

RULE PROPOSALS

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INTERESTED PERSONS

The Department of Corrections provides notices of rule proposals in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all State agency rule proposals and adoptions. The following paragraph is quoted from the Proposal section of the New Jersey Register:

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

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**CORRECTIONS**

**THE COMMISSIONER**

**Adult County Correctional Facilities**

**Proposed Readoption with Amendments: N.J.A.C. 10A:31**

**Proposed New Rules: N.J.A.C. 10A:31-1.9, 8.2A, 13.31, and 21.9**

**Proposed Repeals: N.J.A.C. 10A:31-1.8, 8.28, 10.13, 12.9, 19.10, and 20.9**

Authorized By: Gary M. Lanigan, Commissioner, Department of Corrections.

Authority: N.J.S.A. 10:5-3, 30:1B-6, 30:1B-10, 30:4-15.1, and 2C:1-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-150.

Submit written comments by October 6, 2017, to:

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The agency proposal follows:

### **Summary**

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 10A:31, Adult County Correctional Facilities, was scheduled to expire on January 21, 2018. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the Department submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration was extended 180 days to July 20, 2018. The Department has reviewed these rules and, with the exception of the amendments, new rules, and repeals proposed herein, has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules are, therefore, proposed for re-adoption at this time.

The Department of Corrections has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

The majority of the amendments are proposed to reflect existing practices and/or for consistency with rules in other Title 10A chapters and subchapters. Other amendments are for

enhanced security and control, replacement of terms with more appropriate terms, and clarifications that are intended to result in a better understanding of the intent and practical application of these rules.

Subchapter 1 provides the purpose and scope of the chapter and the definitions of words and terms used.

Definitions for “administrative segregation,” “Close Custody Unit,” “general population,” “Temporary Close Custody,” and “pat-search” are proposed to be added to N.J.A.C. 10A:31-1.3, as they also apply to Adult County Correctional Facilities and are consistent with the Department of Corrections definitions set forth at N.J.A.C. 10A:1-2 and 10A:5-2 in the case of “Temporary Close Custody.”

The current rules set forth information regarding forms beginning at N.J.A.C. 10A:31-1.4 and the Department proposes to replace the words “two years” with “one year” at N.J.A.C. 10A:31-1.6(b) as county rule exemptions are for only one year. At N.J.A.C. 10A:31-1.7(b), the Department proposes to add the words “or designee” following the title of Administrator to reflect the current practice and process. The Department also proposes to repeal N.J.A.C. 10A:31-1.8 and the content of the form since that level of detail is better suited for Internal Management Procedures (IMPs) or similar documents and the content of internal forms subject to change outside of the rulemaking process.

There are five sections in Chapter 31 containing language referencing the need for each county facility to develop IMPs, which should only be mentioned once in the chapter. They include N.J.A.C. 10A:31-8.28, 10.13, 12.9, 19.10, and 20.9. The Department proposes to repeal each of these rules and reference the need for IMPs one time in Chapter 31, the general provisions subchapter, with a new section that reads as follows: “N.J.A.C. 10A:31-1.9 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.”

Subchapter 2 sets forth enforcement procedures that include the authority of the Commissioner and provisions for inspections and program evaluations.

Subchapter 3 contains provisions for the planning and design of adult county correctional facilities. At N.J.A.C. 10A:31-3.14(f), the Department proposes an amendment adding a new requirement that will provide custody staff with the ability to have visual observation of visits.

Subchapter 4 contains provisions regarding adult county correctional facility personnel.

Subchapter 5 provides rules for staff orientation, training, and development.

Subchapter 6 sets forth guidelines regarding the management of inmate records and information systems.

Subchapter 7 contains provisions for meeting and handling emergencies.

