

CORRECTIONS

(a)

STATE PAROLE BOARD

Parole Board Rules

Division of Parole Rules

Proposed Readoption with Amendments: N.J.A.C. 10A:71

Proposed Amendments: N.J.A.C. 10A:72-1.1, 2.4, 4.1, 4.3 through 4.7, 4.12, 5.1, 5.4, 5.5, 5.6, 8.3, 10.1 through 10.5, 10.7, 16.1, 16.5, and 16.10

Proposed New Rules: N.J.A.C. 10A:71-5.9 and 10A:72-6.9

Authorized By: New Jersey State Parole Board, Samuel J. Plumeri, Jr., Chairman.

Authority: N.J.S.A. 30:4-123.48.d, 30:4-123.51.b, and 30:4-123.92.d.

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

Proposal Number: PRN 2025-041.

Submit comments by June 20, 2025, to:

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The agency proposal follows:

Summary

The Parole Act of 1979 (Parole Act), N.J.S.A. 30:4-123.45 et seq., established a full-time State Parole Board (Board). The Board is authorized by the Parole Act to promulgate reasonable rules and regulations consistent with the Parole Act as may be necessary for the proper discharge of its responsibility. The Board's rules are codified in the New Jersey Administrative Code at N.J.A.C. 10A:71 and 72. Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10A:71 was scheduled to expire on March 19, 2025; the timely submission of this notice of rules proposed for readoption with amendments and new rules extended the expiration date of the chapter 180 days to September 15, 2025, pursuant to N.J.S.A. 52:14B-5.1(c)2. The Board has reviewed N.J.A.C. 10A:71 and proposes to readopt the chapter with amendments and new rules. The rules proposed for readoption with amendments and new rules pertain to Board organization; records/general administrative provisions; parole release hearings; administrative appeals; suspending or rescinding a parole release date; supervision; revocation of parole; certificates of good conduct; and certificates suspending certain employment, occupational disabilities, or forfeitures. As a result of the review process, the Board is proposing various amendments to the existing rules and proposing new N.J.A.C. 10A:71-5.9, which provides for the vacating of a decision to certify administrative parole when it is subsequently determined that the inmate does not meet the criteria. The Board also proposes amendments at N.J.A.C. 10A:72 and proposes new N.J.A.C. 10A:72-6.9. The proposed amendments and new rule at N.J.A.C. 10A:72 pertain to general administrative provisions of the Division of Parole and include such matters as community plan and supervision; use of firearms and use of force while on duty; use of personal firearms and use of force while off duty; search and monitoring of parolees; contraband and disposition of contraband; transportation of parolees; certain parolees residing with or having unsupervised contact with minors; establishing certain conditions of supervision; and parolees traveling outside of the State. Proposed new N.J.A.C. 10A:72-6.9 codifies procedures for the search of residential community facilities under contract with the Board to provide services to parolees and the search of parolees housed in residential community

facilities. Throughout both chapters, minor amendments are proposed for style, clarity, and grammar.

On September 12, 2023, P.L. 2023, c. 157, was enacted. This legislation established, within the Office of the Public Defender, a unit that shall provide for the legal representation of any person on parole from a correctional institution of this State or otherwise under parole supervision of this State who is charged with violation of that parole or who is under consideration for revocation of parole. Pursuant to this legislation, the Office of the Public Defender, on October 2, 2023, commenced representing parolees at revocation hearings. The proposed amendments at N.J.A.C. 10A:71-7.7(c)2 and 7.14(c)2 delete reference to the pro bono assignment program and reflect that a parolee determined to be indigent has the right to be represented by an attorney assigned by the Office of the Public Defender at a preliminary violation hearing and revocation hearing, respectively.

The proposed amendment at N.J.A.C. 10A:71-2.10(a) reflects that the Board panel or Board shall consider the final decision of the county correctional facility official responsible for adjudication of institutional infractions to be *res judicata*. The current regulation included reference to the final decision of the Department of Corrections' official responsible for adjudication of institutional infractions to be *res judicata*. As certain State offenders are incarcerated in county correctional facilities, the regulation was amended to include reference to county correctional facilities.

The proposed amendments at N.J.A.C. 10A:71-3.7(b) and at 10A:72-16.5(l) and 16.10(b)1 reflect that the term "Chairman" is being replaced with the term "Chairperson." The proposed amendments make the respective sections consistent with other provisions at N.J.A.C. 10A:71 and 10A:72.

Proposed new N.J.A.C. 10A:71-5.9 provides for the vacating of a decision to certify administrative parole when it is subsequently determined that the inmate does not meet the criteria set forth at N.J.A.C. 10A:71-3.22(a); provides that the inmate be referred for a hearing pursuant to N.J.A.C. 10A:71-3.17; and provides that the Department of Corrections and the inmate receive written notice of the decision to vacate the decision to certify administrative parole release and the basis for the decision.

The proposed amendment at N.J.A.C. 10A:71-6.4(a)13i corrects the term "imitation controlled dangerous substance analog" to "imitation controlled substance analog."

Proposed new N.J.A.C. 10A:71-6.9(f) codifies current Board policy and provides certain factors that a District Parole Supervisor should assess when determining whether good reason exists to require continued supervision of a parolee. Such factors include those that reflect non-compliance with the conditions of supervision including, but not limited to, whether the parolee has committed a crime, has an active warrant(s) for an arrest, or has an active temporary or final restraining order. The proposed amendment at N.J.A.C. 10A:71-6.9(h) provides that a copy of the discharge certificate issued by the Board panel is to be provided to the parolee and the Department of Corrections.

Proposed new N.J.A.C. 10A:71-6.9(i) requires the Board panel to provide written notice to the parolee when discharge from parole supervision is denied and the basis for the decision.

Proposed new N.J.A.C. 10A:71-6.9(k) requires the Board to issue a discharge certificate when the Board grants a parolee discharge from parole supervision and provides that the parolee and the Department of Corrections are to receive a copy of the discharge certificate.

Proposed new N.J.A.C. 10A:71-6.9(l) requires the Board to provide written notice to the parolee when discharge from parole supervision is denied and the basis for the decision.

The proposed amendment at N.J.A.C. 10A:71-6.11(b)13i and 6.12(d)13i corrects the term "imitation controlled dangerous substance analog" to "imitation controlled substance analog."

The proposed amendments at N.J.A.C. 10A:71-6.11(b)20 and 6.12(d)20 would delete the reference to "assigned parole officer" and insert a reference to "District Parole Supervisor, or designee." Therefore, the decision to establish a curfew in the case of an offender serving a special sentence of community supervision for life or parole supervision for life will be rendered by a supervisory staff person.

Proposed new N.J.A.C. 10A:71-6.12(i) requires as a condition of supervision that an offender who is serving a special sentence of parole supervision for life participate in the Global Positioning System monitoring program and comply with the conditions specified at N.J.A.C. 10A:72-10.2(b) if the offender upon release from confinement or during the course of supervision is determined to be a high risk to re-offend by a county prosecutor and the appropriate court confirms the determination.

The proposed amendment at N.J.A.C. 10A:71-7.1(a) specifies that a parole officer requesting the commencement of revocation proceedings is to file a report with the District Parole Supervisor, or the designee of the District Parole Supervisor.

Proposed new N.J.A.C. 10A:71-7.1(b) codifies the provision at N.J.S.A. 30:4-123.62.h, which provides that the conviction of a crime committed while on parole shall be deemed to constitute probable cause to believe that the parolee has violated a condition of parole. In such a case, a preliminary hearing to determine whether probable cause exists to believe the parolee has seriously or persistently violated conditions of parole and whether revocation of parole is desirable will not be scheduled and the parolee will be scheduled for a parole revocation hearing pursuant to N.J.A.C. 10A:71-7.13 and 7.14.

The proposed amendment at N.J.A.C. 10A:71-7.2 removes the mandate that a parole warrant shall be issued and filed against a parolee at the institution in which the parolee is confined when a custodial sentence has been imposed for the commission of a crime. The individual reviewing the parolee's case shall determine whether a parole warrant shall be issued in the parolee's case.

The proposed amendment at N.J.A.C. 10A:71-9.3(b)8 deletes the phrase "disabled or handicapped" and inserts the phrase "with a disability." The language change is in accordance with N.J.S.A. 2A:168A-8.c(8).

