

**CHAPTER 72**  
**DIVISION OF PAROLE**

**Authority**

N.J.S.A. 2C:43-6.4, 30:1B-6 and 30:1B-10.

**Source and Effective Date**

R.2000 d.504, effective December 18, 2000.  
See: 31 N.J.R. 4205(a), 32 N.J.R. 4465(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 72, Division of Parole, expires on June 16, 2006. See: 38 N.J.R. 100(a).

**Chapter Historical Note**

Former Chapter 26, Bureau of Parole, was adopted as R.1995 d.85, effective February 6, 1995. See: 26 N.J.R. 4143(a), 27 N.J.R. 550(a). Pursuant to Executive Order No. 66(1978), Chapter 26 expired on February 6, 2000.

Former Chapter 26, Division of Parole, was adopted as new rules by R.2000 d.504, effective December 18, 2000. See: Source and Effective Date.

Chapter 72, Division of Parole, Subchapters 1 through 8, were recodified from Chapter 26, Division of Parole, and Subchapter 9, Volunteers in Parole Program (V.I.P.P.), was recodified from N.J.A.C. 10A:17-3.3 through 3.16, by administrative change. See: 34 N.J.R. 1918(a).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10A:72-1.1 Purpose
- 10A:72-1.2 Scope
- 10A:72-1.3 Definitions
- 10A:72-1.4 Procedures
- 10A:72-1.5 (Reserved)

**SUBCHAPTER 2. COMMUNITY PLAN AND SUPERVISION**

- 10A:72-2.1 Investigation of community release
- 10A:72-2.2 Parole supervision status
- 10A:72-2.3 Chronological Supervision Reports
- 10A:72-2.4 Violations of parole

**SUBCHAPTER 3. (RESERVED)**

**SUBCHAPTER 4. USE OF FORCE WHILE ON-DUTY**

- 10A:72-4.1 Parole officer authorization to carry firearm while on duty
- 10A:72-4.2 Firearms training, qualification and requalification
- 10A:72-4.3 On-duty firearm
- 10A:72-4.4 Use of force
- 10A:72-4.5 Non-deadly force; when justified
- 10A:72-4.6 Deadly force; when authorized
- 10A:72-4.7 Use of force against persons other than parolees and inmates
- 10A:72-4.8 Use of mechanical restraints
- 10A:72-4.9 Use of chemical agents; storage
- 10A:72-4.10 Training
- 10A:72-4.11 Motor vehicle pursuits prohibited
- 10A:72-4.12 Reports
- 10A:72-4.13 Penalties for violation

**SUBCHAPTER 5. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF-DUTY**

- 10A:72-5.1 Authorized off-duty firearm, ammunition and holsters
- 10A:72-5.2 Off-duty firearm
- 10A:72-5.3 Firearms training, qualification and requalification
- 10A:72-5.4 Use of force while off-duty
- 10A:72-5.5 Use of non-deadly force while off-duty
- 10A:72-5.6 Use of deadly force while off-duty
- 10A:72-5.7 Unauthorized carrying of firearms
- 10A:72-5.8 Possession of firearms within a casino or casino simulcasting facility
- 10A:72-5.9 Motor vehicle pursuits prohibited
- 10A:72-5.10 Reporting incidents
- 10A:72-5.11 Penalties for violation

**SUBCHAPTER 6. SEARCH AND URINE MONITORING OF PAROLEES AND INMATES**

- 10A:72-6.1 Search of parolees; when authorized; scope
- 10A:72-6.2 Search of inmates and search of persons serving a court imposed sentence of community supervision for life
- 10A:72-6.3 Search of a parolee's residence; when authorized
- 10A:72-6.4 Search of a motor vehicle; when authorized
- 10A:72-6.5 Search of objects in a motor vehicle
- 10A:72-6.6 Reports
- 10A:72-6.7 Testing for prohibited substances
- 10A:72-6.8 Collection, storage and analysis of specimens

