

CORRECTIONS

THE COMMISSIONER

Residential Community Reintegration Program (RCRP)

Proposed Readoption with Amendments: N.J.A.C. 10A:20

Proposed Repeals and New Rules: N.J.A.C. 10A:20-4.24, 4.35, and 4.38

Proposed New Rule: N.J.A.C. 10A:20-5

Proposed Repeal: N.J.A.C. 10A:20-4.40

Authorized By: Victoria L. Kuhn Esq., Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2023-054.

Submit written comments by August 19, 2023, to:

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or through email: ARU@doc.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10A:20 was scheduled to expire on December 7, 2022. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the Department of Corrections (“Department” or “NJDOC”) submitted this notice of proposal to the Office of Administrative Law on that date, the chapter expiration date was extended 180 days to June 5, 2023. Pursuant to N.J.S.A. 52:14B-5.1.d, the June 5, 2023 expiration date was extended by Governor Murphy on May 25, 2023, for one year to June 5, 2024. The Department has reviewed these rules and, with the exception of the proposed amendments, repeals, and new rules, has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules are, therefore, proposed for readoption with amendments, repeals, and new rules.

The Department has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

The Department proposes to rename the heading of the chapter from “Residential Community Programs” to “Residential Community Reintegration Program” to reflect the significant expansion of inmate services that have been made to these programs, from providing release related services to inmates to the provision of reintegration services by refocusing on reintegration, the Department expects to better prepare inmates for successful transition to society and reduce recidivism. In the past, the nomenclature used to refer to these programs ranged from residential community

programs, to Residential Community Release Program to the acronyms, RCPs, and RCRP. The change proposed to the heading of the chapter and all references throughout the chapter is to replace the word “release” with “reintegration” and to continue with the acronym, RCRP.

Subchapter 1 sets forth general provisions and definitions specific to Chapter 20. At N.J.A.C. 10A:20-1.1(a)1, the Department proposes amendments to improve readability and to replace “halfway houses, and Substance Use Disorder Treatment Programs” with “Correctional treatment programs; educational, vocational training and work release programs; and specialized gender responsive programs serving female inmates.” Paragraphs (a)2 and 3 are proposed for deletion to delete repetitive language and because the MAP programs have been replaced by enhanced programming that is now provided in the Residential Community Reintegration Program.

At N.J.A.C. 10A:20-1.3, Definitions, the Department proposes amendments to reflect the expansion of the Residential Community Reintegration Program, replace other programs, and include terms used pursuant to the expanded RCRPs. The term “Assessment and Treatment Center” is replaced to indicate the RCRP is utilized as the first placement in the continuum of care. The definition of “contract agency” is amended to replace “a halfway house, or Substance Use Disorder Treatment Program” with “a correctional treatment program; educational, vocational training and work release program; or specialized gender responsive program serving female inmates” and to delete reference to a “formal contract.” Definitions for “correctional treatment program,” “educational, vocational training and work release program,” and “RCRP” are added and the definitions of “halfway house,” “Mutual Agreement Program (MAP),”

“Residential Community Release Program,” and “Substance Use Disorder Treatment Program” are deleted, as they do not exist under the expanded Residential Community Reintegration Program.

At N.J.A.C. 10A:20-1.5, Forms, the Department proposes to replace how to obtain the forms, as they are for internal purposes only and available through the Office of Community Programs. These forms are made available only to the RCRP under contract with the Department. Proposed new N.J.A.C. 10A:20-1.5(d) lists 39 forms used for internal purposes by the Residential Community Reintegration Program, that are also available through the Office of Community Programs.

Subchapter 4 sets forth responsibilities and contracted services associated with the Residential Community Reintegration Program and outside service providers. The Department proposes to amend the heading of N.J.A.C. 10A:20-4 to delete “Mutual Agreement Programs,” as they no longer exist in the RCRPs. At N.J.A.C. 10A:20-4.1(b), the Department proposes to add a requirement to the Community Relations Advisory Board. The proposed addition of a former inmate to the Community Relations Advisory Board is intended to bring added balance and perspective in program service delivery. At N.J.A.C. 10A:20-4.2(a), the Department proposes to delete Outreach Services to reflect changes in the office name. At N.J.A.C. 10A:20-4.2(b), the Department proposes amendments to improve readability and to add a “designee” to the reference to the Commissioner and to add the facility administrator and the Director of the Office of Community Programs in order to further identify the responsible individuals in the Department.

At N.J.A.C. 10A:20-4.3(a), the Department proposes to make paragraph (a)2 mandatory, rather than optional, to include the required application process at paragraph (a)4, to require the explanation to be, in writing, and include pending transfers and update the examples at paragraph (a)5, and to include attendance at “Institutional Community Reintegration Coordinator Meetings” and training sessions provided or “facilitated” by the Office of Community Programs at paragraph (a)6.

At N.J.A.C. 10A:20-4.4(a)3 and 4, the Department proposes to add “within the last 12 months” pertaining to the psychological evaluation and the medical and dental certification, so that inmates transferred to RCRPs have had a psychological examination or medical and dental examination, respectively, supporting their readiness to adapt to the pressures of living outside of a correctional facility. In addition, at N.J.A.C. 10A:20-4.4(a)5, the Department proposes to replace “and be seen as not likely to pose a threat to the safety of the community” with “recommended educational and therapeutic program participation to assist in a successful reintegration process” to focus on the goal of reintegration. Paragraph (a)9 is proposed for amendment to simplify and clarify the paragraph. The Department also proposes to replace “Review Committee” with “Classification and Assignment Unit” at N.J.A.C. 10A:20-4.4(a)10, to reflect the current work unit responsible for certain functions.

At N.J.A.C. 10A:20-4.5(c), the Department proposes to set forth that the additional criteria for RCRP participation listed at amended paragraphs (c)1 and 2 and new paragraph (c)3 must also be met by adding that the candidate must also meet the time criteria and employment verification criteria. In addition, the Department proposes to codify the expanded eligibility timeframes granted by the Commissioner by way of rule

exemption by replacing 24 months with 30 months, to indicate the number of months remaining for inmate eligibility to participate in RCRPs, by replacing one year with 60 days remaining to be served, and by replacing two years with 30 months remaining to be served. In addition, the Department proposes to add new N.J.A.C. 10A:20-4.5(c)3 to set forth the following employment verification documents since a goal of participation in an RCRP is to earn work release status.

At N.J.A.C. 10A:20-4.7(b), the Department proposes to clarify the types of previous violations that could adversely impact inmates eligible for RCRP participation. In addition, the Department proposes new N.J.A.C. 10A:20-4.7(c) to include “a violation of an RCRP,” as another condition that could adversely impact inmates eligible for RCRP participation.

At N.J.A.C. 10A:20-4.8(f), the Department proposes to replace the Central Reception and Assignment Facility with “an intake facility” as the Central Reception and Assignment Facility has closed, with the functions being performed in several intake facilities.

At N.J.A.C. 10A:20-9.2(b)2, the Department proposes to replace “light duty” with “restrictions on physical activities, such as lifting and walking,” in order to clarify what is considered light duty. In addition, the Department proposes to include some acute medical conditions that may also include acute medical conditions that adversely impact an inmate’s ability to fulfill job duties and by adding several examples. The Department also proposes new paragraph (b)7 to include maintaining self-care with limited assistance. At subsection (f), in addition to requiring an additional evaluation when an

evaluation is 12 months old, a new evaluation can also be requested by the Office of Community Programs.

While N.J.A.C. 10A:20-4.10(b) and (c) set forth that the correctional facility administrator shall not overrule the Institutional Classification Committee's (I.C.C.) disapproval of an application for RCRP participation, the I.C.C. may be asked to reconsider decisions upon receipt of an inmate appeal and upon newly uncovered information provided with an application for reconsideration, respectively.

At N.J.A.C. 10A:20-4.11(a)3, the Department proposes to replace the original language regarding the 12-month time frame to project a more positive tone and to provide for the OCP to request the examination if the inmate demonstrates signs of mental health decompensation. As the information listed at N.J.A.C. 10A:20-4.11(a)13i through vii is already provided in the progress notes, it is no longer needed separately, therefore, the Department proposes to delete paragraph (a)13.

At N.J.A.C. 10A:20-4.12, the Department proposes a number of changes, so that the section tracks more closely to N.J.S.A. 30:4-91.8 and the detailed information in the statute. Specifically, the Department proposes to replace N.J.A.C. 10A:20-4.12(a)2 with new paragraphs (a)2 and 3, to separate references to the county prosecutor or Attorney General comments and victims and the victims' nearest relative comments. In order to address the confidential nature of comments that may be submitted, the Department proposes new N.J.A.C. 10A:20-4.12(a)4. N.J.A.C. 10A:20-4.12(b) is proposed for deletion and replacement to coincide with the amendments at subsection (a) and for clarity. The Department proposes to amend N.J.A.C. 10A:20-4.12(d) and delete subsection (e) to more clearly identify the initial assignments of inmates when assigned

to an RCRP program and identifying who arranges for transport to that assignment. At N.J.A.C. 10A:20-4.12(g)2, the proposed amendment updates the reference to the Central Reception and Assignment Facility with reference to “an appropriate housing assignment.” Proposed new N.J.A.C. 10A:20-4.12(h) is added to differentiate how female inmates are assessed for adjustment and treatment during the orientation into the specialized gender responsive program.

At N.J.A.C. 10A:20-4.13, the Department proposes to reorganize subsections (a) and (b) as (b) and (a) to remove any confusion related to the sequence of events. At recodified N.J.A.C. 10A:20-4.13(b), the Department proposes replacement of correctional facility classification officer and classification officer with Institutional Community Programs Reintegration Coordinator to reflect the responsible individual responsible for preparing the summary. At N.J.A.C. 10A:20-4.13(c), the Department proposes to remove “supplemental documentation” and reference to the “Office of Substance Abuse Programming and Addiction Services” since the supplemental documentation referred to is now included in another format and no longer needed and because the Office of Substance Abuse Programming and Addiction Services is no longer involved in providing services to RCRPs. Proposed new N.J.A.C. 10A:20-4.13(e) is added to include the process for obtaining treatment and discharge planning records for inmates completing licensed substance use disorder treatments in a Department correctional facility as follows.

At N.J.A.C. 10A:20-4.15(a), the Department proposes to clarify that the extension is beyond 30 months while awaiting transfer to an Assessment and Treatment Center

to address situations in which a parole eligibility extension goes beyond the date the inmate is eligible for participation in a Residential Community Reintegration Program.

The Department proposes to delete N.J.A.C. 10A:20-4.16(a), as the process no longer applies. The Department also proposes to replace 18 months with 30 months at recodified N.J.A.C. 10A:20-4.16(a), to reflect the expanded eligibility time frame approved by the Commissioner that allows program participation eligibility sooner than it has in the past. The Department also proposes to remove “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,” as the situation in which an inmate assigned to an RCRP has parole eligibility extended and they are returned to the correctional facility and must reapply at a later date does not occur.

The Department proposes to amend N.J.A.C. 10A:20-4.17(a) to indicate medical and dental reports must be current by adding that they must be completed within the last 12 months. In order to specify the maximum timeframe allowed and the parties responsible for forwarding the inmate’s money at N.J.A.C. 10A:20-4.17(b), the Department proposes to refer to the inmate’s standard trust account and to add when and how the funds shall be forwarded. At N.J.A.C. 10A:20-4.17(c), the Department proposes to update the name of document used. A technical change is proposed to reflect the current process at N.J.A.C. 10A:20-4.17(d), as it is not possible, for security reasons, to substitute one inmate for another whose transfer is cancelled on the transport order. At N.J.A.C. 10A:20-4.17(e), the Department proposes to replace amendments to reflect the correctional facility unit responsible to assist the inmate with

obtaining identification. In order to accurately reflect the identification inmates may apply for from the Motor Vehicle Commission, the Department also proposes to replace “driver’s license” with “Motor Vehicle Commission non-driver identification card” as inmates may not drive.

At N.J.A.C. 10A:20-4.18, the Department proposes to clarify and update subsection (c), as the Residential Community Reintegration Program programs are operated by vendors contracted by the Department. The Department also proposes to add new N.J.A.C. 10A:20-4.18(c)1 through 5 to reflect current operational procedures.

