

THE PAROLE BOOK

**A Handbook on Parole Procedures for
Adult and Young Adult Offenders**



SEVENTH EDITION

NEW JERSEY STATE PAROLE BOARD



State of New Jersey
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October 25, 2023

To: Adult and Young Adult Offenders of the New Jersey State Corrections System

This handbook has been prepared to answer questions about parole for adult offenders committed to the State Prison Complex and for young adult offenders committed to the Youth Correctional Complex. This book does not deal with the parole process for juvenile offenders or offenders sentenced to serve terms in county jails or county correctional facilities. If you read this handbook very carefully, you will better understand the parole process and what is expected of you in order to be released on parole.

This handbook is not the law and should not be cited or referred to as legal authority. The State Parole Board has done its best to put into this handbook, in plain and simple language, the information that you need to know about parole.

It is my hope that this book will give you more confidence in each step that you take as you work towards parole, so that you will successfully complete your parole status, and that you become a productive and law-abiding citizen of our State.

Sincerely,

NEW JERSEY STATE PAROLE BOARD

A handwritten signature in black ink, appearing to read "Samuel J. Plumeri, Jr.", written in a cursive style.

Samuel J. Plumeri, Jr.
Chairman

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A. GENERAL INFORMATION

A1. What is the State Parole Board?

By statute, the State Parole Board consists of a Chairperson, 14 Associate Members and three (3) Alternate Members appointed by the Governor and approved by the Senate. Board panels consisting of two (2) members are assigned to conduct parole hearings in adult and young adult cases.

A2. What does the State Parole Board do?

The State Parole Board panels decide who should be released on parole. The Board panels also establish the conditions to be complied with on parole and decide what action to take if parolees violate conditions of parole.

A3. What is the Division of Parole?

The Division of Parole is a part of the State Parole Board. The Division of Parole, through its field parole officers, is in charge of monitoring an offender's compliance with parole conditions and how an offender adjusts to the community. The Division of Parole is also responsible for monitoring offenders who are released under Mandatory Supervision (MSV), Community Supervision for Life (CSL) and Parole Supervision for Life (PSL). The Division of Parole has been delegated the authority to issue parole warrants on behalf of the Board (see Question H4).

A4. What is the difference between parole counselors and parole officers?

Parole counselors compute and monitor an offender's parole eligibility date, monitor the offender's progress, counsel offenders about the parole process, the Administrative Parole Release process and the parole contract agreement process, interview offenders regarding their community parole plan, explain the conditions of parole to offenders before their parole release, and help process the release of offenders on their scheduled parole dates. Parole officers make sure parolees follow the conditions of supervision established by the Board panels and help them adjust to life in the community.

B. ADULT OFFENDER - PAROLE ELIGIBILITY

B1. When am I eligible for parole?

If you are sentenced to state prison, you will receive a copy of your parole eligibility date calculation in the mail shortly after being transferred to a State facility. Should you have any questions or concerns about your parole eligibility date calculation, you can request an interview with your parole counselor by submitting an Inmate Inquiry Form (IRSF-101), which can be obtained from the Department of Corrections, or by submitting a parole question through the Department of Corrections JPay System.

B2. How is my parole eligibility date determined?

If your sentence has no mandatory-minimum term, your parole eligibility is based on one-third of your sentence, less jail credits and less time off for other credits (see Question B3). If you have a life sentence with no mandatory-minimum term, your parole eligibility is based on 25 years less jail credits and less time off for other credits (see Question B3). If you received a mandatory-minimum term as part of your sentence, then your parole eligibility is based on the mandatory-minimum term less jail credits only, provided the mandatory-minimum term is greater than one-third of your maximum sentence.

Jail credits, if awarded, are deducted from the parole eligibility term. These are the days that you spent in custody before you were sentenced. The number of jail credits is determined by the sentencing judge and only the sentencing judge can change the number of jail credits. If you believe there is a mistake in the number of jail credits, you and/or your attorney must contact the sentencing judge.

IMPORTANT: The parole law requires that you serve at least a full nine months prior to parole consideration. Only jail credits awarded for time served in custody before sentencing apply towards this nine-month period. This is known as a nine-month restriction.

B3. How do I get time off (reduce) my parole eligibility date?

There are four (4) other kinds of credits that will take time off (reduce) a parole eligibility date if you do not have a mandatory-minimum term:

- a) Commutation Credits ("Good Time"): Commutation credits are determined based on a statutory schedule. You can lose some or all of these credits if you are found guilty of a disciplinary infraction(s). Appendix 1 shows how much "good time" can be credited towards your parole eligibility date. If you are serving a sentence for an offense committed on or after February 1, 2021, commutation credits are awarded based on one-third of your sentence. If you are serving a sentence for an offense committed prior to February 1, 2021, commutation credits are awarded on the balance of one-third of your sentence less jail credits. Jail credits are subtracted from the parole eligibility term before applying commutation credits because the law in effect prior to February 1, 2021 did not permit commutation credits on jail time served before the date of sentence.
- b) Work Credits: For every five (5) days you work, you earn one (1) day of work credit.
- c) Minimum Custody Credits ("Min Time"): When you are classified into minimum custody status, you earn three (3) days of minimum custody credits for each month during the first year. After the first year, you earn five (5) days of minimum custody credits for every month that you remain in minimum custody status.

- d) Parole Contract Agreement Credits: If you are eligible for and agree to the conditions of the Parole Contract Agreement (see Section D), your initial parole eligibility date will be reduced by the appropriate number of days, upon the completion of any noted program(s) and upon authorization for the reduction from the sentencing judge. See Appendix 2 for the Parole Contract Agreement Schedule of Reductions.

If you have a mandatory-minimum term, these credits will not reduce your parole eligibility date but they will reduce your maximum expiration date on your sentence. The Department of Corrections (DOC) Classification Department at your housing institution calculates work and minimum custody credits. Consult with the DOC Classification Department at your institution if you believe there is an error regarding your total work and/or minimum custody credits. Parole Contract Agreement credits do not apply to reduce your maximum expiration date. They only apply to reduce your initial parole eligibility date.

B4. Will my parole eligibility date be reduced by credits if I am serving my sentence in a county jail?

Yes. Your parole eligibility date will be reduced if: (a) the county jail authorities report earned work and/or minimum custody credits to the DOC Classification Department and (b) the DOC Classification Department certifies the credits. Commutation credits automatically reduce your parole eligibility date. As noted in Question B3, you will not receive commutation credits for any time spent in jail before your date of sentence if your offense was committed prior to February 1, 2021.

B5. Is there any other way to get more time off (reduce) my parole eligibility term?

You can apply for more time off your parole eligibility term for exceptional progress in appropriate institutional and community programs if you:

- a) do not have a mandatory-minimum term, and
- b) are eligible for parole within two and a half (2 ½) years, and
- c) have served at least two (2) years already, and
- d) have had no infractions for two (2) years.

You must submit proof that you have made exceptional progress. The Board panel must have the consent of your sentencing judge before it can approve any time off your initial parole eligibility term. If you think you are eligible, please request an Exceptional Progress Application from your institutional parole counselor.

B6. What is "gap time" and what impact will it have on my parole eligibility date?

"Gap time" is the time served in custody from the first date of sentence (first sentence) to a subsequent date of sentence (second sentence). The second sentence must, however, be for an offense that was committed before the first sentence. The sentencing judge should award "gap time" credit, if appropriate, when imposing the second sentence. The award of "gap time" credit is separate and distinct from the award of jail credit.

If the second sentence is a flat sentence (no mandatory-minimum term imposed) then the "gap time" will be applied to reduce the sentence before determining the parole eligibility term on that sentence. The parole eligibility term will be one-third of the reduced sentence and not one-third of the sentence imposed. Regardless of whether the flat second sentence is imposed concurrently or consecutively to the first sentence, "gap time" will reduce the flat second sentence in order to determine the parole eligibility term on that sentence.

In no case will "gap time" reduce a mandatory-minimum term.

B7. Will I be paroled on my parole eligibility date?

A parole eligibility date is not a parole release date. It is the earliest date on which a Board panel can parole you. You must have a parole release hearing and you cannot be released on parole until the Board panel decides that you have met the standard for parole (see Question E14). If you are granted parole, you will be released on or shortly thereafter the parole eligibility date.

B8. What if I am serving a sentence as a sex offender?

If you are serving a sentence for any offense subject to the Sex Offender Act committed on or after December 1, 1998, the sentencing court must determine whether your conduct was characterized by a pattern of repetitive, compulsive behavior, whether you are amenable to sex offender treatment and whether you are willing to participate in such treatment. If the sentencing court finds that all three (3) criteria have been met or if the criteria of repetitive, compulsive behavior and amenability to treatment have been met, you will not be considered for parole until the Special Classification Review Board (SCRB) at the Adult Diagnostic and Treatment Center recommends your case to the Board and until the expiration of any mandatory-minimum imposed.

If the sentencing court determines that your conduct was characterized by a pattern of repetitive, compulsive behavior and that you are not amenable to sex offender treatment or if the sentencing court determines that your conduct was not characterized by a pattern of repetitive, compulsive behavior, you are eligible for parole consideration upon the service of a full one-third of the sentence imposed or upon the service of any mandatory-minimum term imposed. In determining your parole eligibility date, only jail credit will be applied in the calculation of the parole eligibility date.

If your parole eligibility is contingent upon a referral of your case to the Board by the SCRB, you may have periodic reviews by the Department of Corrections to determine whether you continue to be amenable to sex offender treatment and willing to participate in the treatment. The result of such an evaluation may impact your place of confinement and your eligibility for parole consideration. You should consult with a parole counselor if you are unsure as to how your eligibility for parole consideration will be determined.

If you are serving a sentence subject to the Sex Offender Act for an offense committed before December 1, 1998, you should consult with a parole counselor regarding how your eligibility for parole consideration will be determined.

B9. If I receive an additional sentence, what happens to my parole eligibility date?

If you receive an additional sentence, your parole eligibility date will be recalculated.

If you have an established parole release date and receive an additional sentence, your case will be reviewed. If you are no longer eligible for parole, the decision to grant parole will be vacated and you will be scheduled for a hearing when you become eligible for parole on the new sentence. If the new sentence does not affect your parole eligibility date, your case will need to be reviewed by the Board panel prior to your release. The Board panel may or may not change your release date.

C. YOUNG ADULT OFFENDER - PAROLE ELIGIBILITY

Indeterminate Terms Only

C1. How do I find out the date when I am eligible to be paroled?

If you are a young adult offender sentenced to an indeterminate term of years to be served in the Youth Correctional Complex, the parole law does not set a parole term for you. A Board panel will establish a time goal (parole eligibility term). The length of sentence imposed and the crime committed determine the time goal that may be established. See Appendix 3 for the schedule of time goals. You will usually receive your time goal soon after you enter into the youth correctional system. The Board panel may also inform you of the activities/programs which you should participate in to prepare yourself for parole.

The Board panel is authorized to decrease or increase your time goal by up to ten (10) months for mitigating or aggravating factors. The Board panel may establish a longer time goal than the schedule shows. Before the Board panel can increase a time goal by more than ten (10) months, you will be informed that the Board panel is going to do this and the reason(s) why. In this situation, you will have two (2) weeks to write a letter to the Board panel explaining your case before a decision is made.

The parole law places the following limits on the length of an extended time goal:

First Degree Crimes	-	60 Months
Second Degree Crimes	-	28 Months
Third Degree Crimes	-	16 Months
Fourth Degree Crimes	-	9 Months

C2. How do I compute my parole eligibility date?

To compute your parole eligibility date, which is also known as a tentative release date (TRD), add your time goal to the date when you started to serve your sentence and then subtract any jail credit the judge awarded you when you were sentenced. If you believe there is an error in your jail credit, you or your attorney must contact the sentencing judge to request that it be corrected.

C3. How do I earn time off (reduce) my parole eligibility date?

You earn time off (reduce) your parole eligibility date by participating in institutional programs and by not committing institutional infractions. The Board panel will evaluate your overall institutional behavior and make one of the decisions below:

If you are rated "above average," you will receive fifteen (15) days off per month.

If you are rated "average," you will receive ten (10) days off per month.

If you are rated "below average," you will receive five (5) days off per month.

If you are rated "poor," you will receive no time off at all.

Your participation in programs and your ability to follow institutional rules will determine how the Board panel evaluates you.

C4. When can I be awarded program participation credits?

You can receive program participation credits each time your case is reviewed by a Board panel. If your initial time goal is more than 24 months, you will be reviewed once a year at an annual review. If your time goal is less than 24 months, you will be seen at a "mid-goal" hearing, which will be scheduled at the halfway point between your date of sentence and your tentative release date. A hearing officer will review your case and make a recommendation to the Board panel about the amount of credit you should receive. This is only a recommendation and will not become final until a Board member or the Board panel has approved it.

C5. Will I be paroled on my parole eligibility date?

A parole eligibility date is not a parole release date. It is the earliest date on which a Board panel can parole you. You must have a parole release hearing and you cannot be released on parole until the Board panel decides that you have met the standard for parole (see Question E14). If you are granted parole, you will be released on or shortly thereafter the parole eligibility date.

C6. If I receive an additional sentence, what happens to my parole eligibility date?

If you receive an additional indeterminate sentence, the original time goal does not necessarily have to change. The Board panel must review the facts and circumstances of the crime and then decide how this affects the time it can take for you to prepare for parole. The Board panel will then, if appropriate, amend your time goal accordingly.

If you receive an additional state prison sentence, the Board will aggregate (combine) the original time goal with the parole eligibility term from the additional state prison sentence. Appropriate commutation credit will then be taken off the aggregate parole eligibility term and you will receive a new parole eligibility date. (Remember, commutation credit cannot reduce a mandatory-minimum term).

D. PAROLE CONTRACT AGREEMENT

D1. What is a Parole Contract Agreement?

A Parole Contract Agreement is a formal contract between you, the Board, and the Department of Corrections, which upon successful completion, may result (see Question D5) in you receiving reductions in your initial parole eligibility date for completing specific programs.

D2. Am I eligible for a Parole Contract Agreement?

In order to be eligible for a Parole Contract Agreement you must be sentenced on or after August 1, 2010 and not be serving a mandatory-minimum term, nine-month restriction, or statutory parole ineligibility period and you must not be past your initial parole eligibility date. Adult offenders serving a term for Parole Violation (PV), Mandatory Parole Supervision Violation (MPSV), or a Parole Supervision for Life Violation (PSLV) are not eligible for a Parole Contract Agreement.

Further, you are not eligible for a Parole Contract Agreement if you are serving a sentence subject to the provisions of N.J.S.A. 2C:43-7.2 ("No Early Release Act") or a sentence imposed for the offense of Aggravated Sexual Assault, Sexual Assault, Aggravated Criminal Sexual Contact, Kidnapping pursuant to N.J.S.A. 2C:13-1(c)2, Endangering the Welfare of a Child by Engaging in Sexual Conduct which would Impair or Debauch the Morals of a Child pursuant to N.J.S.A. 2C:24-4(a), Endangering the Welfare of a Child pursuant to N.J.S.A. 2C:24-4(b)4, Luring, or an Attempt to commit any of these offenses.

D3. When will I be notified?

Once it has been determined that you are eligible for the Parole Contract Agreement you will be notified by your parole counselor. You will be scheduled for an in-person interview where you will be presented with the Parole Contract Agreement and explained the process. You will have the option to agree or decline to enter into the Parole Contract Agreement. If you initially decline participation in a Parole Contract Agreement you cannot request to be reconsidered at a later date.

D4. What programs are eligible for Parole Contract Agreement reduction credits?

The Board has approved certain programs that are eligible for Parole Contract Agreement reduction credits. See Appendix 2 for the complete Parole Contract Agreement Schedule of Reductions. If a program is not specified in the schedule, no reduction will be given for completion of any non-specified program.

D5. Am I guaranteed to receive Parole Contract Agreement reduction credits for completing eligible programs?

No. The sentencing court must agree to any reduction of your initial parole eligibility date. If the sentencing court consents to the reduction, the Board has the authority to reduce your initial parole eligibility date. If the sentencing court does not agree to the reduction, the Board does not have the authority to reduce your initial parole eligibility date, even if you successfully completed the program(s). You will be notified in writing of the sentencing court's determination and basis for denying a reduction for a completed program.

D6. How will I know if I have received Parole Contract Agreement reduction credits for completing an eligible program?

Once the Board receives authorization for the reduction from the sentencing court, you will receive written notification. A copy of your updated initial parole eligibility calculation, with noted contract reductions, will be provided by your institutional parole counselor.