**SUBCHAPTER 7. CONTRABAND AND DISPOSITION OF CONTRABAND**

- 10A:72-7.1 Procedures for handling contraband upon discovery

**SUBCHAPTER 8. TRANSPORTATION OF PAROLEES AND INMATES IN CUSTODY**

- 10A:72-8.1 Use of State owned and privately owned vehicles
- 10A:72-8.2 Transport of parolees and inmates in custody
- 10A:72-8.3 Emergencies
- 10A:72-8.4 Medical transportation
- 10A:72-8.5 (Reserved)

**SUBCHAPTER 9. VOLUNTEERS IN PAROLE PROGRAM (V.I.P.P.)**

- 10A:72-9.1 Volunteers in Parole Program (V.I.P.P.) Supervisor
- 10A:72-9.2 District Volunteers in Parole Program (V.I.P.P.) Coordinator
- 10A:72-9.3 Recruiting volunteers
- 10A:72-9.4 Eligibility for service as a volunteer
- 10A:72-9.5 Volunteer application
- 10A:72-9.6 Screening process
- 10A:72-9.7 Volunteer responsibilities
- 10A:72-9.8 Volunteer handbook
- 10A:72-9.9 Orientation and training of volunteers
- 10A:72-9.10 Supervision of volunteers
- 10A:72-9.11 Performance evaluation
- 10A:72-9.12 Recognition of volunteers
- 10A:72-9.13 Curtailing, suspending or discontinuing the services of a volunteer
- 10A:72-9.14 Reporting responsibilities

**SUBCHAPTER 1. GENERAL PROVISIONS**

**10A:72-1.1 Purpose**

- (a) The purpose of this chapter is to:

1. Establish policies and procedures regarding the use of force by parole officers, while on duty and off-duty;
2. Establish policies and procedures for the search and urine monitoring of inmates and parolees;
3. Define contraband and establish procedures for contraband seizure and disposal; and
4. Establish policies and procedures regarding the transportation of inmates and parolees.

#### 10A:72-1.2 Scope

This chapter shall be applicable to the Division of Parole, unless otherwise indicated.

#### 10A:72-1.3 Definitions

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

“Central Communications Unit” means the centralized communication center within the Department of Corrections which coordinates communication functions of the Division of Parole on a 24-hour, seven day a week basis.

“Chemical agent” means an aerosol spray which may be used to gain control of individuals who resist arrest or for the purpose of self-defense against an attack.

“Community supervision for life” as established in N.J.S.A. 2C:43-6.4, means a court imposed sentence of community supervision commenced upon completion of sentence, supervised as if on parole on a person who has been convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c of N.J.S.A. 2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a of N.J.S.A. 2C:24-4, luring, or an attempt to commit any such offense. Rules regarding community supervision for life are established at N.J.A.C. 10A:71-6.11.

“Contraband” means any item, article or material found in the possession of, or under the control of, an inmate or parolee which is prohibited by conditions of parole and/or community release, or which is prohibited by the Criminal Code of the State of New Jersey.

“Deadly force” means force which is intended to cause, or is likely to cause, death or serious bodily harm.

“Detainer” means a warrant or formal authorization to detain or apprehend an inmate or parolee for prosecution or detention by a Federal, State or local law enforcement agency. Detainers may include, but are not limited to:

1. Adjudicated criminal charges for which sentence has been imposed;

2. Criminal charges resulting from indictment, for which there is no final disposition (open charges);
3. Warrants for violation of parole or probation or executive clemency; and
4. Immigration detainers.

