

3. Two copies of current classification material for the inmate which includes a psychological evaluation which shall not be more than 12 months old;

4. Two copies of the face sheet and progress notes from the inmate's classification folder and any other relevant information regarding the inmate's correctional facility adjustment and program participation;

5. Two copies of the inmate's criminal history record;

6. Two copies of the New Jersey State Parole Board hearing decision, if available;

7. Two copies of 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;

8. Two copies of a recent inmate photograph with physical description (photographs on the inmate face sheet are acceptable for this requirement);

9. Two copies of the status of detainers on file;

10. Two copies of the Pre-Sentence Report;

11. Two copies of the court commitment order when fines, penalties or restitution are part of the sentence;

12. Two copies of the keep separate orders, if applicable; and

13. Two copies of all supplemental documentation required, if available, for continuum of care treatment planning, to include:

i. Test of Adult Basic Skills scores;

ii. General Equivalency Diploma;

iii. Pupil progress report(s);

iv. An APTICOM Aptitude Test Battery report;

v. Vocational certificate(s);

vi. A Stabilization and Reintegration Program Boot Camp Discharge Summary, if applicable;

vii. A Therapeutic Community Discharge Plan, if applicable (attach a copy of the Addiction Severity Index long form); and

viii. An approved pre-parole report.

Administrative change.

See: 30 N.J.R. 366(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:20-4.12 Role of the Division of Programs and Community Services, Office of Community Programs and the Residential Community Program Victim Notification Classification Committee

(a) Whenever the inmate to be reviewed has been convicted of an offense enumerated at N.J.S.A. 30:4-91.8, the Residential Community Program Victim Notification Classification Committee shall provide written notice of that review to the prosecutor of the county in which the inmate was convicted or, if the matter was prosecuted by the Attorney General, the written notice shall be provided to the Attorney General:

1. The notice shall include the name of the inmate, identifying factors and offense history and shall be timely faxed and mailed by the Committee to the county prosecutor or Attorney General to ensure that the county prosecutor or Attorney General shall have 10 business days in which to submit comments to the Department of Corrections; and

2. If the county prosecutor, Attorney General, victim, or victim's nearest relative does not submit comments to the Department of Corrections within those 10 business days of receipt of such notice, the Department of Corrections may presume that the prosecutor, Attorney General, victim or victim's nearest relative does not wish to submit any comments on the matter.

(b) The Residential Community Program Victim Notification Classification Committee shall consider comments received as a result of notice provided pursuant to N.J.S.A. 30:4-91.8 and submitted to the Department of Corrections. Such comments may be submitted by the county prosecutor, Attorney General, and the victim of the crime or the victim's nearest relative if the crime resulted in death. Based upon the consideration of such comments, the Residential Community Program Victim Notification Classification Committee shall approve/disapprove a candidate for participation in a residential community program.

(c) The Director, Office of Community Programs or designee may review State-sentenced inmates in adult county correctional facilities for eligibility without submission of an application by the inmate.

(d) The Office of Community Programs shall assign the inmate to an Assessment and Treatment Center based on the inmate's treatment needs and bed space availability.

(e) The Office of Community Programs shall prepare the transfer orders necessary for the inmate to be transferred from the correctional facility to the Assessment and Treatment Center.

(f) The Office of Community Programs shall maintain a waiting list of inmates approved for assignment to the residential community programs.

(g) Each Assessment and Treatment Center shall establish an Assessment Center Classification Committee which shall be responsible for reviewing the progress of inmates and for assigning inmates who are housed at the Assessment and Treatment Center to:

1. Another residential community program; or
2. Be referred to the Institutional Classification Committee at the Central Reception and Assignment Facility.

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:20-4.13 Notification of inmate assignment to a residential community program

(a) After Form 686—I Section III, Authorization for Release of Information has been signed by the inmate, the Office of Community Programs shall forward a copy of all the documents received pursuant to Form 686—II, Community Program Application Checklist with all required documents and supplemental documents to the residential community program to which the inmate has been assigned. The residential community program must handle all inmate documents and classification material with strict confidentiality.

