

## CHAPTER 26

## BUREAU OF PAROLE

## Authority

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Chapter 26, Bureau of Parole, expires on February 6, 2000.

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 10A:26-1.1 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:26-1.2 Scope

This chapter shall be applicable to the New Jersey Department of Corrections, Bureau of Parole, unless otherwise indicated.

## 10A:26-1.3 Definitions

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

“Bureau of Parole” means the agency within the Department of Corrections 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 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 assigned to the Electronic Monitoring Program and Furlough Program; the supervision of certain Executive Clemency cases; and any other inmate community program such as the Work Release Program.

“Central Communications Unit” means the centralized communication center within the Department of Correc-

tions which coordinates certain functions of the Department of Corrections on a 24 hour, seven day a week basis.

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

“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.

“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.

“Internal Affairs Unit” means the unit responsible for conducting investigations at the direction of the Commissioner, New Jersey Department of Corrections.

“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 Duty Desk” means the centralized communication center within the Bureau of Parole which coordinates certain communication functions on a 24 hour, seven day a week basis.

“Parolee” means any person who is subject to the parole jurisdiction of the New Jersey State Parole Board and has been released on parole, or 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.

“Parole officer” means persons with the following New Jersey Department of Corrections, Bureau of Parole, titles that may be sworn as peace officers:

1. Chief, Bureau of Parole;
2. Assistant Chief, Bureau of Parole;
3. Supervising Parole Officer;
4. District Parole Supervisor;
5. Assistant District Parole Supervisor;
6. Supervisor, Parole Residential Facility;
7. Senior Parole Officer; and
8. Parole Officer Recruit.

“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.

#### 10A:26-1.4 Forms

(a) The following forms related to the Bureau of Parole shall be reproduced from originals that are available by contacting the Standards Development Unit, New Jersey Department of Corrections: