State of New Jersey
Department of Corrections

New Jersey Administrative Code

Chapter 34

New Jersey Municipal Detention Facilities

Effective: December 23, 2014

CHAPTER 34

NEW JERSEY MUNICIPAL DETENTION FACILITIES

Authority

N.J.S.A. 30:1B-6 and 30:1B-10; and the Federal Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§ 15601 et seq.

Source and Effective Date

R.2015 d.020, effective December 23, 2014.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).

Chapter Expiration Date

Chapter 34, New Jersey Municipal Detention Facilities, expires on December 23, 2021.

Chapter Historical Note

Chapter 34, County Correctional Facilities, was adopted as 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 Department of Corrections on November 1, 1976, all rules of the Department of Institutions and Agencies, Division of Correction and Parole, were transferred to the Department of Corrections. The Department of Corrections adopted N.J.A.C. 10A:31, 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 The new rules at adopted N.J.A.C. 10A:31 replaced Chapter 34, County Correctional Facilities, which was repealed by R.1986 d.182, effective May 19, 1986.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).

Chapter 34, New Jersey Municipal and County Correctional Facilities, was adopted as Subchapter 2, Minimum Standards for New Jersey Municipal Detention Facilities, by 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, New Jersey Municipal and County Correctional Facilities, was readopted as R.1992 d.193, effective April 6, 1992. See: 24 N.J.R. 683(a), 24 N.J.R. 1796(a).

Chapter 34, New Jersey Municipal and County Correctional Facilities, was renamed New Jersey Municipal Detention Facilities by R.1996 d.405, effective August 19, 1996. See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.1997 d.129, effective February 21, 1997. See: 29 N.J.R. 298(a), 29 N.J.R. 886(a). As part of R.1997 d.129, effective March 17, 1997 (operative April 6, 1997), Subchapter 1, General Provisions, was adopted as new rules and Subchapter 3, Processing and Housing Juveniles in Municipal Detention Facilities, was repealed.

Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.2002 d.206, effective June 7, 2002. See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).

Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.2007 d.225, effective June 27, 2007. As a part of R.2007 d.225, Subchapter 2, Minimum Standards for New Jersey Municipal Detention Facilities, was renamed Inspection and Minimum Standards for New Jersey Municipal Detention Facilities and Subchapter 3, Security and Control, and Subchapter 4, Supervision and Care of Detainees, were adopted as new rules via recodification of various sections of former Subchapter 2, effective August 6, 2007. See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 34, New Jersey Municipal Detention Facilities, was scheduled to expire on June 27, 2014. See: 43 N.J.R. 1203(a).

Chapter 34, New Jersey Municipal Detention Facilities, was readopted as R.2015 d.020, effective December 23, 2014. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:34-1.1 Purpose

(a) The purpose of this chapter is to establish the minimum standards for the:

1. Planning, design, inspection, and construction of new adult municipal detention facilities or renovation of existing facilities; and

2. Administration of adult municipal detention facilities. These minimum standards include guidelines for:

i. Security and control; and

ii. The supervision and care of detainees.

Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (a), rewrote the introductory paragraph and deleted "Establish the minimum criteria for the" in 1 and 2.
Amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In (a)1, inserted ", inspection,"; in (a)2, inserted "These minimum standards include guidelines for:"; and added (a)2i and (a)2ii.

10A:34-1.2 Scope

This chapter shall be applicable to the New Jersey Department of Corrections, the Office of County Services, and all adult municipal detention facilities.

Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
Substituted "Office" for "Bureau".

10A:34-1.3 Definitions

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

"Body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

"Canine search" means a search conducted by a canine team consisting of a handler(s) and a dog(s) specially trained to discover and indicate to the handler(s) the presence of various substances and/or materials.

"Commissioner" means the Commissioner of the New Jersey Department of Corrections.

"Contraband" means:

1. Any item, article or material which is not authorized for retention or receipt, found in the possession of, or under the control of, a person who has been detained, arrested or lawfully confined; and/or

2. Any article that may be harmful or presents a threat to the security and orderly operation of a municipal detention 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 municipal detention facility regulations;

v. Hazardous or poisonous chemicals and gases;

vi. Unauthorized drugs and medications;

vii. Medicines dispensed or approved by the municipal detention 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. Electronic communication devices.

"Crime" means an indictable offense or equivalent in another state.

"Custody staff member in charge" means the law enforcement officer in charge of the municipal detention facility.

"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.

"Exigent circumstances" means the probable cause to believe that the person is concealing a weapon, contraband or evidence of crime, and circumstances prevent obtaining a search warrant.

"Lawfully confined" means custodial confinement in a municipal detention facility, county correctional facility or a Department of Corrections facility.

"Licensed medical professional" means an appropriately licensed health care provider who is a physician, registered nurse, nurse practitioner or physician assistant.

