

**10A:20-4.3 Correctional facility staff assigned to program; duties**

(a) The correctional facility Superintendent shall designate a staff member to serve as the Institutional Community Release Agreement Program Coordinator. The Institution-

al Community Release Agreement Program Coordinator shall:

1. Maintain liaison with the Bureau of Contract Administration and the contract agency;

2. Make periodic visits to contract agencies and attend training sessions provided by the Bureau of Contract Administration;

3. Be responsible for having a thorough familiarity with contract agencies and advise correctional facility staff of changes in policies of contract agencies;

4. Be responsible for explaining contract agency programs to inmates; and

5. Be responsible for notifying the Bureau of Contract Administration of any change that occurs in an inmate's status, such as, medical, custody, detainers or any such circumstances that would render the inmate ineligible for participation in the Program.

#### **10A:20-4.4 General eligibility criteria for Residential Community Release Agreement Programs**

(a) Candidates for participation in Residential Community Release Agreement Programs shall:

1. Be classified full minimum by the Institutional Classification Committee (I.C.C.);

2. Have a psychological evaluation which shall address the inmate's readiness and ability to adequately adapt to the pressures and responsibilities of living outside the correctional facility. The psychological evaluation shall not be:

i. More than six months old for inmates with full minimum custody status who are housed in other than full minimum housing units; or

ii. Not more than a year old for inmates in full minimum housing units, such as Jones Farm;

3. Have made a satisfactory overall correctional facility adjustment and be seen as not likely to pose a threat to the safety of the community; and

4. Have completed Form 686-I Community Program Application.

#### **10A:20-4.5 Eligibility criteria for halfway houses**

(a) In addition to the general eligibility criteria in N.J.A.C. 10A:20-4.4, candidates for halfway houses shall be within 18 months of:

1. An established parole date;

2. An expiration of maximum sentence;

3. An actual parole eligibility date established by the New Jersey State Parole Board; or

4. An anticipated parole date, as established by the New Jersey State Parole Board, for inmates serving indeterminate sentences.

Petition for Rulemaking.  
See: 30 N.J.R. 3108(a).

#### **10A:20-4.6 Eligibility criteria for Substance Abuse Treatment Programs**

(a) In addition to the general eligibility criteria in N.J.A.C. 10A:20-4.4, inmates who are in need of Substance Abuse Treatment Programs shall be within 24 months of:

1. An established parole date;

2. An expiration of maximum sentence;

3. An actual parole eligibility date established by the New Jersey State Parole Board; or

4. An anticipated parole date, as established by the New Jersey State Parole Board, for inmates serving indeterminate sentences.

#### **10A:20-4.7 Exclusions from Residential Community Release Programs**

(a) The following circumstances may make an inmate ineligible for participation in Residential Community Release Agreement Programs:

1. The provisions of any Statutes of the State of New Jersey (such as N.J.S.A. 30:4-91.3b);

2. A previous violation of the:

i. Intensive Supervision Program (I.S.P.);

ii. Intensive Supervision Surveillance Program (I.S.S.P.);

iii. Electronic Monitoring/Home Confinement Program;

iv. Work Release Program;

v. Furlough Program; or

vi. Other Residential Community Release Agreement Programs; and/or

3. Detainers, open charges or sentences which preclude eligibility for full minimum custody status (see N.J.A.C. 10A:9).

#### **10A:20-4.8 Inmate application and review by the Institutional Community Release Agreement Program Coordinator**

(a) An inmate interested in participating in a Residential Community Release Agreement Program shall complete and sign all sections of Form 686-I Community Program Application and submit it to the Institutional Community Release Agreement Program Coordinator for review.

(b) The Institutional Community Release Agreement Program Coordinator shall explain to the inmate that the inmate's signature on Form 686-I merely signifies a willingness to participate in a Residential Community Release Agreement Program and does not signify that the inmate has been approved for the Program.