D7. What is a Parole Contract Agreement period?

The Board is required to monitor your compliance with the Parole Contract Agreement at least once every twelve (12) months. The Parole Contract Agreement period shall begin on the date you sign the agreement and end at your parole eligibility date. If you are granted a parole release date, the Parole Contract Agreement will be reviewed 60 days prior to your initial parole eligibility date.

D8. Can I have more than one Parole Contract Agreement?

Yes. Once your Parole Contract Agreement period ends and if you are still eligible, you may enter into a new Parole Contract Agreement. You cannot have two (2) active Parole Contract Agreements at the same time.

D9. What will void the Parole Contract Agreement?

Your Parole Contract Agreement will be terminated if you are found guilty of any disciplinary infraction or if you refuse to participate in or fail to satisfactorily complete any specified program. You will be notified in writing of the Parole Contract Agreement termination and the reasons. In addition to the Parole Contract Agreement being terminated, you will not receive any reductions for that review period, regardless of the specified programs you completed.

E. PAROLE RELEASE PROCESS

E1. What should I do to prepare for my parole hearing?

You should follow the recommendations you received at any interview with Board staff, avoid committing institutional infractions, and develop a supportive parole plan. You should also participate in programs that will be beneficial to your re-entry into the community.

E2. What is a parole plan and what is its purpose?

A parole plan identifies where you want to live and what you plan to do when you are released. You will need to provide this information to a parole counselor. A District Parole Office will investigate your plan and advise the Board panel whether your plan is acceptable. The Board panel can reject a parole plan that is not in your best interest. The Board panel wants to make sure that you have an acceptable place to live, a plan to get a job or go to school, and if possible the support of family members or a friend.

The purpose of a parole plan is to provide you a good chance of re-entering society without returning to a criminal lifestyle. If you are paroled and do not have a place to live, the District Parole Office will try to arrange a placement for you. Another option may be referral to a residential community program or some other kind of housing assistance.

E3. Can I be paroled directly to another state from the institution?

A Board panel can grant you parole release to another state, Puerto Rico or the Virgin Islands only. You may not be paroled to another country directly from the institution. The Office of Interstate Services reviews all out-of-state parole plans. This office will decide whether the parole plan can be sent to the parole authority of the state where you want to live. If you are planning to go to an out-of-state parole plan, you should have some contacts in that state, such as an immediate relative, willing and able to assist you. You should also have an offer of employment or other viable means of support. Otherwise, the other state may not approve your parole plan or accept you for supervision. The parole authority of the other state will investigate your plan and notify the New Jersey Office of Interstate Services of their decision within 45 days. If you are not accepted for parole supervision by the out-of-state authority, the Board panel will review your case to determine where and when you can be released on parole in New Jersey.

E4. When will I have my initial parole hearing?

If you are a young adult offender, i.e. you are serving an indeterminate sentence(s) only and have had a time goal established in your case (see Question C1), your initial parole hearing will be the month of your mid-goal or possibly your annual review. You will be informed of the month of your mid-goal or annual review by the Board panel when it establishes your time goal.

If you are an adult offender serving a state prison sentence, your initial parole hearing will be conducted approximately two (2) to three (3) months before your actual parole eligibility date.

E5. Who must be advised that I am having a parole hearing?

The Board must give at least 30 days notice of your eligibility for a parole hearing to the sentencing judge, the Attorney General, the county prosecutor, all relevant criminal justice agencies, and the public. The Board must also notify any victim or nearest relative of a murder/manslaughter victim who has previously advised the Board of their intent to submit a statement or give testimony to the Board. A decision cannot be made in your case until notice of your eligibility for a parole hearing has been issued and the 30-day time period has ended.

E6. What kind of information can these parties submit?

They can submit any information that is relevant to the issue of whether or not you are a good candidate for parole. The Board panel has the discretion to consider only information it considers relevant to your suitability for parole.

E7. What happens at the initial parole hearing conducted in my case?

A Board hearing officer conducts a preliminary review of your case and prepares a summary of your case (Case Assessment) for consideration by the Board panel. The hearing officer will consider the pre-sentence report, the judge's remarks at the time of sentence, the prosecutor's comments, information about what you have done in the institution, the pre-parole psychological evaluation, the pre-parole report prepared by the DOC Classification Department (see Question E9), and your parole plan. The hearing officer may also consider anything you want to present for consideration. You will be given time to present your case.

For some offenders, a Board hearing officer may review the case administratively instead of conducting an in-person initial parole hearing. In such cases, the hearing officer will ensure that your records are up-to-date for the Board panel to review at your parole hearing and that you are provided a copy of the Case Assessment prepared by the hearing officer.

E8. What happens after I see a hearing officer?

Following your initial parole hearing, your case will follow one (1) of three (3) tracks. If the hearing officer determines that you meet the criteria for Administrative Parole Release and, therefore, are eligible for Administrative Parole Release (automatic parole), the hearing officer will refer your case to a Board panel of two (2) members to verify and certify your release and then establish any special conditions deemed appropriate. If the Board panel certifies Administrative Parole Release, you will not need another hearing and you will be released to parole on the established date. (see Question E15 section (a)).

If the hearing officer determines that you do not meet the criteria for Administrative Parole Release, but meet the standard for discretionary parole release, the hearing officer may recommend you for parole release and refer your case to a Board panel of two (2) members for review. If the Board panel accepts the recommendation, you will not need another hearing and you will be released to parole on the established date. If the Board members determine that you do not meet the appropriate standard to grant you discretionary parole release, then your case will be scheduled for a panel hearing.

If the hearing officer determines that you do not meet the criteria for Administrative Parole Release or the appropriate standard to recommend parole release, you will be scheduled for a hearing before a Board panel of two (2) members. The hearing officer must refer your case for a hearing before a Board panel if you are serving a term for the crime of murder, aggravated manslaughter, manslaughter, death

by vehicular homicide, aggravated assault second degree, disarming a law enforcement officer first degree, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson, burglary second degree, extortion, endangering the welfare of a child second degree, booby traps in manufacturing or distribution facilities, strict liability for drug induced deaths, terrorism, producing or possessing chemical weapons, biological agents or nuclear or radiological devices, racketeering first degree or causing or risking widespread injury or damage second degree.

E9. Do I receive a copy of the pre-parole report that is going to be used at my parole hearing?

Yes. You will receive a copy of the pre-parole report from the DOC Classification Department before your parole hearing. If you do not receive a copy of the pre-parole report contact the DOC Classification Department and your parole counselor. You will not be allowed to see any information classified as "confidential," but you will be advised if confidential information has been considered at the parole hearing.

E10. Can I submit material for consideration at my parole hearing?

Yes. You can submit a statement or any documents about your case. You may have people write references for you and send them to the Board or you can bring them to your hearing. If you have a promise of a job, it is helpful to submit a statement from your future employer. Bring copies of any documents that you want to be considered at your parole hearing to your initial parole hearing and your Board panel hearing.

E11. Can anyone else be with me at my hearing?

No. No one is permitted in the room during your hearing except Board staff and correction officers. However, if you need an interpreter, arrangements will be made. You cannot have an attorney present, but your attorney, like anyone else, may submit a letter to the Board panel on your behalf.

E12. What happens at a Board panel hearing?

You will appear before two (2) Board members. The Board panel hearing will usually take place within a reasonable time after your initial parole hearing. While waiting for your Board panel hearing, you should continue to work on your goals, not commit infractions, and have an appropriate parole plan ready. At the Board panel hearing the Board members will ask you questions, evaluate the information in the record, and decide whether you meet the appropriate standard for parole release.

E13. What factors are considered to decide whether I can be paroled?

Various factors will be considered in evaluating your case for parole release. See Appendix 4.

E14. What is the standard for parole release?

If you are serving a sentence for an offense committed before August 19, 1997, the Board panel will determine whether, by a preponderance of the evidence, there is a substantial likelihood that you will commit a crime if released on parole.

If you are serving a sentence for an offense committed on or after August 19, 1997, the Board panel will determine whether, by a preponderance of the evidence, you have failed to cooperate in your own rehabilitation or there is a reasonable expectation that you will violate conditions of parole if released on parole.

If you are serving a sentence for an offense committed on or after December 1, 1998 and you were sentenced to the Adult Diagnostic and Treatment Center pursuant to N.J.S.A. 2C:47-1 et seq., the Board panel will determine whether, by a preponderance of the evidence, you have failed to cooperate in your own rehabilitation or there is a reasonable expectation that you will violate conditions of parole if released on parole.

If you are serving a sentence for an offense committed prior to December 1, 1998 and you were sentenced to the Adult Diagnostic and Treatment Center pursuant to N.J.S.A. 2A:164-3 et seq. or N.J.S.A. 2C:47-1 et seq., the Board panel will determine whether you are capable of making an acceptable social adjustment in the community if released on parole.

E15. What are the possible results of a Board panel hearing?

At the conclusion of the Board panel hearing, the Board panel will do one (1) of the following:

a) Grant parole

If the Board panel determines to grant you parole to the community, the Board panel will generally establish the parole release date on or near your parole eligibility date. However, in no case will the parole release date be established earlier than 42 days from the date the Board panel renders its decision.

In the cases of adult offenders, the parole release date may be set on a date based on projected work and minimum custody credits. Since this date will be based on projected credits, you must earn these credits. If you do not, the Board panel must establish a new release date.

The Board panel may also grant you parole to a residential community program. If the Board panel grants you parole to a residential community program, you will be advised of the decision and you will be notified separately of the assigned program and parole release date by the Division of Community Programs.

In the cases of young adult offenders, the Board panel can grant you program participation credits when establishing your parole release date (see Question C3 for the method of computing program participation credits).

b) Impose pre-release conditions

The Board panel can impose certain pre-release conditions which you must complete before you are released. Again, in no case will the release date be established earlier than 42 days from the date the Board panel renders its decision.

c) Deny parole and establish a future eligibility term

The Board panel can deny parole and establish a future eligibility term (a "FET" or "hit"). This term is added to your current parole eligibility date.

d) Deny parole and refer your case to a three-member Board panel

The Board panel can deny parole and refer your case to a three-member Board panel in order to consider establishing a future eligibility term that may be outside the presumptive guidelines. In this instance you will be afforded the opportunity to submit a letter of mitigation that may include any information you deem relevant to the evaluation of your case by the three-member Board panel before it establishes a future eligibility term. If

your case is referred to a three-member Board panel, the Board panel will explain, in writing, the reason(s) for this referral. If a three-member Board panel cannot reach a unanimous decision on the future eligibility term, your case will be referred to the full Board for the establishment of the future eligibility term.

- e) Refer your case to a third Board panel member if the two-member Board panel cannot agree

The two-member Board panel can refer your case to a third Board member if the two-member Board panel cannot reach a unanimous decision in your case. The third Board member will review the records of the Board panel hearing before a decision is made.

- f) Defer for further information

The Board panel can defer (postpone) a decision because the Board panel needs more information. Your case will be considered when the reason for the postponement is resolved. The Board panel may require that you appear before the Board panel again before a decision is made.

You will be told the Board panel's decision and will receive the decision in writing at the end of your Board panel hearing. If the Board panel decides to deny parole, the written notice that you will receive will list the reasons for the denial.

Decisions made by a Board panel in the Board's Central Office will be mailed to the offender.

E16. If a future eligibility term is established upon denial of parole, how long can it be?

If you are denied parole and a future eligibility term is established, the Board panel will follow the presumptive guidelines (See Appendix 5). The Board panel can increase or decrease the presumptive future eligibility term by nine (9) months. If deemed appropriate, a future eligibility term outside of the guidelines may be established. Before establishing a future eligibility term outside of the guidelines, you will be given the opportunity to submit comments for consideration. When a decision is made, you will be notified in writing of the length of the future eligibility term and the reason(s) for it.

E17. Can the future eligibility term be reduced by credits?

If you are an adult offender serving a sentence for an offense committed before August 19, 1997, then the future eligibility term can be reduced by commutation (good time), work and minimum custody credits.

If you are an adult offender serving a sentence for an offense committed on or after August 19, 1997, the future eligibility term cannot be reduced by any credits.

E18. If I receive an extended future eligibility term, will I be scheduled for an annual review hearing?

The annual review process does not apply to offenders sentenced under the 2C Criminal Code. If you are an offender sentenced under the prior 2A Criminal Code and you receive a future eligibility term longer than the presumptive guideline, your case will be reviewed each year by a special Board panel. The Board panel will accept and note documentary evidence of the progress you achieve. The Board panel can authorize a reduction in the future eligibility term if your progress merits a reduction; defer a determination pending receipt of additional information; continue your case until the next annual review; or determine whether your case should be referred for a parole release hearing.

E19. What if I am serving a sentence for the crime of murder?

If a Board panel concludes that you are not a suitable candidate for parole release, it may deny parole and establish a future eligibility term or if the Board panel concludes that you are suitable for parole release, it must refer your case for a hearing before the full Board to make a final determination. The full Board, by a majority vote, will decide whether you will be released on parole or denied parole and required to serve a future eligibility term.

If you were previously released on parole and later returned to confinement as a parole violator, a Board panel may grant you parole release without referring your case to the full Board.

E20. What if I am confined out-of-state?

If you are serving a New Jersey sentence while confined in an out-of-state jurisdiction, the Board will monitor your case and notify you of your parole eligibility date on your New Jersey sentence. Before your parole eligibility date, the Board, with the cooperation of the out-of-state correctional/parole authorities, will start processing your case for parole consideration.

E21. What should I do during my future eligibility term so I will not be denied parole again?

Follow the suggestions regarding program participation offered by the Board panel. In addition, avoid committing institutional infractions. If you cannot comply with the Board panel's suggestions because programs are not available or for other reasons beyond your control, try to find a reasonable substitute. However, compliance does not guarantee parole release.

E22. Can I appeal a denial of parole?

Yes. You can appeal a decision to deny parole to the full Board, which will decide whether the Board panel failed to support by a preponderance of the evidence its decision that you did not meet the appropriate standard for parole release. You can appeal if a decision was against Board policy or did not follow Board procedures. You can also appeal if a panel member had a personal interest in your case that may have affected the decision or if the Board panel failed to consider material facts.

See Appendix 6 for details on the administrative appeal process. You must first appeal a decision to the Board before you can appeal the decision to the Superior Court – Appellate Division.

E23. Can I appeal other decisions like my time goal?

Yes. Any action by a hearing officer, a Board member, a Board panel or the Board can be appealed (see Appendix 6).

E24. What if I have a detainer(s) lodged against me?

You cannot be denied parole just because of a detainer, but the Board panel can note the detainer when it is considering your case. If you are paroled and you have a detainer, you will be paroled to the custody of the court or other agency that filed the detainer. You should try to resolve detainers before you are considered for release (see Questions B9 and C6 on additional sentences).

E25. What are parole conditions?

Being released on parole permits you to serve the balance of your sentence in the community under the supervision of a parole officer instead of remaining incarcerated. Since you are still serving your sentence on parole there are general parole conditions that you must follow. These general parole conditions are printed on your parole certificate and apply to every parolee (see Appendix 7). However, based upon the individual circumstances of your case, you may also be required to comply with additional special conditions imposed by the Board panel and the Division of Parole.

E26. Can parole conditions be changed?

Yes. The Board panel can change your conditions at any time for good reason. If you want a condition changed, you may apply to the appropriate Board panel through the District Parole Supervisor. Before the Board panel makes a decision in your case, it will seek the recommendation of your parole officer and the District Parole Supervisor. The Board panel will notify you of its decision through the District Parole Supervisor.

The Board also has authorized the District Parole Supervisors, Assistant District Parole Supervisors and designated representatives of the District Parole Supervisors to impose and discharge special conditions of parole.

E27. Can my parole supervision be transferred to another state?

Your parole supervision can be transferred to another state, but you must complete the required forms and the other state must investigate and approve your proposed community plan. If you are incarcerated, your parole counselor will assist you in completing the required forms. You may be paroled to another state if that state accepts your case for supervision. The process allows the receiving state 45 days to investigate your plan. If you are in the community under supervision, you may request to transfer your supervision out-of-state if you are in substantial compliance with the conditions of your supervision. Your parole officer will assist you in completing the required forms. Until you are accepted for out-of-state supervision, you must remain under parole supervision in New Jersey.

E28. Can the length of my parole supervision term be reduced by credits?

