

RULE PROPOSALS

INTERESTED PERSONS

The Department of Corrections provides notices of rule proposals in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all State agency rule proposals and adoptions. The following paragraph is quoted from the Proposal section of the New Jersey Register:

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CORRECTIONS

THE COMMISSIONER

COHQ Reviews for Reduced Custody Status and RCP Participation

Proposed Amendments: N.J.A.C. 10A:1-2.3, 10A:9-3.1 and 3.12, 10A:20-4.1 through 4.5, and 10A:20-4.8 through 4.13

Authorized By: Marcus O. Hicks Esq, Acting 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 2020-015.

Submit written comments by April 18, 2020, to:

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or via email to ARU@doc.nj.gov

The agency proposal follows:

Summary

The Department of Corrections (Department) implemented a number of internal process changes resulting in increased inmate eligibility for certain rehabilitative services and proposes to codify those changes in these proposed amendments. In order to prepare inmates for release from correctional facilities, eligible inmates meeting specified eligibility criteria set forth at N.J.A.C. 10A:9-4 may participate in Residential Community Programs (RCPs), work details, jobs, or programs outside the main correctional facility, such as a satellite unit or minimum security unit, with minimal supervision.

Participation in work details, jobs, or programs outside the main correctional facility requires that an inmate attain full minimum custody status. Participation in an RCP requires community custody status. Changes in inmate custody status within a particular correctional facility shall be made by the Institutional Classification Committee (I.C.C.). The process changes put in place to increase eligibility for rehabilitative services, activities, and programs include two multi-level processes in which individuals, or work groups or committees, located at

Central Office Headquarters (COHQ) review the following decisions initially made at the correctional facility level by the I.C.C.:

- all denied requests for full minimum custody status; and
- all approvals for RCP participation.

The Department has found that review by staff or committee from COHQ provides a more neutral perspective as to whether a particular individual has earned the necessary reduced custody status, while also enhancing evaluation of community risks and security concerns, if any, related to a particular placement. While inmate participation in rehabilitative services is encouraged, it must be carefully weighed against risk factors and public safety concerns.

The Department, therefore, proposes to amend its rules to add a new definition for Central Office Headquarters (COHQ) at N.J.A.C. 10A:1-2.2, as it is not defined and will be referred to in the proposed amendments. It also provides a foundation to refer to processes that occur at COHQ using a generic term instead of a work group name that could be subject to change. In order to identify some of the existing responsibilities of the Commissioner in determining all matters of policy, procedure, regulation, administration, operation, programs, operating units, and correctional facilities within the Department of Corrections and delegating that authority to individuals, work groups, and/or committees from COHQ, as needed, the Department proposes to add new N.J.A.C. 10A:1-2.3(b) and (c), which set forth review of full minimum custody denials, and approval of RCP participation applications. The existing rule text is codified as subsection (a).

The existing rules at N.J.A.C. 10A:9-3.1(a)3 set forth that the I.C.C. is responsible for reductions in custody status, among other things. The custody status changes include, but are not limited to, decisions to deny full minimum custody status and for approving inmate applications

for participation in RCPs. The Department proposes to amend the rules to add a multi-level review process for all denials of full minimum custody status and for approving inmates for participation in RCPs for the benefit of the inmates.

The Department proposes new N.J.A.C. 10A:9-3.1(a)3i and 6i, 3.3(b), and 3.12(b) and amendments at N.J.A.C. 10A:9-3.12(a) to make clear that the I.C.C. is not autonomous and operates under the direction of the Commissioner and that all I.C.C. reviews resulting in denial of full minimum custody status and for RCP participation are initial reviews that require added review by COHQ staff or committee. Amendments are proposed to inform inmates they will be notified of only the final determination.

Proposed new N.J.A.C. 10A:9-3.1(c), (d), and (e) set forth that COHQ staff and/or committee, under the direction of the Commissioner, will conduct a second review to confirm, overturn, or remand I.C.C. findings for the following:

- custody status change reviews resulting in denial of full minimum status; and
- reviews resulting in approval for participation in a community release program.