"Minimum standards" means this chapter, the rules 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.

"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.

"Offense other than a crime" means a non-indictable offense or equivalent in another state.

"Pat search" means a thorough search of a fully-clothed inmate, including the clothing and personal property in the inmate's possession.

"Probable cause" means reasonable ground(s) of suspicion, supported by circumstances sufficiently strong to warrant a cautious person to believe that criminal activity is taking place.

"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.

"Scanning/testing device" means a mechanical and/or electronic instrument used to identify or to detect certain substances and materials.

"Scanning/testing device search" means a search of a person or object by exposure to a mechanical and/or electronic instrument used to detect certain substances and materials.

"Strip search" means the removal or rearrangement of clothing to permit the visual inspection of the person's undergarments, buttocks, anus, genitals, or breasts.

Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Inserted "Custody staff member in charge" and deleted "Officer in charge".
Amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In the introductory paragraph, substituted a colon for the period at the end; added definitions "Canine search", "Commissioner", "Electronic communication device", "Pat search", "Scanning/testing device" and "Scanning/testing device search"; in definition "Contraband", in the introductory paragraph of subsection 2, substituted "that" for "which", in subsection 2viii, deleted "and" from the end, in subsection 2ix, substituted "; and" for a period at the end, and added subsection 2x; and in definition "Strip search", substituted "to permit" for "and".
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
Added definitions "Crime", "Licensed medical professional", "Offense other than a crime", "Probable cause" and "Reasonable suspicion".

10A:34-1.4 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 shall be deemed necessary to establish minimum standards for the care, treatment, government and discipline of persons confined in municipal detention facilities.

Recodified from 10A:34-2.2 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 (b), inserted text "persons confined in". Section was "Definitions".
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (b), substituted "as shall be deemed" for "as he or she shall deem" prior to "necessary".
Recodified from N.J.A.C. 10A:34-2.1 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

10A:34-1.5 Written policy and internal management procedures

(a) Designated staff at each municipal detention facility shall be responsible for developing written policies and internal management procedures consistent with this chapter.

(b) All written policies and internal management procedures shall be available during inspection by designated staff of 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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Inserted "internal management" preceding "procedures" throughout.
Recodified from N.J.A.C. 10A:34-2.24 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In (a), substituted "Designated staff at each" for "Each" and "chapter" for "subchapter"; and in (b), inserted "designated staff of".

10A:34-1.6 Records designated confidential

(a) In addition to records designated as confidential pursuant to the provisions of N.J.S.A. 47:1A-1 et seq., any other law, rule promulgated under the authority of any statute or Executive Order of the Governor, resolution of both houses of the Legislature, Executive Order of the Governor, Rules of Court or any Federal law, Federal regulation or Federal order, the following records shall not be considered government records subject to public access pursuant to N.J.S.A. 47:1A-1 et seq.:

1. Informant documents and statements;

2. Internal Affairs/investigative unit investigations records and reports, provided that redaction of information would be insufficient to protect the safety of any person or the safe and secure operation of a detention facility;

3. A record, which consists of any alcohol, drug or other substance abuse information, testing, assessment,

evaluation, report, summary, history, recommendation or treatment, including any assessment instruments;

4. Any information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation;

5. A report or record relating to an identified individual, which, if disclosed, would jeopardize the safety of any person or the safe and secure operation of the detention facility or other designated place of confinement;

6. Comprehensive criminal history information (rap sheet);

7. Records of another department or agency allocated to that department in the possession of the Department of Corrections when those records are made confidential by a rule of that department or agency allocated to that department adopted pursuant to N.J.S.A. 47:1A-1 et seq., and Executive Order No. 9 (1963) or pursuant to another law authorizing the department or agency to make records confidential or exempt from disclosure; or

8. The Department of Corrections Disaster/Terrorism Contingency Report.

(b) An inmate shall not be permitted to inspect, examine or obtain copies of documents concerning any other inmate.

New Rule, R.2011 d.040, effective February 7, 2011.
See: 42 N.J.R. 2305(a), 43 N.J.R. 308(a).

SUBCHAPTER 2. INSPECTION AND MINIMUM STANDARDS FOR NEW JERSEY MUNICIPAL DETENTION FACILITIES

10A:34-2.1 Inspection of municipal detention facilities

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

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

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 Commissioner or designee that the facility complies with the rules in this subchapter that shall be interpreted as constituting minimum standards only.

Recodified from 10A:34-2.3 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:34-2.1.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (b), deleted "following" at the end of the introductory paragraph.
Recodified from N.J.A.C. 10A:34-2.2 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In (a), inserted "Commissioner of the" and "to designate Departmental staff"; in the introductory paragraph of (b), inserted "staff designated by the Commissioner of"; and in (c), substituted "Commissioner or designee" for "Department of Corrections", "the facility" for "it" and "that" for "which".
Former N.J.A.C. 10A:34-2.1, Legal authority of the Department of Corrections, recodified to N.J.A.C. 10A:34-1.4.