Subchapter 8 sets forth rules for ensuring security and control. Proposed new N.J.A.C. 10A:31-8.2A, Pat search, is proposed to add pat searches to this chapter for consistency with N.J.A.C. 10A:31-5.6. N.J.A.C. 10A:31-8.5 sets forth some of the rules for strip searches and mentions members of the opposite sex. The Department proposes a more appropriate term by replacing the word “sex” with the more appropriate word “gender.” N.J.A.C. 10A:31-8.14(a) contains a list of instructions custody staff receives when transporting inmates. The Department proposes to add a new paragraph (a)6 to the list, in order to include “use of force” as it may be necessary while transporting some inmates. N.J.A.C. 10A:31-8.18(a) contains a list of circumstances in which use of non-deadly force is justified and paragraph (a)3 states, “to prevent

serious damage to property.” The Department proposes to remove the word “serious” for consistency with the rule at N.J.A.C. 10A:31-3.3(a)3.

Subchapter 9 provides provisions for the use and control of security equipment. A new cross-reference is proposed in this subchapter at N.J.A.C. 10A:31-9.3(g) to indicate that rules for the use of restraints on pregnant inmates are located at N.J.A.C. 10A:31-13.10(d) through (h).

Subchapter 10 contains provisions for food service and management. At N.J.A.C. 10A:31-10.5(e), the Department proposes to remove the word “bowl” from the list of items used to serve meals, since bowls are not used in most county correctional facilities.

Subchapter 11 provides sanitation requirements to help ensure that each adult county correctional facility complies with Federal, State, and local sanitation, safety, and health codes.

The amendments proposed at N.J.A.C. 10A:31-11.2 are for consistency with N.J.A.C. 10A:14-4.1(a) and current housekeeping practices. The amendments include replacing the “that shall include a cleaning schedule with staff members and inmates assigned to specific duties” with “that includes daily, weekly, and periodic cleaning schedules. These schedules shall set forth the type and frequency of cleaning assignments necessary to maintain all areas of the facility and grounds in a clean, orderly and safe condition.”

The Department proposes to replace the requirements for the Administrator to inspect facilities daily with weekly inspections to reflect current practice. At N.J.A.C. 10A:31-11.3(a) a requirement for the county correctional facilities to seek Department of Corrections approval on their sanitation checklist is proposed for deletion as Department approval is not necessary. The Department proposes to add a new requirement to use standardized pest controls at new N.J.A.C. 10A:31-11.5(c) for the safety of the inmates and staff alike.

Subchapter 12 sets forth guidelines for inmate clothing and hygienic living conditions at

adult county correctional facilities. Many county correctional facilities are using integrated pillows within fire retardant beds negating the need for pillows, therefore, the Department proposes to replace the words “one pillow” with “one pillow or an integrated pillow within a fire-retardant mattress” at N.J.A.C. 10A:31-12.2(a)3 and to follow the words “one pillow case” with the phrase “if appropriate” at N.J.A.C. 10A:31-12.2(a)5. N.J.A.C. 10A:31-12.2(a)6 sets forth rules for the provision of a sufficient number of clean blankets to provide comfort under existing temperature conditions. This provision is subject to personal opinion and the Department proposes to remove the subjectivity and make the Administrator responsible for this provision by adding the phrase “as deemed appropriate by the facility Administrator, or designee.” At N.J.A.C. 10A:31-12.3(a), current wording could lead a person to believe clothing is exchanged weekly and not necessarily laundered. The Department proposes to replace the phrase “the exchange of inmate clothing” with “the exchange or laundering of inmate clothing” to reflect current laundry practices. N.J.A.C. 10A:31-12.5 sets forth procedures used prior to reusing blankets and mattresses. The Department proposes to update the rules by removing the word “blankets” as they are addressed separately at N.J.A.C. 10A:31-12.2(a) and to replace the words “sprayed and/or sterilized” with “sanitized and/or disinfected” to reflect current practice. At N.J.A.C. 10A:31-12.7(a)6, a technical correction to the use of commas is proposed by removing commas after the words “shaving” and “equipment.”

Subchapter 13 contains provisions for essential medical, dental, and health services. New regulations for the use of restraints on pregnant inmates are proposed at N.J.A.C. 10A:31-13.10(d) through (g) that are derived from "Best Practices in the Use of Restraints With Pregnant Women and Girls Under Correctional Custody," written by the National Task Force on the Use of Restraints with Pregnant Women under Correctional Custody (2014). N.J.A.C. 10A:31-

13.10(h), is derived from the Federal Bureau of Prisons (BOP) Policy 5566.06 section 13 and includes precautions when pregnant inmates must be restrained.