Proposed new N.J.A.C. 10A:9-3.1(c), (d), and (e) and 3.3(b) are also added to further enforce the point that COHQ staff/committee has oversight authority for full minimum custody status denials and for RCP participation approval. During review of the I.C.C. decision making criteria at N.J.A.C. 10A:9-3.3, the Department discovered that paragraph (a)11 was incomplete with respect to the New Jersey sentencing statute it is based on. In order to avoid confusion, and make clear the intent of the criterion, the phrase “including whether it was committed in an especially heinous, cruel, or depraved manner,” found at N.J.S.A. 2C:44-1.a(1), is proposed to be added to N.J.A.C. 10A:9-3.3(a)11.

In order to further define that I.C.C. approval is the initial step in the approval process, the Department proposes adding the phrase “as the initial step in the approval process,” at N.J.A.C. 10A:20-4.4(a)7 and 8, by adding “as a step in the approval process” at paragraph (a)9, and by adding new paragraph (a)10 to set forth the levels of approval required. At paragraph (a)8, a further amendment states that, in addition to approval by the committee, approval is also required from the facility administrator.

The Department proposes to add new N.J.A.C. 10A:20-4.5(a), which sets forth the eligibility and process for residential community programs.

At N.J.A.C. 10A:20-4.8(b), the Department proposes to reorganize the subsection and to add that RCP participation requires a multi-level approval and that the application must be approved at each level. N.J.A.C. 10A:20-4.8(e) is proposed for amendment to add cross-references to N.J.A.C. 10A:20-4.2(c), 4.4, and 4.5.

At recodified N.J.A.C. 10A:20-4.5(c)1, the Department proposes to codify the expansion of inmate eligibility for RCP participation by replacing 18 months from the end of the committed sentence to 24 months, which enables inmates to begin preparations for release and participation in an RCP program up to six months sooner than the end of the candidate’s sentence end date.

Technical updates are proposed at N.J.A.C. 10A:20-4.2(a) through (f), 4.11(a), and 4.13(a), (b), and (c), by replacing Office of Community Programs and Outreach Services (OCPOS) with Office of Community Programs (OCP) and to remove references to the Mutual Agreement Program (MAP) at N.J.A.C. 10A:20-4.1(b), 4.2(b), and 4.13(c), as the reference is obsolete. The Department proposes to delete N.J.A.C. 10A:20-4.11(a)13vi, as the Stabilization and Reintegration Program Boot Camp is no longer available. The Department proposes to delete N.J.A.C. 10A:20-4.1(b) to remove references to MAPs. A more extensive proposed

amendment is anticipated in a separate rulemaking to remove other references to MAPs and to replace OCPOS with OCP.

The Department proposes to amend N.J.A.C. 10A:20-4.12(a)1 by replacing the word “faxed” with the word “emailed” and adding the phrase “hard copy” to be mailed to reflect current practices. In addition, a further amendment is proposed to clarify that the Attorney General contacts the victim(s) and submits comments to the Department by adding the words “contact the victim(s) and submits” to the paragraph.

As the Department has provided a 60-day comment period on the notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments codify some of the changes to existing procedures in order to expand inmate access to rehabilitation services/programs involving inmate full minimum custody status and participation in RCPs. The proposed amendments are expected to be transparent to the general public, as they do not have a direct impact on the general public. The proposed amendments impact the inmate population and provide for added Central Office Headquarters oversight and review, balancing expanded inmate access to reduced custody status, rehabilitative services, and programs, including community-based programs, while adequate consideration is given to public safety and security through the added reviews. The Department anticipates a positive social impact as a result of the proposed amendments.

Economic Impact

Additional funding is not necessary to implement the requirements of the proposed amendments. The cost of meeting and maintaining the requirements of the proposed

amendments is met by the Department through the established budget with funds allocated by the State.