“Division of Parole” means the agency within the New Jersey State Parole Board which is charged with the preparation, release, and supervision of those offenders who are paroled by the New Jersey State Parole Board; the supervision of parolees who are serving a mandatory period of parole supervision pursuant to N.J.S.A. 2C:43-7.2(c); the supervision of parolees from other states who have been accepted under the terms of the Adult and Juvenile Compacts for the Supervision of Parolees and Probationers; the supervision and/or monitoring of inmates and parolees assigned to the Electronic Monitoring Program; the supervision of persons sentenced to community supervision for life; the supervision of persons sentenced to parole supervision for life; and the supervision of certain Executive Clemency cases.

“Electronic Monitoring Program (EMP)” means a program in which an inmate lives in the community and is monitored by an electronic monitoring device.

“Firearm” means any hand gun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

“Lawfully confined” means custodially confined in a detention facility or county correctional facility or a Department of Corrections’ facility.

“Mechanical restraints” means restraining devices such as handcuffs, leg irons, and belly chains.

“Non-deadly force” means force used by the parole officer which is not likely to cause death or serious bodily harm.

“Parole officer” means persons with the following Division of Parole titles that shall be sworn as peace officers:

1. Director, Division of Parole;
2. Assistant Directors, Division of Parole;
3. Supervising Parole Officer;
4. District Parole Supervisor;
5. Assistant District Parole Supervisor;
6. Senior Parole Officer; and
7. Parole Officer Recruit.

"Parolee" means any person who is subject to the parole jurisdiction of the New Jersey State Parole Board and has been released on parole; any person released to mandatory parole supervision pursuant to N.J.S.A. 2C:43-7.2(c); any person placed under supervision by reason of Executive Clemency; or any person released from another state correctional facility who resides in New Jersey under the terms of the Adult and Juvenile Compacts for the Supervision of Parolee and Probationers.

"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 such as that a condition of parole has been or is being violated by a parolee.

"Serious bodily harm" means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Unlawful force" means force, including confinement, which is employed without the consent of the person against whom it is directed and the use of which is not permitted by law.

"Warrant" means a writ or precept from an authority in pursuance of law, directing the performance of a specified act, and addressed to a peace officer or person competent to perform the act.

"Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury.

Amended by R.2004 d.446, effective December 6, 2004.  
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

Rewrote the section.

#### Case Notes

Parole officer had reasonable suspicion that there was contraband in plainly visible brown paper bag in defendant's bedroom, and therefore search of bag did not violate constitutional guarantees against unreasonable searches and seizures, where defendant said she was going to retrieve court documents from bedroom, became nervous as officer approached bedroom, and lied by saying her sister's baby was not inside, an where officer saw crumpled brown paper bag which she knew was a common container for illegal drugs. *State v. Maples*, 346 A.2d 408.

#### 10A:72-1.4 Procedures

(a) The Director, Division of Parole, or designee shall be responsible for developing written procedures consistent with this chapter.

(b) All written procedures shall be submitted to the Board for review and approval.

(c) Written procedures developed in accordance with this chapter shall be made available to all parole officers and parole staff members.

Recodified from N.J.A.C. 10A:72-1.5 and amended by R.2004 d.446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

Former N.J.A.C. 10A:72-1.4, Forms, repealed.

#### 10A:72-1.5 (Reserved)

Recodified to N.J.A.C. 10A:72-1.4 by R.2004 d.446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

## SUBCHAPTER 2. COMMUNITY PLAN AND SUPERVISION

#### Authority

N.J.S.A. 30:4-123.48(d).

#### Source and Effective Date

R.2004 d.446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

#### 10A:72-2.1 Investigation of community release

(a) Prior to parole release, each inmate must submit a proposed parole residence plan to the appropriate Board staff person.

(b) Upon the proposed parole residence plan being provided to the appropriate District Parole Office, the District Parole Supervisor shall assign a parole officer to investigate the plan.

(c) The purpose of the investigation is to ensure that the inmate has a suitable residence upon his or her release to the community.