10A:34-2.2 Minimum standard compliance or non-compliance procedure

(a) Upon completion of an inspection, the municipal detention facility shall be given written notice by the Commissioner or designee of facility compliance or noncompliance 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) that was rated in non-compliance.

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

(d) In accordance with the applicable provisions of N.J.A.C. 10A:1-2, the Commissioner or designee may exempt a municipal detention facility from adherence to a rule regarding minimum standards 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 Commissioner or designee 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.

Recodified from 10A:34-2.4 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 (d), substituted "minimum standards" for "Standards". Former section recodified to N.J.A.C. 10A:34-2.2.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (d), rewrote the introductory paragraph.
Recodified from N.J.A.C. 10A:34-2.3 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In (a), substituted "Commissioner or designee of facility" for "Department of Corrections of its"; in (b), substituted "that" for "which" following "standard(s)"; in (c), substituted "Commissioner" for "Department of Corrections" and deleted "county court or" preceding "Superior Court"; in (d), substituted "Commissioner or designee" for "Department

of Corrections"; and in (d)3, substituted "Commissioner or designee" for "Department".
Former N.J.A.C. 10A:34-2.2, Inspection of municipal detention facilities, recodified to N.J.A.C. 10A:34-2.1.

10A:34-2.3 Compliance with orders from a court of jurisdiction, codes, regulations, and laws

(a) Municipal detention facilities shall be in conformance with all applicable public health, fire, safety, and sanitation codes set forth by the State of New Jersey and 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, and with this subchapter.

(c) All municipal detention facilities shall be in compliance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70, in all aspects of fire safety.

(d) All municipal detention facilities shall be in compliance with orders from a court of jurisdiction; applicable Federal and State codes, rules, regulations, and laws; and county and municipal codes and ordinances, all as amended and supplemented.

Recodified from 10A:34-2.5 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:34-2.3.
Administrative change.
See: 32 N.J.R. 1772(b).
Recodified from N.J.A.C. 10A:34-2.4 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Compliance with codes, regulations and laws". Added (d).
Former N.J.A.C. 10A:34-2.3, Minimum standard compliance or non-compliance procedure, recodified to N.J.A.C. 10A:34-2.2.
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
Section was "Compliance with orders from a court jurisdiction, codes, regulations and laws". In (a), substituted ", fire," for the first occurrence of "and" and "and" for a comma following "Jersey", inserted ", and sanitation", and deleted a comma following "codes"; in (b), inserted a comma following "additions", substituted " rules" for "Rules", and updated the N.J.A.C. reference; and in (d), substituted a semicolon for ", and" following "jurisdiction" and "; and county and municipal codes and ordinances, all" for a comma following "laws", and inserted "rules,".

10A:34-2.4 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 Director, Office of Community Programs and Outreach Services or designee, Department of Corrections, by the authority responsible for the municipal detention facility.

(b) Upon receipt of the letter of intent, the Director, Office of Community Programs and Outreach Services or designee, 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 Director, Office of Community Programs and Outreach Services or designee 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 Director, Office of Community Programs and Outreach Services or designee and other authorities as required by law.

Recodified from 10A:34-2.6 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:34-2.4.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted "Coordinator" for "Chief" throughout.
Recodified from N.J.A.C. 10A:34-2.5 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.4, Compliance with codes, regulations and laws, recodified to N.J.A.C. 10A:34-2.3.
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
Substituted "Director, Office of Community Programs and Outreach Services or designee" for "Coordinator, Bureau of County Services" throughout.

10A:34-2.5 Cell construction 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 vertical reinforcement rods every 12 inches or prefabricated steel, having a minimum 3/16" steel plate, provided that a professional engineer licensed in the State of New Jersey shall stamp and sign the cell drawing submitted attesting to the integrity and constructability of the modular cells.

(d) Cell ceilings shall be constructed of pre-cast concrete slabs, reinforced concrete, or prefabricated steel, which meets the criteria set forth in (c) above.

(e) Cell floors shall be constructed of terrazzo, sealed concrete, or prefabricated steel, which meets the criteria set forth in (c) above, 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 vertical reinforcement rods every 12 inches or prefabricated steel, which meets the criteria set forth in (c) above.

