

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).

Amended by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Deleted provisions relating to cell corridor doors constructed of bars and to heat and smoke detectors.

Recodified from 10A:34-2.10 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.8.

10A:34-2.10 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).

Recodified from 10A:34-2.11 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.9.

Case Notes

Arrestee failed to show that city maintained policy or custom of deliberate indifference as to intoxicated and potentially suicidal detainees, thus precluding his civil rights claim; arrestee, although not subject to suicide watch, was checked every 15 minutes as required by department suicide protocol, monitoring systems of cells complied with applicable regulations, and arrestee failed to point to any regulation requiring medical examination due to his intoxication. *Vallejo by Morales v. Rahway Police Dept.*, 292 N.J. Super. 333, 678 A.2d 1135 (A.D.1996).

10A:34-2.11 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.

Recodified from 10A:34-2.12 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.10.

10A:34-2.12 Sanitation

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

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

Recodified from 10A:34-2.14 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former section, "Fire safety", repealed.

Recodified from 10A:34-2.13 and amended by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

In (a) and (b), inserted "municipal" preceding "detention facility". Former section recodified to N.J.A.C. 10A:34-2.11.

10A:34-2.13 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.

Recodified from 10A:34-2.15 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.14, "Sanitation", recodified to 10A:34-2.13.

Recodified from 10A:34-2.14 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.12.

10A:34-2.14 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.
Recodified from 10A:34-2.16 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.15, "Security and control", recodified to 10A:34-2.14.

Recodified from 10A:34-2.15 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.13.

10A:34-2.15 Search of persons detained, arrested or lawfully confined

(a) Each person detained, arrested or lawfully confined to a municipal detention facility shall be thoroughly searched prior to placement in a cell.

(b) Searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the person.

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

(d) All objects or property in the possession of the person detained, arrested or lawfully confined in a municipal detention facility, whether the objects or property are opened or closed, shall be thoroughly searched and an inventory of the contents prepared. A copy of the inventory shall be provided to the person confined in the municipal detention facility.

Recodified from 10A:34-2.17 and amended by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.16, "Supervision and care of detainees", recodified to 10A:34-2.15.

Recodified from 10A:34-2.16 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.14.

10A:34-2.16 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 a municipal detention facility shall not be subject to a strip search unless:

1. The search is authorized by a warrant or consent; or
2. The search is based on reasonable suspicion that the person is concealing a weapon, contraband or evidence of a crime; and
 - i. The search is authorized by the officer in charge; or
 - ii. Exigent circumstances require immediate action to prevent bodily harm and these circumstances prevent obtaining a search warrant or approval of the officer in charge.

(b) Strip searches shall be conducted, in private, by a person of the same sex.

New Rule, R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.17, "Search of detainees", recodified to 10A:34-2.16.

Recodified from 10A:34-2.17 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.15.

10A:34-2.17 Strip searches of a person(s) lawfully confined in municipal detention facility who is charged with committing a crime

(a) The person authorized to conduct a strip search on a person lawfully confined in a municipal detention facility shall obtain the approval of the officer in charge to conduct the search.

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

1. The officer in charge authorizes confinement in a municipal detention facility or transfer to an adult county correctional facility; and

2. The officer in charge authorizes the search; and

i. A search warrant has been issued authorizing the strip search; or

ii. The person lawfully confined has voluntarily consented to the search; or

iii. There is reasonable suspicion to believe that the person is concealing a weapon, contraband or controlled dangerous substances; or

iv. The person lawfully confined will be placed under psychological observation or suicide watch.

(c) The authorized strip search of a person who has been confined in a municipal detention facility for the commission of a crime shall be conducted, in private, by a person of the same sex.

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

1. Body vermin;

2. Cuts;

3. Bruises;

4. Needle scars; and

5. Other injuries, where appropriate.

(e) Under exigent circumstances, a strip search may be conducted by a person of the opposite sex and/or in the presence of only those officers deemed necessary for security of the opposite sex as ordered by the officer in charge.

New Rule, R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.18, "Housing of detainees", recodified to 10A:34-2.22.

Recodified from 10A:34-2.18 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.16.

