

CHAPTER 34

**NEW JERSEY MUNICIPAL AND COUNTY
CORRECTIONAL FACILITIES**

Authority

N.J.S.A. 30:1B-6, 30:1B-10, and 2A:4A-37.

Source and Effective Date

R.1992 d.193, effective April 6, 1992.
See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

Executive Order No. 66(1978) Expiration Date

Chapter 34, New Jersey Municipal and County Correctional Facilities, expires on April 6, 1997.

Chapter Historical Note

Chapter 34, originally County Correctional Facilities, was adopted prior to the creation of the Department of Corrections, by the Department of Institutions and Agencies as R.1975 d.300, effective October 15, 1975. See: 7 N.J.R. 506(c). With the formation of the Corrections Department on November 1, 1976, all rules of the former Division of Correction and Parole were transferred to the new executive agency. Subsequently, the Department of Corrections adopted rules on Adult County Correctional Facilities as R.1979 d.438, effective November 1, 1979. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e). The new rules were codified at N.J.A.C. 10A:31 (Chapter 31) and essentially replaced the former Chapter 34, which was repealed by R.1986 d.182, effective May 19, 1986. See: 17 N.J.R. 2525(a), 18 N.J.R. 1103(a).

The current text of Chapter 34, New Jersey Municipal and County Correctional Facilities, became effective with Subchapter 2, Minimum Standards for New Jersey Municipal Detention Facilities, adopted as R.1987 d.149, effective April 6, 1987. See: 18 N.J.R. 2412(a), 19 N.J.R. 548(a). Subchapter 3, Processing and Housing Juveniles in Municipal Detention Facilities, was adopted as R.1991 d.293, effective June 17, 1991. See: 23 N.J.R. 935(c), 23 N.J.R. 1945(b). Pursuant to Executive Order No. 66(1978), Chapter 34 was readopted as R.1991 d.193. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. (RESERVED)

**SUBCHAPTER 2. MINIMUM STANDARDS FOR
NEW JERSEY MUNICIPAL DETENTION
FACILITIES**

10A:34-2.1 Definitions

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

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

“Minimum standards” means the basic rules and regulations promulgated by the Department of Corrections for the construction and management of a municipal detention facility and for the care and treatment of persons who have been arrested.

**10A:34-2.2 Legal authority of the Department of
Corrections**

(a) N.J.S.A. 30:1B-10 grants the Commissioner of the Department of Corrections the authority to establish minimum standards for municipal detention facilities.

(b) The Commissioner of the Department of Corrections may, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., promulgate such rules and regulations as he or she shall deem necessary to establish minimum standards for the care, treatment, government and discipline of municipal detention facilities.

10A:34-2.3 Inspection of municipal detention facilities

(a) As provided by N.J.S.A. 30:1-15, the Department of Corrections has the authority to visit and inspect all municipal detention facilities.

(b) Each municipal detention facility shall be subject to visits by the Department of Corrections for the purpose of inspecting and observing the following:

1. Physical condition of the facility;
2. Management and operation methods; and
3. Physical care and treatment of arrestees.

(c) The municipal detention facility shall demonstrate to the satisfaction of the Department of Corrections that it complies with the rules in this subchapter which shall be interpreted as constituting minimum standards only.

10A:34-2.4 Minimum standard compliance or non-compliance procedure

(a) Upon completion of an inspection, the municipal detention facility shall be given written notice by the Department of Corrections of its compliance or non-compliance with these minimum standards.

(b) The municipal detention facility shall be given a period of time within which to come into compliance with any standard(s) which was rated in non-compliance.

(c) In accordance with N.J.S.A. 30:1-16, the Department of Corrections has the authority to institute a civil action in the appropriate county court or Superior Court to remedy improper conditions in a municipal detention facility.

