facility.

(b) Inmate movements shall be observed by custody staff located in strategic areas in order to:

1. Detect the occurrence of assaults;
2. Deter the passage of contraband;
3. Maintain security and order; and
4. Expedite the movement of inmates from one location to another.

Recodified from 10A:31-8.9 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).
Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b), substituted a reference to custody staff for a reference to correction officers.

10A:31-8.12 Custody staff posts

(a) Every adult county correctional facility shall develop written operating procedures for every post which shall include, but not be limited to, provisions for staffing and collapsing a post when operationally necessary. These procedures shall be reviewed and updated annually.

(b) Custody staff shall be required to sign for post orders and acknowledge that the content is understood.

(c) Custody staff posts shall be located immediately in or adjacent to inmate living areas.

(d) Custody staff shall not leave their assigned posts without being properly relieved unless authorized by the Administrator or designee.

(e) Under no circumstances shall a custody staff member be removed from his or her post to perform another function if such removal results in the post becoming unstaffed unless authorized by the Administrator or designee.

(f) Custody staff shall not respond to violent situations unless the custody staff have received prior approval from the Center Control.

(g) Post orders for each custody staff member working in a housing unit shall include a requirement that each inmate, who has been classified as being in need of close supervision, shall be observed as frequently as the adult county correctional facility Administrator or designee has determined to be necessary.

Recodified from 10A:31-8.10 by R.1994 d.484, effective September 19, 1994.

See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).
Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted a reference to custody staff for references to correction officers throughout.

Amended by R.2006 d.59, effective February 6, 2006.
See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote (a); in (d) and (e), added "unless authorized by the Administrator or designee"; in (e), substituted "unstaffed" for "unmanned."

10A:31-8.13 Electronic surveillance

(a) Observation through electronic surveillance systems may be used to observe special risk inmates and to observe inmates during movement and other activities and only when approved by the adult county correctional facility Administrator. Electronic surveillance shall not substitute for regular contact with staff members.

(b) Electronic surveillance should be utilized in such a manner as to avoid interference with the privacy of inmates, wherever possible.

3. Completion of release arrangement, including the person or agency to whom the inmate is to be released;
4. Return of inmate's personal property;
5. Verification that no facility property leaves with the inmate;
6. Completion of any pending action, such as grievances or claims for damages or lost possessions; and
7. Collection of restitution or fees owed to the facility.

Amended by R.1991 d.143, effective March 18, 1991.

See: 22 N.J.R. 3714(c), 23 N.J.R. 860(a).

Deleted list of types of inmates who should not be confined in same cell or living space.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a), added 7.

- viii. Physical illness;
- ix. Mental status;
- x. Confinement status, such as pretrial detainee or sentenced inmate; and
- xi. Security needs.

(b) The classification of inmates in the categories in (a) above may be modified based on the direct observation and supervision of individual inmates, and in such instances each classification decision shall be fully documented.

(c) The classification of State prisoners housed in county correctional facilities remains the responsibility of the New Jersey Department of Corrections.

(d) Segregation of inmates by race, color, creed, or national origin shall be prohibited.

Amended by R.1991 d.143, effective March 18, 1991.

See: 22 N.J.R. 3714(c), 23 N.J.R. 860(a).

Changed terms from "misdemeanors" and "felons"; also changed "first offenders" and "habitual criminals".

Amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Rewrote the section.

SUBCHAPTER 22. CLASSIFICATION

10A:31-22.1 Written classification policies and procedures

(a) Each adult county correctional facility shall develop written policies and procedures for classifying inmates which include the following:

1. The composition and responsibilities of the Classification Committee;
2. The initial classification of inmates;
3. The review of the classification of inmates; and
4. The reassignment or transfer of inmates from one program and/or facility to another.

10A:31-22.2 Classification and housing of inmates

(a) The classification and housing of inmates shall be based upon available space and either:

1. The objective classification scoring system; or
2. The reception classification system which shall be based upon the following factors regarding the inmate:
 - i. Gender;
 - ii. Age;
 - iii. Size;
 - iv. Offense;
 - v. Previous incarcerations;
 - vi. Aggressive and passive/dependent behavior;
 - vii. Problems, such as, but not limited to, alcoholism and drug addiction(s);

10A:31-22.3 Male and female inmates' access to programs and activities

Male and female inmates, depending on their custody levels, shall have equal access to all programs and activities, but integrated participation by male and female inmates in programs and activities is not required.