In order to set forth that inmates participating in an RCRP will be provided with a written document informing them of the rules and regulations of the program, in addition to Department’s rules found in the Inmate Handbook on Discipline at N.J.A.C. 10A:4-4.4, the Department proposes to add the same at N.J.A.C. 10A:20-4.19(a). In order to make clear who imposes sanctions for violations of RCRP rules, the Department proposes to add “through in-house sanctions” at N.J.A.C. 10A:20-4.19(b). The Department proposes to add new N.J.A.C. 10A:20-4.19(c) to link the rules on inmate discipline for prohibited acts while assigned to an RCRP and the rules on Category C, D, and E, as set forth at N.J.A.C. 10A:4-4.1. At recodified N.J.A.C. 10A:20-4.19(d), the Department proposes to replace “major disciplinary violations” with “all prohibited act violations,” for clarity, to add “with the exception of prohibited act .101a,” as this exception requires immediate reporting of escapes, and to remove Outreach Services and the Office of Substance Abuse Programming and Addiction Services, as they no longer exist, leaving only “the Office of Community Programs” to provide required notifications, as is the current process.

At recodified N.J.A.C. 10A:20-4.19(e), the Department proposes to improve the first sentence by modifying the language to more closely match the Department's disciplinary rules and related language at N.J.A.C. 10A:4, by replacing "major violations" with "Category A, B and F and .101a prohibited acts" to define the type of violations, as set forth at N.J.A.C. 10A:4 and replacing "transfer" with "return by custody personnel," to set forth that Department custody personnel will take charge of the inmate for violations in these Categories; and replace "major disciplinary violations" with "these disciplinary violations" in the second sentence, as disciplinary violations are not defined as "major." Recodified paragraph (e)1 is proposed for amendment to deleted minor traffic violations, existing paragraph (d)3 is proposed for deletion, as it does not apply to inmates in RCRPs, recodified paragraph (e)3 is proposed for amendment to replace ".254 Refusing to work, or to accept a program or housing unit assignment" with ".702 unauthorized contact with the public," as a technical correction, as violation .254 is not a Category A, B, or F prohibited act but .702 is, and recodified paragraph (e)7 is proposed for amendment to reflect changes previously made at N.J.A.C. 10A:4 in a separate rulemaking to not require the sexual act be on the premises of the RCRP. Recodified N.J.A.C. 10A:20-4.19(f) is proposed for amendment to replace "major disciplinary violations in accordance with N.J.A.C. 10A:4" with "prohibited acts that require disciplinary return of the inmate to the regional institution" to incorporate previous changes made at N.J.A.C. 10A:4. Recodified N.J.A.C. 10A:20-4.19(g) is proposed for amendment to modify the language to more closely match N.J.A.C. 10A:4, Inmate Discipline, to include all violations (not just minor violations) to strengthen the importance of the rules in terms found in familiar documents, such as the Inmate

Handbook used in all correctional facilities, and to reiterate to inmates that they are subject not only to RCRP rules, but also those of the Department; to replace “log book” with “management information system” as RCRPs are required to use a system for inmates’ files; and to remove “Outreach Services or the Office of Substance Abuse Programming and Addiction Services” to reflect the proper departmental work unit.

Proposed new N.J.A.C. 10A:20-4.19(h) is added in order to set forth that disciplinary returns of inmates, to the regional institutions must be approved by the Commissioner, or his or her designee.

At N.J.A.C. 10A:20-4.20(a), the Department proposes to add “at a minimum of every 21 days or at the request of the New Jersey Department of Corrections” to reflect current testing requirements. At N.J.A.C. 10A:20-4.20(e), the Department proposes to include the regional institution, to reflect part of the current testing process and at subsection (f), the Department proposes to replace the Office of Community Programs with the regional institution to reflect the responsible Department work group for the certain actions.

In order to incorporate new processes associated with the Department’s reorganization of how services are provided to inmates participating in RCRPs, the Department proposes to include assessment and treatment center(s), and to specify the services that can be specifically requested. As mental health services are no longer provided at the assessment and treatment center(s), the Department proposes the delete mental health services from N.J.A.C. 10A:20-4.22. At subsection (c), the Department proposes to replace hospitalization due to an emergency with requiring emergency medical services at a hospital, to include the Director’s designee, and to

replace Administrator with the shift commander to reflect current practices. N.J.A.C. 10A:20-4.22(c)4 is deleted and replaced with the reason for the medical emergency and paragraph (c)5, pertaining to the name of attending physician is proposed for deletion, as the diagnosis and attending physician information has not been determined at this point in the process. The Department proposes to add a new N.J.A.C. 10A:20-4.22(e) to set forth the process to follow when regarding custody of an inmate when an RCRP inmate is admitted into a hospital.

At N.J.A.C. 10A:20-4.23(a), the Department proposes to replace the procedures for nonemergency care by the health care provider to indicate that those services shall provided by the contract agency's health care provider unless the NJDOCs' responsible health care provider specifically requests the RCRP to bring the inmate to the regional institution for treatment.

The Department proposes to repeal and replace existing N.J.A.C. 10A:20-4.24, regarding medication or prescription extensions and transfers of inmates to or from an Assessment and Treatment Center or a Residential Community Reintegration Program. In order to update treatment center names throughout N.J.A.C. 10A:20-4.26, pay rate information, pay frequency, and prescribed check deposit intervals to coincide with current management procedures, the Department proposes to replace all occurrences of "Substance Use Disorder Treatment Program or Mutual Agreement Program" with "Assessment and Treatment Center or Correctional Treatment Program"; replace five-day week with seven-day week; and replace "based on the semi-skilled average pay level established by internal management policies and procedures" with "at a pay rate comparable to the highest pay rate at the New Jersey Department of Corrections"

licensed correctional treatment facilities.” Additionally, at N.J.A.C. 10A:20-4.26(b)1, the Department proposes to delete “Mutual Agreement Program,” add “within seven business days” at the end of the first sentence, and add “within five business days” to the end of the final sentence, to set forth time frames. At N.J.A.C. 10A:20-4.26(c), the Department proposes that the notice be in writing and be given when the inmate receives his or her first pay, rather than when he or she begins employment. N.J.A.C. 10A:20-4.26(d) is proposed for amendment to require that wages that are paid by the regional institution shall terminate when the inmate receives his or her first pay from their employer, rather than when he or she begins employment.

At N.J.A.C. 10A:20-4.27, the Department proposes deleting “pre-release,” as this term is no longer used. Proposed new N.J.A.C. 10A:20-4.27(a)1 is added to make clear that the Department can override approval of employment sites approved by an RCRP for inmate, staff, or community safety reasons. The Department also proposes to add new N.J.A.C. 10A:20-4.27(b) and (c) to set forth parameters for the distance of employment sites from the RCRP to improve RCRP personnel’s accessibility to the inmate while at the employment site and strengthen accountability measures and to set forth the list of sites that are restricted from inmate employment. Proposed new N.J.A.C. 10A:20-4.27(d)12 is added to include the level of supervision to ensure inmate accountability, as another factor to be considered when an RCRP surveys potential inmate employment sites as a safety and security measure.

The Department proposes new N.J.A.C. 10A:20-4.27(e) to set forth a requirement that potential inmate employers sign an agreement with the RCRP prior to

approval as an inmate employment site. Recodified N.J.A.C. 10A:20-4.27(f)2 is proposed for amendment to delete “pre-release” and add “sites and inmate’s employment schedules,” as the term pre-release is no longer in use and the changes improve readability and the intent of the entry paragraph more clear. In order to maintain a balance of inmate workforce and other laborers at any one job site, the Department proposes to limit the number of inmates by adding new N.J.A.C. 10A:20-4.27(g).

At N.J.A.C. 10A:20-4.28, the Department proposes to add the Department of Corrections as an authority, so that the Department is notified when inmates in RCRPs become employed in the community and add the requirement to use the Employment Notification to Local Law Enforcement form, so that notice will be provided, in writing, to local law enforcement authorities and the Department.

At N.J.A.C. 10A:20-4.29(d), the Department proposes to clarify that “inmate’s attendance” includes arrival and departure times and to clarify the communication between the inmate and the employment supervisor. Paragraph (d)7 is replaced for clarity pertaining to the impact on the community, paragraph (d)8 is proposed for deletion as the substance is now included in proposed new paragraph (d)7, and new paragraph (d)9 pertains to the inmate following Department rules and regulations while at the placement site. At N.J.A.C. 10A:20-4.29(f), the Department is replacing “appropriate District Parole Office” with “State Parole Board” for added accuracy.

Rules for maintenance fees are set forth at N.J.A.C. 10A:20-4.30. The Commissioner of the Department has recently authorized a voluntarily reintegration savings program for inmates participating in RCRPs in which inmates may voluntarily

deposit wages in a reintegration savings program in lieu of paying maintenance fees, recognizing that an alternate reintegration savings program cannot replace maintenance fees. N.J.A.C. 10A:20-4.30(a) is proposed for amendment so it sets forth rules for maintenance fees and the alternate reintegration savings program at new N.J.A.C. 10A:20-4.30(b). The Department proposes to add a statutory citation to the maintenance fee clause and add new paragraph (a)1 to state the purpose of the maintenance fee. Existing subsection (b) is recodified as paragraph (a)2 and is amended for clarity to specify “net wages” and to state that maintenance fees are non-refundable. Recodified subsection (d) states that the maintenance fee shall be paid in the form of a money order. Proposed new N.J.A.C. 10A:20-4.30(f) sets forth information for the voluntary reintegration savings program including, the purpose, the collection process, the account for maintaining inmate’s deposits, the fact that the account is a restricted trust account which does not permit withdraw of funds by the inmate until release and does not allow retroactive collection of maintenance fees paid prior to admission into the program.

The Department proposes to amend the rules for bank accounts at N.J.A.C. 10A:20-4.32 to reflect the need to use banks in a safe and secure manner while participating in an RCRP and following release. Specifically, the amendments require that the accounts to be FDIC-insured and must be opened within five business days of receipt of the second pay period earnings. Proposed new paragraphs (b)5, 6, 7, and 8 prevent the inmate from keeping any transaction records confidential from the RCRP, maintaining possession of his or her bank card, conducting any unescorted banking, or purchasing any items that are not pre-authorized in his or her budget.

When inmates possess personal property and are assigned to an RCRP it is important that the RCRP handle and manage such property in a manner similar to the way it is handled in Department correctional facilities. The Department proposes N.J.A.C. 10A:20-4.33(c) to specify that Social Security cards, birth certificates, and/or Motor Vehicle Commission identification cards are to be sent to the RCRP from the correctional facility and are not considered personal property. Proposed new N.J.A.C. 10A:20-4.33(e), (f), and (g) are added to set forth completion of a Universal Property Pick-up Form to cover instances in which the inmate is unexpectedly removed from, or leaves, the facility or escapes, including inventory of the property, inmate personal identification handling by the RCRP, holding property when an inmates escapes, abandoned property and disposition of abandoned property, and disposition of deceased inmate's property.

At N.J.A.C. 10A:20-4.34, the Department proposes to add Program Authorized Community Time (P.A.C.T.) throughout the section. At subsection (b), the Department proposes to remove the word "overnight" pertaining to furloughs as overnight furloughs have been banned for a number of years.

The proposed repeal and replacement at N.J.A.C. 10A:20-4.35, Earned furlough privileges, reflects the policy that has been in place for a number of years banning overnight furloughs and to emphasize that furloughs are not inmate rights, but earned privileges and permitted with the intention of promoting family reintegration. The Department proposes new regulations that detail the statute at N.J.S.A. 30:4-91.3.b, which excludes inmates from participation in furloughs, sets forth participation eligibility criteria, allowable timeframes, frequency and duration, earning furlough privileges,

movement in the community, restrictions, and GPS tracking. The existing text of the section is proposed to be codified as subsection (g) and amended to change the restrictions to “shall not exceed 24 hours.”

At N.J.A.C. 10A:20-4.36 the Department proposes to change “overnight furlough” to “furlough,” as overnight furloughs are not permitted. In addition, the Department proposes to delete N.J.A.C. 10A:20-4.36(a)3, as carjacking is already included in the exclusions at N.J.S.A. 30:4-91.3.b (as cross-referenced at recodified N.J.A.C. 10A:20-4.36(a)3).