Yes. If you have been granted parole by the Board panel, your term of parole supervision can be reduced by parole compliance credits at a rate of one (1) day for every six (6) days of parole supervision that has been completed while in compliance with the conditions of parole (see Question H17). If you are required to serve a term of mandatory parole supervision pursuant to N.J.S.A. 2C:43-7.2(d) ("No Early Release Act") or a special sentence of parole supervision for life pursuant to N.J.S.A. 2C:43-6.4, the respective supervision term cannot be reduced by parole compliance credits.

F. ADMINISTRATIVE PAROLE RELEASE

F1. What is Administrative Parole Release?

Administrative Parole Release (APR) was established effective February 1, 2021 under the “Earn Your Way Out Act” and authorizes the release from custody to parole supervision of any offender who has met the criteria set forth in N.J.S.A. 30:4-123.55d. Administrative Parole Release occurs after the hearing officer recommends parole release following the initial parole hearing and the offender is certified for parole release by a Board panel consisting of two (2) Board members. Administrative Parole Release does not require a parole consideration hearing before a Board panel.

F2. Am I eligible for Administrative Parole Release?

In order to be eligible for Administrative Parole Release (APR), you must have:

- a) Not been previously convicted of, adjudicated delinquent for, or are currently serving a sentence imposed for any crime enumerated in N.J.S.A. 2C:43-7.2(d) (“No Early Release Act”), N.J.S.A. 2C:43-6(c) or (g) (“Graves Act”), N.J.S.A. 30:4-27.26 (“Sexually Violent Predator Act”), or N.J.S.A. 2C:7-2(b) (registration law for sex offenders).
- b) Not committed any serious disciplinary infraction (those identified by the Department of Corrections with an asterisk designation) or any prohibited acts required to be reported to the prosecutor within two (2) years prior to your parole eligibility date; and
- c) Completed relevant rehabilitation programs as determined by the Department of Corrections and the Board (you still qualify for Administrative Parole Release if you applied for but were unable to complete or were denied access to these programs due to circumstances beyond your control including, but not limited to, capacity limitations or exclusionary policies of these programs).

(See Question F5)

F3. What are relevant rehabilitation programs?

Relevant rehabilitation programs are programs and services available at the correctional facility that are designed to help prepare the offender for successful reintegration upon release. These programs are recommended to offenders upon their arrival to a State facility in an individualized, comprehensive reentry plan. The reentry plan may incorporate medical, psychiatric, psychological, educational, vocational, substance abuse, and social rehabilitative services.

F4. What if recommended rehabilitation programs are unavailable?

To meet program completion requirements for Administrative Parole Release (APR), you must express your intent to participate in the recommended programs on your reentry plan by applying for them, and accept enrollment once they become available.

Eligibility for Administrative Parole Release will not be affected if a recommended program is not offered at the correctional facility in which you are housed, or if you are unable to complete a recommended program due to circumstances beyond your control.

F5. When will I be notified that I meet the criteria for Administrative Parole Release?

Representatives from the Department of Corrections and the Board will meet with you upon your arrival into the State correctional system. Following a preliminary review of your criminal case history, a determination will be made whether you have not been previously convicted of, adjudicated delinquent for, or are currently serving a sentence imposed for an exclusionary crime (see Question F2). During this meeting you will be advised that you may be eligible for Administrative Parole Release (APR) when you become eligible for parole consideration, and you will be provided with a reentry plan indicating the relevant rehabilitation programs that are recommended for you. You will be advised by the hearing officer of the final determination of whether you have met the criteria for Administrative Parole Release at the time of your initial parole hearing.

F6. Will I be certified for Administrative Parole Release if I meet the criteria at the time of my initial parole hearing?

If at the time of your initial parole hearing the hearing officer determined that you have met the criteria for Administrative Parole Release (APR) and recommends you for Administrative Parole Release and if the reviewing Board panel certifies that you have met the criteria for Administrative Parole Release, you will be released on parole on your parole eligibility date or shortly thereafter. However, Administrative Parole Release requires that you continue to meet the criteria until the time of your release. If, after your case is recommended for Administrative Parole Release by the hearing officer or certified for Administrative Parole Release by the reviewing Board panel, you receive a new sentence for an exclusionary crime, commit a serious disciplinary infraction or fail to complete a relevant rehabilitation program due to circumstances within your control, the decision to certify your release on Administrative Parole Release will be vacated and you will be scheduled for a Board panel hearing if you remain eligible for parole consideration. The Board panel hearing may result in a decision by the Board panel to either grant or deny parole.

F7. Can I appeal a denial of Administrative Parole Release?

Yes. You can appeal a decision to deny you Administrative Parole Release (APR) to the full Board, which will decide whether the hearing officer or Board panel failed to document that you did not meet the criteria for Administrative Parole Release (see Appendix 6).

F8. Will I have to comply with parole conditions?

Yes. You will be required to comply with the general conditions of parole as well as other specific conditions established by the Board panel (see Appendix 7).

G. PAROLE RESCISSION PROCESS

G1. Can I lose my parole release date?

There are several ways you can lose your parole release date. One is if there is a change in your parole eligibility date. This can happen if you receive a new sentence or if you lose commutation credit as a result of committing an institutional infraction(s). If you receive a new sentence, you will be scheduled for a hearing when you are eligible for parole on the new sentence and the prior decision to grant parole will be vacated. Your parole release date may be rescinded (taken away) if you commit an institutional infraction or if information not previously considered is brought to the Board panel's attention. Also, if you fail to fulfill a pre-release condition, the Board panel may reconsider its decision to grant parole.

G2. How does the Board panel take away (rescind) a parole release date?

An administrative hold is placed against your parole release date. Once an administrative hold is filed you cannot be released. Thereafter, you will be given written notice that a rescission hearing will be held. The notice will also advise you of your rights.

G3. What is a rescission hearing?

The rescission hearing is the procedure by which the Board panel determines whether there is good cause to take away your parole release date because you no longer meet the appropriate standard for parole release. A hearing officer conducts the hearing. At the hearing you will have the opportunity to fully discuss your case. However, the rescission hearing is neither an opportunity to re-litigate an institutional infraction nor an opportunity to appeal a disciplinary hearing officer's finding of guilt. An appeal of the decision of a disciplinary hearing officer must be made to the Department of Corrections/Administrator of the institution and then, if appropriate, to the Superior Court – Appellate Division. Upon the conclusion of the rescission hearing, the hearing officer will prepare a report which will be submitted to the Board panel members for consideration. You will be provided with a copy of the report prepared by the hearing officer.

G4. What are the possible results of a rescission hearing?

The Board panel can: (a) lift the administrative hold and affirm your parole release date or establish a new parole release date if your original parole release date has passed or (b) rescind (take away) your parole release date and establish a future eligibility term (see Appendix 5). You will be provided with a copy of the Board panel's decision.

H. PAROLE REVOCATION PROCESS

H1. What happens if I do not follow the conditions of parole?

When you are paroled, you must sign a parole certificate. By doing so, you agree to comply with the conditions of parole. Your parole officer's job is to help you and make sure you follow these conditions. If you fail to comply with the conditions of parole your parole officer can elect to counsel you and keep working with you. However, if your non-compliance with the condition(s) of parole is serious or persistent, the parole officer can decide that the revocation process should be started.

H2. What if I am charged with a new offense while I am on parole?

You must notify your parole officer no later than the next business day after any contact with a law enforcement agency, after any arrest, or after being served with, or receiving, a complaint or summons. Your parole cannot be revoked just because you have been arrested and charged with a new offense except as described in Question H3. You must report in person to your parole officer no later than the next business day after accepting any pre-trial release, including bail, or after being released from a County or State correctional facility. It is unwise not to report to your parole officer because of a new arrest or charges. You will be subject to parole revocation action if you stop reporting. Further, the failure to notify your parole officer of your arrest or being served with, or receiving, a summons or complaint may subject you to parole revocation action.

H3. When can my parole be revoked because of pending charges?

Unless a request is received from the Prosecutor or the Director of the Division of Parole or designee to start the revocation hearing process, the Board cannot revoke your parole before the pending charges are disposed of in court. If a request is received, a Board panel will decide if a warrant will be issued to detain you and whether you will receive a revocation hearing before disposition of the pending charges. If it is determined that a revocation hearing should be conducted, a parole warrant will be issued for your arrest. Upon your arrest, you will have a probable cause hearing. If probable cause is found, you will have a revocation hearing. At the revocation hearing, there must be "clear and convincing evidence" that you committed an offense before your parole can be revoked.

