

**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).

**Executive Order No. 66(1978) Expiration Date**

Chapter 20, Community Release Programs, expires on November 3, 2002.

**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).

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SUBCHAPTERS 2 THROUGH 3. (RESERVED)

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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).

**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 Institutional 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, detainees 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), 30 N.J.R. 3553(b).

**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.

**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.

(c) The Superintendent may overrule the approval of an application for a Residential Community Release Agreement Program by the I.C.C. when the Superintendent has information which was not available to the I.C.C. when the Residential Community Release Agreement Program application was approved.

(d) The Institutional Community Release Agreement Program Coordinator shall attend all meetings of the I.C.C. when Residential Community Release Agreement Program cases are being reviewed.

(e) The Institutional Community Release Agreement Program Coordinator will notify the inmate, in writing, of the status of the inmate's application to a Residential Community Release Agreement Program.

Public Notice: Receipt of and Action on Petition for Rulemaking.  
See: 29 N.J.R. 4347(b), 29 N.J.R. 4682(a).  
Petition for Rulemaking.  
31 N.J.R. 3537(a).

#### **10A:20-4.11 Forwarding documents to the Bureau of Contract Administration**

(a) Following approval of an inmate to participate in a Residential Community Release Agreement Program, the Institutional Community Release Agreement Program Coordinator shall submit Form 686-I Community Program Application and MR-030 Community Release Medical Examination Form to the Bureau of Contract Administration along with two copies of the following:

1. Up-to-date classification material for the inmate-applicant which includes a psychological evaluation which 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.

2. The progress sheet from the inmate's classification folder and any other relevant information regarding the inmate's correctional facility adjustment and program participation;

3. The inmate's criminal history record (rap sheet);

4. The inmate's parole plan;

5. The New Jersey State Parole Board hearing decision, if available;

6. Form I-4 Request for Pre-Parole Report, when it has not been previously completed, or a request to re-

check the Pre-Parole Report if it is over 12 months old, or, if available, the results of the Pre-Parole investigation;

7. A recent inmate photograph with physical description on the reverse side;

8. The status of detainers on file;

9. The Pre-Sentence Report;

10. The court commitment order when fines, penalties or restitution are part of the sentence; and

11. Keep separate orders.

Administrative change.  
See: 30 N.J.R. 366(a).

#### **10A:20-4.12 Role of the Bureau of Contract Administration**

(a) The Bureau of Contract Administration shall assign the inmate to a Residential Community Release Agreement Program based on the inmate's treatment needs and bed space availability.

(b) The Bureau of Contract Administration shall prepare the transfer orders necessary for the inmate to be transferred from the correctional facility to the contract agency.

(c) A waiting list of inmates approved for assignment to the Residential Community Release Agreement Programs shall be maintained by the Bureau of Contract Administration.

#### **10A:20-4.13 Notification to contract agency that an inmate has been assigned to the Community Release Agreement Program; contract agency responsibility**

After Form 686-I Section III. Authorization for Release of Information has been signed by the inmate, classification material shall be forwarded by the Bureau of Contract Administration to the contract agency at which the inmate has been assigned. The contract agency must handle classification material with strict confidentiality.

#### **10A:20-4.14 New Jersey State Parole Board hearing**

New Jersey State Parole Board hearings for inmates assigned to Residential Community Release Agreement Programs shall be arranged and conducted in accordance with N.J.A.C. 10A:71-3 and any applicable statutes.

#### **10A:20-4.15 New Jersey State Parole Board extension after inmate is approved for program and is awaiting placement**

(a) When an inmate receives a New Jersey State Parole Board extension, after the inmate has been approved for transfer and is on the waiting list for a bed, the Bureau of Contract Administration shall request an updated parole eligibility date.

(b) When the inmate's updated parole eligibility date indicates that the inmate will be eligible again for placement in a Residential Community Release Agreement Program within the next three months, the application shall be held in the Bureau of Contract Administration "Pending File" until the name is eligible.