The Department proposes technical changes replacing “temporary leave site” with “approved leave site” at N.J.A.C. 10A:20-4.37(a)2, (b), and (c), as the location the inmate will be going to on furlough is an approved site, not a temporary site. In order to include additional scenarios in which escape notification is initiated, the Department proposes new N.J.A.C. 10A:20-4.37(a)3, 4, 5, and 6 based on experience. At N.J.A.C. 10A:20-4.37(c), the Department proposes to add “while in transit returning to the facility” pertaining to contacting the RCRP to clarify that when the inmate contacts the RCRP will be considered in the scenario described. At N.J.A.C. 10A:20-4.37(d), “log book” is replaced with “management information system,” to specify that RCRPs shall maintain inmate records in systems instead of log books.

The Department proposes to update the responsibilities for reporting escapes from RCRPs by replacing N.J.A.C. 10A:20-4.38 with the RCRP Director or highest ranking staff member on duty at the time of the escape being authorized to report the escape of an inmate to the Office of Community Programs on-call supervisor and Center Control of the regional institution.

Similar to proposed new N.J.A.C. 10A:20-4.38, at N.J.A.C. 10A:20-4.39(a), reporting responsibility for escapes is updated. The Department proposes to restructure subsection (b). At subsection (c), the Department proposes to update the required form. As RCRPs do not have access to Department systems in which those documents are stored and instead require the added documentation for all escape incidents. The Department proposes to updated notification requirements and contact information at N.J.A.C. 10A:20-4.39(d), (e), and (f) to reflect current responsible parties and office names.

Existing N.J.A.C. 10A:20-4.40 is proposed for repeal as it is not consistent with current practices and for internal management procedures.

At N.J.A.C. 10A:20-4.41(a)1, the Department proposes to expand the notification process to the Department's Special Investigations Division investigators for verification of the legal warrant or Writ of Habeas Corpus, require notification to the Office of Community Programs, and communicate pick-up of RCRP inmates with local law enforcement agencies. At N.J.A.C. 10A:20-4.41(a)4, the Department proposes to require that the District Parole Office act jointly with the Department of Corrections, to indicate that the State Parole Board must advise the Department in advance of the pending parole.

N.J.A.C. 10A:20-4.42 sets forth the rules for the nondisciplinary administrative returns of inmates and paragraph (a)2 is proposed for amendment to require a minimum of two therapeutic interventions prior to determining satisfactory programmatic adjustment and to indicate that the RCRP Director recommends, and the Office of Community Programs approves, the administrative return. The Department also

proposes new (a)4 through 10 to include additional items in the non-exhaustive list of situations that may warrant an administrative return to a correctional facility. Subsection (b) is proposed for amendment to update form names that need to be provided, paragraph (c)2 is replaced to include the RCRP Director's specific recommendation, and new subsection (d) is proposed to set forth that the C-4 Committee also reviews the inmate for community release after an administrative return to the correctional facility with the exception of some transfers for medical and transfers at the inmate's request.

N.J.A.C. 10A:20-4.43 is proposed for amendment to update form names and to include the Special Incident Report in the list of required forms. Proposed new N.J.A.C. 10A:20-4.43(c) requires that physical evidence to support the inmate's return from a Residential Community Reintegration Program shall be held in the facility's secured evidence locker for pick-up by Special Investigations Division investigators and recodified subsection (d) is amended to indicate that the Community Corrections Classification Committee shall make appropriate housing assignments based on the adjudication of any disciplinary charges.

Proposed new N.J.A.C. 10A:20-5 is added to include legislative requirements for inmate discharge planning and release information based on the Fair Release and Reentry Act of 2009, which sets forth reentry benefits for all inmates. The new subchapter requires that Residential Community Reintegration Program programs under contract with the New Jersey Department of Corrections be responsible to comply with the Fair Release and Reentry Act of 2009 (P.L. 2009, c. 329), which was enacted on June 15, 2020, to assist inmates in obtaining necessary reentry benefits. The benefits include, but are not limited to: an opportunity to apply for Medicaid,

Supplemental Nutrition Program (SNAP), and housing assistance; certain information, such as the inmate's criminal history record and written information on the right to have criminal records expunged and the right to vote; written information on the availability of programs that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, a detailed written record of the inmate's educational, training, and employment; written information on medical or other treatment programs the inmate participated in while incarcerated, a written accounting of the fines, assessments surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release; a copy of the inmate's birth certificate, if born in New Jersey; assistance in obtaining a Social Security card, non-driver's identification card, a one-day New Jersey bus or rail pass, and a two-week supply of prescription medications; and/or general written information concerning child support and a medical discharge summary.

Social Impact

The rules proposed for re-adoption with amendments, repeals, and new rules are anticipated to have an overall positive social impact. The rulemaking clarifies existing rules and amends rules to reflect expanded programming and services that will benefit and better prepare inmates for reintegration to society and living outside of a correctional facility setting.

Economic Impact

The rules proposed for re-adoption with amendments, new rules, and repeals will

not impose added economic hardships as the expanded programming and services have already been implemented with the existing budget. The cost of meeting and maintaining the requirements of the rules proposed for readoption with amendments, new rules, and repeals by the Department, are met by the Department through the established budget with funds allocated by the State.

Federal Standards Statement

The rules proposed for readoption with amendments, new rules, and repeals are promulgated pursuant to the authority of the rulemaking requirements of the Department of Corrections as established at N.J.S.A. 30:1B-6 and 30:1B-10. The rules proposed for readoption with amendments, repeals, and new rules are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

Jobs Impact

The rules proposed for readoption with amendments, repeals, and new rules will cause neither the generation nor the loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments, repeals, and new rules will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments, repeals, and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption

with amendments, repeals, and new rules affect the New Jersey Department of Corrections and governmental entities responsible for the enforcement of the rules.

Housing Affordability Impact Analysis

The rules proposed for re adoption with amendments, repeals, and new rules will have no impact on housing affordability and there is an extreme unlikelihood that the rules proposed for re adoption with amendments, repeals, and new rules would evoke a change in the average costs associated with housing. The rules proposed for re adoption with amendments, repeals, and new rules concern inmates, the New Jersey Department of Corrections, and governmental entities responsible for the enforcement of the rules and agencies contracted by the Department to provide related services.

Smart Growth Impact Development Analysis

The rules proposed for re adoption with amendments, repeals, and new rules will have no impact on the achievement of smart growth and there is an extreme unlikelihood the rules proposed for re adoption with amendments, repeals, and new rules will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The rules proposed for re adoption with amendments, repeals, and new rules concern reports affecting inmates, the New Jersey Department of Corrections, and entities responsible for the enforcement of the rules and providing related services.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Corrections has evaluated this rulemaking and determined that it will not have a direct impact on pretrial detention, sentencing, or probation. The impact on parole policies have already been put in place. Accordingly, no further

analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10A:20.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10A:20-4.24, 4.35, 4.38, and 4.40.

Full text of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 20

RESIDENTIAL COMMUNITY **REINTEGRATION** PROGRAM[S] (**RCRP**)

SUBCHAPTER 1. GENERAL PROVISIONS

10A:20-1.1 Purpose

(a) The purpose of the chapter is to:

1. [Establish the] **Set forth** eligibility criteria **and provisions** for **administration of** Residential Community [Release] **Reintegration** Program[s] **programs**, such as, **but not limited to:** assessment and treatment centers[,]; [halfway houses, and Substance Use Disorder Treatment Programs;] **correctional treatment programs; educational, vocational training, and work release programs; and specialized gender responsive programs serving female inmates;**

[2. Establish policies and procedures for the administration of Residential Community Release 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.] **2.** 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] **an RCRP**; and

[5.] **3.** (No change in text.)

10A:20-1.2 Scope

(a) This chapter shall be applicable to the State correctional facilities and Residential Community [Release] **Reintegration** Program[s] **programs** under the jurisdiction of the Department of Corrections unless otherwise indicated.

(b) (No change.)

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 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.]

"Assessment and Treatment Center " means a Residential Community Reintegration Program that is utilized as the first placement in the continuum of care. The primary focus is comprehensive assessment of the inmates and recommendation for assignment to either a correctional treatment program or an educational, vocational training, and work release program or return to a correctional facility as unsuitable for community release.

"Contract agency" means a service provider awarded a contract resulting from a submission of a bid in response to a request for proposals to operate a Residential Community [Release] Reintegration Program [that has entered into a formal contract with the New Jersey Department of Corrections to provide] **such as** an Assessment and Treatment Center[, a halfway house, or Substance Use Disorder Treatment Program.]; **a correctional treatment program; educational, vocational training, and work release program; or specialized gender responsive program serving female inmates.**

"Correctional treatment program" means a Residential Community Reintegration Program deemed appropriate for male inmates whose assessments show a need for moderate to intense level of treatment. Treatment is guided by assessed criminogenic needs and is delivered through structured activities for a minimum of six hours per day, five days per week. The program also offers an educational, vocational training, and work release component for the inmate once clinically appropriate.

“Educational, vocational training, and work release program” means a Residential Community Reintegration Program deemed appropriate for male inmates whose assessments show a need for a low level of treatment for limited criminogenic needs. The primary focus is employment and/or educational and vocational training in preparation for employment for inmates with limited skills. This program also offers program services to meet the specific needs of the inmate, maintain recovery, and reconnect to the inmate’s family and community.

...

["Halfway house" means a Residential Community Release Program with specific emphasis on employment and educational activities in the context of treatment and rehabilitation.]

...

["Mutual Agreement Program (MAP)" means the 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 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 Reintegration Program (RCRP)” means a community-based residential facility contracted by the New Jersey Department of Corrections for inmates under community supervision including, but not limited

to, assessment and treatment centers; correctional treatment programs; educational, vocational training, and work release programs; and specialized gender responsive programs serving female inmates.

"Residential Community **Reintegration** Program Notification Committee" means a group of [Departmental] **departmental** staff designated by the Commissioner, or **his or her** 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] **Residential Community Reintegration Program.**

...

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

10A:20-1.5 Forms

(a) The following forms **are used for internal purposes by the Department** related to [residential community programs] **the RCRP** and are available [by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections] **through the Office of Community Programs:**

[1. 172-II Continuity of Evidence--On-Site Urine Specimen Testing;]

Recodify existing 2.-3. as **1.-2.** (No change in text.)

[4.] **3.** MR-030 Community [Release] **Reintegration** Medical Examination Form.

(b) (No change.)

(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 [and Outreach Services]:

1. (No change.)

(d) The following forms are used for internal purposes by the Residential Community Reintegration Program and are available through the Office of Community Programs:

1. 171-1 Seizure of Contraband forms used for internal purposes by the Residential Community Reintegration Program are available through the Office of Community Programs Report;

2. 171-II Inmate Receipt, Contraband Seizure;

3. 172--II Continuity of Evidence--On-Site Urine Specimen Testing;

4. 285-II Prohibited Substance Testing Request Summary;

5. 259 Disciplinary Report;

6. Monthly Indicator Report;

7. RCRP Weekly Employment and School Report;

8. Special Incident Report Form OCP-001;

9. CA:44.2a Escape Report Form;

10. CA:44.2b Disciplinary/Administrative/Walk-Away Escape Discharge Summary;

- 11. RCRP Situational Report;**
- 12. HVAC RCRP Special Report Form;**
- 13. Staffing Roster;**
- 14. Financial Contributions Report;**
- 15. Live Count Sheet;**
- 16. Daily Population Sheet;**
- 17. Secondary Testing Analysis;**
- 18. Prohibited Substance Testing Positive Results;**
- 19. Notification of Staff Change;**
- 20. Request for Transfer;**
- 21. Tours/Application for Clearance/Construction, Tours and Escorted
Access Only;**
- 22. NJDOC, RCRP, Contract Vendor Employees, Volunteers and Interns –
Application for Clearance and Issuance of ID Cards;**
- 23. TASC Testing RCRP Reimbursement Invoice;**
- 24. Educational Waiver or Request to Withdraw;**
- 25. P.A.C.T. Request Form;**
- 26. Furlough Request Form;**
- 27. Employment/Education Variance Request Form;**
- 28. OCP Bedside/Private Viewing Visit;**
- 29. Admission Notification to Law Enforcement;**
- 30. Employment Notification to Law Enforcement;**
- 31. Social Services Inmate Emergency Contact/Family Information Form;**

32. NJDOC Fair Release and Reentry Act (FRARA) 2009 RCRP

Supplemental Form;

33. Reentry Services for People Leaving DOC Facilities and the RCRPs

Referral Form;

34. Universal Property Pick-up Form;

35. Form 380-I Eng-Span Marriage Request Form;

36. Consent for Disclosure of Substance Use Disorder Records Form;

37. Employment and Education Site Monitoring Form;

38. P.R.E.P.A.R.E./NJ Helps Screening Form; and

39. RCRP Initial Jobsite Employer Participation Agreement.

**SUBCHAPTER 4. RESIDENTIAL COMMUNITY [RELEASE] REINTEGRATION
PROGRAM[S 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 **the** Residential Community [Release] **Reintegration** Program[s].