There are separate general conditions of parole that require you to refrain from owning or possessing a firearm or weapon and to refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance. A formal request from a Prosecutor or the Director of the Division of Parole or designee is not required to be submitted (and approved by a Board panel) prior to the revocation hearing process being started for an alleged violation of such general conditions of parole.

H4. When can my parole officer issue a warrant for my arrest?

The Board will authorize the issuance of a warrant if it decides to accept a request for accelerated revocation (see Question H3). Also, your parole officer can ask a designated representative of the Chairman of the Board to issue a warrant if there is probable cause to believe that you have seriously or persistently violated the conditions of your parole and if: (a) the evidence indicates that you may not appear at a probable cause hearing or (b) if you pose a danger to public safety.

Your parole officer may issue a Division of Parole warrant for your arrest if: (a) your parole officer has probable cause to believe that you have committed an offense, are about to commit an offense or are about to flee the jurisdiction; (b) the violation is a basis for return to custody; and (c) the situation is one of immediate emergency that cannot await the issuance of a warrant by a designated representative.

In such a case, it is likely that the Director of the Division of Parole or designee will submit a request to initiate the revocation hearing process to a Board panel.

H5. What happens if I am arrested on a parole warrant?

If you are arrested on a parole warrant, a probable cause hearing is normally scheduled within 14 days of your arrest. The time frame may be extended to 28 days. Once you are in custody under a parole warrant, you cannot be released on bail.

H6. What is the purpose of a probable cause hearing?

The purpose of the hearing is to determine if there is evidence (i.e. probable cause) to believe that you have violated a condition(s) of parole and whether you should be detained for a revocation hearing. The hearing officer is an employee of the Board. However, the hearing officer is required to be neutral and detached. At the end of the hearing, the hearing officer will tell you whether probable cause exists and whether you shall be held in custody for a revocation hearing. You may also choose to waive the probable cause hearing and proceed directly with the revocation hearing.

H7. What if I am convicted of a new offense?

If you are convicted of an offense committed while on parole you will have a revocation hearing. There will be no probable cause hearing.

If you receive a suspended sentence or time served for the commission of a new offense, your parole officer can permit you to remain in the community pending the revocation hearing. The hearing can be held in the District Parole Office or some other convenient location in the community. If you receive a new custodial sentence, the hearing will be conducted where you are being held in custody.

H8. What is the purpose of the revocation hearing?

If you have not been convicted of a new offense, the purpose of the hearing is to determine if you have seriously and/or persistently violated any condition of parole and whether revocation is desirable. A hearing officer who is an employee of the Board conducts the revocation hearing. The hearing officer will evaluate the evidence introduced at the hearing and determine if you have violated your parole. At the hearing, you will have the opportunity to contest (deny) the alleged violation(s) and present evidence on your own behalf. If you admit to the alleged violation(s), you can still offer any mitigating evidence or explanation that you want the Board panel (through the hearing officer) to consider.

If you are convicted of a crime committed while on parole there is a presumption that you have violated your parole and that your parole be revoked. In this case, the hearing will provide you with the opportunity to explain your case and tell the Board panel (through the hearing officer) anything you think the Board panel should know when it decides your case. In order for your parole not to be revoked, you must show that there is "good cause" as to why your parole should not be revoked.

H9. When will the revocation hearing be conducted?

The revocation hearing will be conducted within 60 days of your arrest on the parole warrant or the date of sentencing for an offense committed while on parole, unless circumstances exist that impact the scheduling of the revocation hearing. If you are out of state serving a custodial term for the commission of an offense, you will receive a hearing upon your return to New Jersey on a parole warrant.

H10. Will I always have a probable cause hearing and a revocation hearing?

It is possible for the probable cause hearing to be converted to a revocation hearing. Such conversion may only occur on the scheduled hearing date with your consent and that of all interested parties, including the hearing officer. In such a case, only one (1) hearing, a revocation hearing, will be conducted.

If you elect to proceed with a probable cause hearing, the hearing officer will need to determine whether a revocation hearing will be conducted in your case (see Question H6).

H11. Will I receive notice that a probable cause hearing or revocation hearing will be conducted?

Yes. You will receive written notice of the time, date, and location of the hearing. The notice will also inform you of the alleged violations of the parole conditions to be reviewed; the date, place and circumstances of the alleged violations; name(s) of witness(es) scheduled to appear at the hearing; and your rights at the hearing.

H12. Can I have a lawyer at a probable cause hearing or a revocation hearing?

Yes. You may be represented by a lawyer at a probable cause hearing or a revocation hearing. You may retain your own lawyer or you may have an attorney assigned to represent you.

H13. What happens after a revocation hearing?

After the revocation hearing, the hearing officer prepares and submits a written report to a Board panel. A copy is sent to you and, if you are represented by an attorney, a copy will be sent to your attorney. You or your attorney must send any objections or additions to the report within seven (7) days. A decision regarding your parole status will be made within 21 days of your revocation hearing.

H14. What will the Board panel do after my revocation hearing?

After considering the evidence presented at your hearing, the Board panel will decide whether your parole should be revoked. If parole is revoked, you either will receive a new parole eligibility term (see Appendix 8) or be directed to serve the remainder of your sentence (serve max).

The Board panel may decide not to revoke your parole, but because of the facts presented at your hearing, may decide to impose additional conditions of your parole and continue you on parole and release you from custody.

A decision to revoke your parole status may be appealed in writing to the Board (see Appendix 6).

H15. Is the revocation process the same for sex offenders?

If you were paroled under the Sex Offender Act and the revocation process is implemented, you will receive a probable cause hearing, and if appropriate, a revocation hearing (see Question H10). Also, if a revocation hearing is conducted, the staff at the Adult Diagnostic and Treatment Center will prepare an evaluation report on your case that the Board panel will consider when making its decision.

H16. Do I lose my "street time" if my parole is revoked?

You will not lose any credit for time served on parole provided a parole warrant is not issued for your arrest. If a warrant is issued, you will lose the time between the date the warrant was issued and the date you were placed in custody as a parole violator. This time period will be added to your maximum expiration date. This adjustment to your maximum expiration date will occur if probable cause is found that you violated your parole or if you are found to be in violation of a condition(s) of your parole. A final decision to actually revoke your parole need not be made for the adjustment in your maximum expiration date to occur.

H17. Do I lose my parole compliance credits if my parole is revoked?

Upon issuance of a parole warrant, your parole compliance credits will cease to accrue (see Question E28). Any parole compliance credits that have been earned up to the date that the parole warrant was issued will be forfeited upon the revocation of parole, or the determination by the Board panel that a condition of parole has been violated. Parole compliance credits will continue to accrue from the date that the parole warrant was issued if it is determined by the Board panel that no conditions of parole were violated.

I. ADDITIONAL INFORMATION

11. Who do I report to upon release on parole from an institution?

You will receive written reporting instructions from the Board's staff before your release. The written instructions will provide you with the address and phone number of the District Parole Office that you are to report to immediately upon being released from custody.

12. What will happen at the District Parole Office?

You will meet with a parole officer who will review the general and special conditions of parole with you; refer you to the appropriate support services and providers that will help you comply with the special conditions of parole; and provide you the name of your assigned parole officer and your next reporting date.

13. How often will I have to report to my parole officer?

You will be required to report to your parole officer on a regular basis as determined by your parole officer. You may be required to report on a weekly, bi-weekly or monthly basis. You may be required to report on a more frequent basis if you are directed to do so by your parole officer.

14. Will I be able to advance my reporting status?

Yes. If you are successfully complying with the conditions of parole and successfully adjusting to the community, your reporting status may be advanced. Once you have achieved regular reporting status you may be advanced to quarterly reporting status. Thereafter, you may advance to semi-annual and annual reporting status.

However, if you are not complying with the conditions of parole and are not making a successful adjustment to the community, you may be placed on a more restrictive reporting status.

15. What if I disagree with an instruction I receive from my parole officer?

Every effort should be made to resolve any issues with your parole officer. If there is an issue that cannot be resolved with your parole officer, you may complete a Division of Parole grievance form that is available at the District Parole Office. You should submit the grievance form to the District Parole Supervisor or designee for review. You will be informed of the decision of the District Parole Supervisor or designee in writing within ten (10) days.