Federal Standards Statement

The proposed amendments are promulgated under the authority of the rulemaking requirements of the Department, as established at N.J.S.A. 30:1B-6 and 30:1B-10. The proposed amendments are not subject to any Federal laws or standards; therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendments will cause neither the generation nor the loss of any jobs.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments affect the New Jersey Department of Corrections and governmental entities responsible for the enforcement of the Department's rules.

Housing Affordability Impact Analysis

The proposed amendments shall have no impact on housing affordability and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing. The proposed amendments concern inmate access to rehabilitation services/programs involving inmate full minimum custody status and participation in RCPs, the New Jersey Department of Corrections, and governmental entities responsible for the

enforcement of the Department's rules.

Smart Growth Impact Development Analysis

The proposed amendments will have no impact on the achievement of smart growth and there is an extreme unlikelihood the proposed amendments 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 proposed amendments concern inmate access to rehabilitation services/programs involving inmate full minimum custody status and participation in RCPs affecting inmates, the New Jersey Department of Corrections, and governmental entities responsible for the enforcement of the Department's rules.

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 an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 1

ADMINISTRATION, ORGANIZATION,

AND MANAGEMENT

SUBCHAPTER 2. GENERAL PROVISIONS

10A:1-2.2 Definitions

The following words and terms, when used in N.J.A.C. 10A:1 through 10A:30, shall have the following meanings unless the context clearly indicates otherwise:

...

“COHQ” means the Central Office Headquarters of the New Jersey Department of Corrections.

...

10A:1-2.3 Chief Executive Officer

(a) Pursuant to N.J.S.A. 30:1B-1 et seq., the Chief Executive Officer of the Department of Corrections is the Commissioner of Corrections.

(b) The Commissioner shall determine all matters of policy, procedure, regulation, administration, operation, programs, operating units, and correctional facilities within the Department of Corrections.

(c) Individuals, work groups, and/or committees at COHQ shall be designated by the Commissioner, as needed, to act on behalf of the Commissioner in the day-to-day operation of correctional facilities.

1. The Commissioner shall change or modify designated individuals, work groups, and/or committees, as necessary, for functional continuity, as well as the safe and effective operation of the Department.

2. Individuals, work groups, and/or committees at COHQ designated by the Commissioner with an expressed purpose of improving safety, security, and/or inmate rehabilitation shall have oversight authority to supplement and override committees based in correctional facilities, such as the I.C.C., that may be identified in Title 10A of the New Jersey Administrative Code.

3. These individuals, work groups, and/or committees at COHQ, designated by the Commissioner, shall define their purpose, scope, and responsibilities in internal management procedures or internal operations memos, as may be required by the Commissioner.

CHAPTER 9

CLASSIFICATION PROCESS

SUBCHAPTER 3. INSTITUTIONAL CLASSIFICATION COMMITTEE (I.C.C.)

10A:9-3.1 Responsibilities of the Institutional Classification Committee (I.C.C.)

(a) [Each] **Under the direction of the Commissioner, each** correctional facility shall establish an I.C.C. (see **N.J.A.C. 10A:1-2.3**), which shall be responsible for:

1.-2. (No change.)

3. Review of inmate applications for change in custody status[;].

i. Under the direction of the Commissioner, all I.C.C. custody status change reviews resulting in denial of full minimum custody status require a second review by Classification Services - Central Office (see N.J.A.C. 10A:1-2.3) to support, or not support, initial I.C.C. findings. Inmates shall not be informed of initial I.C.C. decisions when a second review is required (see N.J.A.C. 10A:9-3.12); inmates shall be informed only of the final decision for a status change to full minimum custody status following conclusion of all appropriate reviews;

4.-5. (No change.)