10A:34-2.18 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 shall not be subject to a body cavity search unless:

1. The search is authorized by a warrant or consent; and

2. The search is authorized by the officer in charge.

(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; and

4. In the presence of only those officers deemed necessary by the officer in charge for security, who are of the same sex as the detained or arrested 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 an officer 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 if the officer in charge has authorized a body cavity search based on a duly authorized search warrant or a valid consent of the person involved.

(e) In the event the officer in charge, 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 police are not able to obtain a search warrant for the search, and that person refuses to permit contraband removal, the person may be placed in isolation. During isolation, that person may be kept under visual surveillance to detect removal or elimination of the contraband.

New Rule, R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.19, "Suicide prevention and control", recodified to 10A:34-2.23.

Recodified from 10A:34-2.19 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.17.

10A:34-2.19 Body cavity searches of a person(s) lawfully confined in a municipal detention facility who is charged with committing a crime

(a) Under no circumstances may a body cavity search be conducted on a person who is lawfully confined in a municipal detention facility unless:

1. A reasonable suspicion exists that contraband will be found in a body cavity;

2. The officer in charge authorizes such a search; and

3. There is either a search warrant authorizing the search or a consent authorizing the search.

(b) In the event the officer in charge authorizes a body cavity search that is supported by a search warrant authorizing the search or a valid consent authorizing the search, the lawfully confined person shall be escorted immediately to the hospital utilized by the municipal detention facility or other medically acceptable environment, and removal of contraband shall be conducted:

1. By a physician or registered nurse of the same sex as the lawfully confined person; and
2. Under sanitary conditions.

(c) The lawfully confined person may:

1. Remove the object in the presence of the physician or registered nurse, and officer(s) assigned by the officer in charge to provide the security, if necessary; or
2. Be examined by the physician or registered nurse who may remove the object without the use of force.

(d) If the officer in charge authorizes a body cavity search based on a duly authorized search warrant or a valid consent, the foreign object which contains metal may be removed only by the physician with or without the use of force.

(e) In the event the officer in charge, the physician, or the registered nurse has determined that nonmetal contraband is being concealed in the body cavity of the lawfully confined person, and police are not able to obtain a search warrant for the body cavity search, and the person refuses to permit contraband removal, the person may be placed in isolation. During isolation, that person may be kept under visual surveillance to detect removal or elimination of the contraband.

New Rule, R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.20, "Reporting deaths", recodified to 10A:34-2.24.

Recodified from 10A:34-2.20 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.18.

10A:34-2.20 Reports regarding strip or body cavity searches

(a) The person who performs the strip search or authorizes 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 the reasonable suspicion or probable cause for the search;
2. A copy of the search warrant, if appropriate;
3. A copy of the consent form, if appropriate;

4. The name of the officer in charge who authorized the search;

5. The name(s) of the officer(s) present during the search and the reason for his or her presence;

6. The name(s) of the person(s) conducting the search;

7. An inventory of any item(s) found during the search;

8. The reason for use of force, if necessary; and

9. An explanation of the exigent circumstances which required immediate action for the search to be conducted as an exception to the regulations including the reason(s) why a search warrant could not be obtained.

(b) Reports regarding strip search or body cavity search shall not be deemed public records, but, upon request, shall be made available to:

1. The Commissioner, New Jersey Department of Corrections;
2. The Attorney General;
3. The county prosecutor;
4. The municipal detention facility officer in charge; and/or
5. The person searched.

New Rule, R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Former N.J.A.C. 10A:34-2.21, "Written policy and procedures", recodified to 10A:34-2.25.

Recodified from 10A:34-2.21 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.19.

10A:34-2.21 Housing of detainees

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

Recodified from 10A:34-2.18 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Recodified from 10A:34-2.22 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.20.

10A:34-2.22 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".

Recodified from 10A:34-2.19 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Recodified from 10A:34-2.23 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.21.

10A:34-2.23 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).

Recodified from 10A:34-2.20 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Recodified from 10A:34-2.24 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.22.

10A:34-2.24 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).

Recodified from 10A:34-2.21 by R.1996 d.405, effective August 19, 1996.

See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Recodified from 10A:34-2.25 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).

Former section recodified to N.J.A.C. 10A:34-2.23.

10A:34-2.25 (Reserved)

Recodified to 10A:34-2.24 by R.1997 d.129, effective March 17, 1997 (operative April 6, 1997).

See: 29 N.J.R. 298(a), 29 N.J.R. 886(a).