(b) Pursuant to N.J.S.A. 30:4-91.11, whenever an eligible inmate is authorized for confinement in a residential community program, the correctional facility classification officer shall prepare a summary of all relevant information relating to the inmate's criminal history and background. This information shall include a current face sheet, current progress notes, current photograph of the inmate and the most recent Pre-Sentence Investigation Report available. The classification officer shall forward the summary of all relevant information to the Office of Community Programs.

(c) The Office of Community Programs shall transmit to the Residential Community Release Agreement Program (RCRP), within five business days of the inmate's transfer to the RCRP, the summary of all relevant information relating to the inmate's criminal history and background along with all documentation and supplemental documentation required as referenced in N.J.A.C. 10A:20-4.11. The Office of Drug Programs shall be responsible for the transmission of documentation referenced in this subsection to the Mutual Agreement Program provider prior to the transfer of an inmate to the program.

(d) The Director or designee of the residential community program shall be responsible for transmitting, within five business days of an inmate's transfer to a residential community program, the summary of all relevant information relating to the inmate's criminal history and background referenced in (b) above to the following individuals:

1. The chief law enforcement officer of the municipality in which the residential community program is located; and

2. The chief law enforcement officer of the municipality adjacent to the residential community program, if the residential community program is within 2,500 feet of the border of an adjacent municipality.

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 rewrote the paragraph; added (b) through (d).

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

New Jersey State Parole Board hearings for inmates assigned to residential community programs shall be arranged and conducted in accordance with N.J.A.C. 10A:71-3 and any applicable statutes.

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

Substituted "residential community programs" for "Residential Community Release Agreement Programs".

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 inmate's name shall be removed from the waiting list.

(b) The inmate may reapply for participation in a residential community program in accordance with N.J.A.C. 10A:20-4.8.

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 "inmate's name shall be removed from the waiting list" for "Bureau of Contract Administration shall request an updated parole eligibility date"; rewrote (b); deleted (c).

10A:20-4.16 New Jersey State Parole Board extension for residents of a residential community program

(a) When an inmate's parole eligibility date has been extended, the Administrator or designee of the Regional Institution shall consult with the Office of Community Programs and the Director of the residential community program to determine whether the inmate will remain at the residential community program by reviewing the following:

1. The updated parole eligibility date;
2. The inmate's overall progress and adjustment in the residential community 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 beyond the 18 months of parole eligibility remaining to be served specified at N.J.A.C. 10A:20-4.5, or in the case of an inmate sentenced under the provisions of N.J.S.A. 30:4-91.8 and 9 where the parole eligibility date has been extended beyond 12 months of parole eligibility remaining to be served, the inmate shall be returned to the Central Reception and Assignment Facility for correctional facility assignment, but the inmate may reapply when eligible.

(c) Parole eligibility dates shall not be projected in determining appropriate placement of inmates in residential community 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), rewrote the introductory paragraph and substituted "residential community program" for "Residential Community Release Agreement Program" in 2; rewrote (b); in (c), substituted "residential community programs" for "halfway houses or other Residential Community Release Agreement Programs".

10A:20-4.17 Preparation for transfer to a residential community program

(a) A complete medical and dental checkup shall be given each inmate prior to the inmate's transfer to a residential community program.

(b) A check for the money remaining in the inmate's account shall be forwarded to the inmate at the residential community program.

(c) Copies of the transfer authorization shall be sent by the Office of Community Programs to appropriate personnel at:

1. The parent correctional facility;
2. The regional institution;
3. The residential community program; and
4. The New Jersey State Parole Board.

(d) The Office of Community Programs shall be notified immediately of the cancellation of an impending transfer of an inmate to a residential community program so that another inmate may be selected for placement.

(e) 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

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

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:20-4.18 Transportation of inmate

(a) The Office of Community Programs shall be responsible for making the arrangements necessary for transporting the inmate to the residential community program through Central Transportation.