If your grievance is not resolved at the immediate supervisor level, a higher level supervisor in the Division of Parole will further review your grievance. After a decision is made, you will be informed in writing of the decision.

You may also file a grievance by writing to the Office of the Director, Division of Parole. After a decision is made, you will be informed in writing of the decision.

16. Can I be discharged from parole before my maximum expiration date expires?

Yes. If you do well on parole, your parole status may be terminated before your maximum expiration date. This termination of parole before the expiration of a parolee's maximum expiration date is called a discharge from parole. The Board panel will only consider discharge when a recommendation is submitted by your parole officer. The Board has adopted guidelines and time limits that your parole officer can explain to you.

Additionally, if you are earning parole compliance credits and remain compliant with parole conditions for the duration of parole supervision, you may be discharged from parole on a date earlier than what was the maximum expiration date at the time of your release to parole supervision (see Question E28).

17. What is a Certificate of Good Conduct?

A Certificate of Good Conduct is a document issued by the Board to assist in the rehabilitation of convicted offenders by removing some of the restrictions upon their ability to obtain proposed employment. It prevents, in many cases, a licensing authority from disqualifying or discriminating against the ex-offender because of any conviction for an offense.

18. How does a person apply for a Certificate of Good Conduct?

Application forms may be obtained from the Board's public website. To be eligible, the applicant must have been supervised by the Board (if presently being supervised, be on supervision at least one (1) year); not been convicted of a new crime within five (5) years from date of application; not have pending charges or outstanding warrants; and not be incarcerated. If an application for a Certificate of Good Conduct was previously denied, at least two (2) years must have passed from the date of denial before a new application may be submitted.

19. What is a Certificate Suspending Certain Employment, Occupational Disabilities or Forfeitures (Certificate of Rehabilitation)?

A Certificate Suspending Certain Employment, Occupational Disabilities or Forfeitures (Certificate of Rehabilitation) is a document issued by the Board to offer assistance to convicted offenders in obtaining public employment or obtaining licenses or certifications, under certain circumstances. A qualified offender (as described in Question I10) may apply for a certificate that would relieve disabilities, forfeitures or bars to (1) public employment; (2) qualification for a license or certification to engage in the practice of a profession, occupation, or business, except the practice of law; and (3) admission to an examination to qualify for such a license or certification except for the bar examination, or an examination for a law enforcement, homeland security, or emergency management position.

110. Who is qualified for a Certificate Suspending Certain Employment, Occupational Disabilities or Forfeitures (Certificate of Rehabilitation)?

A "qualified offender" refers to a person who has one (1) criminal conviction or who has convictions for more than one (1) crime charged in separate counts of one (1) indictment or accusation. Multiple convictions charged on two (2) indictments or two (2) accusations, or one (1) indictment and one (1) accusation filed in the same court prior to entry of judgment under any of them, shall be deemed to be one (1) conviction. Convictions of crimes entered more than ten (10) years prior to an application for a Certificate under N.J.S.A. 2A:168A-7 shall not be considered in determining whether a person has one (1) criminal conviction.

111. How do I apply for a Certificate Suspending Certain Employment, Occupational Disabilities or Forfeitures (Certificate of Rehabilitation)?

Application forms may be obtained from the Board's public website. To be eligible, the Board must determine that:

A. If the applicant is currently under supervision:

1. The applicant has not been convicted of an offense since the conviction, for which the applicant is under supervision, has no pending criminal charge(s), and there is no information presented that such a charge is imminent.
2. Issuing the certificate will not pose a substantial risk to the public safety.
3. Issuing the certificate will assist in the successful reintegration of the applicant and is consistent with the public interest.
4. The applicant is convicted of a second, third or fourth degree offense and has not been convicted of the following:

- Any first degree crime;
- An offense enumerated in N.J.S.A. 2C:43-7.2 ("No Early Release Act");
- Any second degree offense defined in the following chapters of Title 2C of the New Jersey Statutes:

Chapter 13 – Kidnapping and related offenses; Coercion

Chapter 14 – Sexual Offenses

Chapter 15 – Robbery

Chapter 16 – Bias Crimes

Chapter 24 – Offenses against the Family, Children and Incompetents

Chapter 27 – Bribery and Corrupt Influence

Chapter 30 – Misconduct in Office; Abuse of Office

Chapter 33 – Riot; Disorderly Conduct and related offenses

Chapter 38 – Anti-terrorism

- A violation of N.J.S.A. 2C:24-4(a) or N.J.S.A. 2C:24-4(b)4;
- A crime requiring registration pursuant to N.J.S.A. 2C:7-2;
- A crime committed against a public entity or against a public officer;
- A crime enumerated in N.J.S.A. 43:1-3.1, committed by a public employee, which involves or touches upon the employee's office, position or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;
- Any crime committed against a person 16 years of age or younger, or a person with a disability; or
- A conspiracy or attempt to commit any of the crimes described above.

B. If the Applicant Has Completed Supervision:

A minimum of three (3) years has passed since the applicant completed the parole supervision portion of the sentence provided that:

1. The applicant has remained without criminal involvement since the conviction, including that the applicant has not subsequently been convicted of a crime, has no pending criminal charge(s), and there is no information presented that such a charge is imminent;
2. Issuing the certificate will not pose a substantial risk to the public safety;
3. Issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest; and
4. The applicant has not been convicted of any of the following:
 - Any first degree crime;
 - Any offense enumerated in N.J.S.A. 2C:43-7.2 (“No Early Release Act”);
 - A violation of N.J.S.A. 2C:24-4(a) or N.J.S.A. 2C:24-4(b)4;
 - A crime requiring registration pursuant to N.J.S.A. 2C:7-2;
 - A crime enumerated in N.J.S.A. 43:1-3.1, committed by a public employee, which involves or touches upon the employee’s office, position or employment, such that the crime was related directly to the person’s performance in, or circumstances flowing from, the specific public office or employment held by the person;
 - Any crime committed against a person 16 years of age or younger, or a person with a disability; or
 - A conspiracy or attempt to commit any of the crimes described above.

I12. What is Compassionate Release?

Pursuant to N.J.S.A. 30:4-123.51e, the court may release an offender serving any sentence of imprisonment who has been diagnosed as suffering from a terminal condition, disease, or syndrome or a permanent physical incapacity and is found by the court to be so debilitated or incapacitated by the terminal condition, disease, or syndrome or permanent physical incapacity as to be permanently physically incapable of committing a crime if released and, in the case of a permanent physical incapacity, the conditions under which the offender would be released would not pose a threat to public safety.

An application for compassionate release can be obtained from the DOC Health Services Unit.

See Appendix 10 for details on the compassionate release process.

J. Mandatory Parole Supervision (MSV)

J1. Will I be under parole supervision if I was sentenced under the “No Early Release Act” (85 percent statute)?

Yes. A sentence imposed under the “No Early Release Act” includes a five (5) year period of mandatory parole supervision if you are sentenced for a crime of the first degree or a three (3) year period of mandatory parole supervision if you are sentenced for a crime of the second degree. You will, therefore, be under mandatory parole supervision upon release from confinement even though you may not have been granted parole release by a Board panel.

J2. Will I have to comply with parole conditions?

Yes. You must comply with the general conditions of mandatory parole supervision established by the Board (see Appendix 7) as well as the following conditions:

- a) You may not have any contact directly or through a third party by any means, including, but not limited to, verbal, physical, written or electronic with the victim(s) of the offense or the victim’s relatives unless contact is authorized by the Board panel or contact is authorized by the appropriate court.
- b) You may not have any contact, directly or through a third party by any means including, but not limited to, verbal, physical, written, or electronic, with a co-defendant involved in the commission of the offense, unless contact is authorized by the District Parole Supervisor or designated representative or contact is authorized by the appropriate court.

Additional special conditions may also be imposed.

J3. When will I be informed of the conditions of mandatory parole supervision?

Before your release from confinement a Board staff member will give you a document specifying the conditions of mandatory parole supervision. You will also be provided with written reporting instructions (see Question I1).

J4. What happens if I do not follow the conditions of mandatory parole supervision?

If your failure to follow the conditions of mandatory parole supervision is of a serious or persistent nature, the parole revocation hearing process may be started and upon conclusion of the hearing process, a Board panel may decide to revoke your mandatory parole supervision status.

You should refer to Questions H1 to H17 for information on the revocation hearing process.

J5. What happens if a Board panel revokes my mandatory parole supervision status?

