

**CHAPTER 31**

**ADULT COUNTY CORRECTIONAL FACILITIES**

**Authority**

N.J.S.A. 30:1B-6, 30:1B-10 and P.L.1994, c. 153.

**Source and Effective Date**

R.1995 d.421, effective August 7, 1995.  
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 31, Adult County Correctional Facilities, expires on August 7, 2000.

**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 The chapter was repealed by R.1986 d.182, effective May 19, 1986.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 became effective November 1, 1979 as R.1979 d.438. See: 11 N.J.R. 284(a), 11 N.J.R. 627(e). Subchapter 4 was originally filed and became effective under the emergency provisions of the Administrative Procedure Act. See: 13 N.J.R. 467(a). The subchapter was subsequently readopted, effective August 21, 1981 as R.1981 d.358. See: 13 N.J.R. 434(b), 13 N.J.R. 596(a). Subchapter 5 became effective May 17, 1982 as R.1982 d.149. See: 14 N.J.R. 227(a), 14 N.J.R. 474(a). Chapter 31 expired on November 1, 1984 pursuant to Executive Order 66(1978) and a new rule was established on February 4, 1985 as R.1985 d.17. See: 16 N.J.R. 3284(a), 17 N.J.R. 312(a). Subchapter 6, Work Release Program, became effective July 7, 1986 as R.1986 d.261. See: 18 N.J.R. 604(a), 18 N.J.R. 1386(a).

Chapter 31 was repealed and new rules adopted as R.1990 d.140, effective March 5, 1990. Pursuant to Executive Order 66(1978), Chapter 31, Adult County Correctional Facilities, 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: Source and Effective Date.

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(d) In any case when a correction officer uses force to control inmates, the minimum force possible under the circumstances shall be used, consistent with facility procedures. Use of force shall be used only for the following reasons:

1. To defend one's self or others against physical assault;
2. To prevent serious damage to property;
3. To prevent escape;
4. To prevent or quell a riot or disturbance;
5. To prevent a suicide or attempted suicide; and
6. To enforce facility regulations or in situations where a ranking supervisory officer believes that the inmate's failure to comply constitutes an immediate threat to facility security or personal safety.

(e) Following the use of physical force, written reports shall be prepared and completed before the completion of the tour of duty by the correction officers involved.

(f) In no case shall force be considered justifiable as punishment or discipline.

(g) Custody personnel shall be prepared to justify the use of physical force.

Recodified from 10A:31-8.15 by R.1994 d.484, effective September 19, 1994.  
See: 26 N.J.R. 2841(a), 26 N.J.R. 3863(a).

## SUBCHAPTER 9. USE AND CONTROL OF SECURITY EQUIPMENT

### 10A:31-9.1 Determining equipment needs

Careful analysis of the physical plant, the inmate population profile, and other relevant factors shall be utilized in determining the equipment an adult correctional facility needs for maintaining effective security and a state of readiness to adequately respond to major disturbances.

### 10A:31-9.2 Control of equipment

Written procedures shall specify the level of authority required for access and use of equipment for maintaining security.

### 10A:31-9.3 Use of restraining equipment

(a) Restraining equipment may be used only in the following instances:

1. As a precaution against escape during transit;
2. For medical reasons by direction of a medical officer;

3. To prevent inmate injury or injury to others; or
4. To prevent property damage.

(b) Restraining equipment shall be used to prevent property damage only in instances when such use has been approved by the Jail Administrator or his or her designee.

(c) At no time shall an inmate be left without proper supervision while in restraints.

(d) Restraints shall not be used as punishment, or in any way that causes undue physical discomfort, inflicts physical pain or restricts the blood circulation or breathing of an inmate.

(e) Restraints shall be removed promptly when the reason for their initial use has ceased to exist or has sufficiently abated.

(f) In the event restraints are used, a written report by the correctional personnel involved shall be submitted to the appropriate supervisor before the end of the tour of duty.

### 10A:31-9.4 Key control

(a) A written ongoing control system shall govern the access, use and return of all adult county correctional facility keys.

(b) Facility keys shall be stored in a secure locker when not in use.

(c) There shall be at least one full set of facility keys, other than the keys in use, that is stored in a safe place. These keys shall be accessible only to appropriate facility personnel for emergency use.

(d) Inmates shall under no condition have access to any facility keys.

### 10A:31-9.5 Use and storage of chemical agents

(a) Tear gas, mace and related chemical agents may be used only as a last resort and under the strict supervision of the ranking supervisory officer with due consideration for the safety of inmates and staff. Following the use of chemical agents, a report shall be submitted to the Jail Administrator which gives the reason(s) for the use of chemical agents and the results achieved from such use.

(b) No member of the custody staff may carry or use chemical agents unless he or she has received appropriate training in chemical agent uses and effects.

(c) After each instance of use, individuals who have been exposed to chemical agents shall be given a medical examination and treatment as soon as possible.

(d) Chemical agents shall be safely stored in an arsenal which is readily available for emergency use, but outside the security perimeter.

(e) Periodic checks shall be made for leakage or other malfunctions which could interfere with the effective use of chemical agents in an emergency situation.

#### **10A:31-9.6 Storage of weapons**

(a) Firearms shall be located in an arsenal readily available in case of emergencies, but outside the security perimeter.

(b) All law enforcement officers entering the adult county correctional facility shall check their weapons at the facility's weapons collection station located outside the security perimeter.

(c) Weapons may be used only under orders of the Jail Administrator or his or her designee, in emergency situations in which any lesser degree of force would be ineffective, or would subject the correction officer to serious threat of injury.