(d) A written variance from Standards may be granted by the Department of Corrections in instances where:

1. The municipal detention facility is not in compliance with one or several of the requirements of the minimum standards; but
2. The municipal detention facility is in compliance with the general intent and purpose of the minimum standards; and
3. The Department has determined that to require the facility to comply strictly with all requirements of the minimum standards would result in an undue hardship to the overall management of the municipal detention facility.

10A:34-2.5 Codes, regulations and laws

(a) Municipal detention facilities shall be in conformance with all applicable public health and safety codes, set forth by the State of New Jersey, the county and municipality in which the facility is located.

(b) New construction, alterations, additions and repairs of municipal detention facilities shall comply with the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., the Uniform Construction Code Rules, N.J.A.C. 5:23-1.1 et seq., and with this subchapter.

(c) All municipal detention facilities shall be in compliance with the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq., in all aspects of fire safety.

10A:34-2.6 Notification of intent to construct or renovate a municipal detention facility

(a) A letter of intent to construct or renovate a municipal detention facility shall be submitted to the Chief, Bureau of County Services, Department of Corrections, by the authority responsible for the municipal detention facility.

(b) Upon receipt of the letter of intent, the Chief, Bureau of County Services, shall furnish technical assistance throughout the planning process to assure that the detention facility complies with this subchapter.

(c) All plans and specifications shall be submitted to the Chief, Bureau of County Services and copies also shall be submitted to any other authorities as required by law.

(d) Contracts for new construction, alterations, additions and repairs shall not be executed until final plan approval is received in writing from the Chief, Bureau of County Services and other authorities as required by law.

10A:34-2.7 Cells specifications

(a) Cells shall provide for single occupancy and, when feasible, shall be located in close proximity to the control area.

(b) Cells in new or renovated facilities shall have a minimum of 60 square feet of floor space, with a seven foot width and eight foot high ceiling.

(c) Cell walls shall be constructed of six inch reinforced concrete or eight inch concrete block filled with cement containing reinforcement rods every 12 inches.

(d) Cell ceilings shall be constructed of pre-cast concrete slabs or reinforced concrete.

(e) Cell floors shall be constructed of terrazzo or sealed concrete and shall be sloped to a drain outside of the cell.

(f) Cell fronts shall be constructed of six inch reinforced concrete or eight inch concrete block filled with cement containing reinforcement rods every 12 inches, or metal bars spaced not more than four inches on center. The bars shall be of a tool resistant type steel construction not less than seven-eighths inch thick.

(g) Cell doors shall be either barred or security type hollow core metal (minimum 12 gauge) steel. The doors shall slide or swing into the cell corridor and contain a standard food passage and pull type safety door handle. If barred, the doors shall be of a tool resistant type steel construction with the bars spaced not more than four inches on center and no less than seven-eighths inch thick. If the doors are security type hollow core metal, the doors shall provide an observation port of security glass at least nine-sixteenths inch thick or security type lexan at least one half inch thick. Doors shall be secured with detention type locks (preferably lever tumbler with paracentric keyway) with independent dead bolts.

(h) Natural light is recommended for each cell. All windows in the cell block area shall be of the approved security type (a tool resistant type steel frame with nine-sixteenths inch security glazing or one-half inch security type lexan).

(i) Each cell shall be numbered or lettered for proper identification.

Amended by R.1992 d.193, effective May 4, 1992.
See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).
Revised (f)-(h).

10A:34-2.8 Cell equipment

(a) Cells shall contain a steel bunk firmly affixed to the wall or floor or both. The use of a raised platform bunk in lieu of a steel bunk is acceptable. When sliding barred doors are utilized, the bunk shall be located no closer than 12 inches from the door.

(b) Bunks or raised platforms shall be topped with hardwood at least two inches thick or a fire retardant mattress which is approved by the State, county or local fire officials. Mattresses shall be provided for detainees confined overnight in those cells that have bunks or raised platforms topped with hardwood.

(c) Cells shall be equipped with a detention type toilet and lavatory with drinking font, preferably of stainless steel construction.