(b) In addition to any other contractual provisions, every contract between the Department of Corrections and the operator of [a] **an** RCRP shall provide for the establishment of a Community Relations Advisory Board(s) in accordance with N.J.S.A.

30:4-91.12. **The Community Relations Advisory Board shall include a former**

inmate who also may have completed a Residential Community Reintegration Program.

10A:20-4.2 Administration of Residential Community **Reintegration** Program[s]

(a) The Division of Programs and Community Services, Office of Community Programs [and Outreach Services], shall be responsible for the administration, monitoring, and oversight of Residential Community [Release] **Reintegration** Program[s] **programs** under contract with the New Jersey Department of Corrections.

(b) [Individual(s) and/or committees from the] **The** Office of Community Programs (OCP) [Review Committee at COHQ] shall [have final approval authority] **make the final recommendation** for Residential Community [Release] **Reintegration** Program participation for all inmates[, at the direction of] **to the Commissioner, or designee, the facility administrator, and the Director of the Office of Community Programs.**

10A:20-4.3 Duties of correctional facility staff responsible for coordinating release to [residential community programs] **the Residential Community Reintegration Program**

(a) The correctional facility [Administrator] **administrator, or designee**, shall designate a staff member to serve as the Institutional Community [Release] **Reintegration** Program Coordinator. The Institutional Community [Release] **Reintegration** Program Coordinator **shall:**

1. [Shall maintain] **Maintain** liaison with the Office of Community Programs and the Residential Community [Release] **Reintegration** Program[s];

2. [May make] **Arrange and conduct** periodic visits [to] **through the Office of Community Programs to Residential Community [Release] Reintegration Program[s] programs;**

3. [Shall be familiar with the] **Advise correctional facility staff of changes in policies of the Residential Community [Release] Reintegration Program[s]** and advise correctional facility staff of changes in policies of Residential Community Release Programs when], **as** advised by **the** staff of the Office of Community Programs;

4. [Shall be responsible for explaining] **Provide an explanation of the Residential Community [Release] Reintegration Program[s]** to inmates **and the required application process;**

5. [Shall be responsible for notifying] **Provide an in-depth explanation to inmates, and notify** the Office of Community Programs, **in writing**, of any changes that [occurs in an] **affect the inmate's [status] eligibility for a Residential Community Integration Program or a pending transfer to a Residential Community Reintegration Program**, such as, but not limited to, medical **psychological reports**, custody[, detainers or any such circumstances that would render the inmate ineligible for participation in Residential Community Release Programs] **levels, release status, administrative holds, and pending disciplinary sanctions;** and

6. [Shall attend] **Attend** training sessions **and Institutional Community Reintegration Coordinators Meetings** provided **or facilitated** by the Office of Community Programs.

10A:20-4.4 General eligibility criteria for [residential community programs] **the Residential Community Reintegration Program**

(a) Candidates for participation in [residential community programs] **Residential Community Reintegration Program programs** shall:

1.-2. (No change.)

3. Have a psychological evaluation [which] **within the last 12 months that** supports placement in a [residential community programs] **Residential Community Reintegration 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] **within the last 12 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] **with recommended educational and therapeutic program participation to assist in a successful reintegration process;**

6.-7. (No change.)

8. Have been approved by the Residential Community **Reintegration** Program Notification Committee, when notification is required pursuant to N.J.S.A. 30:4-91.8, as the initial step in the approval process, and the facility administrator;

9. Have been [found to be an appropriate candidate for participation in a residential community program] **reviewed** by the Assessment and Treatment Center as a step in the approval process **for male inmates**; and

10. Have been given initial approval based on the criteria set forth by the I.C.C. and the Office of Community Programs (OCP) [Review Committee] **Classification and Assignment Unit**, as set forth at N.J.A.C. 10A:1-2.3 and 10A:20-4.5.

10A:20-4.5 Specific eligibility criteria for [residential community programs] **Residential Community Reintegration Programs**

(a) In addition to the general eligibility criteria at N.J.A.C. 10A:20-4.4, candidates for [residential community programs] **Residential Community Reintegration Programs** must also have initial I.C.C. findings approved or disapproved by the facility administrator, as well as the Office of Community Programs (OCP) Review Committee (See N.J.A.C. 10A:1-2.3) and meet the additional criteria [in] **at** (b) and (c) below.

(b) In addition to the general eligibility criteria [in] **at** N.J.A.C. 10A:20-4.4, candidates for [residential community programs] **Residential Community Reintegration Programs** who have not been convicted of a sexual offense as defined [in] **at** 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] **at** [(b)] **(c)** below of:

1.-4. (No change.)

(c) Candidates are eligible for participation in a [residential community program] **Residential Community Reintegration Program** when the candidate **also meets the following time criteria and employment verification criteria:**

1. [Is otherwise eligible and who has] **Has** less than [24] **30** months remaining to be served and is determined by the Commissioner, or designee, to be appropriate for participation in a [residential community programs] **Residential Community Reintegration Program**; [or]

2. [Is otherwise eligible and who has] **Has** more than [one year] **60 days**, but less than [two years] **30 months**, remaining to be served and is determined by the Commissioner, or designee, to be appropriate for participation in [a substance use disorder treatment program.] **an RCRP**; or

3. Has applied for or provided proper documentation, maintained by the Office of Programming and Supportive Services, that will be required for employment eligibility in the Residential Community Reintegration Program's employment phase. Documentation may include:

i. A Social Security card or a notarized letter from a relative stating they are in possession of the inmate's Social Security card and it will be forwarded to the Residential Community Reintegration Program within 45 days of the inmate's arrival at the Assessment and Treatment Center(s) for male inmates or the specialized gender responsive program for female inmates;

ii. A birth certificate or a notarized letter from a relative stating they are in possession of the inmate's birth certificate and it will be forwarded to the Residential Community Reintegration Program within 45 days of the inmate's arrival at the Assessment and Treatment Center(s) for male inmates or the specialized gender responsive program for female inmates; and/or

iii. **A New Jersey Motor Vehicle Commission non-driver's identification card or a notarized letter from a relative stating they are in possession of the inmate's non-driver's identification card or driver's license issued by the New Jersey Motor Vehicle Commission, regardless of expiration date, and it will be forwarded to the Residential Community Reintegration Program within 45 days of the inmate's arrival at the Assessment and Treatment Center(s) for male inmates or the specialized gender responsive program for female inmates.**

10A:20-4.7 Exclusions from [residential community programs] **Residential Community Reintegration Programs (RCRPs)**

(a) The following circumstances shall make an inmate ineligible for participation in [a residential community program] **an RCRP:**

1.-2. (No change.)

(b) A previous **non-technical** violation [of a furlough, work release, electronic monitoring, or residential community program under the jurisdiction of the Department of Corrections] **in which the inmate committed a new crime while on parole, Intensive Supervision Program (ISP), or electronic monitoring** may make an inmate ineligible for participation in a [residential community program] **Residential Community Reintegration Program.**

(c) **A violation of an RCRP under the jurisdiction of the Department of Corrections may make an inmate ineligible for participation in an RCRP.**

10A:20-4.8 Inmate application, eligibility, and review by the Institutional Community [Release] **Reintegration** Program Coordinator

(a) An inmate interested in participating in a Residential Community [Release] **Reintegration** Program shall complete and sign all sections of Form 68-I Community Program Application and submit it to the Institutional Community Release Program Coordinator for review.

(b) The Institutional Community [Release] **Reintegration** Program Coordinator shall explain to the inmate that:

1. The inmate's signature on Form 686-I merely signifies a willingness to participate in a [residential community program] **an Residential Community Reintegration Program** and does not signify that the inmate has been approved for the Program; and

2. (No change.)

(c) The Institutional Community [Release] **Reintegration** Program Coordinator, upon receipt of the application from the inmate, shall determine:

1.-2. (No change.)

(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] **Reintegration** Program Coordinator.

(e) If the inmate meets the eligibility criteria, the Institutional Community [Release] **Reintegration** Program Coordinator shall sign and submit Form 686-I **Community Program Application** to the Institutional Classification Committee (I.C.C.) for initial review and approval or disapproval (see N.J.A.C. 10A:20-4.2(c), 4.4, and 4.5).

(f) State-sentenced inmates in adult county correctional facilities may be reviewed for eligibility by the Director, Office of Community Programs, or designee, without the State-sentenced inmates having to submit an application. These inmates may receive initial approval or disapproval by the Institutional Classification Reception Committee (I.C.R.C.) at [the Central Reception and Assignment Facility] **an intake facility for participation in a [residential community program] Residential Community Reintegration Program.**

(g) (No change.)

10A:20-4.9 Medical/dental/psychological review of applicants for [residential community programs] **Residential Community Reintegration 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 program] **Residential Community Reintegration Program.**

(b) The responsible health care authority who is clinically responsible for the correctional facility medical department shall review an inmate's medical records, consider the following factors, and provide medical certification prior to the Institutional Classification Committee (I.C.C.) approval or disapproval of the inmate for participation in a [residential community program] **Residential Community Reintegration Program.**

Factors to be considered include, but are not limited to:

1. (No change.)

2. The work limitations of the inmate, such as no food handling, [light duty] **restrictions on physical activities, such as lifting and walking, and** no work around machinery;

3. Medication(s), such as, **but not limited to**, psychotropic and addictive medication;

4. [Chronic illness] **Acute or chronic conditions** requiring frequent **medical** intervention, such as, **but not limited to**, uncontrolled diabetes [and], **dialysis**, unstable asthma, **and open wound care**;

5. Impending surgery; [and]

6. Any known medical restrictions[.]; **and**

7. Ability to maintain self-care with limited assistance from others, including, but not limited to, personal hygiene and compliance with “Keep on Person” medication instructions.

(c) The responsible health care authority who is clinically responsible for the dental department shall review an inmate’s dental records, consider all dental work in progress, and provide dental certification prior to the I.C.C. approving or disapproving the inmate application for participation in a [residential community program] **Residential Community Reintegration Program.**

(d) The medical and dental health care authorities shall complete MR—030 Community [Release] **Reintegration** Medical Examination Form and submit the form to the Institutional Community [Release] **Reintegration** Program Coordinator who shall forward [Form MR—030] **the form** to the I.C.C.

(e) If there are questions regarding the appropriateness of medically or dentally approving an inmate for participation in [a residential community program] **an RCRP**, the medical and/or dental health care authority shall contact the Division of Operations, Health Services 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] **Reintegration** Program Coordinator.

(f) An inmate's most recent psychological evaluation shall be reviewed prior to the I.C.C. initial approval or disapproval of the inmate for participation in the [residential community programs] **Residential Community Reintegration Program**. When a psychological evaluation is more than 12 months old **or is requested by the Office of Community Programs**, the health care authority of the correctional facility shall ensure that another evaluation of the inmate is conducted. The evaluation shall assess:

1.-2. (No change.)

(g) The Institutional Community [Release] **Reintegration** Program Coordinator shall notify the Office of Community Programs of any changes in the inmate's medical, dental, and/or psychological conditions that occur during the period of time between I.C.C. initial approval for inmate participation in the [residential community programs] **Residential Community Reintegration Program** and the transfer of the inmate to a 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 provide initial approval or disapproval for inmate participation in [a residential community program] **an RCRP** after review of:

1. The general eligibility criteria [in] **at** N.J.A.C. 10A:20-4.4;
2. (No change.)
3. The inmate's previous failure in [a residential community program] **an RCRP**;

and/or

4. The [decisionmaking] **decision-making** criteria [in] **at** N.J.A.C. 10A:9-3.3.

(b) The [Administrator] **correctional facility administrator** shall not overrule the disapproval of an application for [a residential community program] **an RCRP** by the I.C.C.