Recodified from N.J.A.C. 10A:31-22.4 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Text of former N.J.A.C. 10A:31-22.3, Segregation of inmates based upon race, color, creed or national origin, recodified to N.J.A.C. 10A:31-22.2(d).

10A:31-22.4 Initial classification

(a) Initial classification of sentenced inmates shall be completed within two weeks after admission from court or transfer from another institution, except where there are clear and convincing reasons to do otherwise.

(b) Wherever possible, inmates shall initially be assigned to an intake area until appropriately classified and medically screened pursuant to N.J.A.C. 10A:31-13.9.

Amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Recodified from N.J.A.C. 10A:31-22.5 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Former N.J.A.C. 10A:31-22.4, Male and female inmates' access to programs and activities, recodified to N.J.A.C. 10A:31-22.3.

10A:31-22.5 Classification hearing

All sentenced inmates shall be given 48 hours notice prior to their classification hearing and shall have the opportunity to appear and participate in their hearing.

Recodified from N.J.A.C. 10A:31-22.6 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Former N.J.A.C. 10A:31-22.5, Initial classification, recodified to N.J.A.C. 10A:31-22.4.

10A:31-22.6 Appeal of Classification Committee decision

All sentenced inmates shall be given the opportunity to appeal the decision of the Classification Committee to the adult county correctional facility Administrator or designee.

Recodified from N.J.A.C. 10A:31-22.7 and amended by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

Substituted a reference to the county correctional facility Administrator for a reference to the Jail Administrator. Former N.J.A.C. 10A:31-22.6, Classification hearing, recodified to N.J.A.C. 10A:31-22.5. Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted a reference to adult county correctional facilities for a reference to county correctional facilities.

10A:31-22.7 (Reserved)

Recodified to N.J.A.C. 10A:31-22.6 by R.2000 d.206, effective May 15, 2000.

See: 31 N.J.R. 3908(a), 32 N.J.R. 1772(a).

SUBCHAPTER 23. REMISSION OF TIME FROM SENTENCE

10A:31-23.1 Eligibility for cash or remission of time from sentence

(a) Inmates who are employed in productive occupations while incarcerated in an adult county correctional facility may receive compensation for such employment in the form of cash or remission of time from sentence or both (see N.J.S.A. 30:4-92).

1. An inmate employed under this section may receive remission of time from sentence not to exceed one day for each five days of productive occupation, but remission granted under this section shall not affect deductions for good behavior as otherwise provided by law.

2. In addition, all minimum security inmates who are considered sufficiently trustworthy to be employed in honor camps, farms or details, shall receive further remission of time from sentence at the rate of three days per month for each month of such employment.

(b) Inmates in adult county correctional facilities, who are employed in the community pursuant to N.J.A.C. 10A:31-25, Work Release Program, are eligible for diminution of

sentence as set forth in N.J.S.A. 30:8-50. The inmate may be granted a diminution of not more than one-quarter of his or her term if the inmate's conduct, diligence and general attitude meet such diminution.

(c) Inmates who are receiving credits while participating in a Work Release Program under (b) above may also, in appropriate circumstances, receive work credits under (a) above. Such additional credits may be granted only where the inmate engages in a productive occupation in the adult county correctional facility in addition to the inmate's participation in the Work Release Program.

(d) Any remission of time shall in no way affect deduction for good behavior as otherwise provided in N.J.S.A. 2A:164-24.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

10A:31-23.2 Records and audits

(a) The New Jersey State Department of Corrections shall periodically audit records pertinent to the remission of time or cash payments for periodic occupation or minimum security status of inmates. Such audits shall be conducted not less than annually.

(b) The remission of time or cash payment records shall indicate the following:

1. The dates the inmate was placed upon and removed from productive occupation and/or minimum security status;
2. The reason for removal from productive occupation or minimum security status;
3. The time the inmate earned while in productive occupation or on minimum security status; and
4. The cash remuneration, if any, the inmate received while in productive occupation.

(c) Individual records shall be maintained for each inmate placed in productive occupation or classified on minimum security status.

10A:31-23.3 Reports

(a) The adult county correctional facility Administrator shall submit an annual report to the New Jersey State Department of Corrections, Bureau of County Services.

(b) The annual report shall contain, but not be limited to, the following:

1. Statistics related to the remission of time for productive occupations and minimum security status of inmates; and/or