6. Review and approval, or disapproval, of inmates for participation in community release programs[;].

i. Under the direction of the Commissioner, all I.C.C. reviews resulting in approval for participation in a community release program, and agreed to by the facility administrator, require a second review by COHQ staff members of the Office of Community Programs (OCP) Review Committee (See N.J.A.C. 10A:1-2.3) to approve or disapprove I.C.C. findings. Inmates shall not be informed of initial I.C.C. decisions when a second review is required (see N.J.A.C. 10A:9-3.12); inmates shall be informed only of the final decision for RCP participation following conclusion of all appropriate reviews.

7.-10. (No change.)

(b) (No change.)

(c) The facility administrator, or designee, has the authority to review and approve or disapprove any custody status recommended by the I.C.C.

(d) Designated individuals, work groups, and/or committees from Classification Services at COHQ (see N.J.A.C. 10A:1-2.3) has (have) the authority to support, or not support, initial I.C.C. findings and remand unsupported I.C.C. findings for re-review of denials of full minimum custody status.

(e) The Office of Community Programs (OCP) (see N.J.A.C. 10A:1-2.3) has the authority to review and approve or disapprove any I.C.C. approvals for participation in community release programs recommended by the I.C.C.

10A:9-3.3 Institutional Classification Committee (I.C.C.) decision-making criteria

(a) Decisions on transfers and assignments to housing; work, educational, vocational, or treatment programs; custody status; and residential community programs shall be made after consideration of the following factors:

1.-10. (No change.)

11. Nature and circumstance of present offense, **including whether it was committed in an especially heinous, cruel, or depraved manner (N.J.S.A. 2C:44);**

12.-23. (No change.)

(b) Under the direction of the Commissioner, a second review by COHQ staff or committee (see N.J.A.C. 10A:1-2.3) is required to approve or disapprove all initial I.C.C. review findings for all:

1. Custody status changes resulting in denial of full minimum status by Classification Services - Central Office (see N.J.A.C. 10A:1-2.3) to support, or not support, initial I.C.C. findings; and

2. Approval agreed to by the facility administrator for participation in a community release program and by the Office of Community Programs (OCP) (see N.J.A.C. 10A:1-2.3).

10A:9-3.12 Residential community programs

(a) The Institutional Classification Committee (I.C.C.) may provide initial [approve] approval of an eligible inmate for participation in a residential community program in accordance with applicable provisions of N.J.A.C. 10A:1-2.3 and [N.J.A.C.] 10A:20 when the inmate has been classified to full minimum custody status and meets the criteria for assignment to the program. The approval also requires the concurrence of the facility administrator.

(b) Under the direction of the Commissioner, a second review by individuals, work groups, and/or committees from the Office of Community Programs (OCP) at COHQ (see N.J.A.C. 10A:1-2.3) is required to approve or disapprove all initial review approvals for inmate residential community program participation.

CHAPTER 20

RESIDENTIAL COMMUNITY PROGRAMS

SUBCHAPTER 4. RESIDENTIAL COMMUNITY RELEASE PROGRAMS AND MUTUAL AGREEMENT PROGRAMS

10A:20-4.1 Contract/agreement between the New Jersey Department of Corrections and community agencies

(a) (No change.)

[(b) Prior to receiving inmates for placement into a Mutual Agreement Program, such programs must be licensed through the Department of Human Services and be required to comply with the conditions established within the cooperative agreement that exists between the New Jersey Department of Corrections and the New Jersey Department of Human Services.]

[(c) **(b)** (No change in text.)

10A:20-4.2 Administration of Residential Community Programs

(a) (No change.)

[(b) The Division of Operations, Health Services Unit, Office of Substance Abuse Programming and Addiction Services (OSAPAS), shall be responsible for the monitoring and oversight of the Department of Corrections related responsibilities of the Mutual Agreement Programs. The Division of Administration is responsible for contract management.]

(b) Individual(s) and/or committees from the Office of Community Programs (OCP) Review Committee at COHQ shall have final approval authority for Residential Community Release Program participation for all inmates, at the direction of the Commissioner.