1. The I.C.C. may reconsider a disapproved application upon receipt of an inmate appeal submitted to the facility administrator.

(c) The [Administrator] **correctional facility administrator** may send back to the Committee, the approval of an application for [a residential community program] **an RCRP** by the I.C.C. when the [Administrator] **correctional facility administrator** has information[, which] **that** was not available to the I.C.C. when the [residential community program] **Residential Community Reintegration Program** application was approved. **The newly uncovered information shall be provided by the correctional facility administrator to the I.C.C. with the application for reconsideration.**

(d) The Institutional Community [Release] **Reintegration** Program Coordinator shall attend all meetings of the I.C.C. when [residential community program] **Residential Community Reintegration Program** cases are being reviewed.

(e) The Institutional Community [Release] **Reintegration** Program Coordinator shall notify the inmate, in writing, of the status of the inmate's application to a [residential community reintegration program] **Residential Community Reintegration Program** only upon final approval by the Office of Community Programs (OCP) (see N.J.A.C. 10A:20-4.2 and 4.12(h)).

10A:20-4.11 Forwarding documents to the Office of Community Programs

(a) Following approval of an inmate to participate in a [residential community program] **Residential Community Reintegration Program**, the Institutional Community [Release] **Reintegration** Program Coordinator shall submit to the Office of Community Programs, the following:

1. (No change.)
2. Two copies of MR-030 Community [Release] **Reintegration** Medical Examination Form, which shall not be more than 12 months old;
3. Two copies of current classification material for the inmate, which includes a psychological evaluation [which shall not be more than 12 months old] **that has been conducted within the last 12 months or if the inmate has demonstrated signs of mental health decompensation;**
4. Two copies of the **current** 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.-10. (No change.)

11. Two copies of the court commitment order to include fines, penalties, and/or restitution; **and**

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 Therapeutic Community Discharge Plan, if applicable; and

vii. An approved pre-parole report.]

10A:20-4.12 Role of the Division of Programs and Community Services, Office of Community Programs, and the [Residential Community Program Notification Committee] **Office of Community Programs Classification and Assignment Unit**

(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 **Reintegration** Program Notification 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 emailed and a hard copy mailed by the [Committee]

Office of Community Programs Classification and Assignment Unit to the county prosecutor or Attorney General to ensure that the county prosecutor or Attorney General shall have 10 business days in which to contact the victim(s) and 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.]

2. If the county prosecutor or Attorney General does not provide comments within 10 business days, the New Jersey Department of Corrections may presume that the prosecutor or Attorney General, as the case may be, does not wish to submit any comments on the matter.

3. Comments from the victim of the crime or the victim's nearest relative if the crime resulted in death may be obtained upon notification by the county prosecutor or Attorney General to the Office of Victim Witness Advocacy of the county in which the inmate was convicted and that office may use any reasonable means available to give notice within 10 business days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

i. The notice provided pursuant to this paragraph shall be given only if a request for such notification has been made by the victim or the victim's nearest relative, as the case may be, to the county prosecutor or Attorney General, at the time the inmate was sentenced.

ii. Upon receipt of such notice, the victim or the victim's nearest relative, as the case may be, shall have 10 business days in which to submit comments. If the victim or the victim's nearest relative, as the case may be, does not provide comments within the 10-business-day period, the New Jersey Department of Corrections may presume that the victim or victim's nearest relative, as the case may be, does not wish to submit any comments on the matter; and

4. Any comments provided pursuant to (a)1, 2, or 3 above shall be, in writing, and shall be delivered to the New Jersey Department of Corrections.

i. Comments submitted pursuant to this subsection shall be handled with strict confidentiality and shall only be reviewed by the Residential Community Program Notification Committee, the Committee Chairperson, and an Assistant Commissioner, or higher.

[(b) The Residential Community Program Notification 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. Comments shall receive all due consideration when the Residential Community Program Notification Committee is making the determination to approve/disapprove a candidate for participation in a residential community program.]

(b) Whenever the New Jersey Department of Corrections receives comments from a prosecutor or the Attorney General, as the case may be, or from a victim or a

victim's nearest relative, as the case may be, concerning the participation of an inmate in accordance with this act, it shall give all due consideration to the information in those comments when considering the participation of that inmate. A Residential Community Reintegration Program Notification Committee, representing several disciplines within the New Jersey Department of Corrections, reviews the comments and inmate records and votes to approve or disapprove inmate assignment to a Residential Community Reintegration Program.

(c) No change.)

(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] **initial Residential Community Reintegration Program followed by preparation of the transfer order for the transfer of the inmate from the correctional facility to an initial RCRP assignment.**

1. Initial assignments for male inmates shall be to an Assessment and Treatment Center where treatment needs will be assessed; and

2. Initial assignment for female inmates shall be to a Specialized Gender Responsive Program where treatment needs shall be assessed and gender responsive services shall be facilitated through a Trauma Informed Care approach.

[(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)] **(e)** The Office of Community Programs shall maintain a waiting list of inmates approved for assignment to the [residential community programs] **RCRPs**.

[(g)] **(f)** 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] **RCRP** programs ; or
2. [Be referred] **Return to the regional institution for referral** to the Institutional Classification Committee at the correctional facility [at the Central Reception and Assignment Facility] **for an appropriate housing assignment**.

(g) Each Specialized Gender Responsive Program for female inmates shall establish an assessment meeting for the purpose of reviewing the progress of inmates and for assigning inmates to:

- 1. A correctional treatment, including substance abuse treatment;**
- 2. An educational, vocational training, and work release program; or**
- 3. Making a written recommendation to the Office of Community Programs Director, or designee, as to why the inmate is not appropriate for either track.**

(h) At the direction of the Commissioner, the Office of Community Programs (OCP) shall have final approval or disapproval authority for the participation of all inmates in [residential community programs] **the Residential Community Reintegration Program**.

10A:20-4.13 Notification of inmate assignment to a [residential community program]

Residential Community Reintegration Program

(a) Pursuant to N.J.S.A. 30:4-91.11, whenever an eligible inmate is authorized for participation in a Residential Community Reintegration Program, the correctional facility Institutional Community Programs Reintegration Coordinator shall prepare a summary of all relevant information relating to the inmate's criminal history and background. This information shall include a current fact 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.

[(a)] **(b)** After Form 686-I Section II, 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] **Residential Community Reintegration Program** to which the inmate has been assigned. The [residential community program] **Residential Community Reintegration 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] **Reintegration 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] **at** N.J.A.C. 10A:20-4.11. [The Office of Substance Abuse Programming and Addiction Services shall be responsible for the transmission of documentation referenced in this subsection to the provider prior to the transfer of an inmate to the program.]

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

1. The chief law enforcement officer of the municipality in which the [residential community program] **RCRP** is located; and
2. The chief law enforcement officer of the municipality adjacent to the [residential community program] **RCRP**, if the [residential community program] **RCRP** is within 2,500 feet of the border of an adjacent municipality.

(e) If an inmate should arrive at an RCRP without treatment and discharge information from the substance use disorder treatment program at Mid-State Correctional Facility or Edna Mahan Correctional Facility for Women, the Director, or designee, of the Residential Community Reintegration Program may request the inmate's records for assistance in treatment planning.

1. The Director, or designee, of the Residential Community Reintegration Program shall request that the inmate sign the Consent for Disclosure of Substance Use Disorder Records form.

2. The Office of Substance Abuse Programming and Addiction Services shall be responsible for coordinating the release of treatment and discharge information once the Consent for Disclosure of Substance Use Disorder Records form, signed by the inmate, is received from the Residential Community Reintegration Program.

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

New Jersey State Parole Board hearings for inmates assigned to [residential community] **RCRP** 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 in a correctional facility receives a New Jersey State Parole Board extension, that extends eligibility beyond 30 months while awaiting transfer

to an RCRP, 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] **an RCRP** in accordance with N.J.A.C. 10A:20-4.8.

10A:20-4.16 New Jersey State Parole Board extension for inmates of a [residential community program] **Residential Community Reintegration 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)] **(a)** When an inmate's parole eligibility date has been extended, and the inmate's parole eligibility date would extend participation beyond the [18] **30** 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 correctional facility for assignment, but the inmate may reapply when eligible.

[(c)] **(b)** Parole eligibility dates shall not be projected in determining appropriate placement of inmates in [residential community programs] **RCRPs**.

10A:20-4.17 Preparation for transfer to [a residential community program] **an RCRP**

(a) A [complete] medical and dental checkup **which has been conducted within the last 12 months** shall be given for each inmate prior to the inmate's transfer to [a residential community program] **an RCRP**.

(b) A check for the money remaining in the inmate's **standard trust** account shall be forwarded [to the inmate at the residential community program] **from the parent correctional facility to the regional institution for distribution to the RCRP within 10 business days**.

1. The regional institution shall provide the inmate with a statement of account.

2. The RCRP will be responsible for final distribution to the inmate.

3. The RCRP shall provide the inmate with a statement of account.

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

1.-3. (No change.)

(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] **Residential Community Reintegration Program to allow for modification of the transfer order.**

(e) The [Institutional Community Release Program Coordinator] **Office of Programming and Supportive Services** shall [encourage and assist the inmate when appropriate obtaining documents that will be necessary in the inmate's search for employment and should be processed, if possible, prior to transfer.] **conduct a final interview to ensure the inmate has been afforded the opportunity to apply for the following documents and assist the inmate in obtaining identification prior to departure for the Residential Community Reintegration Program.** These documents may include:

1. (No change.)

2. A [driver's license] **Motor Vehicle Commission non-driver identification card**; and/or

3. (No change.)

(f) (No change.)

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] **RCRP** through **the** Central Transportation **Unit**.

(b) Inmate may be transported without restraint to the [residential community program] **RCRP** in a [State owned] **State-owned** passenger vehicle.

(c) After an inmate has been assigned to, and is [living] **housed** at, a [residential community program] **an RCRP**, the inmate shall be transported to a correctional facility in accordance with [internal management procedures established] **contractual agreements between the Department of Corrections and the Residential Community Reintegration Programs** to provide transportation between [residential community programs] **RCRPs** and correctional facilities.

1. The RCRP shall be responsible to transport the inmate to the regional institution if the advice of the regional institution medical department is that a non-emergency medical evaluation should be conducted by a nurse.

2. In the instance of a non-emergency medical appointment that is scheduled through the Department's responsible healthcare authority, the Residential Community Reintegration Program shall transport the inmate to the regional institution for transport to the appointment by the New Jersey Department of Corrections.

3. A Residential Community Reintegration Program shall be responsible for transporting an inmate from the regional institution to the RCRP upon notification of medical clearance for the inmate to return.

4. Other instances may arise in which the Residential Community Reintegration Program will be required to transport an inmate to the regional institution. These instances may include, but not be limited to:

- i. A hearing for the Intensive Supervision Program;**
- ii. A hearing with the State Parole Board;**
- iii. An appointment with the I.D. officer; or**

iv. Any other appointment deemed necessary by the New Jersey Department of Corrections that does not rise to the level of a security risk requiring a custody escort.

5. The khaki uniform is the official New Jersey Department of Corrections transportation attire for any inmate in a Residential Community Reintegration Program traveling to a correctional facility or New Jersey Department of Corrections' Central Office Headquarters regardless of the nature of the appointment.

i. Inmates in a Residential Community Reintegration Program are also excluded from wearing and/or carrying a purse or jewelry in excess of a wedding band and one religious item; and

ii. Inmates in a Residential Community Reintegration Program must wear their identification card issued by the Residential Community Reintegration Program.

10A:20-4.19 Residential [community program] **Community Reintegration Program (RCRP)** rules, regulations, and discipline

(a) The [residential community program] **RCRP** Director, or designee, shall conduct an orientation to the program. [and] **A Resident Handbook, which, at a minimum, includes the** written rules and regulations of the **RCRP and the New Jersey Department of Corrections' prohibited acts set forth at N.J.A.C. 10A:4-4.1,** shall be given to each inmate immediately following the inmate's arrival at the [residential community program] **RCRP.**

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

(c) Inmates who commit violations of Category C, D, or E non-asterisk prohibited acts, excluding .101a, shall be subject to restriction of privileges by Residential Community Reintegration Program staff depending on totality or exigent circumstances. Such restrictions shall be imposed in accordance with procedures agreed upon by the Commissioner, Department of Corrections, or designee, and the Director of the Office of Community Programs (see N.J.A.C. 10A:4).