The Department proposes to codify current practices by adding a requirement for county correctional facilities to notify the Department of Corrections in the event of the death of an inmate at N.J.A.C. 10A:31-13.31.

Subchapter 14 contains miscellaneous inmate rights.

Subchapter 15 contains information on access to the courts.

Subchapter 16 contains rules for disciplinary procedures. The Department proposes to add the following phrase at N.J.A.C. 10A:31-16.2(b), “the contents of which may be incorporated in a general book of facility rules and regulations,” since some county correctional facilities reflect the same language in both the inmate handbook and the facility rules and regulations documents. For clarification purposes, at N.J.A.C. 10A:31-16.9(b), the Department proposes to replace the phrase “shall appoint an investigating officer who was not involved in the incident to be investigated” with “shall appoint an investigating officer who was not involved in the incident to conduct the investigation.”

Subchapter 17 contains guidelines for the placement of inmates in Disciplinary Detention, determination of time spent in the unit, services provided during confinement, handling disciplinary problems while in detention, and security procedures. Amendments are proposed at N.J.A.C. 10A:31-17.4 to update the section to reflect current practices by replacing the words “every 30 minutes in Disciplinary Detention” with “in staggered and irregular intervals that are no more than 30 minutes apart.” The Department proposes to delete N.J.A.C. 10A:31-17.7(c) as it duplicates the information set forth in N.J.A.C. 10A:31-17.7(b)2.

Subchapter 18 sets forth rules for the admission of inmates to the Protective Custody Unit, hearing procedures for involuntary placement to protective custody, review of protective custody cases, services provided, release from protective custody, and security procedures.

Subchapter 19 provides guidelines for the inspection and processing of inmate correspondence, publications and packages, and for services to indigent inmates. Amendments are proposed at N.J.A.C. 10A:31-19.3(c) for consistency with N.J.A.C. 10A:18-2.12 to read as follows: “Incoming correspondence will be delivered to the inmate within 24 hours after the correspondence has been received at the facility excluding weekends and holidays and when precluded by an emergency incident.”

Subchapter 20 contains provisions for inmate visit programs, including inmate contact and non-contact visits, the requirement for translation of visit regulations into a foreign language, scheduling, registering, and search of visitors, visits by attorneys and clergy, and special visits. Amendments are proposed at N.J.A.C. 10A:31-20.3 and 20.4 to cross-reference the new requirement proposed at N.J.A.C. 10A:31-3.14(f).

At N.J.A.C. 10A:31-20.6, Registering and search of visitors, the Department proposes to add the following to subsection (b) in order to provided added guidance on the search of visitors on facility grounds; “[t]he facility Administrator or designee should refer to N.J.A.C. 10A:18-6.14 when developing policies and procedures regarding searches of visitors.”

At N.J.A.C. 10A:31-20.8(b)4vii, the Department proposes to add a new item to the list of instances considered as special visits for visits by “representative of the media,” as prior arrangements must be made for safety and security reasons.

Subchapter 21 sets forth minimum requirements for the inmate admission process, searches, orientation, property control, and release. New N.J.A.C. 10A:31-21.9 is proposed,



identical to N.J.A.C. 10A:1-11.8, to set forth consistent rules regarding the disposition of property when an inmate is released from custody.

Subchapter 22 contains the responsibilities of the Classification Committee, rules for the separation of inmates, and procedures for initial classification, hearings, and appeals. At N.J.A.C. 10A:31-22.2(a)2i, the Department proposes to replace the word “sex” with the more appropriate word “gender.”

Subchapter 23 provides guidelines for the provision of compensation to inmates for productive occupation while incarcerated.

Subchapter 24 sets forth rules for the operation of inmate work programs inside adult county correctional facilities, including a work plan that provides for inmate employment subject to the availability of work opportunities and the security considerations of the facility.

Subchapter 25 contains rules for the operation of inmate work release programs outside adult county correctional facilities and the responsibilities of the county Work Release Administrator.

Subchapter 26 sets forth general guidelines for the provision of inmate social, educational, religious, recreation, and library services and programs.

Subchapter 27 provides general guidelines for the coordination of the Volunteer Service Program.