(c) When the inmate is eligible for placement in a Residential Community Release Agreement Program, the Bureau of Contract Administration shall request that the Institutional Community Release Agreement Program Coordinator forward updated information, such as the psychological evaluation, progress sheet(s) and medical review to the Bureau for review.

**10A:20-4.16 New Jersey State Parole Board extension for halfway house residents**

(a) When an inmate's parole eligibility date has been extended, the parent correctional facility, the Regional Institution, the Bureau of Contract Administration and the Director of the halfway house shall determine whether the inmate will remain at the halfway house by reviewing the following:

1. The updated parole eligibility date;
2. The inmate's overall progress and adjustment in the Residential Community Release Agreement Program;
3. The inmate's prognosis for successfully completing the program if allowed to remain;
4. The total length of time the inmate will be in the program; and
5. Any other pertinent information.

(b) When an inmate's parole eligibility date has been extended, and the inmate's parole eligibility date would extend participation in the residential Community Release Agreement Program beyond 18 months, the inmate shall be returned to the correctional facility, but the inmate may reapply when eligible.

(c) Parole eligibility dates shall not be projected in determining appropriate placement of inmates in halfway houses or other Residential Community Release Agreement Programs.

**10A:20-4.17 Preparation for transfer to contract agency**

(a) A complete medical and dental checkup shall be given each inmate prior to an inmate's transfer to a contract agency.

(b) A check for the money remaining in the inmate's account shall accompany the inmate to the contract agency.

(c) Copies of the transfer authorization shall be sent by the Bureau of Contract Administration to appropriate personnel at:

1. The parent correctional facility;
2. The regional institution;
3. The New Jersey State Parole Board; and
4. The appropriate District Parole Office.

(d) The District Parole Office shall, in turn, notify the affected law enforcement authority of the inmate's transfer to the contract agency and of the inmate's furlough address.

(e) The Bureau of Contract Administration shall be notified immediately of the cancellation of an impending transfer of an inmate to a contract agency so that another inmate may be selected for placement.

(f) The Institutional Community Release Agreement Program Coordinator shall encourage and assist the inmate, when appropriate, in obtaining documents that will be necessary in the inmate's search for employment and should be processed, if possible, prior to transfer. These documents may include:

1. A Social Security card;
2. A driver's license; and/or
3. A birth certificate

(g) Inmate personal property shall be handled in accordance with N.J.A.C. 10A:1-11.7.

**10A:20-4.18 Transportation of inmate**

(a) The parent correctional facility shall be responsible for making the arrangements necessary for transporting the inmate to the contract agency through Central/Medical Transportation.

(b) Inmates may be transported without restraint to the contract agency in a State owned passenger vehicle.

(c) After an inmate has been assigned to, and is living at, a Residential Community Release Agreement Program, the inmate shall be transported to a correctional facility in accordance with internal management practices and procedures established to provide transportation between Residential Community Release Agreement Programs and other correctional facilities.

**10A:20-4.19 Contract agency rules, regulations and discipline**

(a) An orientation to the contract agency and written rules and regulations shall be given to the inmate immediately following the inmate's arrival at the contract agency.

(b) Inmate residents who violate contract agency rules and regulations shall be subject to such restriction of privileges by contract agency staff as would apply to other inmate residents. Such restrictions shall be imposed in accordance with procedures developed by contract agency staff and agreed upon by the Commissioner, Department of Corrections or designee and the director of the contract agency (see N.J.A.C. 10A:4).

(c) Major disciplinary violations shall be reported immediately to the regional institution and the Bureau of Contract Administration.

(d) Major disciplinary violation charges shall result in the immediate transfer of the inmate to a correctional facility within the New Jersey Department of Corrections. Major disciplinary violations shall include, but are not limited to:

1. Charges by law enforcement authorities for violation of law, except minor traffic and municipal violation;