[(c)] **(d) [Major disciplinary] All prohibited act violations, with the exception of prohibited act .101a, shall be reported immediately to [the regional institution and] the Office of Community Programs [and Outreach Services, or in the case of a MAP inmate, the Office of Substance Abuse Programming and Addiction Services.] which will notify the regional institution. Prohibited act .101a shall be reported immediately to the regional institution and the Office of Community Programs.**

[(d)] **(e) [Major disciplinary violation charges] Category A, B, and F and .101a prohibited acts shall result in the immediate [transfer] return by custody personnel of the inmate to a correctional facility within the New Jersey Department of Corrections.**

[Major] **These** disciplinary violations **that are enumerated in the Inmate Handbook** shall include, but are not limited to:

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

2. (No change.)

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

[4.] **3.** Some non-asterisk prohibited acts (see N.J.A.C. 10A:4), such as, **but not limited to**, prohibited act [.254 Refusing to work, or to accept a program or housing unit assignment] **.702 unauthorized contact with the public;**

Recodify existing 5.-6. as **4.-5.** (No change in text.)

[7.] **6.** Engaging in sexual acts **with others** [on the premises of the residential community program].

[(e)] **(f)** The Director, or designee, of the [residential community program] **RCRP** shall be responsible for ensuring the disciplinary charges are prepared for [major disciplinary violations in accordance with N.J.A.C. 10A:4] **prohibited acts that require disciplinary return of the inmate to the regional institution.**

[(f)] **(g)** All [minor] violations **of rules and regulations** and in-house disciplinary actions **and violations of the Department's prohibited acts** shall be recorded in the [residential community program's log book] **Residential Community Reintegration Program's management information system** and the inmate's file for review by the Office of Community Programs [and Outreach Services or the Office of Substance Abuse Programming and Addiction Services] staff members.

(h) Inmate disciplinary returns to the regional institutions may be approved by the Commissioner, or designee.

10A:20-4.20 Testing for prohibited substances

(a) All inmates who participate in [a residential community program] **an RCRP** shall be subject to testing for prohibited substances **a minimum of every 21 days or at the request of the New Jersey Department of Corrections.**

(b) Testing for prohibited substances at [residential community programs] **an RCRP** shall be conducted in accordance with N.J.A.C. 10A:3-5.10. Collection, storage, and analysis of specimens at [residential community programs] **an RCRP** shall be conducted in accordance with the applicable subsections [of] **at** 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] **at** N.J.A.C. 10A:3-5.11, the Director, or designee, of the [residential community program] **RCRP** shall be considered the equivalent of the [Administrator] **facility 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 **form** shall accompany all specimens that are delivered by the [residential community program] **RCRP** 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 **and the regional institution.**

(f) When the specimen analysis tests positive, the [Office of Community Programs] **regional institution** is responsible for:

1.-2. (No change.)

10A:20-4.21 Health care coverage

(a) The New Jersey Department of Corrections shall provide health care services **at the Residential Community Reintegration Program Assessment and Treatment Center(s)** through a health care provider **on-site** to all inmates in [residential community] **Residential Community Reintegration Program** programs **unless specifically requested by the Department's responsible health authority to bring the inmate to the regional institution for health care services.**

(b)-(c) (No change.)

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

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

(b) The health care provider, in collaboration with the Director[s] of [residential community programs] **the Residential Community Reintegration Program**, shall have established, in advance, an emergency plan to access a hospital or alternate medical[,] **or** dental [or mental health] facility to provide emergency medical[,] **or** dental [and mental health] treatment to inmates assigned to [residential community programs] **a Residential Community Reintegration Program.**

(c) When an inmate in a [residential community program is hospitalized due to an emergency] **Residential Community Reintegration Program, requires emergency medical services at a hospital**, the Director, or **designee**, of the [residential community program] **RCRP** shall notify the [Administrator] **Office of Community Programs, which will notify and/or confirm notification to the shift commander** of the regional institution and furnish the following information:

1.-2. (No change.)

3. The name and location of hospital; **and**

[4. The diagnosis and, if known, the prognosis; and

5. The name of attending physician.]

4. The reason for the medical emergency.

(d) (No change.)

(e) It shall be the responsibility of the regional institution shift commander to dispatch correctional police officers within a timeframe that is reasonable and operationally effective to assume custody of the inmate.

10A:20-4.23 Nonemergency medical, dental, and mental health services

(a) [Residential community programs] **Inmates in an RCRP** shall [utilize the] **receive nonemergency** medical, dental, and mental health [nonemergency procedures established by the health care provider (see N.J.A.C. 10A:16)] **services provided by the contract agency's health care provider, unless the Department's responsible health care provider specifically requests that the RCRP bring the inmate to the regional institution for treatment.**

1. Inmates in an Assessment and Treatment Center shall receive medical, dental, and mental health nonemergency services in accordance with N.J.A.C.

10A:16.

(b) Inmates in all other Residential Community Reintegration Program programs shall utilize the medical, dental, and mental health nonemergency procedures established by the New Jersey Department of Corrections' health care provider in accordance with N.J.A.C. 10A:16.

10A:20-4.24 Medication or prescription extensions

(a) When inmates are transferred to, or from, an Assessment and Treatment Center or a Residential Community Reintegration Program, a two-week supply of prescription medications will be provided by the health care provider or dentist in the sending facility.

(b) When a prescription must be extended, the health care provider or dentist associated with the facility in which the inmate is currently housed shall evaluate and extend the prescription, as needed.

10A:20-4.25 Inmate work credits

Inmates assigned to [a residential community program] an RCRP shall be awarded work time credit pursuant to N.J.S.A. 30:4-92.

10A:20-4.26 Inmate wages in Substance Use Disorder Treatment [Programs] programs

(a) Inmates assigned to a [Substance Use Disorder Treatment Program or Mutual Agreement Program] **correctional treatment program** shall receive wages paid by the regional institution for a [five-day] **seven-day** week [based on the semi-skilled average pay level established by internal management policies and procedures] **at a pay rate comparable to the highest pay rate at the New Jersey Department of Corrections' licensed correctional treatment facilities.**

(b) The regional institution shall forward a check to the [Substance Use Disorder Treatment Program or Mutual Agreement Program] **Assessment and Treatment Center and Correctional Treatment Program** in the name of each inmate at the [residential community program] **RCRP within seven business days.** The [residential community program] **RCRP** shall ensure that the inmate endorses and deposits the funds into an account for the inmate's personal use **within five business days.**

(c) The [residential community program] **RCRP** shall be responsible for notifying the Business Office of the regional institution, **in writing,** when an inmate [begins employment] **receives his or her first pay from his or her employer.**

(d) Wages paid by the regional institution shall terminate when the inmate [begins employment] **receives his or her first pay from his or her employer.**

10A:20-4.27 On-site evaluation and approval or disapproval of [pre-release] employment sites

(a) The Residential Community [Release] **Reintegration** Program shall be responsible for the evaluation and approval or disapproval of all prospective places of employment for inmates [on pre-release] in accordance with N.J.S.A. 30:4-91.3 et seq.

1. The New Jersey Department of Corrections reserves the right to override any employment site and any inmate employment assignment approved by the Residential Community Reintegration Program (RCRP) deemed necessary for inmate accountability and safety, as well as the safety of RCRP personnel, Department staff, and/or the community.

(b) Employment sites shall not be more than a 20-mile commute.

(c) Inmates in a Residential Community Reintegration Program shall not be permitted to work at, and are restricted from an employment at employment site and/or occupation that:

- 1. Is owned or operated by the inmate or relatives;**
- 2. Is a day care center;**
- 3. Does not have a business address or a designated office or establishment at which business is conducted;**
- 4. Has no direct telephone contact;**
- 5. Is a bail bonds office;**
- 6. Is an airport;**
- 7. Is located, or requires travel, outside of the State of New Jersey;**
- 8. Is an adult entertainment establishment;**
- 9. Is a cannabis dispensary or where cannabis products are sold;**
- 10. Has duties not limited to the kitchen of any establishment with a Division of Alcoholic Beverage Control (ABC) license;**
- 11. Has direct or indirect access to controlled dangerous substances defined pursuant to the New Jersey Controlled Dangerous Substance Act;**

12. Is a personal trainer to a client who may be deemed a member of a vulnerable population, such as a minor or person with diminished mental capacity and/or is compensated by cash payment;

13. Requires entering private homes;

14. Is restricted by law to persons with criminal backgrounds;

15. Requires any operation of a motor vehicle that is subject to New Jersey

Motor Vehicle rules;

16. Is self-employment;

17. Is a locksmith;

18. Offers commission that cannot be documented;

19. Is a security guard;

20. Places the inmate in a situation replicating the original offense;

21. Requires supervision of other inmates;

22. May place the inmate in questionable, inappropriate, and/or unsupervised contact with vulnerable persons, such as minors, senior citizens, or physically or mentally disabled individuals; or

23. Is prohibited by statute.

[(b)] **(d)** The RCRP staff shall initially survey any prospective [pre-release] employment placement and the factors [which] **that** shall be taken into account include, but are not limited to:

1.- 7. (No change.)

8. The ability of the employer to meet the New Jersey Department of [Corrections] **Labor and Workforce Development** requirements, such as, [Workman's] **but not limited to, Worker's** Compensation and minimum wage;

9. (No change.)

10. The potential of displacing employed workers or impairing existing contracts for services; [and]

11. Reputation of place of employment in the community[.]; **and**

12. The level of supervision to ensure inmate accountability.

(e) The Residential Community Reintegration Program shall not approve an employment site until the employer has reviewed the RCRP Initial Jobsite Employer Participation Agreement and signed the form to certify agreement with the conditions of employing an inmate in a Residential Community Reintegration Program.

[(c)] **(f)** The Office of Community Programs shall:

1. Monitor **the** Residential Community [Release] **Reintegration** Program[s] **programs** for compliance with employment policies and procedures; and

2. Maintain a current record of [pre-release] employment sites **and inmate's employment schedules.**

(g) The number of inmates currently employed at the place of employment shall not exceed 15 percent of the work release eligible inmates at any one Residential Community Reintegration Program.

10A:20-4.28 Notification of local law enforcement authorities

The Residential Community [Release] **Reintegration** Program[s] shall notify the local law enforcement authorities **and the New Jersey Department of Corrections**, in writing, immediately following an inmate's employment in the community **utilizing the Employment Notification to Local Law Enforcement form.**

10A:20-4.29 Monitoring employment/education sites

(a) **A Residential Community [Release] Reintegration Program[s] shall monitor [pre-release] employment and education sites [in accordance with applicable laws] for compliance with contractual requirements for the operation of a Residential Community Reintegration Program.**

1. Unannounced monitoring visits of employment sites shall be conducted, at a minimum, once every 45 days.

i. Monitoring visits shall be documented utilizing the Office of Community Program's Employment and Education Site Monitoring form.

ii. All accountability calls from the inmate shall be immediately logged into the management information system by the Residential Community Reintegration Program. Detailed information from the accountability call that must be logged include, but are not limited to, the following:

- (1) The time the call was received;**
- (2) The phone number of the incoming call;**
- (3) The reported location of the inmate;**
- (4) The staff member name and title who received the accountability call;**

(5) Any additional instruction provided by the Residential Community Reintegration Program staff member to the inmate, if applicable; and

(6) Any additional relevant information, if applicable, such as the reason for the delay if the accountability call was late;

iii. The Residential Community Reintegration Program personnel on each shift shall randomly call back the employment or education site after the accountability call is placed by the inmate and log the calls into the management information system as an additional accountability measure. Detailed information from the accountability call that must be logged include, but are not limited to, the following:

(1) The time of the call;

(2) The phone number called;

(3) The reported location of the inmate;

(4) The staff member name and title who placed the accountability call; and

(5) Any additional instruction provided by the Residential Community Reintegration Program staff member to the inmate; and

iv. If the Residential Community Reintegration Program staff member is unable to make contact with the inmate, additional accountability measures are required, which include, but are not limited to, additional accountability calls and/or a site visit before initiating escape procedures.