The proposed amendments at N.J.A.C. 10A:72-1.1 and 8.3(a) and (b) reflect the deletion of reference to the "Department of Corrections Central Communication Unit" and the addition of a definition for the Board's "Parole Communication Center," as all communication functions of the Division of Parole are coordinated by the Parole Communication Center.

The proposed amendments at N.J.A.C. 10A:72-4.1 clarify the basic courses administered by the Police Training Commission, which qualify a parole officer to carry a firearm(s) on duty. Clarification of the basic courses allows for law enforcement officers transferring from other law enforcement agencies who meet the basic police recruit training standard to serve as a parole officer.

The proposed amendment at N.J.A.C. 10A:72-4.3(h) clarifies that a parole officer is to report the loss or theft of their on-duty firearm to the Director, Division of Parole, through the chain of command.

The proposed amendment at N.J.A.C. 10A:72-4.3(i) provides for a change in the process of reporting a lost or stolen State-issued photo identification card or badge. In lieu of reporting the matter to the local law enforcement authorities, a parole officer is to immediately report the matter to their supervisor and Director, Division of Parole, or designee, through the chain of command. The Chairperson will no longer need to be notified of the matter.

The proposed amendments at N.J.A.C. 10A:72-4.4 bring the section into compliance with Attorney General Directive 2021-14, wherein all force is to be reasonable, necessary, and proportional considering the totality of the circumstances. Proposed new subsection (c) also provides principles that parole officers shall abide by when employing use of force.

Proposed new N.J.A.C. 10A:72-4.5(a)7 and 8 specify additional circumstances through which non-deadly force against a person is deemed justified, and existing N.J.A.C. 10A:72-4.5(a)7 is deleted to remove "to enforce conditions of parole" as a circumstance pursuant to which non-deadly force against a person is deemed justified.

N.J.A.C. 10A:72-4.6(b)5 is proposed for deletion, as the use of force under the specified circumstances is not permissible pursuant to Attorney General Directive 2021-14.

N.J.A.C. 10A:72-4.7(a) is proposed for deletion, as such matters are already included at recodified subsection (c). New paragraphs (c)6 and 7 add additional circumstances in which non-deadly force may be used upon or toward a person other than a parolee.

The proposed amendments at N.J.A.C. 10A:72-4.12(a) specify additional incidents following which a participating parole officer must

complete a use of force report or show of force report. The amendments are in accordance with Attorney General Directive 2021-14. The proposed amendment at N.J.A.C. 10A:72-4.12(b) specifies the circumstances under which a parole officer is required to contact a supervisor and complete a use of force report or show of force report based on the actions of another officer or law enforcement officer. The amendment is in accordance with Attorney General Directive 2021-14.

The proposed amendment at recodified N.J.A.C. 10A:72-4.12(d) specifies the time period in which a parole officer must submit the specified reports for review and provides that the specified reports are submitted to the Assistant District Parole Supervisor, who is the immediate supervisor, and to the District Parole Supervisor instead of the Office of Professional Standards of the Board and the Director, Division of Parole. Proposed new subsection (f) specifies that the Assistant District Parole Supervisor and the District Parole Supervisor shall assess each reported use of force or show of force involving a parole officer and the objective of the assessment. Proposed new subsection (f) specifies the Assistant District Parole Supervisor and District Parole Supervisor shall, in assessing each use of force or show of force involving a parole officer, examine all available sources of information. The proposed amendment at recodified subsection (g) specifies that within three working days of an incident in which force was utilized or a show of force was made, the Assistant District Parole Supervisor and the District Parole Supervisor shall prepare a use of force or show of force review report and that this report, along with a copy of the use of force report or show of force report completed by the parole officer, shall be submitted to the Director, Division of Parole, or designee, and the Director, Office of Professional Standards.

Proposed new subsection (h) specifies the District Parole Supervisor shall also report, in writing, any misconduct issues, rule infractions, or policy violations by the parole officer noted as a result of the review to the Director, Office of Professional Standards.

Proposed new subsections (i) through (o) outline the reporting process for use of force reports. New subsection (i) specifies that the Director, Division of Parole, or designee, is required to review each use of force or show of force review report completed to determine whether additional action is necessary and that they shall complete a use of force or show of force executive review report and then complete the recommended actions. New subsections (j), (k), (l), and (m) specify reports involving the use of force and show of force that must be completed on an annual basis, whom they are to be completed by, what they are to assess, what information is to be reviewed, and that a report reflecting the findings must be submitted by the Chairperson, or designee, to the Office of Attorney General's Public Integrity and Accountability. These amendments are in accordance with Attorney General Directive 2021-14. Proposed new subsection (n) specifies the incidents following which a parole officer must immediately notify the Chairperson, the Director, Division of Parole, and the Director, Office of Professional Standards. Subsection (o) specifies that following certain incidents, the Director, Office of Professional Standards, must immediately notify the prosecutor's office of the county in which the incident occurred.

The proposed amendment at N.J.A.C. 10A:72-5.1(a) clarifies that a parole officer may only "carry" one firearm for off-duty use. The proposed amendments at N.J.A.C. 10A:72-5.1(b)1 and 2 clarify the basic courses administered by the Police Training Commission that qualify a parole officer to carry a firearm(s) off duty. The proposed amendment at N.J.A.C. 10A:72-5.1(g) removes the requirement that a holster have no internal clips. The amendment permits the Division of Parole of the Board to utilize a more varied option of holster.

Proposed new N.J.A.C. 10A:72-5.4(f) provides principles that parole officers shall abide by when employing use of force off duty.

The proposed amendment at N.J.A.C. 10A:72-5.5(a) clarifies the level of non-deadly force to be utilized by a parole officer off duty. The proposed amendment is in accordance with Attorney General Directive 2021-14.

N.J.A.C. 10A:72-5.6(b)5 is proposed for deletion, as the use of force in the specified circumstances is not permissible pursuant to Attorney General Directive 2021-14.

Proposed new N.J.A.C. 10A:72-6.9 codifies the procedures for the search of residential community facilities under contract with the Board

to provide services to parolees and the search of parolees housed in residential community facilities. The rule provides for the facility areas to be searched; that a search may only be performed with the approval of the Director, Division of Parole, or designee; that a plan of operation of the search must be developed and submitted to the Director, Division of Parole, or designee, for review and approval; that if the plan of operation is approved, the authorized search is to be performed in accordance with the plan of operation; that a search may be conducted utilizing a scanning/testing device; that a search may be performed utilizing a specifically trained and certified canine with a specifically trained and certified handler; that the designated leader of the search operation is to submit a report to the Director, Division of Parole, or designee; that the report is to include certain specified items; and that the search of any parolee housed in a residential community program be recorded in the parolee's Chronological Supervision Report. The rule is intended to ensure that contraband and other prohibited items do not enter the residential community programs and, thereby, provide an environment conducive to parolees' participation in rehabilitative services. A provision was included to specify that such a search of a residential community program may be recorded by a body-worn camera. This is permissible only in the specified circumstances pursuant to Attorney General Directive 2021-05.

Proposed new N.J.A.C. 10A:72-10.2(b) codifies the additional conditions of supervision that an offender must comply with when a special condition of Global Positioning System (GPS) monitoring has been imposed in the offender's case pursuant to N.J.A.C. 10A:72-10.1.

In April 2023, the Division of Parole discontinued the utilization of the Electronic Monitoring Program, which functioned as a house arrest program. Community monitoring of offenders, when deemed appropriate, is being performed through the utilization of the Global Positioning System (GPS) monitoring program. Accordingly, the proposed amendments at N.J.A.C. 10A:72-2.4(b)3(ii), 10.1(a)3 and (b), 10.2(a), 10.3(a) through (f), 10.4(a), (b), (d), and (e), 10.7(a), and 16.1(d)2, reflect the deletion of the reference to electronic monitoring.

This notice of proposal is excepted from the rulemaking calendar requirements at N.J.A.C. 1:30-3.3(a) because the Board has provided a 60-day comment period, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments and proposed amendments and new rules affect the internal operations of the State Parole Board and as a significant number of the changes codify or clarify recent practices it is not anticipated that the changes will have a noticeable impact on the Board's operations or staff.