Subchapter 28 sets forth the prohibition for the placement of juveniles in adult county correctional facilities.

Subchapter 29 contains provisions for fiscal management.

Subchapter 30 sets forth interjurisdictional agreements and statutes.

## **Social Impact**

N.J.A.C. 10A:31 sets forth the minimum criteria for the administration of adult county correctional facilities, and provides guidelines for the provision of programs and services to inmates in clean, safe, and secure adult county correctional facilities in accordance with minimum standards provided by the American Correctional Association (ACA). New regulations are proposed at N.J.A.C. 10A:31-13.10(e) through (h) setting forth rules for the use of restraints on pregnant inmates and are expected to have a positive impact. Other rule amendments are proposed to more accurately reflect the current environment and practices in county correctional facilities. For example, changes are proposed for consistency with correctional best practices and standards and in compliance with the Prison Rape Elimination Act (PREA), Pub. L. 108-79, and standards at N.J.A.C. 10A:31-5.3, 8.4, and 8.5, by providing rules for “pat down” searches at new N.J.A.C. 10A:31-8.2A.

### **Economic Impact**

The rules proposed for readoption with amendments, repeals, and new rules do not impose new fiscal expenditures; however, the rules do continue to impose required expenditures and fiscal budgeting in the form of rule compliance requirements on adult county correctional facilities. The nature of the costs imposed includes, but is not limited to, those expenses associated with inspections; program evaluations; enforcement action; administration of personnel; the development of policy and procedure manuals; the maintenance of records and information systems; training and staff development; the handling of emergencies; the maintenance of security and control to include searches, electronic surveillance, and transportation of inmates; the provision of sufficient staff and use of force; the appropriate use and control of security equipment; the provision of mail and food services, clothing, sanitation, medical, and dental health services; inmate access to courts; the maintenance of a program of

discipline; the handling of inmate admission and release; property control; inmate classification; inmate work programs; inmate services and programs to include social services, education, religion, recreation, and volunteer programs.

### **Federal Standards Statement**

The rules proposed for readoption with amendments, repeals, and new rules are promulgated under the authority of the rulemaking requirements of the Department of Corrections as established at N.J.S.A. 30:1B-6 and 30:1B-10. The rules proposed for readoption with amendments, repeals, and new rules comply with and do not exceed the Federal requirements established at U.S. Const. Art. 4 § 2, cl. 2 and 18 U.S.C. App. 2 § 2 and the Vienna Convention on consular Relations of 1963, Art. 26, 27, and 42.

### **Jobs Impact**

The rules proposed for readoption with amendments, repeals, and new rules will cause neither the generation nor the loss of any jobs.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments, repeals, and new rules shall have no impact on the agriculture industry.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments, repeals, and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments, repeals, and new rules affect inmates, the New Jersey Department of Corrections, county correctional facilities, and governmental entities responsible for the enforcement of the rules.

### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on housing affordability. The rules proposed for readoption with amendments, repeals, and new rules concerning provisions for adult county correctional facilities affect inmates, the New Jersey Department of Corrections, county correctional facilities, and governmental entities responsible for the enforcement of the rules and are extremely unlikely to evoke a change in the average costs of housing.

### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on smart growth development. The rules proposed for readoption with amendments, repeals, and new rules concerning adult county correctional facilities affect inmates, the New Jersey Department of Corrections, county correctional facilities, and governmental entities responsible for the enforcement of the rules and are extremely unlikely to evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10A:31.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10A:31-1.8, 8.28, 10.13, 12.9, 19.10, and 20.9.

**Full text** of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

### 10A:31-1.3 Definitions

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

**“Administrative segregation” means removal of an inmate from the general population of a correctional facility to a Close Custody Unit because of one or more disciplinary infractions.**

...

**“Close Custody Unit” means an area within a correctional facility designated for assigning inmates who are removed from the general population for disciplinary or administrative reasons.**

...

**“General population” means the common body of inmates not assigned to a Close Custody Unit.**

...

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

...