(b) The Office of Community Programs shall be responsible for [monitoring] auditing Residential Community [Release] Reintegration Program[s] programs for [compliance

with applicable laws and for] on-site monitoring of the [pre-release] employment and education sites.

(c) When an inmate starts employment or begins attending educational classes, the Residential Community [Release] **Reintegration** Program shall implement a plan for monitoring the placement site. The plan for monitoring the placement site shall include, but not be limited to, contacts with the employer, in the case of an employment placement, or with the campus security office, in the case of education placement.

(d) The contacts may be concerned with factors that include, but are not limited to:

1. The inmate's attendance, **including arrival and departure times**;

2. The [quality of] **opportunity for and frequency of communication between** the [inmate's relationship with] **inmate and** the [employer or school administration] **employment supervisor or academic instructor(s)**;

3. The [quality] **positive or negative interactions** of the [inmate's relationship] **inmate** with the peer group at the placement site;

4.-6. (No change.)

[7. The impact of the program upon the employer and community employees;

8. The reaction of the community to the program; and]

7. Any threat or concern for violation of a restraining order or concern from the public for unauthorized, harassing, or unwanted communication from the inmate;

[9.] **8. The likelihood of the inmate retaining the employment or continuing the training after parole or completion of sentence[.]; and**

9. The inmate's adherence to New Jersey Department of Corrections and Residential Community Reintegration Program rules and regulations while at the placement site.

(e) (No change.)

(f) The RCRP shall make the results of employment evaluations and monitoring available to the [appropriate District Parole Office] **State Parole Board**, upon request.

10A:20-4.30 Maintenance fees **and alternate maintained reintegration savings program**

(a) All inmates who participate in an employment component while residing in a [residential community program] **Residential Community Reintegration Program** under contract [or agreement] with the Department of Corrections shall be required to pay a maintenance fee **in accordance with N.J.S.A. 30:4-91.4.**

1. The purpose of the maintenance fee is to offset costs of maintenance related to the inmate confinement in accordance with N.J.S.A. 30:4-91.4.

[(b)] **2.** The maintenance fee, computed in accordance with N.J.S.A. 30:4-91.4, shall:

[1.] **i.** Be 30 percent of weekly **net** wages[, less payroll deductions that are required or authorized by law]; [and]

[2.] **ii.** Not to exceed \$50.00 for each day worked by the inmate[.]; **and**

iii. Be non-refundable to the inmate.

[(c)] **(b)** If fees for maintenance change in accordance with N.J.S.A. 30:4-91.4, these changes shall be reflected [in (b)] **at (a)2** above through a notice of administrative change published in the New Jersey Register.

[(d)] **(c)** (No change in text.)

[(e)] **(d)** The maintenance fee shall be collected from each inmate **in the form of a money order** by a designated staff member of the RCRP and the amount shall be deducted from the Department of Corrections monthly invoice by the RCRP.

[(f)] **1.** Information relating to the collection of [these] maintenance fees shall be attached to Form AR 50/54 State of New Jersey Payment Voucher (Vendor Invoice).

(e) Inmates who participate in an employment component while residing in a Residential Community Reintegration Program may alternately opt to voluntarily allow the RCRP to deposit collected maintenance fees into an individualized maintained reintegration savings program account at the regional institution.

1. Each inmate shall be given a receipt for the maintained reintegration savings program account deposit and a copy shall be maintained by the RCRP.

2. Funds for the alternate maintained reintegration savings program shall be collected from each inmate in the form of a money order by a designated staff member of the Residential Community Reintegration Program and the money order shall be forwarded to the regional institution's business office for deposit.

1. The regional institution's business office shall maintain the funds in a restricted trust account.

ii. **The inmate cannot withdraw funds from the restricted trust account at any time during their incarceration.**

iii. **The inmate will receive all maintenance fees collected and voluntarily redirected to the alternate maintained reintegration savings program and held. The restricted trust fund account will be dispensed to the inmate upon release from custody of the New Jersey Department of Corrections.**

iv. **Maintenance fees collected prior to the inmate's voluntary admission into the alternate maintained reintegration savings program will be utilized in line with the purpose stated within this section and shall not be distributed to the inmate upon release.**

10A:20-4.31 Payment of fines, penalties, and restitution

(a) In accordance with N.J.A.C. 10A:2-2.2, and as required by the courts, statutes, and State Parole Board authorities, all employed inmates who have been placed in a Residential Community [Release] **Reintegration** Program shall be required to pay:

1.-4. (No change.)

10A:20-4.32 Bank accounts

(a) An inmate [may] **shall** open a [passbook or a statement] savings account [in a commercial bank or other savings institution] **with a local Federal Deposit Insurance Company (FDIC)-insured financial institution or on-site banking service licensed to receive deposits for consumer banking** for [his or her] use while at a Residential Community [Release] **Reintegration** Program.

1. The inmate in a Residential Community Reintegration Program must open a savings account no later than five business days from receipt of second pay period earnings.

(b) An inmate may not:

1.-2. (No change.)

3. Purchase any item on [an installment] **credit/installment** plan; [or]

4. Enter into any type of contract, unless approved by the Office of Community Programs[.];

5. Attempt to keep the transaction records confidential from the authorized Residential Community Reintegration Program personnel;

6. Maintain possession of their bank card;

7. Conduct any unescorted banking; or

8. Purchase any items not pre-authorized in their pay period budget session with designated Residential Community Release Program personnel.

10A:20-4.33 Personal property

(a) Neither the Department of Corrections nor the [residential community program]

Residential Community Reintegration Program shall be responsible for the personal property of inmates.

[(b) Inmates may be permitted to retain in their possession such items of personal property in the residential community program as are permitted by residential community program regulations.]

[(c)] **(b)** Inmates shall make arrangements to have valuable and excessive property sent home prior to transfer to the [residential community program] **Residential Community Reintegration Program.**

(c) Social Security cards, birth certificates, and/or identification cards issued by the Motor Vehicle Commission shall be sent to the Residential Community Reintegration Program by the parent correctional facility and shall not be considered personal property or a Keep-on-Person (KOP) item.

(d) Inmates may be permitted to retain in their possession such items of personal property in the Residential Community Reintegration Program, as are permitted by Residential Community Reintegration Program rules and regulations.

(e) Within 24 hours of arrival at the Residential Community Reintegration Program, inmates shall complete a Universal Property Pick-up Form to identify their designee for pick-up of personal property in the instance the inmate is unexpectedly removed from, or leaves, the facility for reasons other than return to the custody of the New Jersey Department of Corrections or escapes.

1. The property shall be inventoried on the same date as departure.

2. The Residential Community Reintegration Program shall document three reasonable attempts to contact the designee for pick-up of personal property prior to disposal.

3. Birth certificates, Social Security cards, and/or identification cards issued by the Motor Vehicle Commission are not considered inmate personal property and shall be forwarded by the Residential Community Reintegration Program to the regional institution.

(f) In the instance of escape of an inmate, personal property shall be held at the Residential Community Reintegration Program for 30 calendar days, in accordance with N.J.A.C. 10A:1-11.9.

1. If the inmate does not return to the Residential Community Reintegration Program or a correctional facility within the New Jersey Department of Corrections, within 30 calendar days, the inmate's property shall be deemed abandoned property.

2. Designated staff at the Residential Community Reintegration Program may dispose of abandoned property by:

- i. Donating the personal property to any recognized public charitable organization;**
- ii. Retaining the property for use by the general inmate population; or**
- iii. Destroying the personal property.**

3. A written notice of final disposition of the escaped inmate abandoned personal property shall become a permanent part of the inmate classification folder (see N.J.A.C. 10A:1-11.10).

(g) In the instance of death of an inmate, their personal property shall be distributed in accordance with the provisions set forth at N.J.A.C. 10A:16-7.6, Distribution of money and personal belongings of deceased inmates.

10A:20-4.34 Inmate **Program Authorized Community Time (P.A.C.T.)** passes and furloughs

(a) Inmates may receive **Program Authorized Community Time (P.A.C.T.)** passes and/or [overnight] furloughs in accordance with the phase system of the Residential Community [Release] **Reintegration** Program, which has been approved by the Office of Community Programs.

(b) The RCRP shall develop a written accountability procedure, to be utilized while the inmate is on a **P.A.C.T.** pass or [overnight] furlough, which shall be submitted to the Office of Community Programs for review. If approved, the accountability procedure shall be incorporated into the policy and procedure manual of the RCRP.

10A:20-4.35 Earned furlough privileges

(a) A furlough is an earned privilege afforded to an inmate in a Residential Community Reintegration Program who is not excluded from participation by any statutes of the State of New Jersey (such as N.J.S.A. 30:4-91.3.b) to aid in family reintegration.

(b) Inmates in Residential Community Reintegration programs are eligible to participate in a furlough program once the following criteria are met:

1. The inmate must be no more than 365 days from their maximum release date;

2. The inmate must have demonstrated evidence of program-compliant behavior to include, but not limited to:

i. No major in-house sanctions in the past six months;

ii. Treatment compliance; and

iii. Positive conduct adjustment;

- 3. The furlough site is approved by the State Parole Board;**
- 4. The furlough host at the approved furlough site must participate in the required orientation for the furlough program;**
- 5. The family member at the approved furlough site must participate in the required family orientation and must sign the furlough program agreement certifying agreement with all program rules and conditions; and**
- 6. A family member who participates in the family orientation must pick up the inmate at the Residential Community Reintegration Program for furlough and transport the inmate back to the facility for the designated return time.**

(c) An inmate may earn furloughs that are 12 hours in duration, inclusive of travel time, during the timeframe of 365 through 181 days from maximum release date.

- 1. The inmate who has earned 12 hour furloughs may participate in a furlough twice per 30-day period.**
 - i. The second furlough in the 30-day period cannot commence until 14 days after the previous furlough.**
 - ii. The inmate is not permitted to sign out of the facility for furlough before 7:00 A.M.**
 - iii. The inmate must return to the facility by 7:00 A.M.**
 - iv. Evidence of program-compliant behavior must continue to be demonstrated to remain furlough-eligible.**
 - v. Movement in the community is restricted to the approved furlough site. Inmates are strictly prohibited from leaving the furlough site.**

(d) An inmate may earn furloughs that are 24 hours in duration, inclusive of travel time, during the timeframe of 180 through 30 days from maximum release date.

1. An inmate who has earned 24-hour-furlough privileges may participate in these furloughs once every consecutive 30-day period.

i. The inmate who is eligible for a 24-hour furlough is permitted to forgo this opportunity and alternatively elect to continue participating in 12-hour furloughs.

2. The start time of a 24-hour furlough may not begin before 7:00 P.M.

3. The 24-hour furlough must have a return time of no later than 7:00 P.M.

4. Evidence of program-compliant behavior must continue to be demonstrated to remain furlough-eligible.

(e) Inmates in a Residential Community Reintegration Program are not permitted to furlough during the 30-day period prior to maximum release date.

(f) The New Jersey Department of Corrections reserves the right to require inmates on 24-hour furloughs to wear a Global Positioning System (GPS) mechanism, if deemed necessary.

(g) Overnight furloughs shall not exceed 24 hours.

10A:20-4.36 [Overnight furlough] **Furlough** exclusions

(a) An inmate shall be excluded from receiving [an overnight] a furlough if the inmate:

1. (No change.)

2. Is not authorized to receive [an overnight] a furlough in accordance with the internal management procedures of the Residential Community [Release]

Reintegration Program; or

[3. Has a conviction for carjacking; or]

[4.] **3.** Is ineligible pursuant to any [Statutes] **statutes** of the State of New Jersey (such as[,] N.J.S.A. 30:4-[91.3b.]**91.3.b**).

10A:20-4.37 Escapes

(a) An inmate residing at a [residential community program] **Residential Community Reintegration Program** shall be deemed an escapee under the following conditions:

1. The inmate leaves the [residential community program] **RCRP** without the authorization of the Director, or designee; [or]

2. The inmate fails to arrive at the [temporary] **approved** leave site or fails to return to the [Residential Community Release Program] **RCRP**, unless the designated time has been extended for a legitimate reason by the Director, or designee. The RCRP shall assume the responsibility for determining the legitimacy of the reason for granting an extension[.];

3. The inmate is scheduled but is not present at the approved leave site on the date and time of a site visit or accountability call by personnel of the New Jersey Department of Corrections or the Residential Community Reintegration Program;

4. If the location from which the inmate has contacted the Residential Community Reintegration Program is found to be fraudulent;

5. The inmate is issued a Global Positioning System (GPS) tracking device and deviation from the approved destination and/or travel route is recorded; or

6. The location of the inmate could not be identified, regardless of the inmate's return to the Residential Community Reintegration Program at the scheduled return time.