(c) The Institutional Community Release Agreement Program Coordinator, upon receipt of the application from the inmate, shall determine:

1. That Form 686-I is completely and accurately filled out; and
2. That the inmate-applicant meets all the general eligibility criteria established for inmate participation in the Residential Community Release Agreement Program.

(d) If the inmate does not meet the eligibility criteria, the inmate shall be notified of the reason(s), in writing, by the Institutional Community Release Agreement Program Coordinator.

(e) If the inmate meets the eligibility criteria, the Institutional Community Release Agreement Program Coordinator shall sign and submit Form 686-I to the Institutional Classification Committee (I.C.C.) for review and final approval or disapproval.

(f) The Bureau of Contract Administration shall select the program assignment for the inmate approved by the I.C.C. for participation in a Residential Community Release Agreement Program.

#### Case Notes

The DOC's decision not to transfer an inmate to a halfway house based on misplaced letters and fact that case was highly visible and notorious, without a supporting record (or reconstruction) could not be the basis for denying the transfer when the Parole Board considered such placement critical to the parole process. *Trantino v. New Jersey State Parole Bd.*, 154 N.J. 19, 711 A.2d 260 (N.J. 1998).

#### 10A:20-4.9 Medical/dental/psychological review of applicants for Residential Community Release Agreement Programs

(a) A complete review of an inmate's medical records shall be made by the health care provider when the inmate is being considered for placement in a Residential Community Release Agreement Program.

(b) The responsible health authority who is clinically responsible for the correctional facility medical department shall review an inmate's medical records and consider the following factors which include, but are not limited to:

1. The employability of the inmate;
2. The work limitations of the inmate, such as no food handling, light duty, no work around machinery;
3. Medication(s), such as psychotropic and addictive medication;
4. Chronic illness requiring frequent intervention, such as uncontrolled diabetes and unstable asthma;
5. Impending surgery; and

6. Any known medical restrictions relative to a specific program or placement communicated to the responsible health authority.

(c) The responsible health authority who is clinically responsible for the dental department shall review an inmate's dental records and consider all dental work in progress.

(d) The medical and dental health authorities shall complete MR-030 Community Release Medical Examination Form and submit the Form to the Institutional Community Release Agreement Program Coordinator who will forward Form MR-030 to the Institutional Classification Committee (I.C.C.).

(e) If there are questions regarding the appropriateness of medically or dentally approving an inmate for participation in a Residential Community Release Agreement Program, the medical and/or dental health authority shall contact the Office of Institutional Support Services (O.I.S.S), Health Service Unit, Director of Medical Services or Director of Dental Services, for assistance prior to sending the completed Form MR-030 to the Institutional Community Release Agreement Program Coordinator.

(f) When a psychological evaluation is more than six months old, the Director of Psychology of the correctional facility shall ensure that another evaluation of the inmate is conducted. The evaluation shall assess:

1. The inmate's readiness and ability to adequately adapt to the pressures and responsibilities of living outside the correctional facility; and
2. The stability of the inmate which takes into account:
  - i. Any mental illness; and/or
  - ii. Current use of psychotropic medications.

(g) The Institutional Community Release Agreement Program Coordinator shall notify the Bureau of Contract Administration of any changes in the inmate applicant's medical condition that occur during the period of time between the completion of the medical review and the transfer of the inmate to the Program.

#### 10A:20-4.10 Institutional Classification Committee's (I.C.C.) review and disposition

(a) The Institutional Classification Committee (I.C.C.) shall have the authority to review the inmate's file, and may assign an inmate to a Residential Community Release Agreement Program after consideration of:

1. The general eligibility criteria in N.J.A.C. 10A:20-4.4;
2. The inmate's present and/or previous parole violation(s);
3. The inmate's previous failure in a Residential Community Release Agreement Program; and/or

4. The decisionmaking criteria in N.J.A.C. 10A:9-3.3.

(b) The Superintendent shall not overrule the disapproval of an application for a Residential Community Release Agreement Program by the I.C.C.