**“Temporary Close Custody” means the non-punitive removal of an inmate from the inmate general population, or other assigned housing, with restriction to the inmate's cell or to a Close Custody Unit for a period not to exceed 72 hours, for special observation**

**(other than healthcare needs) or investigation, unless information or evidence warrants an extension beyond 72 hours and the extension is approved by the appropriate supervisor.**

...

10A:31-1.6 Rule exemption effective[,]; extension and expiration dates

(a) (No change.)

(b) Except as set forth in (c) and (d) below, all rule exemptions shall expire [two] **one** year[s] from the date of approval by the Commissioner.

(c) - (e) (No change.)

10A:31-1.7 Procedure for requesting a rule exemption

(a) (No change.)

(b) The adult county correctional facility Administrator, **or designee**, shall review and determine, based on criteria set forth in N.J.A.C. 10A:31-1.5, whether to submit a Form 31--100 to the Commissioner for consideration.

(c) (No change.)

**10A:31-1.8 (Reserved)**

**10A:31-1.9 Written policies 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.**

### SUBCHAPTER 3. PLANNING AND DESIGN

10A:31-3.14 Visiting and interview areas

(a)-(e) (No change.)

**(f) Visiting areas for contact and non-contact visits should permit custody staff visual observation.**

### SUBCHAPTER 8. SECURITY AND CONTROL

**10A:31-8.2A Pat search**

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

**(b) Pat searches of inmates may be conducted at any time in the following circumstances:**

- 1. Prior to the departure or return of the inmate to or from any area where the inmate has had access to dangerous or valuable items;**
- 2. Prior to entering or departing the visiting area; or**
- 3. Under any other circumstances where conditions indicate a need for such searches, such as, but not limited to, upon departure of inmates from kitchen or dining areas.**

**(c) In addition to the foregoing routine searches, a pat search may be conducted at any time when there is a reasonable suspicion that the inmate is carrying contraband. Factors that may form the basis for such search include, but are not be limited to:**

**1. Personal observations of activities or conditions that may be interpreted in light of the custody staff member's experience and knowledge of the inmate as indicating the possession of contraband; or**

**2. Information received from a third party who is believed to be reliable.**

**(d) Pat searches may be conducted by either male or female custody staff members upon male inmates. Except in emergent circumstances, pat searches shall only be conducted by female custody staff members upon female inmates.**

10A:31-8.5 Strip searches of a person(s) who is lawfully confined for commission of a crime

(a) - (d) (No change.)

(e) Strip searches may be conducted by custody staff members of the opposite [sex] **gender** under emergency conditions as ordered by the adult county correctional facility Administrator.

(f) – (h) (No change.)

10A:31-8.14 Transportation of inmates

(a) Custody staff involved in transportation shall receive special instructions, which shall include, but not be limited to:

1.-3. (No change.)

4. Strip searches; [and]

5. Appropriate [court room] **courtroom** demeanor[.]; **and**



**6. Use of force.**

(b) - (d) (No change.)

10A:31-8.18 Use of non-deadly force; when justified

(a) The use of non-deadly force against persons is justified only under the following circumstances:

1. – 2. (No change.)

3. To prevent [serious] damage to property;

4. – 7. (No change.)

(b) (No change.)

**10A:31-8.28 (Reserved)**

**SUBCHAPTER 9. USE AND CONTROL OF SECURITY EQUIPMENT**

10A:31-9.3 Use of restraining equipment

(a) –(f) (No change.)

**(g) The use of restraining equipment on a pregnant inmate shall be as set forth in N.J.A.C.**

**10A:31-13.10(d) through (h).**

**SUBCHAPTER 10. FOOD SERVICE**

10A:31-10.5 Serving of meals

(a) – (d) (No change.)

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

**10A:31-10.13 (Reserved)**

SUBCHAPTER 11. SANITATION

10A:31-11.2 Housekeeping plan

Staff at each adult county correctional facility shall develop a written housekeeping plan that [shall] includes [a cleaning schedule with staff members and inmates assigned to specific duties] **daily, weekly, and periodic cleaning schedules. These schedules shall set forth the type and frequency of cleaning assignments necessary to maintain all areas of the facility and grounds in a clean, orderly, and safe condition.**

10A:31-11.3 [Daily sanitation] **Sanitation** inspections

(a) The adult county correctional facility Administrator shall require [daily sanitation inspections by] **that** a designated staff member **inspect the facility at least weekly** utilizing a check list developed by the adult county correctional Administrator, or designee [and approved by the Department of Corrections].