(d) Sanitary units shall be serviced via a chase located outside the cell and equipped with a shutoff valve.

(e) Cell equipment shall be secured with tamper-resistant screws.

(f) Approved security type light fixtures affording a minimum of 20 foot candle illumination shall be provided for each cell.

Amended by R.1988 d.583, effective December 19, 1988.
See: 20 N.J.R. 2442(b), 20 N.J.R. 3155(b).

Deleted (e); renumbered (f)-(g) as (e)-(f).
Amended by R.1992 d.193, effective May 4, 1992.
See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).
Revised (c).

10A:34-2.9 Holding rooms

(a) Holding rooms shall have a minimum of 100 square feet of floor space with eight foot high ceilings.

(b) Construction and equipment of holding rooms shall be the same as required in N.J.A.C. 10A:34-2.7 and N.J.A.C. 10A:34-2.8, except the bunk shall be either:

1. A steel bench firmly affixed to the floor, wall, or both; or
2. A raised concrete platform.

(c) The hardwood topping on the steel bench or concrete platform shall be firmly affixed.

Amended by R.1992 d.193, effective May 4, 1992.
See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).
Revised (b); added new (c).

10A:34-2.10 Cell corridors

(a) Cell corridors shall be at least four and one half feet in width.

(b) Security type light fixtures secured with tamper-resistant screws which afford a minimum of 20 foot candle illumination shall be provided.

(c) Corridor windows, if provided, shall be at least nine-sixteenths inch security glazing or one half inch security type lexan. If windows open, security screening shall be provided.

(d) Floors shall be constructed of terrazzo or sealed concrete and slope to a floor drain secured with a cover held in place by tamper-resistant screws.

(e) Exterior cell corridor walls shall be constructed of six inch reinforced concrete or eight inch concrete block filled with cement containing reinforcement rods every 12 inches.

(f) Cell corridor doors shall be either:

1. The hinged type (if hinged they shall swing outwardly); or
2. The slide type.

(g) Cell corridor ceilings in new or renovated municipal detention facilities shall be constructed of pre-cast concrete slabs or reinforced concrete.

(h) Cell corridor doors shall be constructed of either:

1. Solid wood;
2. Security type hollow core metal of 12 gauge steel;
or
3. Bars four inches on center.

(i) If hollow core metal or wood doors are used, they shall contain a vision port of nine-sixteenths inch security glass or one half inch security type lexan. Pull type safety handles shall be provided where necessary.

(j) An emergency panic button (not accessible to detainees) shall be provided.

(k) Heat and smoke detectors shall be installed as per the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq., and the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq. and the Uniform Construction Code Rules, N.J.A.C. 5:23-1.1 et seq.

(l) A telephone jack shall be provided in the cell corridor.

(m) A water outlet for cleaning of the cell block area shall be installed in the cell corridor.

Amended by R.1992 d.193, effective May 4, 1992.

See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

Added new (g); redesignated existing (g) through (l) as (h) through (m).

10A:34-2.11 Monitoring systems

(a) The need for an audio or audio/video system to monitor detainees shall be determined by the Department of Corrections based upon the design of the detention area.

(b) The monitoring systems provide an added measure of safety and security but shall not be used as a substitute for physical cell checks of detainees. The monitoring system shall remain activated at all times when detainees are present.

(c) If video is used for surveillance of the cells, care shall be taken that there is no intrusion of privacy in the area around the sanitary unit.

Amended by R.1992 d.193, effective May 4, 1992.

See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

Revised (b).

10A:34-2.12 Sallyport

(a) A vehicle sallyport area shall be provided for the transfer of prisoners to and from the municipal detention facility.

(b) The sallyport shall be in close proximity to the detention area and shall contain the following:

1. Interlocking doors;

2. Audio and video communication; and

3. Emergency alarm button.

(c) A weapons' locker shall be provided in the sallyport area or in a location convenient to the detainee entrance.