(d) The parole officer assigned to complete the investigation shall perform the following tasks:

1. Verify, in person, that the residence location is a valid address;
2. Verify, in person, that the host person or family is willing to provide housing and food for the inmate;
3. Determine whether acceptance of the inmate in the residence would not be a violation of any law, rule or regulation prohibiting a person with a criminal conviction from residing at the proposed residence plan;
4. Determine whether the host person or family is willing to cooperate with parole supervision;
5. Determine whether the host person or family is willing to comply with the parole officer's law enforce-

ment authority and to comply with any search initiated pursuant to N.J.A.C. 10A:72-6.1;

6. Advise, in writing, all interested law enforcement authorities of the proposed parole residence plan;
7. Prepare a written report which shall include:
  - i. A list of any outstanding warrants;
  - ii. Any recommendation(s) for any special conditions that the parole officer believes will assist the parolee in making a successful reintegration into the community; and
  - iii. The parole officer's recommendation as to the suitability of the inmate residing at the proposed parole residence; and
8. Submit the written report to the appropriate Panel.

#### 10A:72-2.2 Parole supervision status

(a) Each parolee shall be assigned a level of supervision appropriate to maintain public safety, reduce the likelihood of recidivism and to ensure the parolee's positive reintegration into the community.

(b) The assigned parole officer, in coordination with his or her immediate supervisor, shall, at the first visit reporting session, determine, unless otherwise specified by a Board panel or the Board, the level of parole supervision for each parolee.

(c) The assigned parole officer shall immediately review instances of non-compliance of a recurring or serious nature with established conditions of parole with their immediate supervisor.

1. Upon review, if it is determined, by the supervisor, that the parolee is in non-compliance with parole conditions, the supervisor shall take appropriate remedial action commensurate with the seriousness of the violation(s).
2. Upon review by the assigned parole officer and their immediate supervisor, positive and constructive improvements in the parolee's adjustment to parole supervision may result in less restrictive levels of parole supervision or a recommendation for discharge from parole supervision pursuant to N.J.A.C. 10A:71-6.9. Thereafter, the level of parole supervision shall be periodically evaluated.

#### 10A:72-2.3 Chronological Supervision Reports

(a) All contacts or events concerning the supervision of the parolee shall be recorded in the parole officer's casebook, hereafter known as the Chronological Supervision Report (CSR).

(b) Each CSR must begin with a "Problem Statement" identifying those areas in which the parolee may need improvement. The problem statement shall also include a case plan detailing the efforts to be taken by the parolee and the assigned parole officer to correct deficiencies.

#### 10A:72-2.4 Violations of parole

(a) Whenever the parole officer has a reasonable belief that the parolee has violated the conditions of parole, the parolee will receive immediate remedial counseling. If the violation is of a serious or persistent nature, the parole officer shall promptly review the parolee's case with his or her supervisor for the purpose of determining an appropriate response. Such review shall include a formal assessment of the parolee's risk to public safety and current rehabilitative needs.

(b) The response to a violation of a condition of parole shall be proportional to the risk to the community posed by the parolee, the severity of the violation, and the potential for long term positive outcomes. Responses may include, but not be limited to, the following:

1. An adjustment to the parolee's reporting status;
2. The imposition of any special condition(s) that will reduce the likelihood of recurrence of criminal or delinquent behavior; or
3. The imposition of a special condition requiring:
  - i. Assignment to and successful completion of an out-patient substance abuse treatment program or any other recommended treatment program;
  - ii. Assignment to and successful completion of the electronic monitoring program;
  - iii. Assignment to and successful completion of a day reporting center program; or
  - iv. Assignment to and successful completion of a residential community-based treatment program.

(c) If the least restrictive responses in (b) above are inappropriate, refer to (d) below.

(d) The parole officer shall initiate revocation procedures pursuant to N.J.A.C. 10A:71-7.1 and 7.2 when it has been determined in consultation with the appropriate supervisor that probable cause exists that a parolee has seriously or persistently violated a condition(s) of parole and that the evidence indicates that the parolee poses a danger to public safety or poses a flight risk.

