

CHAPTER 72

DIVISION OF PAROLE

Authority

N.J.S.A. 30:4-123.48(d) and 30:4-123.92(d).

Source and Effective Date

R.2006 d.256, effective June 15, 2006.
See: 38 N.J.R. 100(a), 38 N.J.R. 3033(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 72, Division of Parole, expires on June 15, 2013. See: 43 N.J.R. 1203(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: 31 N.J.R. 4205(a), 32 N.J.R. 4465(b).

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).

Subchapter 2, Community Plan and Supervision; and Subchapter 9, Volunteers in Parole Program (V.I.P.P.), were adopted as new rules by R.2004 d.446, effective December 6, 2004. See: 36 N.J.R. 2136(a), 36 N.J.R. 5359(a).

Chapter 72, Division of Parole, was readopted as R.2006 d.256, effective June 15, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 3, Polygraph Examination of Sex Offenders, was adopted as new rules by R.2011 d.252, effective November 21, 2011. See: 43 N.J.R. 121(a), 43 N.J.R. 3087(a).

Subchapter 6, Search and Urine Monitoring of Parolees and Inmates, was renamed Search and Urine Monitoring of Parolees; Subchapter 8, Transportation of Parolees and Inmates in Custody, was renamed Transportation of Parolees in Custody; and Subchapter 10, Curfew and Electronic Monitoring, was adopted as new rules by R.2011 d.291, effective December 5, 2011. See: 43 N.J.R. 1408(a), 43 N.J.R. 3184(a).

Subchapter 11, Sex Offender Global Positioning System (GPS) Monitoring Program, was adopted as new rules by R.2012 d.201, effective December 17, 2012. See: 44 N.J.R. 2098(a), 44 N.J.R. 3069(a).

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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 parolees;
3. Define contraband and establish procedures for contraband seizure and disposal; and
4. Establish policies and procedures regarding the transportation of parolees.

Amended by R.2011 d.291, effective December 5, 2011.

See: 43 N.J.R. 1408(a), 43 N.J.R. 3184(a).

In (a)2 and (a)4, deleted "inmates and" preceding "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, a parolee that is prohibited by conditions of parole and/or community release, or that 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 a 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 division within the State Parole Board responsible for the supervision of adult and juvenile offenders released on parole by the State Parole Board from an adult correctional facility; the supervision of offenders who are serving a mandatory period of parole supervision pursuant to N.J.S.A. 2C:43-7.2(c); the supervision of offenders under parole supervision from other states who have been accepted under the terms of the Interstate Compact for Adult Offender Supervision; the supervision of