Inmates whose cases have been certified for administrative parole release will be affected by the proposed new rule for the vacating of the decision to certify administrative parole release when it is determined the inmate no longer meets the criteria for administrative parole release. The proposed new rule also impacts certain central office staff of the Board and Board members as the proposed new rule provides for the formal establishment of a procedure for the review of the decision to certify administrative parole release; the process of providing written notice of the decision rendered by the Board panel in the inmate's case; and the referral for the conducting of a hearing by a Board panel in the inmate's case.

Offenders under the supervision of the Division of Parole and assigned to residential community-based treatment program facilities will be affected by the proposed new rules regarding the search of a residential community-based treatment program facility. The proposed new rules also impact on the staff of the Division of Parole as the proposed new rules provide for the formal establishment of a procedure for the conducting of a search at a residential community-based treatment program facility and of offenders attending or housed at the facility; the processing of written reports or entries memorializing the search; and for the recording of the search by body-worn camera and when such a recording is permissible.

The proposed amendment at N.J.A.C. 10A:71-6.9(f) identifies certain factors that a District Parole Supervisor should assess when evaluating whether continued supervision of a parolee is required. The proposed amendment at N.J.A.C. 10A:71-6.12(i) places a requirement that offenders serving a special sentence of parole supervision for life who are

determined to be high risk to re-offend will participate in the Global Positioning System monitoring program. The proposed amendment at N.J.A.C. 10A:71-2.10(a) impacts State offenders incarcerated in county correctional facilities as the final decision of the county correctional facility official responsible for adjudication of institutional infractions will now be considered *res judicata*. The proposed amendment at N.J.A.C. 10A:72-10.2(b) places a requirement that offenders subject to a special condition of Global Positioning System (GPS) monitoring must comply with additional conditions of supervision.

Several proposed amendments will impact the Division of Parole staff, in particular parole officers, as they require the reporting of certain actions such as the loss or theft of a firearm or the use or show of force and the submission of various reports.

Economic Impact

The Board does not believe that additional funding is necessary to implement the rules proposed for readoption with amendments and a new rule or the proposed amendments and new rule at Chapter 72. It is anticipated that the cost of implementing the rules proposed for readoption with amendments and a new rule or the proposed amendments and new rule at Chapter 72 will be met by the Board through the established budget process with funding presently allocated by the State.

Federal Standards Statement

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 are not proposed pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or State statute that incorporates or refers to Federal law, standards, or requirements. An analysis of the rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pursuant to Executive Order No. 27 (1994), P.L. 1995, c. 65, is, therefore, not required.

Jobs Impact

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pertain to the Board's parole release hearing and decision-making processes and the Division of Parole's duties and responsibilities related to the supervision of parolees. It is not anticipated that any jobs will be lost or created as a result of the rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72.

Agriculture Industry Impact

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pertain to the Board's parole release hearing and decision-making processes and the Division of Parole's duties and responsibilities related to the supervision of parolees. The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72, therefore, will not have any impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pertain to the Board's parole release hearing and decision-making processes and the Division of Parole's duties and responsibilities related to the supervision of parolees and do not impact reporting, recordkeeping, or other compliance requirements upon small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. A regulatory flexibility analysis is, therefore, not required.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pertain to the Board's parole release hearing and decision-making processes and the Division of Parole's duties and responsibilities related to the supervision of parolees. The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 will, therefore, have no

impact on the affordability of housing and no impact on the increase or decrease of the average cost of housing in the State.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pertain to the Board’s parole release hearing and decision-making processes and the Division of Parole’s duties and responsibilities related to the supervision of parolees. The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 will, therefore, not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 pertain to the Board’s parole release hearing and decision-making processes and the Division of Parole’s duties and responsibilities related to the supervision of parolees. The rules proposed for readoption with amendments and new rule at N.J.A.C. 10A:71 and the proposed amendments and new rule at N.J.A.C. 10A:72 will, therefore, have no impact on pretrial detention, sentencing, or probation policies. 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:71.

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

CHAPTER 71
PAROLE

SUBCHAPTER 2. RECORDS; GENERAL ADMINISTRATIVE PROVISIONS

10A:71-2.10 Institutional infractions

(a)The Board panel or Board shall consider the final decision of the [Department’s] officials **of the Department or a county correctional facility** responsible for adjudication of institutional infractions to be *res judicata*.

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

SUBCHAPTER 3. PAROLE RELEASE HEARINGS

10A:71-3.7 Preparation of cases for parole hearings; adult inmates

(a) (No change.)

(b) This list shall be distributed to the chief executive officer of the institution of incarceration and the [Chairman] **Chairperson** of the Board of Trustees for the institution of incarceration.

(c)-(l) (No change.)

SUBCHAPTER 5. SUSPENDING OR RESCINDING A PAROLE RELEASE DATE

10A:71-5.9 Administrative parole release

(a) **In the case of an inmate who has been certified for administrative parole release pursuant to N.J.A.C. 10:71-3.16(b) and it is subsequently determined prior to the administrative parole release date that the inmate does not meet the criteria set forth at N.J.A.C. 10A:71-3.22(a), the decision to certify administrative parole release shall be vacated by the Board members certifying administrative parole release and the inmate shall be referred for a hearing pursuant to N.J.A.C. 10A:71-3.17.**

(b) The inmate and the Department shall be provided written notice of the decision to vacate, the decision to certify administrative parole release, and the basis for the decision within 14 days of the decision.

SUBCHAPTER 6. SUPERVISION

10A:71-6.4 Conditions of parole

(a) An offender granted parole shall comply with the following general conditions of parole:

1.-12. (No change.)

13. Refrain from the unlawful purchase, use, possession, distribution, or administration of the following, which shall not apply to a controlled dangerous substance prescribed by a physician:

i. Any narcotic drug, controlled dangerous substance, or controlled substance analog as defined at N.J.S.A. 2C:35-2 or imitation controlled dangerous substance or imitation controlled [dangerous] **substance** analog as defined at N.J.S.A. 2C:35-11, other than possession of marijuana or hashish in violation of N.J.S.A. 2C:35-10.a3, and distribution of marijuana or hashish in violation of N.J.S.A. 2C:35-5.b12; or

ii. (No change.)

14.-21. (No change.)

(b)-(m) (No change.)

10A:71-6.9 Discharge from parole

(a) [The appropriate] A Board panel may grant any parolee a complete discharge from parole prior to the expiration of the maximum term for which [he or she was] **they were** sentenced[,]; provided that:

1.-4. (No change.)

(b) (No change.)

(c) The provisions [of] **at** (a) and (b) above shall not preclude [the appropriate] a Board panel from granting a county parolee a complete discharge from parole prior to the expiration of the maximum term for which [he or she was] **they were** sentenced when the [appropriate] Board panel determines that good cause exists to grant such a discharge.

(d) If the District Parole Supervisor determines that a parolee has made exceptional progress while on parole supervision, the District Parole Supervisor may request that a waiver of the time periods in this section be granted by [the appropriate] a Board panel. Such waiver may be granted by [the appropriate] a Board panel for good cause.

(e) When a parolee has completed two years of parole supervision and thereafter, on an annual basis, the parole officer and the District Parole Supervisor shall review the case to determine whether good reason exists to require continued supervision.

1. (No change.)

2. If the District Parole Supervisor determines that good reason does not exist to require continued supervision and that the parolee qualifies for discharge pursuant to (a) above, a favorable discharge recommendation shall be submitted, in writing, to [the appropriate] a Board panel. The discharge recommendation shall include the basis for the recommendation and a full explanation as to the adjustment of the parolee while under supervision. A copy of all chronological supervision reports shall be submitted with the discharge recommendation to [the appropriate] a Board panel.

3. [The appropriate] A Board panel shall review requests for discharge and advise the District Parole Supervisor of its decision within 45 days of receipt of the recommendation.