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#### SUBCHAPTER 3. (RESERVED)

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#### SUBCHAPTER 4. USE OF FORCE WHILE ON-DUTY

##### 10A:72-4.1 Parole officer authorization to carry firearm while on duty

(a) Prior to being permitted to carry a firearm on duty, a parole officer shall:

(b) Opening devices on the inner rear doors and windows of State owned passenger sedans shall be made inoperable for parolees and inmates.

(c) The rear door locking mechanism of the State owned vehicle shall be modified so that it is redirected, making it accessible to the parole officer only when the front door is open.

(d) The standard State owned passenger sedan or van shall be used only in lieu of more secure but unavailable vehicles.

(e) Vehicles used to transport parolees and inmates in custody shall be thoroughly searched for contraband by the transporting parole officer(s) before and after being used.

(f) Parole officers transporting parolees or inmates shall be provided with necessary mechanical restraints which shall be used in accordance with N.J.A.C. 10A:72-4.8.

(g) Parole officers transporting parolees and inmates in custody shall be armed with Board authorized weapons and ammunition. Any use of force shall be governed by N.J.A.C. 10A:72-4.

(h) When utilizing a State vehicle specified in (a) above to transport parolees and inmates in custody, the ratio of transporting parole officers to parolees or inmates shall be two parole officers for one parolee or inmate, two parole officers for two parolees or inmates, and three parole officers for three parolees or inmates. When utilizing a State vehicle specified in (d) above to transport parolees and inmates in custody, the ratio of transporting parole officers to parolees or inmates shall be two parole officers for one parolee or inmate, two parole officers for two parolees or inmates, and three parole officers for three parolees or inmates.

(i) Only properly trained parole officers shall transport parolees and inmates in custody. Such parole officers shall have been fully trained in the following areas:

1. Use of weapons and mechanical restraint equipment; and
2. Effective search for contraband of parolees and inmates, their personal property and transportation vehicles.

(j) Searches of parolees and inmates being transported shall be conducted in accordance with N.J.A.C. 10A:72-6.1.

(k) The parolee(s) or inmate(s) shall be carefully guarded to prevent escape and receipt of contraband.

(l) No communication between the parolee(s) or inmate(s) and the public shall be permitted at any time during transport.

(m) A parolee's or inmate's special requests during transport not related to the purpose of the trip shall not be honored.

Amended by R.2004 d.446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

Rewrote the section.

### 10A:72-8.3 Emergencies

(a) The parole officer shall immediately notify the Central Communications Unit of the New Jersey Department of Corrections if an emergency arises during the transportation of a parolee or inmate.

(b) If time or other considerations make it impossible to contact the Central Communications Unit, the local police authorities shall be notified by the parole officer without prior clearance.

Recodified from N.J.A.C. 10A:72-8.4 by R.2004 d. 446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

Former N.J.A.C. 10A:72-8.3, Escorting procedures for parolees and inmates, was repealed.

### 10A:72-8.4 Medical transportation

(a) In emergency situations when a non-ambulatory parolee or inmate in custody is in need of hospitalization or treatment, the parolee or inmate shall be transported by ambulance, or by a State owned vehicle if an ambulance is unavailable. A State owned vehicle shall be used to transport an ambulatory parolee or inmate who is in need of hospitalization or treatment.

(b) When a parolee or inmate in custody is transported by ambulance, the parole officer shall accompany the parolee or inmate in the ambulance and another parole officer shall follow the ambulance in a backup car.

(c) When a parolee or inmate in custody is transported in a State owned vehicle, the ratio of escorting parole officers to parolees and inmates shall be governed by N.J.A.C. 10A:72-8.2.

(d) The use of mechanical restraints and equipment when transporting a parolee or inmate in custody for hospitalization or treatment shall be governed by N.J.A.C. 10A:72-4.8 and the nature of the illness or injury.