(b) Inmates may be transported without restraint to the residential community program in a State owned passenger vehicle.

(c) After an inmate has been assigned to, and is living at, a residential community program, the inmate shall be transported to a correctional facility in accordance with internal management procedures established to provide transportation between residential community programs and correctional facilities.

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:20-4.19 Residential community program rules, regulations and discipline

(a) The residential community program Director or designee shall conduct an orientation to the program and written rules and regulations shall be given to each inmate immediately following the inmate's arrival at the residential community program.

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

(c) Major disciplinary violations shall be reported immediately to the regional institution and the Office of Community Programs, or in the case of a MAP inmate, the Office of Drug Programs.

(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;

2. Charges for or evidence of violation of any statute governing the use of a controlled dangerous substance (C.D.S.);

3. Asterisk prohibited acts as listed in the N.J.A.C. 10A:4-4, except for prohibited act *.207;

4. Some non-asterisk prohibited acts (see N.J.A.C. 10A:4), such as prohibited act .254 Refusing to work;

5. Travel outside of the State of New Jersey;

6. Use or possession of alcohol and/or controlled dangerous substances; and

7. Engaging in sexual acts on the premises of the residential community program.

(e) The Director or designee of the residential community program shall be responsible for ensuring the disciplinary charges are prepared for major disciplinary violations in accordance with N.J.A.C. 10A:4.

(f) All minor violations and in-house disciplinary actions shall be recorded in the residential community program's log book and the inmate's file for review by the Office of Community Programs or the Office of Drug Programs staff members.

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:20-4.20 Testing for prohibited substances

(a) All inmates who participate in a residential community program shall be subject to testing for prohibited substances.

(b) Testing for prohibited substances at residential community programs shall be conducted in accordance with N.J.A.C. 10A:3-5.10. Collection, storage and analysis of specimens at residential community programs shall be conducted in accordance with the applicable subsections of N.J.A.C. 10A:3-5.11.

(c) In order to comply with N.J.A.C. 10A:3-5.10 and the applicable subsections of N.J.A.C. 10A:3-5.11, the Director or designee of the residential community program shall be considered the equivalent of the Administrator. A staff supervisor or designee shall be considered the equivalent of a custody staff member of the rank of Sergeant or above.

(d) Form 172—II Continuity of Evidence—On-site Urine Specimen shall accompany all specimens that are delivered by the residential community program to the designated confirmation laboratory, as determined by the Commissioner or designee.

(e) The designated confirmation laboratory shall forward the original laboratory report of a positive specimen analysis to the Division of Operations, Health Services Unit, which shall then forward the original laboratory report to the Office of Community Programs.

(f) When the specimen analysis tests positive, the Office of Community Programs is responsible for:

1. Writing disciplinary charges in accordance with N.J.A.C. 10A:4; and

2. Forwarding the disciplinary charges and laboratory report to the Disciplinary Hearing Officer at the appropriate facility for use at the disciplinary hearing.

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:20-4.21 Health care coverage

(a) The New Jersey Department of Corrections shall provide health care services through a health care provider to all inmates in residential community programs.

(b) Pursuant to N.J.S.A. 30:7E-1 et seq., the inmate shall be charged a copayment fee for health care services and medications in accordance with N.J.A.C. 10A:16.

(c) Deductions for health care fees and medications shall be made in accordance with N.J.A.C. 10A:2-2.2.

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 "residential community programs" for "community release programs".

10A:20-4.22 Emergency medical, dental and mental health services

(a) Emergency medical, dental and mental health services shall be provided for inmates assigned to residential community programs.

(b) The health care provider, in collaboration with the Directors of residential community programs, shall have established, in advance, an emergency plan to access a hospital or alternate medical, dental or mental health facility to provide emergency medical, dental and mental health treatment to inmates assigned to residential community programs.

(c) When an inmate in a residential community program is hospitalized due to an emergency, the Director of the residential community program shall notify the Administrator of the regional institution and furnish the following information:

1. The inmate's name;
2. The inmate's number;
3. The name and location of hospital;