(b) The inmate who cannot be contacted at the destination to which the inmate has been granted [temporary] **approved** leave shall be deemed an escapee. If the RCRP receives information that the inmate is leaving, or has left, the jurisdiction, the regional institution shall be notified immediately.

(c) If the inmate cannot be contacted at the [temporary] **approved** leave site, but does contact the RCRP **while in transit returning to the facility**, the designated time of return may be adjusted by the Director of the RCRP, or designee, allowing sufficient time for the inmate to return to the RCRP.

(d) An adjustment in the time of return shall be documented with staff signatures on the sign in/out sheet and the [log book] **management information system**.

10A:20-4.38 RCRP staff authorized to report escapes

The RCRP Director, or highest-ranking staff member on duty at the time of the escape, is authorized to report the escape of an inmate to the Office of Community Programs on-call supervisor and Center Control of the regional institution.

10A:20-4.39 Procedure for reporting an escape

(a) The [highest ranking] **Director or highest-ranking** staff member of the [residential community program] **RCRP** who is on duty at the time of the escape is responsible for the immediate notification of the escape to the [Director or designee] **Office of Community Programs on-call supervisor**.

(b) In accordance with N.J.S.A. 30:4-91.13, the Director, or [designee] **highest-ranking staff member who is on duty at the time of the escape**, of the [residential community program] **RCRP** shall be responsible for immediately notifying, with all pertinent information that is available at the time, the following:

[1. The Center of Control of the regional institution;]

[2.] **1.** The chief law enforcement officer, or designee, of the municipality in which the [residential community program] **RCRP** is located and the chief law enforcement **officer**, or designee, of the municipality adjacent to the [residential community program] **RCRP**, if the [residential community program] **RCRP** is within 2,500 feet of the border of an adjacent municipality; [and]

2. The Center Control of the regional institution; and

3. The [Director or designee of the] Office of Community Programs **on-call supervisor**.

(c) Notification by the [residential community program] **RCRP** established in this section shall be accompanied by a current summary of all relevant information relating to the escapee's criminal history and background, to include a [current face sheet and most recent Pre-Sentence Investigation Report] **Special Incident Report Form OCP-001, Escape Report Form CA:44.2a, Disciplinary/Administrative/Walk-Away Escape**

Discharge Summary Form CA:44.2b, detailed call log, visit list, and a detailed timeline of events.

(d) When additional information becomes available or the inmate returns to the [residential community program] **RCRP**, the [highest ranking residential community program] **Director, or highest-ranking RCRP** staff member who is on duty, shall immediately notify the [Center Control of the regional institution] **Office of Community Programs on-call supervisor who will update Center Control at the regional institution.**

(e) Upon notification by a [residential community program] **an RCRP** Director, or [designee] **highest-ranking staff member on duty at the time of the escape**, that an escape has occurred, and upon notification that the escapee has returned to the [residential community program] **RCRP**, or when new information regarding a previously reported escape is forwarded, [the] Center Control of the regional institution shall proceed in accordance with [Departmental] departmental internal management procedures[,] and N.J.A.C. 10A:21 and 10A:22.

(f) The Director, or [designee] **highest-ranking staff member on duty at the time of the escape**, of the [residential community program] **RCRP** shall complete and [fax] **email** the appropriate Escape Report (Form CA:44.2a) to the Office of Community Programs [and Outreach Services on the day of the escape, or no later than 7:30 A.M. on the next business day] **within two hours of the occurrence.**

(g) The highest-ranking RCRP staff member who was on duty at the time of the escape shall be responsible for writing the escape charge.

10A:20-4.40 (Reserved)

10A:20-4.41 Persons authorized to **physically** remove inmates from a [residential community program] **Residential Community Reintegration Program**

(a) An inmate residing in [a residential community program] **an RCRP** may be removed from [a residential community program] **an RCRP** only by the following persons:

1. Law enforcement authorities holding a legal warrant or a Writ of Habeas Corpus[;].

i. In the event removal pursuant to this paragraph occurs, the **Residential Community Reintegration Program Director/Assistant Director, or equivalent, shall contact the Regional Institution's Special Investigations Division office.**

ii. **The Residential Community Reintegration Program Director/Assistant Director, or equivalent, shall contact the Office of Community Programs following the contact to the Regional Institution's Special Investigations Division office.**

iii. **Whenever possible, Federal, State, and local law enforcement personnel should communicate pick-up of a Residential Community Reintegration Program inmate through the Regional Institution's Special Investigations Division prior to arrival at the facility;**

2. [Staff] **Designated law enforcement personnel** of the regional institution or from the correctional facility assigned to transfer the inmate;

3. Escort officers from Central Transportation **Unit**, Department of Corrections; or

4. Parole officers from the District Parole Office, **acting jointly with the Department of Corrections.**

(b) Advance notice of the impending removal of an inmate shall be provided to the [residential community program] **RCRP** by the regional institution, except in cases where such notification could lead to the inmate escaping.

(c) Upon arrival, official identification must be presented to the Director, or designee, of the [residential community program] **Residential Community Reintegration Program** by the person(s) authorized to remove an inmate from the residential community program.

10A:20-4.42 Nondisciplinary administrative returns

(a) Situations warranting an administrative return of an inmate to the correctional facility may include, but are not limited to:

1. (No change.)
2. An inmate failing to make a satisfactory **programmatic** adjustment **despite a minimum of two therapeutic interventions**, although the inmate has not committed a major infraction **as recommended by the Residential Community Reintegration Program Director and approved by the Office of Community Programs;**
3. An inmate displaying signs of becoming a potential escape risk; [and/or]
4. **Receipt of a complaint from a community member expressing safety concerns or indicating unauthorized contact has occurred;**
5. **A preliminary positive prohibited substance test result;**

6. The need for an investigation by the Special Investigations Division of an incident involving, or allegedly involving, the inmate;

7. Employment of a family member of an inmate at the Residential Community Reintegration Program;

8. An inmate's request and written statement to return to the correctional facility;

9. The need for a mental health evaluation due to a decline in functioning or program adjustment;

10. Any exigent circumstances in which the New Jersey Department of Corrections deems necessary for the safety of the inmate, personnel, and/or community; and/or

[4.] 11. (No change in text.)

(b) In cases when an inmate is being returned to the correctional facility for administrative reasons, the **Residential Community Reintegration Program** director, or [designee] **equivalent**, shall prepare a report using Form CA:44.2b

[Disciplinary/Administrative] **Disciplinary/Administrative/Walk-Away Escape**

Discharge Summary, which indicates the reason(s) for the return **and Special Incident Report Form OCP-001, which provides details of the incident.**

(c) A copy of the report shall be given to the custody staff member(s) who is transporting the inmate, and a copy shall be [faxed] **emailed** as soon as possible to the Office of Community Programs. The report shall include the following information:

1. (No change.)

[2. A summary of the inmate's overall attitude and adjustment while in the residential community program.]

2. The Residential Community Reintegration Program Director's specific recommendation to the Community Corrections Classification Committee (C-4) for community release.

(d) The Community Corrections Classification Committee (C-4) shall, at the next regularly scheduled meeting, review the nondisciplinary administrative returns of inmates from Residential Community Reintegration Program programs to correctional facilities, with the exception of some medical transfers and returns pursuant to inmate's request.

10A:20-4.43 Disciplinary and/or emergency transfer

(a) (No change.)

(b) Copies of reports, notices, and other documents related to an inmate's return from [a residential community program] **an RCRP** shall be given to the custody staff member(s) who is transporting the inmate, and copies shall be [faxed] **emailed** as soon as possible by the Director, or designee, of the [residential community program] **RCRP** to the Office of Community Programs.

1. These reports shall include, but not be limited to[,]:

i. Form 259 Disciplinary Report[, and];

ii. Form CA:44.2b [Disciplinary/Administrative] and the Disciplinary/Administrative/Walk-Away Discharge Summary[.]; and

iii. Special Incident Report.

(c) Physical evidence to support the inmate's return from a Residential Community Reintegration Program shall be held in the facility's secured evidence locker for pick-up by Special Investigations Division investigators.

[(c)] (d) The Community Corrections Classification Committee (C-4) shall, at the next regularly scheduled meeting, review the disciplinary transfers of inmates from [residential community programs] an RCRP to correctional facilities within the New Jersey Department of Corrections and make appropriate housing assignments based upon the adjudication of disciplinary charges.

SUBCHAPTER 5. DISCHARGE PLANNING AND RELEASE INFORMATION

10A:20-5.1 Discharge planning and release information

(a) The Residential Community Reintegration Program programs under contract with the New Jersey Department of Corrections are responsible to comply with the Fair Release and Reentry Act of 2009 (P.L. 2009, c. 329), which was enacted on June 15, 2020 to assist inmates in obtaining necessary reentry benefits.

(b) Each contract agency is responsible for establishing policies and procedures for discharge planning requirements for their respective Residential Community Reintegration Program programs in accordance with the Fair Release and Reentry Act of 2009 (P.L. 2009, c. 329). These efforts are congruent with New Jersey Department of Corrections discharge planning practices that include required reentry benefits for all inmates.

(c) Mandatory discharge planning shall include, but is not limited to, that:

1. All inmates must be offered the opportunity to apply for reentry benefits through a Medicaid online application;

2. All inmates must be offered the opportunity to apply for reentry benefits through the New Jersey General Assistance/Supplemental Nutrition Program (SNAP) online application process;

3. Inmates identified as homeless during the discharge planning process must be appropriately assisted with housing assistance and referrals that ultimately result in a confirmed place to stay upon release; and

4. Any inmate who is identified as homeless on an emergency basis (that is, last minute housing arrangement change, release date change) shall be immediately referred to the New Jersey Work First Program's established Emergency Housing Assistance Hotline.

(d) Mandatory release information must be provided to each inmate at least 10 days prior to release. The New Jersey Department of Corrections will provide certain information for the inmates in the Residential Community Reintegration Program and other information is required to be created and/or disseminated by the Residential Community Reintegration Program. This information shall include, but is not limited to:

1. A copy of the inmate criminal history record and written information on the right to have criminal records expunged pursuant to N.J.S.A. 52:2C;

2. General written information on the inmate's right to vote pursuant to N.J.S.A. 19:4-1;

3. General written information on the availability of programs, including faith-based and secular programs that would assist in removing barriers to inmate employment or participation in vocational or educational rehabilitative programs including, but not limited to, information concerning the Rehabilitated Convicted Offenders Act, P.L. 1968, c. 282 (N.J.S.A. 2A:168A-1 et seq.), and the Certificate of Rehabilitation pursuant to P.L. 2007, c. 327 (N.J.S.A. 2A:168A-7 et seq.);

4. A detailed written record of the inmate participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

5. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable;

6. A copy of the inmate's birth certificate, if the inmate was born in New Jersey;

7. Assistance in obtaining a Social Security card;

8. A non-driver's identification card, which shall be issued by the New Jersey Motor Vehicle Commission and for which the Motor Vehicle Commission shall accept a former New Jersey Department of Corrections inmate identification card to have a two-point value in applying for the non-drivers' identification card;

9. A one-day New Jersey bus or rail pass;

10. A two-week supply of prescription medications;

11. General written information concerning child support, including child support payments owed by the inmate, information on how to seek child support

payments, and information on where to seek services regarding child support, child custody, and establishing parentage; and

12. A medical discharge summary, which shall include instructions on how to obtain from the Commissioner of the New Jersey Department of Corrections, a copy of the full medical record at no charge to the inmate.

(e) The Residential Community Reintegration Program must confirm compliance with the Fair Release and Reentry Act of 2009, by providing a signed Fair Release and Reentry Act of 2009 RCRP Supplemental Form, signed by the inmate prior to release indicating the inmate received the required discharge planning and release information.

1. The form shall be emailed to designated personnel in the Office of Community Programs within 24 hours of inmate release.