(g) Cell doors shall be security type hollow core metal (minimum 12 gauge) steel. The doors shall slide or swing into the cell corridor and shall contain a standard food pass/cuff port, a pull type safety door handle and 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 and 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).
Amended by R.1996 d.405, effective August 19, 1996.
See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).
In (f) and (g) eliminated references to bars in cell fronts and doors, and in (g) substituted a food pass/cuff port for a food passage.
Recodified from 10A:34-2.7 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:34-2.5.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (c) and (f), inserted "vertical" preceding "reinforcement rods".
Recodified from N.J.A.C. 10A:34-2.6 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.5, Notification of intent to construct or renovate a municipal detention facility, recodified to N.J.A.C. 10A:34-2.4.
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
Section was "Cells construction specifications". Rewrote (c) through (f).

10A:34-2.6 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.

(g) Ventilation grilles used inside cells shall be rated for maximum security use.

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).
Amended by R.1996 d.405, effective August 19, 1996.
See: 28 N.J.R. 3050(a), 28 N.J.R. 3960(a).
Added provision relating to ventilation grilles.
Recodified from 10A:34-2.8 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:34-2.6.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Recodified from N.J.A.C. 10A:34-2.7 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.6, Cells construction specifications, recodified to N.J.A.C. 10A:34-2.5.

10A:34-2.7 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 for cells in N.J.A.C. 10A:34-2.5 and 2.6, 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).
Recodified from 10A:34-2.9 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:34-2.7.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (b), inserted "for cells" following "required" and amended N.J.A.C. references.
Recodified from N.J.A.C. 10A:34-2.8 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.7, Cell equipment, recodified to N.J.A.C. 10A:34-2.6.
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
Rewrote the introductory paragraph of (b).

10A:34-2.8 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 vertical reinforcement rods every 12 inches.

(f) Cell corridor doors shall be either:

1. The hinged type (if hinged they shall swing outward); 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; or

2. Security type hollow core metal of 12 gauge steel.

(i) Hollow core metal or wood doors 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) Access to a cordless or cell phone or a telephone jack shall be provided in the cell corridor.

(*l*) 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).
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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (e), inserted "vertical" preceding "reinforcement"; in (f)1, substituted "outward" for "out-wardly" following "swing".
Recodified from N.J.A.C. 10A:34-2.9 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.8, Holding rooms, recodified to N.J.A.C. 10A:34-2.7.
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
Rewrote (k).

10A:34-2.9 Sallyport

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

(b) The vehicle sallyport or designated sallyport area 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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Recodified from N.J.A.C. 10A:34-2.11 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.9, Cell corridors, recodified to N.J.A.C. 10A:34-2.8.
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
In (a), inserted "or designated sallyport"; and in (b), inserted "vehicle" and "or designated sallyport area".

10A:34-2.10 Sanitation

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

(b) The municipal detention facility shall develop written internal management procedures which shall require daily sanitation inspections 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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).

In (b), inserted "shall" preceding "require"; inserted "internal management" following "written" throughout.
Recodified from N.J.A.C. 10A:34-2.12 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Former N.J.A.C. 10A:34-2.10, Monitoring systems, recodified to N.J.A.C. 10A:34-3.10.

10A:34-2.11 (Reserved)

Recodified to N.J.A.C. 10A:34-2.9 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Sallyport".

10A:34-2.12 (Reserved)

Recodified to N.J.A.C. 10A:34-2.10 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Sanitation".

10A:34-2.13 (Reserved)

Recodified to N.J.A.C. 10A:34-3.1 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Security and control".

10A:34-2.14 (Reserved)

Recodified to N.J.A.C. 10A:34-4.1 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Supervision and care of detainees".

10A:34-2.15 (Reserved)

Recodified to N.J.A.C. 10A:34-3.2 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Search of persons detained, arrested or lawfully confined".

10A:34-2.16 (Reserved)

Recodified to N.J.A.C. 10A:34-3.4 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Strip search of a person(s) who has been detained or arrested for commission of an offense other than a crime".

10A:34-2.17 (Reserved)

Recodified to N.J.A.C. 10A:34-3.5 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Strip searches of a person(s) lawfully confined in a municipal detention facility who is charged with committing a crime".

10A:34-2.18 (Reserved)

Recodified to N.J.A.C. 10A:34-3.6 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Body cavity searches of a person(s) who has been detained or arrested for commission of an offense other than a crime".

10A:34-2.19 (Reserved)

Recodified to N.J.A.C. 10A:34-3.7 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Body cavity searches of a person(s) lawfully confined in a municipal detention facility who is charged with committing a crime".

10A:34-2.20 (Reserved)

Recodified to N.J.A.C. 10A:34-3.8 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Reports regarding strip or body cavity searches".

10A:34-2.21 (Reserved)

Recodified to N.J.A.C. 10A:34-4.2 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Housing of detainees".

10A:34-2.22 (Reserved)

Recodified to N.J.A.C. 10A:34-4.3 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Suicide prevention and control".

10A:34-2.23 (Reserved)

Recodified to N.J.A.C. 10A:34-4.4 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Reporting deaths".