10A:34-2.13 Fire safety

(a) Fire suppression equipment shall be located in those areas specified by the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(b) Fire suppression equipment shall be serviced as required by New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(c) An automatic fire alarm and heat and smoke detection system shall be located in areas specified by the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(d) Automatic fire detection devices and alarm systems shall be tested according to a schedule set forth in the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(e) Exits shall be distinctly marked, unobstructed and operable. Exit signs shall be continuously illuminated and shall meet specifications set forth in the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq.

(f) A fire evacuation plan shall be developed in accordance with the New Jersey Fire Code, N.J.A.C. 5:18-3, and shall be reviewed and approved by local fire officials.

10A:34-2.14 Sanitation

(a) The detention facility shall develop written procedures for the control of vermin and pests.

(b) The detention facility shall develop written procedures which require daily sanitation inspections of all detention areas.

10A:34-2.15 Security and control

(a) A security inspection of the cell block area shall be conducted at least weekly and a written report submitted to the administrator or officer in charge of security.

(b) Cells, cell block and sallyport areas shall not be used as storage areas.

(c) Weapons shall be prohibited within the security perimeter of the cell block area.

(d) A key control system shall provide an accurate accounting of the location and possession of each key. All keys shall be numbered and the detention facility shall maintain at least one duplicate key for each lock.

(e) The municipal detention facility shall develop written procedures to be followed by staff in the event of an escape.

10A:34-2.16 Supervision and care of detainees

(a) Staff assigned to supervise detainees shall receive training in the supervision and care of detainees. Special training shall be provided for supervision and care of detainees of the opposite sex.

(b) Physical cell checks of detainees shall be made every 30 minutes.

(c) Closer surveillance, which includes cell checks at least every 15 minutes, shall be made for detainees who are:

1. Security risks;
2. Suicidal risks;
3. Demonstrating unusual or bizarre behavior; and/or
4. Exhibiting signs of mental illness.

(d) A record of the physical cell checks shall be maintained in a log book which shall contain, at the minimum, the following information on the detainee:

1. Full name;
2. Sex;
3. Date and time initially placed in cell;
4. Date and time of release;
5. Date and time of each physical cell check; and
6. Signature of staff member conducting physical cell checks.

(e) Detainees who are injured or who become ill while in custody shall be seen by a physician without delay. A record of the date and time of the medical visit shall be maintained. Seriously ill or injured detainees shall be transported immediately to the nearest hospital.

(f) Special medication shall be provided to detainees if the need is verified by a physician.

(g) If a detainee is confined during regular meal periods, the detainee shall be provided a meal.

(h) Telephone calls shall be permitted for the purpose of notifying relatives, obtaining legal representation, posting bail, etc. Long distance telephone calls may be made "collect".

Amended by R.1989 d.401, effective August 7, 1989.
See: 21 N.J.R. 969(b), 21 N.J.R. 2385(b).

Revised section to clarify meaning of closer surveillance. Restructured (b) and added new (c), changing time requirement regarding cell checks from "every 30 minutes" to "at least every 15 minutes." Recodified existing (c)-(g) as (d)-(h), with no change in text.

10A:34-2.17 Search of detainees

(a) Each detainee shall be thoroughly searched prior to placement in a cell.

(b) Searches shall be conducted by a staff member of the same sex as the detainee.

(c) Strip searches shall be conducted in accordance with N.J.S.A. 2A:161A-1 et seq.

10A:34-2.18 Housing of detainees

Male and female detainees shall be separated by sight and sound from each other.

10A:34-2.19 Suicide prevention and control

(a) Each municipal detention facility shall develop written policies and procedures to govern the identification, placement and monitoring of detainees who are deemed to be at a risk for suicide. These policies and procedures shall include, but not be limited to:

1. Evaluation procedures at admission;
2. Close observation procedures for those deemed at risk; and
3. Procedures for handling attempts to commit suicide.

