

## CHAPTER 20

## RESIDENTIAL COMMUNITY PROGRAMS

## Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-91.3, 91.8, 91.9, 91.11 through 91.13, and 30:4-92.

## Source and Effective Date

R.2003 d.225, effective May 2, 2003.  
See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

## Chapter Expiration Date

Chapter 20, Community Release Programs, expires on May 2, 2008.

## 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: 29 N.J.R. 3779(b), 29 N.J.R. 4682(a).

Chapter 20, Community Release Programs, was readopted as R.2003 d.225, effective May 2, 2003. As a part of d.225, Chapter 20, Community Release Programs was renamed Chapter 20, Residential Community Programs. See: Source and Effective Date. See, also, section annotations.

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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 assessment and treatment centers, halfway houses, and Substance Use Disorder Treatment Programs;
2. Establish policies and procedures for the administration of Residential Community Release Agreement Programs, such as assessment and treatment centers, halfway houses, and Substance Use Disorder Treatment Programs;
3. Establish the eligibility criteria, and policies and procedures for the Department of Corrections related

responsibilities for the administration of Mutual Agreement Programs;

4. Provide for required notifications pursuant to N.J.S.A. 30:4-91.8, 91.9, 91.11 and 91.13 when an inmate is being considered for participation in a residential community program; and

5. Provide for the establishment of a Community Relations Advisory Board(s) in accordance with N.J.S.A. 30:4-91.12.

Amended by R.2003 d.225, effective June 2, 2003.

See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

In (a), inserted "assessment and treatment centers," preceding "halfway houses" and substituted "Use Disorder" for "Abuse" following "Substance" in 1 and 2, and added 3 through 5.

### 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.

Amended by R.2003 d.225, effective June 2, 2003.

See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

### 10A:20-1.3 Definitions

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

"Assessment and Treatment Center" means a Residential Community Release Agreement Program that provides eligible inmates with a comprehensive assessment of their needs and risks, an orientation to a treatment regimen, and a referral to a halfway house, Substance Use Disorder Treatment Program, or Mutual Agreement Program.

"Contract agency" means a Residential Community Release Agreement Program that has entered into a formal contract with the New Jersey Department of Corrections to provide an Assessment and Treatment Center, a halfway house, or Substance Use Disorder Treatment Program.

"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 and educational activities in the context of treatment and rehabilitation.

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

"Mutual Agreement Program (MAP)" means the formal cooperative agreement between the New Jersey Department of Corrections and the New Jersey Department of Human Services in reference to State-licensed, residential, community-based substance use disorder treatment programs throughout New Jersey for community based treatment of inmates under the jurisdiction of the New Jersey Department of Corrections.

"Residential Community Release Agreement Program (RCRP)" means Assessment and Treatment Centers, halfway houses, or Substance Use Disorder Treatment Programs under contract with the New Jersey Department of Corrections.

"Residential community programs" means community based programs, such as Residential Community Release Agreement Programs and Mutual Agreement Programs.

"Residential Community Program Victim Notification Classification Committee" means a group of Departmental staff designated by the Commissioner or designee that shall be responsible to provide notification pursuant to N.J.S.A. 30:4-91.8 and to review comments submitted to the Department when an inmate is considered for participation in a residential community program.

"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 Use Disorder Treatment Program" means a Residential Community Release Agreement Program with specific emphasis on alcohol and/or drug treatment.

Amended by R.2003 d.225, effective June 2, 2003.

See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

Rewrote the section.

Amended by R.2006 d.151, effective May 1, 2006.

See: 38 N.J.R. 96(a), 38 N.J.R. 1836(a).

In the definition of "Mutual Agreement Program (MAP)", substituted "between" for "among", deleted "the New Jersey State Parole Board" and substituted "Human" for "Health and Senior"; and deleted the definition "Regional institution".

### 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 programs shall be reproduced by each correctional facility from originals that are available by contacting the Administrative Rules Unit:

1. 172—II Continuity of Evidence—On-Site Urine Specimen Testing;
2. 686—I Community Program Application;
3. 686—II Community Program Application Checklist; and
4. 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 New Jersey State Parole Board:

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

(c) The following form is related to the accounting process as used by the RCRP when billing the Department of Corrections. The form shall be reproduced from the original that is available by contacting the New Jersey Department of Corrections, Division of Programs and Community Services, Office of Community Programs, New Jersey Department of Corrections:

1. AR 50/54—State of New Jersey Payment Voucher (Vendor Invoice).

Administrative change.  
See: 35 N.J.R. 1137(a).  
Amended by R.2003 d.225, effective June 2, 2003.  
See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).  
Rewrote the section.  
Administrative change.  
See: 36 N.J.R. 1779(a).

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**SUBCHAPTERS 2 THROUGH 3. (RESERVED)**


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**SUBCHAPTER 4. RESIDENTIAL COMMUNITY  
RELEASE AGREEMENT PROGRAMS AND  
MUTUAL AGREEMENT PROGRAMS**
**10A:20-4.1 Contract/agreement between the New Jersey  
Department of Corrections and community  
agencies**

(a) 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.

(b) Prior to receiving inmates for placement into a Mutual Agreement Program, such programs must be licensed through the Department of Health and Senior Services and be required to comply with the conditions established within the formal cooperative agreement that exists among the New Jersey Department of Corrections, the New Jersey State Parole Board and the New Jersey Department of Health and Senior Services.

(c) In addition to any other contractual provisions, every contract between the Department of Corrections and the operator of a RCRP shall provide for the establishment of a Community Relations Advisory Board(s) in accordance with N.J.S.A. 30:4-91.12.

Amended by R.2003 d.225, effective June 2, 2003.  
See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

Designated the existing paragraph as (a) and substituted "Agencies" for "All agencies" preceding "outside"; added (b) and (c).

**10A:20-4.2 Administration of Residential Community  
Programs**

(a) The Division of Programs and Community Services, Office of Community Programs shall be responsible for the administration of Residential Community Release Agreement Programs under contract with the New Jersey Department of Corrections.

(b) The Division of Programs and Community Services, Office of Drug Programs shall be responsible for the administration of the Department of Corrections related responsibilities of the Mutual Agreement Programs.

Amended by R.2003 d.225, effective June 2, 2003.  
See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

Designated the existing paragraph as (a) and substituted "Division of Programs and Community Services, Office of Community Programs" for "Bureau of Contract Administration"; added (b).

**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 Duties of correctional facility staff responsible  
for coordinating release to residential  
community programs**

(a) The correctional facility Administrator 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 Office of Community Programs and the Residential Community Release Agreement Programs;

2. Make periodic visits to Residential Community Release Agreement Programs and attend training sessions provided by the Office of Community Programs;

3. Be responsible for having a thorough familiarity with Residential Community Release Agreement Programs and advise correctional facility staff of changes in policies of Residential Community Release Agreement Programs;

4. Be responsible for explaining Residential Community Release Agreement Programs to inmates; and

5. Be responsible for notifying the Office of Community Programs of any change that occurs in an inmate's status, such as, but not limited to, medical, custody, detainers or any such circumstances that would render the inmate ineligible for participation in Residential Community Release Agreement Programs.

Amended by R.2003 d.225, effective June 2, 2003.  
See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

In (a), substituted "Administrator" for "Superintendent" in the introductory paragraph, inserted ". but not limited to," preceding "medical," in 5, and substituted "Office of Community Programs" for "Bureau of Contract Administration" and references to Residential Community Release Agreement Programs for references to contract agencies throughout.

#### 10A:20-4.4 General eligibility criteria for residential community programs

(a) Candidates for participation in residential community programs shall:

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

2. Not demonstrate an undue risk to public safety;

3. Have a psychological evaluation which supports placement in a residential community program and 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 more than 12 months old;

4. Have received medical and dental certification, in accordance with N.J.A.C. 10A:20-4.9, indicating medical and dental clearance and that shall not be more than twelve months old;

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

6. Have completed and signed Form 686—I Community Program Application for those inmates who are interested in participating;

7. Have had Form 686—I approved by the Institutional Classification Committee (ICC);

8. Have been approved by the Residential Community Program Victim Notification Classification Committee when notification is required pursuant to N.J.S.A. 30:4-91.8; and

9. Have been found to be an appropriate candidate for participation in a residential community program by the Assessment and Treatment Center.

Petition for Rulemaking.

See: 33 N.J.R. 1477(a).

Amended by R.2003 d.225, effective June 2, 2003.

See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

Rewrote the section.

#### 10A:20-4.5 Specific eligibility criteria for residential community programs

(a) In addition to the general eligibility criteria in N.J.A.C. 10A:20-4.4, candidates for residential community programs who have not been convicted of a sexual offense as defined in N.J.S.A. 30:4-91.8 or an arson offense and who do not demonstrate an undue risk to public safety shall be eligible within the time frames established in (b) below 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.

(b) Candidates are eligible for participation in a community release program when the candidate:

1. Is otherwise eligible and who has less than 18 months remaining to be served and is determined by the Commissioner or designee to be appropriate for participation in a residential community program; or

2. Is otherwise eligible and who has more than one year but less than two years remaining to be served and is determined by the Commissioner or designee to be appropriate for participation in a substance use disorder treatment program.

Petition for Rulemaking.

See: 30 N.J.R. 3108(a), 30 N.J.R. 3553(b).

Amended by R.1999 d.427, effective December 6, 1999.

See: 31 N.J.R. 2293(a), 31 N.J.R. 4060(a).

In (a), inserted a reference to substance abuse treatment programs in the introductory paragraph.

Petition for Rulemaking.

See: 33 N.J.R. 1477(a).

Amended by R.2003 d.225, effective June 2, 2003.

See: 34 N.J.R. 4325(a), 35 N.J.R. 2483(a).

In (a), rewrote the introductory paragraph; added (b).

#### 10A:20-4.6 (Reserved)

Repealed by R.1999 d.427, effective December 6, 1999.

See: 31 N.J.R. 2293(a), 31 N.J.R. 4060(a).