(d) A strict accounting procedure governing the issue, use and return of weapons shall be developed by the designated staff person. This procedure shall include a record of the lethal and non-lethal projectiles expended.

(e) Any staff or inmate injured in an incident where a weapon is used shall receive an immediate medical examination and treatment.

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### **SUBCHAPTER 10. FOOD SERVICE**

#### **10A:31-10.1 Nationally recommended dietary allowance**

Each adult county correctional facility shall document that the system of dietary allowance is reviewed at least annually by a dietician, registered by the American Dietetic Association, to ensure compliance with nationally recommended food allowances as stated by the National Academy of Sciences.

#### **10A:31-10.2 Food service management**

A staff, experienced in food service management, shall be designated to be responsible for food service management and operations within the adult county correctional facility.

#### **10A:31-10.3 Menus**

(a) Menu evaluations shall be conducted and maintained at least quarterly by the adult county correctional facility food service supervisory staff to verify adherence to nationally recommended basic daily serving.

(b) The signature of a registered dietician on the menus shall indicate official approval of the nutritional adequacy of food served to inmates within the facility.

(c) All menus including special diets shall be planned, dated and available for review at least one week in advance.

(d) In any case when a food substitution is made, the food that is substituted shall be of equal nutritional value and a notation of the substitution shall be made on the menu.

(e) A file of tested recipes, adjusted to prepare the number of meals appropriate to the size of the facility, should be maintained on the premises of the facility.

#### **10A:31-10.4 Special diets or alternate foods**

(a) Provisions shall be made for special diets as prescribed by a physician or dentist of the adult county correctional facility.

(b) When the religious beliefs of an inmate(s) require the inmate(s) to adhere to dietary laws, provisions shall be made for alternate food items.

#### **10A:31-10.5 Serving of meals**

(a) Three meals, of which two are hot, shall be provided at regular meal times during each 24 hour period, and no more than 14 hours shall elapse between the evening and breakfast meals.

(b) All meals shall be served under direct supervision of staff members in order to ensure sanitary conditions and avoid favoritism, careless serving and waste.

(c) A uniform system to record the number, type and cost of meals served to inmates, staff and visitors shall be established and maintained.

(d) A sanitary space shall be provided for group dining. Meals shall not be served in cells unless it is necessary for purposes of safety or security and only if a small table, shelf and seating arrangement can be provided.

(e) Compartment type trays, bowls and cups shall be utilized.

#### **10A:31-10.6 Prohibited use of food for reward or discipline**

Food shall not be used as a reward, or as a disciplinary measure.

#### **10A:31-10.7 Medical examination of food service personnel**

(a) All food service personnel and inmates shall receive a pre-assignment medical examination to insure freedom from illnesses transmissible by food.

(b) All food service personnel and inmates shall receive a medical examination prior to resumption of duties if, for any reason, the inmate(s) or food service personnel have been away from the job for 30 days or more.

#### 10A:31-10.8 Personal hygiene of food service personnel

(a) All food service personnel shall maintain high standards of personal hygiene and comply with Federal, State and local laws and regulations for food handlers.

(b) All food handlers shall wash their hands upon reporting to duty and after using toilet facilities.

(c) A daily inspection of food handlers for cleanliness and to detect any illness or infection shall be conducted by the food service supervisor.

(d) Written documentation that food service personnel comply with applicable health regulations shall be available for review.

#### 10A:31-10.9 Inspection of food service areas and equipment

(a) A weekly inspection of all food service areas and equipment shall be conducted by administrative or dietary personnel.

(b) A daily check of refrigerator and water temperatures by administrative or dietary personnel shall be made.

(c) Written documentation that food service facilities and equipment meet established safety and protection standards and requirements shall be available for review.

#### 10A:31-10.10 Storage areas

(a) Sanitary temperature controlled storage areas for all foods shall be provided in:

1. Refrigerators and freezers;
2. Cool, dry storage areas; and
3. Lockable areas for pepper, nutmeg, vanilla, yeast, dry fruit, or other food additives which may be utilized to manufacture illegal products.

#### 10A:31-10.11 Security in the food service area

(a) Written procedures shall be developed and implemented that govern the safe and secure storage of all cutlery items and hazardous kitchen utensils.

(b) A designated staff person shall be accountable for maintaining an ongoing inventory of all cutlery items.

#### 10A:31-10.12 Budgeting, purchasing and accounting procedures

(a) The food service operation shall follow written budgeting, purchasing and accounting procedures to ensure nutritional and economical meals with minimum waste.

(b) When the adult county correctional facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with the State and local regulations regarding food service.

#### 10A:31-10.13 Written policies and procedures

Each adult county correctional facility shall develop written policies and procedures consistent with this subchapter.

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### SUBCHAPTER 11. SANITATION

#### 10A:31-11.1 Federal, State and local codes

Each adult county correctional facility shall comply with Federal, State and local sanitation, safety and health codes.

#### 10A:31-11.2 Housekeeping plan

Each adult county correctional facility shall develop a written housekeeping plan which shall include a cleaning schedule with staff members and inmates assigned to specific duties.

#### 10A:31-11.3 Daily sanitation inspections

(a) The Jail Administrator shall require daily sanitation inspections by a designated staff member utilizing a check list developed by the Jail Administrator and approved by the Department of Corrections.

(b) The completed inspection check list shall be submitted to the Jail Administrator or his or her designee.

#### 10A:31-11.4 Floors

The floors of each adult county correctional facility shall be kept clean, dry and free from hazardous substances.

#### 10A:31-11.5 Control of vermin and pests

(a) Each adult county correctional facility shall make arrangements for the control of vermin and pests.

(b) Licensed pest control professionals shall be used at least once per month to clean or fumigate the facility.