(b) (No change.)

10A:31-11.5 Control of vermin and pests

(a) – (b) (No change.)

(c) **Integrated pest management practices shall be utilized to control the use of toxic pesticides.**

## SUBCHAPTER 12. INMATE CLOTHING AND HYGIENIC LIVING CONDITIONS

### 10A:31-12.2 Towels, linen, and bedding

(a) Each inmate shall be issued the following clean items:

1. – 2. (No change.)
3. One pillow **or an integrated pillow within the fire retardant mattress;**
4. (No change.)
5. One pillowcase, **if appropriate;** and
6. Sufficient clean blankets to provide comfort under existing temperature conditions, **as deemed appropriate by the facility Administrator, or designee.**

### 10A:31-12.3 Laundry services

(a) Laundry services shall permit the exchange **or laundering** of inmate clothing (facility issue and/or personal), linen, and bedding on a weekly basis.

(b) (No change.)

### 10A:31-12.5 Cleaning of [blankets and] mattresses

[Blankets and mattresses] **Mattresses** shall be cleaned, [sprayed and/or sterilized] **sanitized,** **and/or disinfected** before reissue.

### 10A:31-12.7 Personal hygiene products

(a) As part of the admission process, each inmate shall be provided with the following articles necessary for maintaining proper personal hygiene:

- 1.– 5. (No change.)

6. Shaving[,] equipment[,] upon request; and

7. (No change.)

(b) – (c) (No change.)

**10A:31-12.9 (Reserved)**

SUBCHAPTER 13. MEDICAL, DENTAL, AND HEALTH SERVICES

10A:31-13.10 Care of pregnant inmates

(a) – (c) (No change.)

**(d) A pregnant inmate should not be placed in restraints, other than handcuffs, without prior medical approval, unless there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff, or others, or that she presents an immediate credible risk of escape that cannot be reasonably contained through other methods. Medical personnel will review the placement of restraints as soon as practicable.**

**(e) The following types of restraints and restraint practices are prohibited for use on a pregnant inmate:**

- 1. Abdominal restraints;**
- 2. Leg and ankle restraints;**
- 3. Wrist restraints behind the back; or**
- 4. Four-point restraints.**

**(f) Restraints should not be used on a pregnant inmate during labor and delivery and should be avoided during the post-partum period, unless the use of restraints meets the**

**criteria of (d) above. The determination of when post-partum has commenced and has ended shall rest solely with the medical providers of the pregnant inmate.**

**(g) Written standard operating procedures shall be established that include, but are not limited to:**

- 1. Use of restraints on a pregnant inmate during transportation;**
- 2. Frequency for reassessing the use of restraints when they have been deemed necessary or appropriate; and**
- 3. Documentation for the use of restraints, such as what type was used, what manner it was used in, and the length of time it was used.**

**(h) When it is deemed that a pregnant inmate must be restrained, necessary precautions must be taken to ensure her unborn child is unharmed. Health Services personnel must prescribe the necessary precautions, including decisions about the manner in which the inmate is to be restrained, that is, whether medical personnel should be present during the application of restraints, whether the inmate should be restrained at the institutional hospital or a local medical facility, etc.**

**10A:31-13.31 Responsibility of adult county correctional facility to notify the Department of Corrections of a death in custody**

**In the case of a death of an inmate, the Administrator, or designee, of the adult county correctional facility shall be responsible to ensure that the New Jersey Department of Corrections is notified.**

## SUBCHAPTER 16. DISCIPLINARY PROCEDURES

### 10A:31-16.2 Disciplinary rule book

(a) (No change.)

(b) Each inmate, upon admission to the facility, shall be given a copy of the disciplinary rule book, **the contents of which may be incorporated into a general book of facility rules and regulations**, and the inmate shall sign a form acknowledging receipt of the rule book.

(c) – (e) (No change.)

### 10A:31-16.9 Investigation

(a) (No change.)

(b) The adult county correctional facility Administrator shall appoint an investigating officer who was not involved in the incident to [be investigated] **conduct the investigation**.