Repeal and New Rule, R.1992 d.193, effective May 4, 1992.

See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

Section was "Juvenile detainees".

10A:34-2.20 Reporting deaths

(a) At the death of a detainee, notification shall be given by the Chief of Police to the Chief, Bureau of County Services, Department of Corrections, within three working days.

(b) Following this notification and within two weeks, a written report shall be submitted by the Chief of Police to the Chief, Bureau of County Services, Department of Corrections. This report shall contain, at minimum, the following information:

1. Detainee's name, age and sex;
2. Date and time of admission into the cell or holding room;
3. Reason for placement in cell or holding room;
4. Logbook entries noting the times of each physical cell check;
5. Circumstances surrounding the death; and
6. Findings of the investigating officer.

New Rule, R.1989 d.401, effective August 7, 1989.

See: 21 N.J.R. 969(b), 21 N.J.R. 2385(b).

10A:34-2.21 Written policy and procedures

(a) Each municipal detention facility shall be responsible for developing written policies and procedures consistent with this subchapter.

(b) All written policies and procedures shall be available during inspection by the New Jersey Department of Corrections.

New Rule, R.1992 d.193, effective May 4, 1992
See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

SUBCHAPTER 3. PROCESSING AND HOUSING JUVENILES IN MUNICIPAL DETENTION FACILITIES

Authority

N.J.S.A. 30:1B-6, 30:1B-10 and 2A:4A-37.

Source and Effective Date

R.1991 d.293, effective June 17, 1991.
See: 23 N.J.R. 935(c), 23 N.J.R. 1945(b).

10A:34-3.1 Definitions

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

“Delinquency” means the commission of an act by a juvenile which if committed by an adult would constitute:

1. A crime;
2. A disorderly persons offense or petty disorderly persons offense; or
3. A violation of any other penal statute, ordinance or regulation (see N.J.S.A. 2A:4A-23).

“Detention” means the temporary care of juveniles in physically restricting facilities pending court disposition (see N.J.S.A. 2A:4A-22c).

“Juvenile” means an individual who is under the age of 18 years (see N.J.S.A. 2A:4A-22a).

“Juvenile-family crisis” means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in:

1. A serious threat to the well-being and physical safety of a juvenile;
2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian;
3. Unauthorized absence by a juvenile for more than 24 hours from his home; or

4. A pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes. (See N.J.S.A. 2A:4-22g.)

“Municipal detention facility” means a holding or lockup facility, usually located in and operated by a municipal police department, which receives and temporarily detains for a brief period of time, juveniles who have been taken into custody who are awaiting release or transfer to other authorities.

“Secure detention” means physical detainment or confinement of a juvenile in a locked room, set of rooms, or cell, or physically securing a juvenile to a cuffing rail or other stationary object.

10A:34-3.2 Taking juveniles into custody

(a) Pursuant to N.J.S.A. 2A:4A-31, a juvenile may be taken into custody as follows:

1. Pursuant to an order or warrant of any court having jurisdiction; or
2. For delinquency, by a law enforcement officer when there has been no process issued by a court, pursuant to the laws of arrest and the Rules of Court.

(b) Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order of the court when:

1. The law enforcement officer has reasonable grounds to believe that the health and safety of the juvenile is seriously endangered and taking the juvenile into immediate custody is necessary for the protection of the juvenile;
2. The law enforcement officer has reasonable grounds to believe the juvenile has left the home and care of his or her parents or guardian without the consent of such persons; or
3. An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from out-of-home placement, provided, however, that in any case where the law enforcement officer believes that the juvenile is an “abused or neglected child” as defined in N.J.S.A. 9:6-8.21, the law enforcement officer shall handle the case pursuant to the procedure set forth in the act (see N.J.S.A. 9:6-8.21 et seq.).

(c) The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well-being of the juvenile.