10A:34-2.24 (Reserved)

Recodified to N.J.A.C. 10A:34-1.5 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Written policy and internal management procedures".

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).

SUBCHAPTER 3. SECURITY AND CONTROL

10A:34-3.1 Security and key 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 blocks and sallyport areas shall not be used as storage areas.

(c) Firearms 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. The duplicate keys shall be maintained in an area accessible to staff at all times.

(e) The municipal detention facility shall develop written internal management 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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (d), inserted the third sentence; in (e), inserted "internal management" following "written".
Recodified from N.J.A.C. 10A:34-2.13 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Section was "Security and control".
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
In (c), substituted "Firearms" for "Weapons".

10A:34-3.2 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 in accordance with the applicable provisions of N.J.S.A. 2A:161A-1 et seq., and this subchapter.

(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.
Recodified from N.J.A.C. 10A:34-2.15 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
In (a), inserted "in accordance with the applicable provisions of N.J.S.A. 2A:161A-1 et seq., and this subchapter".

10A:34-3.3 Pat search

(a) A pat search shall be conducted while the detainee is fully clothed. A pat search includes both the touching of the detainee's body through clothing, including hair, dentures, etc., and a thorough examination into pockets, cuffs, seams, etc., and all personal property in the detainee's possession.

(b) Pat searches of detainees may be conducted at any time where conditions indicate a need for such searches.

(c) In addition to the foregoing routine searches, a pat search may be conducted at any time when there is a reasonably clear indication that the detainee is carrying contraband.

(d) Pat searches may be conducted by either male or female custody staff members regardless of the sex of the inmate.

New Rule, R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
In (d), substituted "sex" for "gender".

10A:34-3.4 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 a municipal detention facility shall not be subject to a strip search unless:

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

2. A recognized exception to the warrant requirement exists and the search is based on probable cause that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found and the custody staff member authorized to conduct the strip search has obtained the authorization of the custody staff supervisor in charge;

3. The person is lawfully confined and the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found, and the custody staff member authorized to conduct the strip search has obtained the authorization of the custody staff supervisor in charge; or

4. Exigent circumstances prevent obtaining a search warrant or authorization of the custody staff supervisor in charge and such exigent circumstances require custody staff to conduct a strip search in order to take immediate action for purposes of preventing bodily harm to the officer, person or others.

(b) As authorized in (a) above, a strip search of a person shall be conducted:

1. At a location where the search cannot be observed by unauthorized persons;

2. By a custody staff member of the same sex who has been authorized to conduct the search;

3. By the number of custody staff members deemed reasonably necessary to provide security;

4. Under sanitary conditions; and

5. In a professional and dignified manner.

(c) The custody staff member authorized to conduct a strip search shall file a written report to be made a part of the record of the detained or arrested person in accordance with this section. The report shall be reviewed by the supervisor who authorized the search and filed in accordance with internal management procedures. The report shall include, but not be limited to, the following information:

1. A statement of facts indicating any reasonable suspicion or probable cause for the search;

2. A statement of the exigent circumstances requiring immediate action to prevent bodily harm to the custody staff member(s), person or others when such conditions existed;

3. The name of the custody staff supervisor in charge who authorized the search;

4. The name(s) of the custody staff member(s) conducting the search;

5. The name(s) of the custody staff member(s) present during the search and the reason for custody staff presence;

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

7. Any supporting documentation consisting of the warrant or consent when such documentation is the basis for the search.

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

1. The New Jersey Department of Corrections Commissioner, or designee;

2. The municipal detention facility custody staff supervisor in charge;

3. The Attorney General;

4. The county prosecutor; 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:34-2.17, "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.
Amended by R.1998 d.263, effective May 18, 1998.
See: 30 N.J.R. 966(a), 30 N.J.R. 1811(a).
Rewrote (b).
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted "custody staff member" for "officer" throughout; in (b), substituted "gender" for "sex" following "same" in 2 and substituted "custody staff" for "law enforcement officers" preceding "deemed" in 3.
Recodified from N.J.A.C. 10A:34-2.16 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
Rewrote (a) and (b); and added (c) and (d).

10A:34-3.5 Strip searches of a person(s) who is lawfully confined for commission of a crime

(a) A person lawfully confined for commission of a crime shall be strip searched when the custody staff supervisor in charge authorizes confinement in a municipal detention facility or transfer to an adult county correctional facility, the custody staff member authorized to conduct the strip search obtains the authorization of the custody staff supervisor in charge and one of the following exists:

1. A search warrant or valid documented consent; or

2. A reasonable suspicion that the person is concealing a weapon, controlled dangerous substance, contraband or evidence of a crime.