(f) In assessing whether good reason exists to require continued supervision, the District Parole Supervisor shall consider factors such as, but not limited to, the following:

1. Is the parolee presently serving a court-ordered term of incarceration or community supervision term;

2. Has the parolee committed a crime, a disorderly person offense or the offense of Driving While Intoxicated or Driving Under the Influence, or incurred the revocation of a supervision status during the preceding two years;

3. Is the parolee the subject of an active criminal investigation;

4. Is there an active warrant(s) for the arrest of the parolee;

5. Is there an active temporary restraining order or final restraining order filed against the parolee during the preceding three years;

6. Is the parolee on an advanced supervision status;

7. Has the parolee successfully completed all programs mandated by court order or a condition of supervision including, but not limited

to, substance abuse counseling, mental health counseling, and anger management;

8. Has the parolee achieved all goals outlined in the Case Plan Agreement;

9. Has the parolee completed an approved risk assessment within the preceding year; and

10. Has the parolee made a satisfactory adjustment while under supervision and is the parolee currently in substantial compliance with the conditions of supervision.

[(f)] (g) [The appropriate] A Board panel may provide a discharge from continued parole supervision:

1.-2. (No change.)

[(g)] (h) If discharge is granted, the [appropriate] Board panel shall issue a discharge certificate on the parolee. A copy of the discharge certificate shall be provided to the parolee and to the Department.

(i) If discharge is denied, the Board panel shall state, in writing, the basis for the decision to deny discharge. The parolee shall be provided written notice of the decision to deny discharge and the basis for the decision within 21 days.

[(h)] (j) (No change in text.)

(k) If discharge is granted by the Board, the Board shall issue a discharge certificate on the parolee. A copy of the discharge certificate shall be provided to the parolee and to the Department within 21 days.

(l) If discharge is denied by the Board, the Board shall state, in writing, the basis for the decision to deny discharge. The parolee shall be provided written notice of the decision to deny discharge and the basis for the decision within 21 days.

10A:71-6.11 Community supervision for life

(a) (No change.)

(b) The special sentence of community supervision for life shall commence pursuant to N.J.S.A. 2C:43-6.4.b upon the completion of the sentence imposed pursuant to the Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq. An offender serving a special sentence of community supervision for life shall be supervised by the Division of Parole as if on parole and subject to any special conditions established by [the appropriate] a Board panel and to the following general conditions. The offender shall:

1.-12. (No change.)

13. Refrain from the unlawful purchase, use, possession, distribution, or administration of the following, which shall not apply to a controlled dangerous substance prescribed by a physician:

i. Any narcotic drug, controlled dangerous substance, or controlled substance analog as defined at N.J.S.A. 2C:35-2, or imitation controlled dangerous substance or imitation controlled [dangerous] substance analog as defined at N.J.S.A. 2C:35-11, other than possession of marijuana or hashish in violation of N.J.S.A. 2C:35-10.a(3), and distribution of marijuana or hashish in violation of N.J.S.A. 2C:35-5.b(12); or

ii. (No change.)

14.-19. (No change.)

20. Comply with any curfew established by the [assigned parole officer] **District Parole Supervisor, or designee.**

21.-24. (No change.)

(c)-(n) (No change.)

10A:71-6.12 Parole supervision for life

(a)-(c) (No change.)

(d) An offender sentenced to a special sentence of parole supervision for life shall comply with the following:

1.-12. (No change.)

13. Refrain from the unlawful purchase, use, possession, distribution, or administration of the following, which shall not apply to a controlled dangerous substance prescribed by a physician:

i. Any narcotic drug, controlled dangerous substance, or controlled substance analog as defined at N.J.S.A. 2C:35-2, or imitation controlled dangerous substance or imitation controlled [dangerous] substance analog as defined at N.J.S.A. 2C:35-11, other than possession of marijuana or hashish in violation of N.J.S.A. 2C:35-10.a(3), and distribution of marijuana or hashish in violation of N.J.S.A. 2C:35-5.b(12); or

ii. (No change.)

14.-19. (No change.)

20. Comply with any curfew established by the [assigned parole officer] **District Parole Supervisor, or designee.**

21.-27. (No change.)

(e)-(h) (No change.)

(i) **If, upon release from confinement or during the course of supervision, the appropriate county prosecutor determines, pursuant to N.J.S.A. 2C:7-8, that an offender is a high risk to re-offend and the appropriate court affirms the determination of the county prosecutor, the offender serving a special sentence of parole supervision for life shall, in addition to the conditions specified at (d), (e), (g), and (h) above, participate in the Global Positioning System (GPS) monitoring program and comply with the conditions specified at N.J.A.C. 10A:72-10.2(b).**

Recodify existing (i)-(q) as (j)-(r) (No change in text.)

[(r)] (s) The time period established pursuant to [(p) or] (q) or (r) above shall not, pursuant to N.J.S.A. 30:4-123.51b.c, be reduced by commutation time for good behavior (N.J.S.A. 30:4-140) or credits for diligent application of work and other institutional assignments (N.J.S.A. 30:4-92).

[(s)] (t) In accordance with N.J.S.A. 30:4-123.51b.c, the time period to be served pursuant to [(p) or] (q) or (r) above, shall not for the purpose of establishing a primary parole eligibility date pursuant to N.J.S.A. 30:4-123.51.h be aggregated with a term of imprisonment imposed on the offender for the commission of any other offense.

[(t)] (u) Upon the completion of the time period established pursuant to [(p) or] (q) or (r) above, the offender shall be released from confinement unless the offender is serving a sentence of incarceration for another crime. Prior to the offender being released from confinement, the offender shall be served with a written certificate pursuant to [(i), (k), and (l)] (j), (l), and (m) above. Upon the offender being released from confinement the offender shall remain under parole supervision for life.

Recodify existing (u)-(v) as (v)-(w) (No change in text.)

SUBCHAPTER 7. REVOCATION OF PAROLE

10A:71-7.1 Commencement of revocation proceedings

(a) Whenever the parole officer has probable cause to believe that a parolee under [his] **their** supervision has seriously or persistently violated the conditions of parole, the parole officer shall file a report with the District Parole Supervisor, **or designee**, requesting the commencement of revocation proceedings.

(b) **Pursuant to N.J.S.A. 30:4-123.62(h), the conviction of a crime committed while on parole shall be deemed to constitute probable cause to believe that the parolee has violated a condition of parole. In such a case, the parolee shall be scheduled for a parole revocation hearing pursuant to N.J.A.C. 10A:71-7.13 and 7.14.**

10A:71-7.2 Issuance of warrants

(a)-(d) (No change.)

(e) If a parolee has been sentenced to a custodial term or sentenced to a custodial term as a condition of probation for a crime committed while on parole supervision and if a parole warrant has not been previously issued, [a parole warrant shall be issued by] the appropriate individual **shall determine whether a parole warrant shall be issued** and filed against the parolee at the institution in which the parolee is confined.

10A:71-7.7 Preliminary hearing; notice of hearing

(a)-(b) (No change.)

(c) Such notice shall inform the parolee of the purpose of the hearing; the violation(s) of parole conditions alleged; the time, date, place, and circumstances of the alleged violation(s); the possible action [which] **that** may be taken as a result of the revocation proceedings; and the following rights to which the parolee shall be entitled at the preliminary hearing:

1. (No change.)

2. The right to representation by an attorney or such other qualified person as the parolee may retain, or [if the parolee is determined to be indigent,] the right to representation by an attorney assigned [pursuant to the pro bono assignment program, provided the parolee first makes such a request based on a timely and colorable claim that:] **by the Office of the Public Defender.**

- i. The parolee did not commit the alleged violation of the specified parole condition(s); or
- ii. The parolee did commit the violation of the specified parole condition(s), but there are substantial reasons which justified or mitigated the violation(s) and make revocation inappropriate and that the reasons are complex or otherwise difficult to develop or present.]

3.-8. (No change.)

10A:71-7.14 Revocation hearing; notice of hearing

(a)-(b) (No change.)

(c) Such notice shall inform the parolee of the following: the purpose of the hearing; the violation(s) of parole conditions alleged; the time, date, place and circumstances of the alleged violation(s); the name(s) of any witness(es) scheduled to appear at the hearing; and the following rights to which the parolee shall be entitled at the revocation hearing:

1. (No change.)

2. The right to representation by an attorney or such other qualified person as the parolee may retain, or [if the parolee is determined to be indigent,] the right to representation by an attorney assigned [pursuant to the pro bono assignment program, provided the parolee first makes such a request based on a timely and colorable claim that:] **by the Office of the Public Defender.**

i. The parolee did not commit the alleged violation of the specified parole condition(s); or

ii. The parolee did commit the violation of the specified parole condition(s), but there are substantial reasons which justified or mitigated the violation(s) and make revocation inappropriate and that the reasons are complex or otherwise difficult to develop or present.]

