

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

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

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

10A:3-9.2 Transporting inmates by aircraft

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

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

(a) State-owned vehicles used to escort medium, maximum or close custody inmates shall be equipped with protective screening devices to separate inmates from the driver. Opening devices on the inner rear doors and windows of passenger sedans shall be made inoperable. The rear door locking mechanism shall be modified so that it is redirected, making it accessible to the officer only when the front door is open.

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

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

1. Windows or small ports must be protected by security screens or metal bars;
2. Security screen barricades with gates and locks must be located between driver and inmates;
3. A section of the rear of the bus must be screened off for baggage storage;
4. Transportation officer(s) must be seated with a clear view of the bus compartment; and
5. The vehicle must be equipped with one ten pound fire extinguisher (ABC Class).

(d) Vehicles used to transport medium, maximum or close custody inmates shall be thoroughly searched for contraband by the escorting officer(s) before being used.

(e) Officers escorting inmates shall be provided by Central Medical/Transportation, the Interstate Escort Unit or the correctional facility as appropriate, with necessary mechanical restraints.

1. The use of mechanical restraints shall be governed by N.J.A.C. 10A:3-3.

2. FAA regulations and individual airline rules govern the use of mechanical restraints while in aircraft flight.

(f) Upon arrival at a courthouse, leg restraints shall not be removed until the inmate has been placed in a secure area of the facility. Restraint belts and handcuffs shall not be removed unless otherwise ordered by the court. Immediately at the conclusion of the hearing, handcuffs and restraint belts that were removed by order of the court shall be replaced on the inmate.

(g) Officers escorting medium, maximum or close custody inmates shall always be armed with State issued weapons and ammunition. Any use of deadly force shall be governed by N.J.A.C. 10A:3-3.

(h) When escorting medium, maximum or close custody inmates, the ratio of escorting officers to inmates shall be two officers to transport from one to five inmates in a vehicle unless security issues, such as, but not limited to, an inmate's(s') propensity to acts of violence or escape, require a larger number of escorting officers.

(i) Written procedures shall be developed by Central Medical/Transportation and each correctional facility regarding the security and staffing arrangements required when transporting inmates.

(j) When transporting inmates outside of a correctional facility, at least one correction officer shall be of the same sex as the inmate(s) being escorted. Additional correction officers may be assigned regardless of gender.

(k) Only properly trained escorting officers may transport medium, maximum or close custody inmates. Such escort officers shall have been fully trained in the following areas:

1. Use of weapons and restraint equipment;
2. Effective search for contraband of inmates, their personal property and transportation vehicles, and
3. Any other activities required to successfully complete a transportation assignment.

(l) An inmate shall be strip searched by the escorting officer(s) prior to the trip and at any time after the inmate has been out of their sight. Strip searching upon return to the correctional facility/unit or delivery to the receiving correctional facility/unit is the responsibility of that correctional facility/unit. See N.J.A.C. 10A:3-5.

(m) The strip search of an inmate(s), as part of the transportation process, shall be conducted in compliance with the provisions of N.J.A.C. 10A:3-5.

Amended by R.1990 d.536, effective November 5, 1990.
See: 22 N.J.R. 2223(a), 22 N.J.R. 3379(a).

Specified at least one same sex officer must be present for transportation and new (l) specified strip search rule compliance.
 Amended by R.1997 d.41, effective January 21, 1997.
 See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).
 Substantially amended section.

10A:3-9.4 Transporting reduced custody inmates

(a) The Superintendent or his or her designee shall make a determination with respect to the specific staffing and security arrangements required when transporting a reduced custody inmate. In these cases, a careful review shall be made of the individual case to determine the most appropriate staffing and security arrangements for each trip.

(b) Transportation of minimum custody inmates in work/study release, furlough program and other such programs shall be done in accordance with appropriate Department rules.

(c) The searching of inmates shall be in accordance with the requirements of N.J.A.C. 10A:3-5 SEARCH OF INMATES AND FACILITIES.

10A:3-9.5 Transportation documents

(a) Prior to accepting escort responsibility for any inmate, escorting officers shall be informed of the following: inmate's name and number, destination, custody designation, unusual medical, emotional, or mental conditions for which there is a need to know. Escorting officers shall also be provided appropriate medical information setting forth any prescribed medication or instructions for special handling when transporting inmates with medical or psychiatric conditions.

(b) Prior to escort to court and on inter-facility transfers, the escorting officer shall ensure that he or she has all documents necessary to obtain custody and/or to effect delivery of the inmate being escorted.

(c) Officers escorting an inmate on court trips shall ensure that the order to produce and Form 002 are completed by the officer of the court and returned to the parent correctional facility.

(d) All escorting officers shall carry the official badge and photo identification card of the New Jersey Department of Corrections and the official State of New Jersey Firearms Unit Weapons Card.

Amended by R.1997 d.41, effective January 21, 1997.
 See: 28 N.J.R. 4840(a), 29 N.J.R. 356(a).
 Substantially amended section.

10A:3-9.6 Recall to court

(a) An inmate shall only be produced in court by a writ of habeas corpus, writ of habeas corpus ad testificandum, post conviction relief order, or other order to produce which is to be received by Central Medical/Transportation 48 business hours prior to the scheduled court appearance.

1. It shall be improper to produce an inmate in court on a subpoena only.

2. Writs of habeas corpus must be signed by either a New Jersey State Superior Court judge or a Federal court judge. No other writs to produce shall be honored.

3. Questions concerning the validity of any writ shall be referred to the Office of the Assistant Commissioner, Division of Operations, Department of Corrections.

4. Any requests for exception to this policy shall be referred to the Office of the Assistant Commissioner, Division of Operations.

(b) A county may send its own county escorting officers to pick up an inmate at any time provided the county escorting officers have an appropriate writ for the inmate with them.

Amended by R.1993 d.435, effective September 7, 1993.

See: 25 N.J.R. 2820(a), 25 N.J.R. 4105(b).

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

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

In (a), substituted "Central Medical/Transportation" for "correctional facility" and "48 business hours" for "48 hours".

10A:3-9.7 Inmate supervision

(a) During escort, inmates shall be carefully guarded to prevent escape and receipt of contraband.

(b) No communication between inmate and public shall be permitted at any time during escort.

(c) An inmate's special requests during escort not related to the purpose of the trip shall not be honored. The inmate shall be immediately returned to the correctional facility upon completion of the trip's purpose.

(d) If, while at court, the judge approves an interview of the inmate with the attorney, the escorting officer shall be present during the interview. The escorting officer shall not monitor the attorney-client conversation.

(e) In accordance with N.J.A.C. 10A:18-7, an inmate shall be taken directly to the destination of a bedside, private viewing, or funeral visit. Side trips for any purpose shall not be permitted. An inmate on such a trip shall not be allowed out of sight of the escorting officer.

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

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

In (e), inserted N.J.A.C. reference.

10A:3-9.8 Emergencies

Escorting officers shall immediately notify the Superintendent or his or her designee, if an emergency arises during the transportation of an inmate. If time or other considerations make it impossible to contact the Superintendent, the local law enforcement authorities may be notified by the escorting officer without prior clearance by the Superintendent.