(c) - (d) (No change.)

## SUBCHAPTER 17. DISCIPLINARY DETENTION

### 10A:31-17.4 Security checks

Security and visual observation checks **in Disciplinary Detention** shall take place [every 30 minutes in Disciplinary Detention] **in staggered and irregular intervals that are no more than 30 minutes apart**.

### 10A:31-17.7 Correspondence, visits, and telephone calls

(a) – (b) (No change.)

[(c) The adult county correctional facility Administrator or designee may authorize a special visit or telephone call for an inmate when there are compelling reasons to do so.]

[(d)] (c) (No change in text.)

## SUBCHAPTER 19. MAIL

### 10A:31-19.3 Processing mail

(a) - (b) (No change.)

(c) Incoming correspondence [shall] **will** be delivered to the inmate within 24 hours after [it] **the correspondence** has been received at the facility, [except] **excluding weekends and holidays** **and** when precluded by an emergency incident.

### **10A:31-19.10 (Reserved)**

## SUBCHAPTER 20. VISITS

### 10A:31-20.3 Contact visits

An area shall be provided for contact visits, for those inmates who do not represent a substantial security risk, **and the area shall meet the conditions set forth in N.J.A.C. 10A:31-3.14(f).**

### 10A:31-20.4 Non-contact visits

An area shall be provided for non-contact visits, for those inmates classified as high risk inmates, **and the area shall meet the conditions set forth in N.J.A.C. 10A:31-3.14(f).**

### 10A:31-20.6 Registering and search of visitors

(a) (No change.)

(b) Circumstances under which a visitor may be searched shall be specified in written visit regulations (N.J.A.C. 10A:31-20.1). **The facility Administrator, or designee, should refer to N.J.A.C. 10A:18-6.14 when developing policies and procedures regarding searches of visitors.**

#### 10A:31-20.8 Special visits

(a) (No change.)

(b) Special visits may include, but are not limited to:

1. – 3. (No change.)

4. Visits between inmates and:

i. – iv. (No change.)

v. Parole advisors; [and]

vi. Foreign counsels[.]; **and**

**vii. Representatives of the media.**

#### **10A:31-20.9 (Reserved)**

### SUBCHAPTER 21. ADMISSION, SEARCH, ORIENTATION, PROPERTY CONTROL, AND RELEASE

#### **10A:31-21.9 Disposition of property when an inmate is released from custody**

**(a) When an inmate is released from the adult county correctional facility, the inmate shall:**

**1. Take the personal property when leaving the correctional facility; or**



**2. Arrange for a family member(s) or friend(s) to pick up the personal property from the county correctional facility within 30 calendar days after the inmate's release.**

**(b) In circumstances where property remains at the facility or the inmate or designee fails to have the property removed within 30 calendar days of the inmate's release, correctional facility personnel shall forward written notification to the ex-inmate's last known address stating that:**

- 1. The property will be held for a maximum of 30 additional calendar days;**
- 2. The property will be disposed of if not removed by the specified date; and**
- 3. The correctional facility is not responsible for property held longer than 60 days.**

**(c) If the written notification sent to the ex-inmate's last known address is not responded to within 30 calendar days, correctional facility personnel may dispose of the personal property by:**

- 1. Donating the personal property to any recognized public charitable organization;**
- 2. Retaining the personal property for use by the general inmate population, if the item(s) has been approved by the facility Administrator or designee; or**
- 3. Destroying the personal property.**

**(d) The facility Administrator or designee shall approve any property that is to be donated or destroyed.**

**(e) Perishable items are subject to donation or being destroyed at any time when property is left at the facility and it creates a health hazard or pest control issue.**

**(f) Copies of written notices to the ex-inmate about personal property shall become a permanent part of the ex-inmate's record file.**

## SUBCHAPTER 22. CLASSIFICATION

### 10A:31-22.2 Classification and housing of inmates

(a) The classification and housing of inmates shall be based upon available space and either:

1. (No change.)

2. The reception classification system, which shall be based upon the following factors regarding the inmate:

i. [Sex] **Gender**;

ii. – xi. (No change.)

(b) - (d) (No change.)