3.-9. (No change.)

SUBCHAPTER 9. CERTIFICATE SUSPENDING CERTAIN EMPLOYMENT, OCCUPATIONAL DISABILITIES, OR FORFEITURES

10A:71-9.3 Eligibility

(a) (No change.)

(b) Pursuant to N.J.S.A. 2A:168A-[8(c)]**8.c**, a qualified offender is eligible for relief [under] **pursuant to** (a) above if the offender has not been convicted of:

1.-7. (No change.)

8. Any crime committed against a person 16 years of age or younger, or a [disabled or handicapped] person **with a disability**; or

9. (No change.)

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

CHAPTER 72
DIVISION OF PAROLE

SUBCHAPTER 1. GENERAL PROVISIONS

10A:72-1.1 Definitions

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

["Central Communications Unit" means the centralized communication center within the Department of Corrections which coordinates communication functions of the Division of Parole on a 24-hour, seven day a week basis.]

...
"Parole Communication Center" means the centralized communication center within the State Parole Board that coordinates communication functions of the Division of Parole on a 24-hour, seven-day-a-week basis.
...

SUBCHAPTER 2. COMMUNITY PLAN AND SUPERVISION

10A:72-2.4 Violations of parole

(a) (No change.)

(b) The response to a violation of a condition of parole shall be proportional to the risk to the community posed by the parolee, the severity of the violation, and the potential for long-term positive outcomes. Responses may include, but not be limited to, the following:

1.-2. (No change.)

3. The imposition of a special condition requiring:

i. (No change.)

ii. Assignment to and successful completion of the [electronic monitoring program or] Global Positioning System (GPS) monitoring program, wherein [electronic monitoring or] GPS monitoring serves to address violations of conditions of supervision;

iii.-iv. (No change.)

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

SUBCHAPTER 4. USE OF FIREARMS AND USE OF FORCE WHILE [ON-DUTY] **ON DUTY**

10A:72-4.1 Parole officer authorization to carry firearm while on duty

(a) Prior to being permitted to carry a firearm(s) on duty, a parole officer shall:

1. Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the Police Training Commission [(P.T.C.) approved] **(P.T.C.)-approved** Basic Course for [Police Officers or Basic Course for] Investigators, **Parole Officers, or Police Officers**; [and] or

2. A basic police recruit training program certified by the P.T.C.; and

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

10A:72-4.3 On-duty firearm(s)

(a) The authorized on-duty firearm(s) shall be the responsibility of the parole officer at all times.

(b) The parole officer shall not draw or exhibit [his or her] **their** firearm(s), except for one of the following circumstances:

1. For maintenance of the firearm(s);

2. To secure the firearm(s);

3. During training exercises, range practice, qualification or requalification with the firearm(s); or

4. When circumstances create a reasonable belief that it may be necessary to use the firearm(s) in the performance of the parole officer's duties.

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

(f) The parole officer entering any residential or correctional facility of the Department of Corrections shall store [his or her] **their** firearm(s) at the main correctional facility or at an approved Department of [Corrections authorized] **Corrections-authorized** weapons storage unit.

(g) The parole officer entering any county correctional facility shall store [his or her] **their** firearm(s) in the designated area at the county correctional facility or at an approved [Board authorized] **Board-authorized** weapons storage unit.

(h) When an authorized firearm(s) is believed to have been lost or stolen, the parole officer shall report this fact to the local law enforcement authorities and to the Director, Division of Parole, [his] or [her] designee, **through the chain of command**, or the designee of the Chairperson, within three hours from the time the parole officer is aware that the firearm(s) is missing.

(i) When an official [State issued] **State-issued** photo identification card or badge is believed to have been lost or stolen, the parole officer shall notify [the local law enforcement authorities] **their supervisor** and the Director, Division of Parole, [his] or [her] designee, **through the chain of command**, or the designee of the Chairperson, within 24 hours from [the time] **immediately upon** the parole officer [is] **becoming** aware that the [State issued] **State-issued** official photo identification card or badge is missing.

(j) The authorized on-duty firearm(s) shall not be utilized by a parole officer in the performance of any secondary employment.

10A:72-4.4 Use of force

(a) In any case when a parole officer uses force while [on-duty] **on duty**, the parole officer shall only use that force that is objectively reasonable [under], **necessary, and proportional considering** the totality of the circumstances as known by the parole officer at the time the parole officer uses force.

(b) A parole officer may use the amount of force reasonably necessary to accomplish the law enforcement objective. If the suspect resists, the parole officer may increase the degree of force, as necessary, **in**

proportion to the individual's level of resistance to accomplish the law enforcement objective but as soon as the suspect submits, the parole officer shall reduce the degree of force used.

(c) All use of force employed by parole officers shall adhere to the following core principles:

1. Parole officers shall make every effort to preserve and protect human life and the safety of all persons;

2. Force shall only be used as a last resort and when there is a reasonable belief that other non-force techniques will not accomplish the lawful objectives;

3. Force shall never be employed as a retaliatory or punitive measure;

4. Parole officers shall use the least amount of force that is objectively reasonable, necessary, and proportional to safely achieve the legitimate law enforcement objective under the circumstances;

5. Deadly force shall only be used as an absolute last resort;

6. Every parole officer has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with policies, regulations, and laws, if possible, before a fellow parole officer uses excessive, illegal, or otherwise inappropriate force. Any such improper use of force shall be immediately reported;

7. Parole officers shall promptly render medical assistance to any injured person consistent with the parole officer's training and shall promptly request emergency medical assistance for that person, if needed or requested. Parole officers also have a duty to monitor individuals for potential medical intervention of any parole officers uses force; and

8. Every use of force must be reported and receive a meaningful command-level review, which includes a review by the Director, Division of Parole, or designee.

10A:72-4.5 Non-deadly force; when justified

(a) The use of non-deadly force against persons is deemed justified only under the following circumstances:

1.-6. (No change.)

[7. To enforce conditions of parole; or]

7. To overcome resistance directed at a parole officer;

8. To execute a lawful search; or

[8.] **9.** (No change in text.)

10A:72-4.6 Deadly force; when authorized

(a) (No change.)

(b) Deadly force may be used in the following situations under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq.:

1.-2. (No change)

3. When the parole officer reasonably believes that deadly force is immediately necessary to prevent or stop the suspect from committing or continuing a criminal offense which would endanger human life or inflict serious bodily harm upon another person unless the commission or the consummation of the crime is prevented; **and**

4. When the parole officer is authorized to use deadly force to effect an arrest or to prevent the escape of a fleeing suspect if the parole officer has probable cause to believe that the suspect will pose an immediate threat of death or serious bodily harm to human life should the parole officer not take immediate action[; and].

[5. Where the parole officer reasonably believes that deadly force is immediately necessary to prevent the escape of a person committed to a correctional facility for the detention of persons charged with, or convicted of an offense, provided that the parole officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons.]

(c)-(g) (No change.)

10A:72-4.7 Use of force against persons other than parolees

[(a) Appropriate force may be used against persons other than parolees when the parole officer observes what the parole officer believes to be a violation of the law, and when there is also imminent peril of bodily harm to any individual or destruction of property.]

Recodify existing (b)-(c) as **(a)-(b)** (No change in text.)

[(d)] (c) Non-deadly force may be used upon or toward persons other than parolees only under the following circumstances:

1.-4. (No change.)

5. To prevent an escape, or flight from arrest for a crime; [and/or]

6. To execute a lawful search;

7. To overcome resistance directed at a parole officer; and/or

[6.] **8.** (No change in text.)

[(e)] (d) (No change in text.)

10A:72-4.12 Reports

(a) [The] A parole officer shall immediately contact [his or her] **their** supervisor and shall [write a special] **complete a use of force report or show of force report** when the parole officer participated in [or witnessed] an incident in which:

1. (No change.)