(b) A strip search may be conducted in any of the following circumstances:

1. When the custody staff supervisor in charge authorizes the search;

2. Before placement under psychological observation or suicide watch; or

3. After a contact visit.

(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:

1. At a location where the search cannot be observed by unauthorized persons;

2. By a custody staff member of the same sex except as set forth in (e) below;

3. By the number of custody staff members deemed reasonably necessary to provide security;

4. Under sanitary conditions; and

5. In a professional and dignified manner.

(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 custody staff member of the opposite sex and/or in the presence of only those custody staff members deemed reasonably necessary for security of the opposite sex, as ordered by the custody staff supervisor in charge.

(f) For all strip searches conducted in accordance with this section, the custody staff member authorized to conduct a strip search shall file a written report to be made a part of the record of the person as set forth in this section. The report shall be reviewed by the supervisor who authorized the search and filed in accordance with internal management procedures. The report shall include, but not be limited to, the following information:

1. A statement of facts indicating any reasonable suspicion that is the basis for the search;

2. A statement of the exigent circumstances requiring the presence of a custody staff member of the opposite sex;

3. The name of the custody staff supervisor in charge who authorized the search;

4. The name(s) of the custody staff member(s) conducting the search;

5. The name(s) of the custody staff member(s) present during the search and the reason for custody staff presence; and

6. An inventory of the items(s) found during the search.

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

1. The New Jersey Department of Corrections Commissioner, or designee;

2. The municipal detention facility custody staff supervisor in charge;

3. The Attorney General;

4. The county prosecutor; 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:34-2.18, "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.
Amended by R.1998 d.263, effective May 18, 1998.
See: 30 N.J.R. 966(a), 30 N.J.R. 1811(a).
Rewrote (c).
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted references to custody staff for officer throughout; in (c) and (e), substituted "gender" for "sex" throughout; in (c)3, substituted "custody staff" for "law enforcement" preceding "deemed".
Recodified from N.J.A.C. 10A:34-2.17 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
Section was "Strip searches of a person(s) lawfully confined in a municipal detention facility who is charged with committing a crime". Rewrote the introductory paragraph of (a); added (a)1 and (a)2; rewrote (b); in (c)2 and (e), substituted "custody staff member" for "person" and "sex" for "gender" throughout; in (c)2, deleted "and" from the end; in (c)3, inserted "members" and substituted a semicolon for a period at the end; added (c)4 and (c)5; in (e), inserted "members" preceding and "reasonably" following "deemed" and substituted "supervisor" for "member" preceding "in charge"; and added (f) and (g).

10A:34-3.6 Body cavity searches 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 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 valid documented consent; or

2. The custody staff supervisor in charge authorizes the transfer of the person to an adult county correctional facility; the person is lawfully confined in an adult county correctional facility; the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found; and the person authorized to conduct the body cavity search has obtained the authorization of the custody staff supervisor in charge.

(b) When the search is authorized in accordance with (a) above, the person shall be escorted immediately to the medical unit or hospital used by the facility and the body cavity search of the 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 licensed medical professional who must be of the same sex as the detained or arrested person;

4. In the presence of only those custody staff members deemed reasonably necessary by the custody staff supervisor in charge for security, who are of the same sex as the detained or arrested person; and

5. In a professional and dignified manner, with the 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 licensed medical professional and a custody staff member of the same sex as the person; or

2. Be examined by the licensed medical professional who may remove the object in a medically accepted manner and environment, 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 licensed medical professional in a medically accepted manner and environment, with or without the use of force if the custody staff supervisor in charge has authorized a body cavity search based on a duly authorized search warrant or a valid documented consent of the person involved.

(e) In the event the custody staff supervisor in charge or the licensed medical professional 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 shall be treated in a medically accepted manner and environment as deemed necessary by the licensed medical professional and 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 a part of the record of the detained or arrested person in accordance with this section. The report shall be reviewed by the supervisor who authorized the search and filed in accordance with internal management procedures. The report shall include, but not be limited to, the following information:

1. A statement of facts indicating any reasonable suspicion for the search and that the search was conducted in a medically accepted manner;

2. The name of the custody staff supervisor in charge who authorized the search;

3. The name(s) of the custody staff member(s) present during the search and the reason for custody staff presence;

4. The name(s) of the licensed medical professional(s) conducting the search;

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

6. Any supporting documentation consisting of the warrant or consent when such documentation is the basis for the search.