Recodified from N.J.A.C. 10A:72-8.5 by R.2004 d. 446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

Former N.J.A.C. 10A:72-8.4, Emergencies, recodified to 10A:72-8.3.

### 10A:72-8.5 (Reserved)

Recodified from N.J.A.C. 10A:72-8.4 by R.2004 d. 446, effective December 6, 2004.

See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

## SUBCHAPTER 9. VOLUNTEERS IN PAROLE PROGRAM (V.I.P.P.)

### Authority

N.J.S.A. 30:4-123.48(d).

### Source and Effective Date

R.2004 d.446, effective December 6, 2004.  
See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

### 10A:72-9.1 Volunteers in Parole Program (V.I.P.P.) Supervisor

(a) The Volunteers in Parole Program (V.I.P.P.) Supervisor, serving under the Director, Division of Parole, shall be responsible for the administration of the V.I.P.P. The V.I.P.P. Supervisor shall:

1. Disseminate the policies and procedures of V.I.P.P. as established by the Board;
2. Monitor and evaluate V.I.P.P. activities; and
3. Submit monthly and annual reports on V.I.P.P. activities to the Director, Division of Parole.

### 10A:72-9.2 District Volunteers in Parole Program (V.I.P.P.) Coordinator

(a) The District Parole Supervisor shall designate a District V.I.P.P. Coordinator who shall be responsible for the coordination and supervision of V.I.P.P. activities within the District Office. The District V.I.P.P. Coordinator shall:

1. Recruit volunteers;
2. Assist in the orientation and training of volunteers;
3. Coordinate the interviewing, screening and approval of volunteers;
4. Assign volunteers to appropriate activities and/or services;
5. Coordinate and monitor the supervision of volunteers; and
6. Prepare annual reports of V.I.P.P. activities.

### 10A:72-9.3 Recruiting volunteers

(a) Volunteers may be recruited by the V.I.P.P. Supervisor, the District V.I.P.P. Coordinator, or other interested individuals.

(b) Efforts shall be made to recruit volunteers from all cultural and socioeconomic segments of the community.

(c) When recruiting volunteers, emphasis shall be placed on the service to be provided and the qualifications of the prospective volunteer including:

1. Motivation;
2. Interest;

3. Background;

4. Training; and/or

5. Other qualifications which make the prospective volunteer the appropriate person to provide a needed service.

(d) Assistance in recruiting volunteers may be provided by a Department of Corrections staff member who is designated to coordinate volunteer services.

### 10A:72-9.4 Eligibility for service as a volunteer

(a) A volunteer shall be at least 18 years of age.

(b) A former inmate may serve as a volunteer if his or her application is approved by the District Parole Supervisor and the Director, Division of Parole.

(c) No application to serve as a volunteer shall be denied on the basis of sex, race, religion or national origin.

### 10A:72-9.5 Volunteer application

(a) Any person desiring to serve as a volunteer may obtain from the District Volunteers in Parole Program (V.I.P.P.) Coordinator the following forms:

1. Volunteer Application;
2. Request for Criminal History Record Information;
3. V.I.P.P. Volunteer Rules and Responsibilities;
4. General Waiver; and
5. Application for Clearance and Issuance of a Temporary Identification Card.

(b) The applicant shall complete and sign the forms in (a) above and return such forms to the District V.I.P.P. Coordinator, who shall schedule fingerprinting.

(c) All volunteers shall be fingerprinted.

(d) A copy of all applications shall be submitted by the District V.I.P.P. Coordinator to the Division of Parole V.I.P.P. Supervisor who shall:

1. Submit the Form Volunteer Application to the Board staff member who has been designated to coordinate volunteer services; and
2. Submit the Application for Clearance and Issuance of a Temporary Identification Card to the Special Investigations Unit of the Board.

(e) Applicants offering volunteer services in specialized fields requiring licensure or certification shall submit current and valid credentials for verification, along with the application.