[2. A use of force resulted in death or serious bodily injury; or]

3. A suspect alleged that a serious bodily injury had been inflicted.]

2. Physical force was utilized on an individual;

3. Mechanical force was utilized on an individual. Mechanical force includes, but is not limited to, the following:

i. The discharge of oleoresin capsicum (OC) spray toward an individual; or

ii. The striking of an individual with an impact weapon;

4. Deadly force was utilized on an individual;

5. An action that results in, or is alleged to have resulted in, serious bodily injury or death of another;

6. An animal-involved use of force incident in which a parole officer utilized force to mitigate the threat or attack of a charging animal; and

7. The utilization of constructive authority by the pointing of a firearm at an individual.

(b) A parole officer shall immediately contact their supervisor and shall complete a use of force report or show of force report when the parole officer witnesses, or reasonably believes, that another officer or an officer from another law enforcement agency has used force in violation of any law, policy, rule, or regulation.

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

[(c) The parole officer's supervisor shall fax, as soon as possible, all special reports to the Office of Professional Standards of the Board and the Director, Division of Parole for review.

(d) The Director, Division of Parole, or designee shall immediately advise the Chairperson and Executive Director of the Board of the following:

1. A description of the incident;

2. The persons involved;

3. The action taken; and

4. A current assessment of the situation.

(e) In emergency situations, the parole officer's supervisor or designee shall immediately notify the Director, Division of Parole or designee.]

(d) The parole officer shall, within 24 hours, complete a use of force report or show of force report and submit the report for review to the Assistant District Parole Supervisor who is the immediate supervisor of the parole officer and to the District Parole Supervisor.

(e) The Assistant District Parole Supervisor and the District Parole Supervisor shall assess the reported use of force or show of force incident to ensure that the parole officer utilized only the force deemed reasonably necessary to accomplish the law enforcement objective and to determine if force was utilized in a non-discriminatory manner.

(f) In assessing the reported use of force or show of force incident, the Assistant District Parole Supervisor and the District Parole Supervisor shall examine all available sources of information to include, but not be limited to, the following:

1. All required reports including reports completed by external law enforcement agencies;

2. Video recordings, if available, of the incident; and

3. Medical records, if available, and record of injuries.

[(f)] (g) Within three working days, following the incident in which force was [used,] **utilized or a show of force was made, the Assistant District Parole Supervisor and the District Parole Supervisor [or**

designee] shall prepare a **use of force or show of force review report** and submit [INCIDENT REPORT-DIVISION OF PAROLE along with a copy of the written report from the staff member(s)] **the same with a copy of the use of force report or show of force report completed by the parole officer** to the Director, Division of Parole, or designee, and the **Director, Office of Professional Services (OPS)**.

[(g) Follow-up reports will be submitted to those persons listed in (f) above.]

(h) **The District Parole Supervisor shall also report, in writing, any misconduct issues, rule infractions, or policy violations by the parole officer to the Director, OPS.**

(i) **The Director, Division of Parole, or designee, shall review the use of force or show of force review reports submitted by the Assistant District Parole Supervisor and the District Parole Supervisor and the use of force report or show of force report prepared by the parole officer to determine whether additional action shall be taken. The Director, Division of Parole, or designee, shall complete a use of force or show of force executive review report and be responsible to initiate and complete any recommended actions.**

(j) **The Director, OPS, shall submit an annual use of force/show of force summary report to the Chairperson, or designee, that shall include a detailed analysis of all reported use of force and show of force incidences and actions taken in response to same.**

(k) **The Chairperson, or designee, shall review the annual use of force/show of force summary report. The review shall include, at a minimum, the following:**

1. **Analytical reports from the Attorney General's Use of Force Portal;**

2. **An audit of body-worn cameras and other videos on a risk-based and randomly selected basis;**

3. **Any internal affairs complaints; and**

4. **An analysis of the uses of force to ensure that force is being applied without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.**

(l) **Based on the review at (k) above, the Chairperson, or designee, shall assess whether modifications are warranted in the following, but not limited to, areas:**

1. **Structure of the Division of Parole;**

2. **Written directives;**

3. **Equipment; and/or**

4. **Training.**

(m) **The Chairperson, or designee, shall complete a report summarizing their findings and submit the same to the Director, Office of the Attorney General's Public Integrity and Accountability, or designee.**

(n) **The Chairperson, the Director, Division of Parole, and the Director, OPS, or their respective designee, shall be immediately notified by a parole officer if the parole officer is involved in one of the following incidents:**

1. **Any use of force resulting in the death of an individual;**

2. **Any use of force resulting in serious bodily injury to an individual;**

3. **Any use of deadly force, including the discharge of a firearm(s), regardless of whether such force resulted in injury;**

4. **The death of an individual during an encounter with a parole officer(s); and**

5. **The death of an individual while in the custody of a parole officer(s).**

(o) **Upon the Director, OPS, being advised of an incident specified at (n) above, the Director, OPS, shall immediately notify the prosecutor's office in the county in which the incident occurred.**

SUBCHAPTER 5. USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE [OFF-DUTY] OFF DUTY

10A:72-5.1 Authorized off-duty firearm, ammunition, and holster

(a) **Parole officers shall be authorized to carry only one firearm for off-duty use.**

(b) **Prior to being permitted to carry a firearm [off-duty] off duty, parole officers shall meet the following requirements:**

1. **Pursuant to N.J.S.A. 52:17B-66 et seq., have taken and successfully completed the Police Training Commission [(P.T.C.) approved] (P.T.C.)-approved Basic Course for [Police Officers or Basic Course for] Investigators, Parole Officers, or Police Officers; [and] or a basic police recruit training program certified by the P.T.C.; and**

2. **(No change.)**

(c)-(f) **(No change.)**

(g) **Holsters shall hold the firearm firmly when inverted [and have no internal clips].**

(h)-(k) **(No change.)**

10A:72-5.4 Use of force while [off-duty] off duty

(a)-(e) **(No change.)**

(f) **All use of force employed by parole officers shall adhere to the following core principles:**

1. **Parole officers shall make every effort to preserve and protect human life and the safety of all persons;**

2. **Force shall only be used as a last resort and when there is a reasonable belief that other non-force techniques will not accomplish the lawful objectives;**

3. **Force shall never be employed as a retaliatory or punitive measure;**

4. **Parole officers shall use the least amount of force that is objectively reasonable, necessary, and proportional to safely achieve the legitimate law enforcement objective under the circumstances;**

5. **Deadly force shall only be used as an absolute last resort;**

6. **Every parole officer has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with policies, regulations, and laws, if possible, before a fellow parole officer uses excessive, illegal, or otherwise inappropriate force. Any such improper use of force shall be immediately reported;**

7. **Parole officers shall promptly render medical assistance to any injured person consistent with the parole officer's training and shall promptly request emergency medical assistance for that person, if needed or requested. Parole officers also have a duty to monitor individuals for potential medical intervention if any parole officers uses force; and**

8. **Every use of force must be reported and receive a meaningful command-level review, which includes a review by the Director, Division of Parole, or designee.**

10A:72-5.5 Use of non-deadly force while [off-duty] off duty

(a) **Whenever non-deadly force is used [off-duty] off duty, [the reasonable force possible under the circumstances shall be used] the parole officer shall only use that force that is objectively reasonable, necessary, and proportional considering the totality of the circumstances as known by the parole officer at the time the parole officer uses force.**

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

10A:72-5.6 Use of deadly force while [off-duty] off duty

(a) **(No change.)**

(b) **Deadly force may be used in the following situations under limitations consistent with the provisions of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq.:**

1.-2. **(No change.)**

3. **When the parole officer reasonably believes that deadly force is immediately necessary to prevent or stop the suspect from committing or continuing a criminal offense which would endanger human life or inflict serious bodily harm upon another person unless the commission or the consummation of the crime is prevented; and**

4. **The parole officer is authorized to use deadly force to effect an arrest or to prevent the escape of a fleeing suspect if the parole officer has probable cause to believe that the suspect will pose an immediate threat of death or serious bodily harm to human life should the parole officer not take immediate action [; and].**

[5. **Where the parole officer reasonably believes that deadly force is immediately necessary to prevent the escape of a person committed to a correctional facility for the detention of persons charged with, or**

convicted of an offense, provided that the parole officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons.]

