

CHAPTER 20**COMMUNITY RELEASE PROGRAMS****Authority**

N.J.S.A. 30:1B-6, 30:1B-10; 30:4-9.12; 30:4-91.3 et seq.; and 30:7E et seq.

Source and Effective Date

R.1997 d.473, effective November 3, 1997.
See: 29 N.J.R. 3779(b), 29 N.J.R. 4682(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 20, Community Release Programs, expires on May 2, 2003. See: 34 N.J.R. 4325(a).

Chapter Historical Note

Chapter 20, Community Release Programs, was adopted as R.1992 d.80, effective February 18, 1992. See: 23 N.J.R. 3624(a), 24 N.J.R. 616(a), 24, N.J.R. 953(a). Pursuant to Executive Order No. 66(1978), Chapter 20 expired on February 18, 1997.

Chapter 20, Community Release Programs, was adopted as R.1997 d.473, effective November 3, 1997. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**10A:20-1.1 Purpose**

(a) The purpose of the chapter is to:

1. Establish the eligibility criteria for Residential Community Release Agreement Programs; such as halfway houses, and Substance Abuse Treatment Programs; and
2. Establish policies and procedures for the administration of Residential Community Release Agreement Programs, such as halfway houses, and Substance Abuse Treatment Programs.

10A:20-1.2 Scope

(a) This chapter shall be applicable to the State correctional facilities and Residential Community Release Agreement Programs under the jurisdiction of the Department of Corrections unless otherwise indicated.

(b) This chapter shall be applicable to State sentenced inmates under the jurisdiction of the Department of Corrections.

10A:20-1.3 Definitions

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

“Contract agency” means an agency in the community that has entered into a formal contract with the New Jersey Department of Corrections to provide halfway house or substance abuse treatment services.

“Furlough plan” means a written plan which specifies a home or destination approved by a District Parole Office for an inmate to visit while the inmate is on furlough.

“Halfway house” means a Residential Community Release Agreement Program with specific emphasis on employment, treatment and/or educational activities.

“Health care provider” means an entity that provides health care services to the inmate population.

“Regional institution” means the correctional facility designated to provide support services to a contract agency, such as medical, security, administration, disciplinary returns and parole hearing scheduling.

“Residential Community Release Agreement Program” means the provision of halfway house or substance abuse treatment services to inmates, under the jurisdiction of the New Jersey Department of Corrections, by a contract agency in the community in accordance with a contractual agreement between the agency and the New Jersey Department of Corrections.

“Responsible health authority” means a designated person within a correctional facility who is administratively responsible for arranging health care services to all inmates. When this authority is other than a physician, in the medical area, or a dentist in the dental area, medical and dental judgments rest with the designated licensed responsible physician or dentist.

“Substance Abuse Treatment Program” means a Residential Community Release Agreement Program with specific emphasis on substance abuse treatment.

10A:20-1.4 Authority

Pursuant to N.J.S.A. 30:4-91.2, the Commissioner, New Jersey Department of Corrections, or designee may designate as a place of confinement any available, suitable and appropriate facility whether owned by the State or otherwise, and may at any time transfer an inmate from one place of confinement to another.

10A:20-1.5 Forms

(a) The following forms related to Residential Community Release Agreement Programs shall be reproduced by each correctional facility from originals that are available by contacting the Standards Development Unit:

1. 172-I Continuity of Evidence—Urine Specimen;
2. 686-I Community Program Application; and
3. MR-030 Community Release Medical Examination Form.

(b) The following forms related to the Furlough Program shall be reproduced by each correctional facility from the original that is available by contacting the Bureau of Parole, New Jersey Department of Corrections:

1. I-4 Request for Pre-Parole Report;
2. 822—A Pre-Parole Report.

(c) The following form related to maintenance fees shall be reproduced by each correctional facility from the original that is available by contacting the Bureau of Contract Administration, New Jersey Department of Corrections:

1. State of New Jersey Payment Voucher (Vendor Invoice).

SUBCHAPTERS 2 THROUGH 3. (RESERVED)

SUBCHAPTER 4. RESIDENTIAL COMMUNITY RELEASE AGREEMENT PROGRAMS

10A:20-4.1 Contract between the New Jersey Department of Corrections and community agencies

All agencies outside of the New Jersey Department of Corrections shall enter into a formal contract with the Department of Corrections prior to receiving inmates for placement into Residential Community Release Agreement Programs.

10A:20-4.2 Administration of Residential Community Release Agreement Programs

The Bureau of Contract Administration shall be responsible for the administration of Residential Community Release Agreement Programs under contract with the New Jersey Department of Corrections.

Case Notes

Prisoner did not have state-created liberty interest in remaining in work release program that warranted due process protections; removal from a work release program did not work atypical and significant hardship relative to ordinary incidents of prison and was concerned only with conditions of confinement, not duration of confinement, and did not violate any substantive state-created predicates for terminating participation. *Asquith v. Volunteers of America*, 1 F.Supp.2d 405 (D.N.J. 1998).