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

1. The New Jersey Department of Corrections Commissioner, or designee;

2. The municipal detention facility custody staff supervisor in charge;

3. The Attorney General;

4. The county prosecutor; 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:34-2.19, "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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted references to custody staff for officer throughout; in (b)4 and (c)1, substituted "gender" for "sex" following "same".
Recodified from N.J.A.C. 10A:34-2.18 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
In the introductory paragraph of (a), substituted "A" for "The"; in (a)1, inserted "valid documented" and substituted "or" for "and" at the end; rewrote (a)2 and the introductory paragraph of (b); in (b)3, (c)2 and (e), substituted "licensed medical professional" for "physician or a registered nurse"; in (b)3, (b)4, (c)1, substituted "sex" for "gender"; in (b)3, deleted "and" from the end; in (b)4, inserted "members" and "reasonably", and substituted "supervisor" for "member" and "; and" for a period at the end; added (b)5; in (c)1, substituted "licensed medical professional" for "physician or registered nurse,"; in (c)2, inserted "in a medically accepted manner and environment"; in (d), substituted "licensed medical professional in a medically accepted manner and environment," for "physician" and "supervisor" for "member", and inserted "documented"; in (e), substituted "supervisor" for "member" and "or" for a comma following "charge" and inserted "shall be treated in a medically accepted manner and environment as deemed necessary by the licensed medical professional and"; and added (f) and (g).

10A:34-3.7 Body cavity searches of a person(s) lawfully confined for the commission of 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. The search is authorized by a warrant or valid documented consent; or

2. The custody staff supervisor in charge authorizes the transfer of the person to an adult county correctional facility; the person is lawfully confined in an adult county correctional facility; the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found; and the person authorized to conduct the body cavity search has obtained the authorization of the custody staff supervisor in charge.

(b) When the search is authorized in accordance with (a) above, the lawfully confined person shall be escorted

immediately to the medical unit or hospital used by the municipal detention facility and removal of contraband shall be conducted:

1. By a licensed medical professional of either sex;

2. Under sanitary conditions;

3. At a location where the search cannot be observed by unauthorized persons;

4. In the presence of only the custody staff member(s) deemed reasonably necessary by the custody staff supervisor in charge for security, who are of the same sex as the person; and

5. In a professional and dignified manner, with maximum courtesy and respect for the person.

(c) The lawfully confined person may:

1. Remove the object in the presence of the licensed medical professional and a custody staff member(s) of the same sex as the person; or

2. Be examined by the licensed medical professional who may remove the object in a medically accepted manner and environment, without the use of force.

(d) If the custody staff supervisor in charge authorizes a body cavity search in accordance with (a) above, the foreign object, which contains metal may be removed only by the licensed medical professional in a medically accepted manner and environment, with or without the use of force.

(e) In the event the custody staff supervisor in charge or the licensed medical professional 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 shall be treated in a medically accepted manner and environment as deemed necessary by the licensed medical professional and may be kept under visual surveillance to detect removal or elimination of the contraband.

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

1. A statement of facts indicating any reasonable suspicion for the search and that the search was conducted in a medically accepted manner;

2. The name of the custody staff supervisor in charge who authorized the search;

3. The name(s) of the custody staff member(s) present during the search and the reason for custody staff presence;

4. The name(s) of the licensed medical professional(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; however, upon request, such reports shall be made available to:

1. The New Jersey Department of Corrections Commissioner, or designee;

2. The municipal detention facility custody staff supervisor in charge;

3. The Attorney General;

4. The county prosecutor; 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:34-2.20, "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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted "custody staff member" for "officer" throughout; in (b)1, substituted "gender" for "sex" throughout.
Recodified from N.J.A.C. 10A:34-2.19 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
Section was "Body cavity searches of a person(s) lawfully confined in a municipal detention facility who is charged with committing a crime". Rewrote the section.

10A:34-3.8 (Reserved)

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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted references to custody staff member for officer throughout; in (a), substituted "which shall" for "to" following "report" in the introductory paragraph; in (b), inserted a N.J.S.A. reference preceding "reports" in the introductory paragraph.
Recodified from N.J.A.C. 10A:34-2.20 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
Repealed by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
Section was "Reports regarding strip or body cavity searches".

10A:34-3.9 Use of scanning/testing devices

Searches of detainees, areas and objects by the use of scanning/testing devices may be done routinely and randomly where necessary for security purposes. Scanning/testing de-

vices may be, but are not limited to, a walk-through device or a handheld device.

New Rule, R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

10A:34-3.10 Monitoring systems

(a) The Commissioner or designee shall determine the need for an audio and/or video system to monitor detainees based upon the design of the detention area.

(b) The monitoring system shall remain activated at all times that detainees are present due to the added measure of safety and security the system provides. The monitoring system shall not be used as a substitute for physical cell checks of detainees.

(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.

(d) If a determination is made that audio and video monitoring of the cell(s) is required, and is either not installed or not functioning as designed, face-to-face monitoring of the detainees shall be required.