10A:20-4.3 Duties of correctional facility staff responsible for coordinating release to residential community programs

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

1. [Maintain] **Shall maintain** liaison with the Office of Community Programs and the Residential Community Release Programs;
2. [Make] **May make** periodic visits to Residential Community Release Programs [and attend training sessions provided by the Office of Community Programs];
3. [Be] **Shall be** familiar with the Residential Community Release Programs and advise correctional facility staff of changes in policies of Residential Community Release Programs when advised by staff of the Office of Community Programs;
4. [Be] **Shall be** responsible for explaining Residential Community Release Programs to inmates; [and]
5. [Be] **Shall be** responsible for notifying the Office of Community Programs of any change that occurs in an inmate's status, such as, but not limited to, medical, custody, detainers or any such circumstances that would render the inmate ineligible for participation in Residential Community Release Programs[.]; **and**

6. Shall attend training sessions provided by the Office of Community Programs.

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

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

1.-6. (No change.)

7. Have had Form 686--I approved by the Institutional Classification Committee (ICC) **as the initial step in the approval process;**

8. Have been approved by the Residential Community 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;** [and]

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

(a) In addition to the general eligibility criteria at N.J.A.C. 10A:20-4.4, candidates for residential community 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 (b) and (c) below.

[(a)] **(b)** (No change in text.)

[(b)] **(c)** Candidates are eligible for participation in a residential community program when the candidate:

1. Is otherwise eligible and who has less than [18] **24** months remaining to be served and is determined by the Commissioner or designee to be appropriate for participation in a residential community program; or

2. (No change.)

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

(a) (No change.)

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

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

2. Approval for RCRP participation involves a multi-level approval process and the application must be approved at every level or it will be disapproved.

(c)-(d) (No change.)

(e) If the inmate meets the eligibility criteria, the Institutional Community Release Program Coordinator shall sign and submit Form 686-I 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 inmate having to submit an application. These inmates may [be approved] **receive initial approval** or

[disapproved] **disapproval** by the Institutional Classification Reception Committee (I.C.R.C.) at the Central Reception and Assignment Facility for participation in a residential community program.

(g) (No change.)

10A:20-4.9 Medical/dental/psychological review of applicants for residential community programs

(a) (No change.)

(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.) [approving or disapproving] **approval or disapproval of** the inmate for participation in a residential community program. Factors to be considered include, but are not limited to:

1.-6. (No change.)

(c)-(e) (No change.)

(f) An inmate's most recent psychological evaluation shall be reviewed prior to the I.C.C. [approving or disapproving] **initial approval or disapproval of** the inmate for participation in the residential community programs. When a psychological evaluation is more than 12 months old, 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 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 [of an inmate] for **inmate** participation in the residential community programs 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 [approve/disapprove an] **provide initial approval or disapproval for** inmate [for] participation in a residential community program after review of:

1.-4. (No change.)

(b) (No change.)

(c) The Administrator may [overrule] **send back to the Committee** the approval of an application for a residential community program by the I.C.C. when the Administrator has information, which was not available to the I.C.C. when the residential community program application was approved.

(d) (No change.)

(e) The Institutional Community Release Program Coordinator shall notify the inmate, in writing, of the status of the inmate's application to a residential community 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 [and Outreach Services]

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

1.-12. (No change.)

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

i.-v. (No change.)

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

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

[viii.] **vii.** (No change in text.)

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

(a) Whenever the inmate to be reviewed has been convicted of an offense enumerated at N.J.S.A. 30:4-91.8, the Residential Community Program 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 [faxed] **emailed** and **a hard copy** mailed by the Committee to the

county prosecutor or Attorney General to ensure that the county prosecutor or Attorney General shall have 10 business days in which to **contact the victim(s) and** submit comments to the Department of Corrections; and

2. (No change.)

(b) (No change.)

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

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

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

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

(g) (No change.)

(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.

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

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

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

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

(d) (No change.)