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

SUBCHAPTER 6. SEARCH AND URINE MONITORING OF PAROLEES AND INMATES

10A:72-6.9 Searches of facilities

(a) All residential community-based treatment program facilities under contract with the Board to provide services to parolees in a drug-free environment conducive to parolee rehabilitation and parolees housed in residential community-based treatment program facilities under contract with the Board and their property may be searched by designated parole officers for the purpose of controlling and deterring the introduction and concealment of contraband.

(b) A residential community-based treatment program facility work, training, visit, and living areas, as well as other areas that parolees may have access to, and parolees housed in the facility and their property may be searched on a random basis. Searches shall be unannounced and may be limited to a specific area(s) within the facility or specific parolees housed in the facility and their property.

(c) A search of a residential community-based treatment program facility and parolees housed in the facility and their property pursuant to this section shall be performed only with the prior approval of the Director, Division of Parole, or designee.

(d) Prior to a pre-planned operational search of a residential community-based treatment program facility and the parolees housed in the facility and their property, the appropriate District Parole Supervisor, or designee, shall submit to the Director, Division of Parole, or designee, a plan of operation for the intended search. The plan shall include, but not be limited to, the residential community-based treatment program facility to be searched, the basis for the intended search, the date and time of the intended search, the area(s), objects, and property within the residential community-based treatment program facility to be searched, the potential number of parolees to be searched, the number of parole officers to participate in the search, the parole officer to be designated the leader of the operation, and the method in which the search is to be performed.

(e) Upon submission of the plan of operation to the Director, Division of Parole, or designee, and upon the plan of operation being approved, the parole officer designated the leader of the operation and designated parole officers may proceed to conduct the search of the residential community-based treatment program facility and parolees housed in the facility and their property in accordance with the plan of operation.

(f) A search of a residential community-based treatment program facility, parolees housed in the facility, objects, and property may be performed by the use of scanning/testing devices.

(g) A search of a residential community-based treatment program facility, parolees housed in the facility, objects, and property shall be recorded by a body-worn camera when the following body-worn camera qualifying event occurs:

1. The parole officer is investigating the commission of a criminal offense;
2. The parole officer is responding to an emergency; or
3. The parole officer reasonably believes that they will be required to use constructive authority or force.

(h) A search of a residential community-based treatment program facility, parolees housed in the facility, objects, and property may be performed by the utilization of a canine specifically trained and certified to discover and indicate to the handler(s), who is specifically trained and certified as a canine handler, the presence of various substances and/or material.

(i) The parole officer designated the leader of the operation shall within two business days of the authorized search being completed submit a report to the Director, Division of Parole, or designee. The report shall provide a summary of the search performed, the results of the search, the type and amount of any contraband recovered, the

location where the contraband was recovered, the identity of any parolee(s) found to be in possession of contraband, the disposition of the contraband, significant events occurring during the search and any issues that arose during the course of the conducting of the search.

(j) The search of any parolee housed in a residential community-based treatment program facility under contract with the Board or their property shall be recorded in the Chronological Supervision Report pursuant to N.J.A.C. 10A:72-6.6.

SUBCHAPTER 8. TRANSPORTATION OF PAROLEES IN CUSTODY

10A:72-8.3 Emergencies

(a) The parole officer shall immediately notify the [Central Communications Unit of the New Jersey Department of Corrections] **Parole Communication Center of the State Parole Board** if an emergency arises during the transportation of a parolee.

(b) If time or other considerations make it impossible to contact the [Central Communications Unit] **Parole Communication Center**, the local police authorities shall be notified by the parole officer without prior clearance.

SUBCHAPTER 10. CURFEW[, ELECTRONIC MONITORING,] AND GLOBAL POSITIONING SYSTEM (GPS) MONITORING

10A:72-10.1 Criteria

(a) This subchapter applies to the following:

1. (No change.)
2. The imposition of a special condition of curfew for those offenders serving a mandatory period of parole supervision pursuant to N.J.S.A. 2C:43-7.2.c; and

[3. The imposition of a special condition of electronic monitoring for those offenders serving a special sentence of community or parole supervision for life or a mandatory period of parole supervision pursuant to N.J.S.A. 2C:43-7.2.c; and]

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

(b) The District Parole Supervisor, or designee, may effectuate the general condition of curfew or impose a special condition that the offender abide by an assigned curfew[, participate in electronic monitoring,] or **participate in GPS monitoring if:**

1. There is a specific and articulable reason and a clear purpose for the imposition of the curfew[, electronic monitoring,] or GPS monitoring; and
2. The imposition of the curfew[, electronic monitoring,] or GPS monitoring will act as an aid to the offender's re-entry efforts; or is deemed necessary to protect the public from recidivism by the offender.

10A:72-10.2 Specifications

(a) The curfew[, electronic monitoring,] or GPS monitoring period established pursuant to N.J.A.C. 10A:72-10.1(b) shall comply with the following specifications:

1. The curfew [or electronic monitoring] period shall specify the hours when the offender is restricted to [his or her] **their** approved residence;
2. The curfew[, electronic monitoring,] or GPS monitoring period shall specify a beginning and ending date for the curfew[, electronic monitoring] or GPS monitoring period;
3. The start and end time of the curfew [or electronic monitoring] period shall be reasonable and commensurate with the stated justification;
4. The curfew [or electronic monitoring] period shall not be imposed in a manner that would interfere with the offender's verifiable employment and/or educational requirements;
5. The curfew[, electronic monitoring,] or GPS monitoring period shall be imposed for a maximum of 180 days;
6. A District Parole Supervisor, or designee, shall review the curfew[, electronic monitoring,] or GPS monitoring period no less than 90 days after imposition to determine if it remains warranted; and
7. Any extension of the curfew[, electronic monitoring,] or GPS monitoring period beyond the 180 days shall require an additional review by the District Parole Supervisor, or designee, and shall conform with the procedures [in] at N.J.A.C. 10A:72-10.3.

(b) An offender subject to GPS shall comply with the following conditions:

1. Initially meet with the assigned monitoring parole officer for installation of the GPS monitoring equipment;
2. Ensure that the GPS tracking device is charged to its capacity on a daily basis and maintain the GPS tracking device in a charged mode whenever the offender leaves their residence;
3. Provide immediate notice to the assigned monitoring parole officer if the GPS tracking device becomes inoperable;
4. Not tamper with, remove, or damage or attempt to tamper with, remove, or damage any of the GPS monitoring equipment installed at the offender's residence, attached to the offender's person, or required to be carried by the offender;
5. Be responsible for the cost of repair and/or replacement of any of the GPS monitoring equipment that is lost or damaged, when the loss or damage to the GPS monitoring equipment occurs due to the offender's conduct;
6. Maintain and exercise continuous physical control over the GPS tracking device whenever the offender leaves their residence;
7. Provide access to the offender's residence at reasonable times to enable the assigned monitoring parole officer to perform required maintenance and/or diagnostics of the GPS monitoring equipment; and
8. Provide immediate access to the offender's residence whenever the assigned monitoring parole officer is required to investigate a report of non-compliance with a condition of the monitoring program.

10A:72-10.3 Procedure

(a) The offender shall be served [in person] **in-person** with written notice of the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition. The written notice shall include the basis for the imposition of the condition.

(b) The offender shall be provided with a written informational statement that details the procedure for the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition **and provided with written notice of the conditions of the GPS monitoring program.**

(c) Upon the offender being served with written notice of the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition, the offender shall indicate, in writing, whether [he or she] **they** contest[s] the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition.

(d) If the offender does not contest the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition, the offender shall be advised that the curfew[, electronic monitoring,] or GPS monitoring condition shall be effectuated immediately.