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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Rewrote (a) and (b); added (d).
Recodified from N.J.A.C. 10A:34-2.10 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In (a), substituted "Commissioner or designee" for "Department of Corrections"; in (b), substituted "the system" for "it" and deleted "1." preceding "The monitoring system"; and in (d), inserted ", as set forth in N.J.A.C. 10A:34-4.1".
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
In (d), deleted ", as set forth in N.J.A.C. 10A:34-4.1" following "required".

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:34-3.11 Canine searches

All detainees and their possessions and all municipal detention facilities, areas, objects and properties may be subject to searches by a canine team(s), specially trained to discover and indicate to the handler(s) the presence of various substances and materials.

New Rule, R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

SUBCHAPTER 4. SUPERVISION AND CARE OF DETAINEES

10A:34-4.1 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 conducted at least every 30 minutes.

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

1. A security risk;
2. A suicide risk;
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 that shall contain, at a 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 actual time of each physical cell check; and
6. Signature and/or badge number of staff member conducting physical cell checks.

(e) Detainees who are injured or who become ill while in custody shall be seen by appropriate medical personnel 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 designated 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 purposes of, but not limited to, notifying relatives, obtaining legal representation, and posting bail. 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.
Amended by R.1999 d.194, effective June 21, 1999.
See: 31 N.J.R. 919(a), 31 N.J.R. 1616(a).
In (e), substituted a reference to appropriate medical personnel for a reference to physicians.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted "gender" for "sex" throughout; in (c), substituted "A security risk" for "Security risks" in 1 and substituted "A suicide risk" for "Suicidal risks" in 2; in (d)5, inserted "actual" preceding "time"; in (h), inserted "but not limited to," preceding "notifying" and deleted "etc." following "bail".
Recodified from N.J.A.C. 10A:34-2.14 and amended by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).
In the introductory paragraph of (d), substituted "that" for "book which"; and in (e), substituted "designated" for "nearest".
Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
In (a), substituted "sex" for "gender"; in (b), substituted "conducted at least" for "made"; in the introductory paragraph of (c), substituted "conducted" for "made"; in the introductory paragraph of (d), substituted "a" for the second occurrence of "the"; in (d)2, substituted "Sex" for "Gender"; and in (d)6, inserted "and/or badge number".

10A:34-4.2 Housing of detainees

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

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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Recodified from N.J.A.C. 10A:34-2.21 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

10A:34-4.3 Suicide prevention and control

(a) Each municipal detention facility shall develop written policies and internal management 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;

3. Procedures for handling attempts to commit suicide; and

4. The location of the emergency rescue tool.

(b) An emergency rescue tool shall be made available to a custody staff member(s) working in a cell block or holding room area.

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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
In (a), inserted "internal management" preceding "procedures" in the introductory paragraph and added 4; added (b).
Recodified from N.J.A.C. 10A:34-2.22 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

10A:34-4.4 Reporting deaths

(a) At the death of a detainee, notification shall be given by the Chief of Police to the Director, Office of Community Programs and Outreach Services or designee, Department of Corrections, within three business days.

(b) Following the notification in (a) above and within two weeks, a written report shall be submitted by the Chief of Police to the Director, Office of Community Programs and Outreach Services or designee, Department of Corrections. This report shall contain, at a 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 custody staff member.

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.
Amended by R.2002 d.206, effective July 1, 2002.
See: 34 N.J.R. 1307(a), 34 N.J.R. 2312(b).
Substituted "Coordinator" for "Chief" preceding ", Bureau" throughout; in (a), substituted "business" for "working" preceding "days"; in (b), substituted "gender" for "sex" in 1 and "custody staff member" for "officer" following "investigating" in 6.
Recodified from N.J.A.C. 10A:34-2.23 by R.2007 d.225, effective August 6, 2007.
See: 39 N.J.R. 1394(a), 39 N.J.R. 3384(a).

Amended by R.2010 d.134, effective July 6, 2010.
See: 42 N.J.R. 34(a), 42 N.J.R. 1379(a).
In the introductory paragraph of (b), inserted "a" preceding "minimum"; and in (b)1, substituted "sex" for "gender".
Amended by R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).
In (a) and in the introductory paragraph of (b), substituted "Director, Office of Community Programs and Outreach Services or designee," for "Coordinator, Bureau of County Services"; and in (b), substituted the first occurrence of "the" for "this", and inserted "in (a) above".

10A:34-4.5 Protection from abuse

(a) All persons detained, arrested, or lawfully confined to a municipal detention facility shall be protected by municipal detention facility staff from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

(b) In accordance with the Federal Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§ 15601 et seq., a zero tolerance for the incidence of sexual assault shall be maintained at municipal detention facilities.

(c) Appropriate disciplinary action shall be taken against facility staff who engage in abusive behavior and, when necessary, these cases will be referred to the county prosecutor.

New Rule, R.2015 d.020, effective January 20, 2015.
See: 46 N.J.R. 1859(a), 47 N.J.R. 273(b).