(e) If the offender contests the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition and exigent circumstances do not exist as to require the immediate effectuation of the curfew[, electronic monitoring,] or GPS monitoring condition, the following procedures shall apply:

1. The offender shall be advised that [he or she] **they** will have five business days to submit a written statement or documentation to the District Parole Office to be considered before the curfew[, electronic monitoring,] or GPS monitoring condition becomes effective;

2. The offender shall be advised that if the offender fails to submit a written statement or documentation within five business days, the curfew[, electronic monitoring,] or GPS monitoring condition shall become effective immediately upon the expiration of the five business days;

3. If the offender submits a written statement or documentation within five business days, the curfew[, electronic monitoring,] or GPS monitoring condition shall not be effectuated until such time as a board panel authorizes the effectuation of the curfew[, electronic monitoring,] or GPS monitoring condition;

4. The District Parole Office shall forward a copy of the written notice of the imposition of the curfew[, electronic monitoring,] or GPS

monitoring condition to a Board panel. If the offender contests the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition and has submitted a written statement or documentation to the District Parole Office, a copy of the written statement or documentation and an assessment of the written statement or documentation by the District Parole Supervisor, or designee, shall be forwarded by the District Parole Office to the Board panel for consideration;

5. An offender shall not be precluded from submitting a written statement or documentation to the District Parole Office after the expiration of the [five business days time period] **five-business-day-time-period**. However, the failure to comply with the [five business days time period] **five-business-day-time-period** shall result in the immediate effectuation of the curfew[, electronic monitoring,] or GPS monitoring condition; and

6. (No change.)

(f) If the offender contests the allegations, the conclusions to be drawn from the allegations or the justification supporting the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition and the District Parole Office believes that exigent circumstances do exist as to require the immediate effectuation of the curfew[, electronic monitoring,] or GPS monitoring condition, the following procedures shall apply:

1. The District Parole Supervisor, or designee, shall review the offender's case within 24 hours of the determination to impose the curfew[, electronic monitoring,] or GPS monitoring condition to determine whether exigent circumstances do exist as to require immediate effectuation of the curfew[, electronic monitoring,] or GPS monitoring condition and shall verbally advise the offender and the assigned parole officer of [his or her] **their** determination. If the District Parole Supervisor, or designee, determines that exigent circumstances exist, the District Parole Supervisor, or designee, shall also provide written notice to the offender as to the basis for the determination;

2. If the District Parole Supervisor, or designee, determines that exigent circumstances do exist, the curfew[, electronic monitoring,] or GPS monitoring condition shall be effectuated immediately;

3. (No change.)

4. The District Parole Office shall forward a copy of the written notice of the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition and, if exigent circumstances were found to exist by the District Parole Supervisor, or designee, a copy of the written notice of the basis for the determination of the existence of exigent circumstances to a Board panel. If the offender contests the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition and has submitted a written statement or documentation to the District Parole Office, a copy of the written statement or documentation and an assessment of the written statement or documentation by the District Parole Supervisor, or designee, shall be forwarded by the District Parole Office to the Board panel for consideration;

5.-6. (No change.)

10A:72-10.4 Board panel review

(a) Upon receipt of the written notice of the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition, the basis for the imposition of the curfew[, electronic monitoring,] or GPS monitoring condition, the written statement or documentation of the offender and an assessment of the written statement or documentation by the District Parole Supervisor, or designee, if submitted, and any attendant documents, a Board panel shall review the offender's case.

(b) If the [board] **Board** panel determines a hearing shall be conducted prior to the effectuation of the curfew[, electronic monitoring,] or GPS monitoring condition based on a finding that an issue of fact requires resolution, the matter shall be referred for the scheduling of a hearing before a designated hearing officer.

(c) If the [board] **Board** panel concurs in the determination that exigent circumstances exist and determines a hearing shall be conducted based on a finding that an issue of fact requires resolution, the matter shall be referred for the scheduling of a hearing before a designated hearing officer.

(d) If the [board] **Board** panel does not concur with the determination that exigent circumstances exist and determines a hearing shall be conducted based on a finding that an issue of fact requires resolution, the

matter shall be referred for the scheduling of a hearing before a designated hearing officer. The offender and the District Parole Office shall be advised that the curfew[, electronic monitoring,] or GPS monitoring condition shall be held in abeyance pending the conducting of a hearing.

(e) If the [board] **Board** panel determines that a hearing is not required, the [board] **Board** panel shall determine whether to affirm, modify, or vacate the imposition of the curfew[, electronic monitoring] or GPS monitoring condition.

(f) The offender and the District Parole Office shall be advised, in writing, of the [board] **Board** panel's decision.

10A:72-10.5 Hearing; scheduling

(a) Except as provided in this section, the hearing required pursuant to N.J.A.C. 10A:72-10.4 shall be conducted within 21 days of the [board] **Board** panel's determination that a hearing shall be conducted.

(b)-(d) (No change.)

10A:72-10.7 Hearing; failure to appear

If the offender fails to attend the hearing on the original scheduled date or upon a postponement being granted fails to attend the rescheduled hearing and the offender has failed to provide good cause for [his or her] **their** non-appearance, the curfew[, electronic monitoring,] or GPS monitoring condition shall be deemed not to be contested by the offender and the matter shall be presented to the [board] **Board** panel based on the existing record for a final determination.

SUBCHAPTER 16. REQUESTS TO RESIDE OUTSIDE OF THE UNITED STATES OF AMERICA (USA)

10A:72-16.1 General provisions

(a)-(c) (No change.)

(d) The following offenders are not eligible to apply to reside outside of the USA:

1. (No change.)

2. An offender who has an active special condition of [electronic monitoring or] Global Positioning System monitoring; or

3. (No change.)

(e) (No change.)

10A:72-16.5 Request procedure

(a)-(k) (No change.)

(l) Once the Director, Division of Parole, or designee, has completed [his or her] **their** review, as specified at (j) above, and has determined that the offender has satisfied the requirements to reside outside of the USA, the District Parole Supervisor, or designee, shall submit the documentation set forth at (f) above to a Board panel designated by the [Chairman] **Chairperson**.

(m)-(n) (No change.)

10A:72-16.10 Violations

(a) (No change.)

(b) If the District Parole Supervisor has a reasonable, articulable belief that the offender should be ordered to return to the USA, the District Parole Supervisor shall refer the offender's case to the Director, Division of Parole, or designee.

1. If the Director, Division of Parole, or designee, agrees with the District Parole Supervisor's assessment, the Director, Division of Parole, or designee, shall present the offender's case to a Board panel, as designated by the [Chairman] **Chairperson**.

2.-5. (No change.)

(c)-(g) (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF MASTER PLUMBERS

Digital Signature and Seals

Proposed New Rule: N.J.A.C. 13:32-4.1A

Authorized By: Board of Examiners of Master Plumbers, Susan Rischawy, Executive Director.

Authority: N.J.S.A. 45:14C-7.

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

Proposal Number: PRN 2025-038.

Submit written comments by June 20, 2025, to:

Susan Rischawy, Executive Director
Board of Examiners of Master Plumbers
PO Box 45008
124 Halsey Street
Newark, New Jersey 07101
or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>

The agency proposal follows:

Summary

P.L. 2023, c. 248 (law) requires the Electronic Permit Processing Review System developed by the Department of Community Affairs (Department) to allow for the submission of electronic signatures for materials necessary for permit application reviews. The law also requires the Department to accept electronic reproduction of signatures and seals on permit applications. In order to facilitate the use of electronic signatures and seals for plumbing permit applications, the Board of Examiners of Master Plumbers (Board) proposes a new rule that allows for the use of digital signatures and seals.

Proposed new N.J.A.C. 13:32-4.1A recognizes that a digital signature and seal carries the same weight, authority, and effect as a handwritten signature and pressure seal, as long as the digital signature and seal meet Board standards. Pursuant to the proposed new rule, a digital signature and seal would have to meet the Digital Signature Standard established by the National Institute of Standards and Technology, which is incorporated into this new rule by reference. The digital signature and seal would have to be unique to a licensed master plumber, be verifiable by a trusted third party or some other process as belonging to the licensed master plumber, and be under the control of the licensed master plumber. In addition, the digital signature and seal would have to incorporate a software protection dongle, which is a device that plugs into a computer and enables the use of digital signature and seal software.

A licensed master plumber who uses a digital signature and seal would be required to maintain a copy of electronically transmitted documents for verification purposes and to provide the Board with a pictorial representation of a digital signature and seal upon request. Licensed master plumbers would be responsible for the use of their digital signatures and seals and would have to replace lost or compromised digital signatures and seals.

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

Social Impact

The Board believes that the proposed new rule will have a positive impact on licensed master plumbers and the clients they serve. By allowing for the use of digital signatures and seals, the proposed new rule will facilitate the use of electronic permit applications by licensed master plumbers. This could save licensed master plumbers time in submitting permit applications and may result in permits being granted in a more timely manner.