You will be returned to custody, you will receive a parole eligibility term, and you will be considered for release by a Board panel when you become eligible or you will be directed to serve the remainder of your supervision term in custody.

J6. What happens if I receive an additional sentence consecutive to my mandatory parole supervision violation?

If your mandatory parole supervision status is revoked and a parole eligibility term is established prior to receiving the additional sentence you will have a parole hearing for the mandatory parole supervision term and either be “cell paroled” to commence the service of the additional consecutive sentence or you will be required to serve your maximum on the mandatory parole supervision term. At your “cell parole” date or the expiration of the mandatory parole supervision term you will begin the service of the additional consecutive sentence.

If you received the additional sentence prior to being revoked on your mandatory parole supervision term you will have a parole hearing on the additional sentence and you may be “cell paroled” to commence the service of the mandatory parole supervision violation term, receive a future eligibility term and be heard on the additional term again at a later date, or be required to serve your maximum term on the additional sentence. At your “cell parole” date or at the expiration of the maximum date on the additional sentence you will commence the service of the mandatory parole supervision violation term.

K. Community Supervision for Life (CSL)

K1. What if my sentence includes a special sentence of community supervision for life?

The special sentence of community supervision for life will begin when you complete your custodial sentence.

K2. Will I be under parole supervision?

Yes. You will be supervised by the Division of Parole “as if on parole” for a minimum of 15 years and until such time as a Judge of the Superior Court terminates the special sentence of community supervision for life.

K3. Will I have to comply with conditions of supervision?

Yes. You must comply with the general conditions of community supervision for life established by the Board (see Appendix 9). Additional special conditions may also be imposed.

K4. When will I be informed of the conditions of community supervision for life?

Before your release from confinement, a Board staff person will give you a document specifying the conditions of community supervision for life. You will also be provided with written reporting instructions (see Question I1).

K5. What happens if I do not follow the conditions of community supervision for life?

A violation of a condition of community supervision for life is a crime of the fourth degree and you will be subject to criminal prosecution. Upon disposition of the matter you could be sentenced to a custodial term of up to 18 months to be served in the custody of the Department of Corrections.

K6. If I am sentenced for the commission of a new offense, what happens when I am eventually released from confinement?

You will continue the service of the special sentence of community supervision for life and again be under the supervision of the Division of Parole.

K7. While under supervision, will I be permitted to reside with a minor child?

If the offense committed by you involved a minor child, you will not be permitted to reside at a residence in which a minor child is present unless approved by the District Parole Supervisor or their representative (see Questions K8 to K10) or unless approved by the appropriate court.

K8. How do I request permission to reside with a minor child?

A request to reside with a minor child should be submitted in writing to the District Parole Supervisor or their representative. Additionally, the parent or legal guardian of the minor child must provide to the District Parole Office a written statement requesting that you be permitted to reside with the minor child and that the parent or legal guardian is aware of the circumstances of the sexual offense committed by you.

K9. Will I need to submit to an assessment before a decision is made as to whether I will be permitted to reside with a minor child?

Yes. You are required to be evaluated by a sex offender treatment provider identified by the District Parole Supervisor or their representative. The sex offender treatment provider will provide the District Parole Supervisor or their representative with a written assessment that will include the recommendation of the evaluator as to the appropriateness of you residing with the minor child.

K10. What factors will be considered in the decision as to whether I may reside with a minor child?

The District Parole Supervisor or their representative will take into consideration factors such as, but not limited to, whether you are in compliance with the conditions of supervision; whether the assessment of the sex offender treatment provider is supportive of you residing with a minor child; whether you are progressing in a pro-social manner; and whether the knowledge of the parent or legal guardian of the minor child as to the circumstances of the sexual offense committed by you is consistent with the official version of the offense.

L. Parole Supervision for Life (PSL)

L1. What if I am sentenced to a special sentence of parole supervision for life?

The special sentence of parole supervision for life will begin immediately upon your release from incarceration.

L2. Will I be under parole supervision?

Yes. You will be supervised as a parolee by the Division of Parole for a minimum of 15 years and until such time as a Judge of the Superior Court terminates the special sentence of parole supervision for life.

L3. Will I have to comply with conditions of supervision?

Yes. You must comply with the general conditions of parole supervision for life established by the Board (see Appendix 9). Additional special conditions may also be imposed.

L4. When will I be informed of the conditions of parole supervision for life?

Before your release from confinement a Board staff person will give you a document specifying the conditions of parole supervision for life. You will also be provided with written reporting instructions (see Question I1).

L5. What happens if I do not follow the parole supervision for life conditions?

If you were sentenced to parole supervision for life for an offense committed prior to July 1, 2014, a violation of a condition of parole supervision for life is an offense of the fourth degree and you will be subject to criminal prosecution. Upon disposition of the matter you could be sentenced to a custodial term of up to 18 months to be served in the custody of the Department of Corrections.

If you were sentenced to parole supervision for life for an offense committed on or after July 1, 2014, a violation of a condition of parole supervision for life is an offense of the third degree and you are subject to criminal prosecution. Upon disposition of the matter you could be sentenced to a custodial term of up to five (5) years to be served in the custody of the Department of Corrections.

Further, if your failure to follow the parole supervision for life conditions is of a serious or persistent nature, the parole revocation hearing process may also be implemented in your case. After the hearing process, a Board panel may decide to revoke your parole supervision for life status and return you to custody to serve a term of incarceration (see Question L6).

You should refer to Questions H1 to H17 for information on the revocation hearing process.

L6. What happens if my parole supervision for life status is revoked?

The Board panel will establish a term of incarceration when your parole supervision for life status is initially revoked as follows: 18 months if you have committed a crime of the first degree; 16 months if you have committed a crime of the second degree; 14 months if you have committed a crime of the third degree; or 12 months if you have committed a crime of the fourth degree or any other offense, or violated any other condition of supervision. If your parole supervision for life status has previously been revoked, you will be required to serve an additional time period of two (2) months in excess of the term of incarceration previously established, not to exceed 18 months.

L7. Will the time period established by a Board panel to be served in custody upon revocation of my parole supervision for life status be reduced by any credit?

The established time period cannot be reduced by commutation (good time), work or minimum custody credits.

L8. What happens when the parole supervision for life violation time period expires?

Unless you are serving a sentence for any other offense, you will be released from confinement and you will continue to serve the special sentence of parole supervision for life under the supervision of the Division of Parole.

L9. What happens if I receive an additional sentence consecutive to my parole supervision for life violation?

If your parole supervision for life status is revoked prior to receiving the additional sentence you will begin to serve your additional sentence at the expiration of the parole supervision for life violation term.

If you received the additional sentence prior to being revoked on your parole supervision for life violation term you will have a parole hearing on the additional sentence and you may be "cell paroled" to begin the service of the parole supervision for life violation term, receive a future eligibility term and be heard on the additional term again at a later date, or be required to serve your maximum term on the additional sentence. At your "cell parole" date or at the expiration of the maximum date on the additional sentence you will commence the service of the parole supervision for life violation term.

L10. What happens when I am eventually released from confinement?

You will continue the service of the special sentence of parole supervision for life and again be under the supervision of the Division of Parole.

L11. While under supervision, will I be permitted to reside with a minor child?

If the offense committed by you involved a minor child, you will not be permitted to reside at a residence in which a minor child is present unless approved by the District Parole Supervisor or their representative (see Questions L12 to L14) or unless approved by the appropriate court.

L12. How do I request permission to reside with a minor child?

A request to reside with a minor child should be submitted in writing to the District Parole Supervisor or their representative. Additionally, the parent or legal guardian of the minor child must provide to the District Parole Office a written statement requesting that you be permitted to reside with the minor child and that the parent or legal guardian is aware of the circumstances of the sexual offense committed by you.

L13. Will I need to submit to an assessment before a decision is made as to whether I will be permitted to reside with a minor child?

Yes. You are required to be evaluated by a sex offender treatment provider identified by the District Parole Supervisor or their representative. The sex offender treatment provider will provide the District Parole Supervisor or their representative with a written assessment that will include the recommendation of the evaluator as to the appropriateness of you residing with the minor child.

L14. What factors will be considered in the decision as to whether I may reside with a minor child?

The District Parole Supervisor or their representative will take into consideration factors such as, but not limited to, whether you are in compliance with the conditions of supervision; whether the assessment of the sex offender treatment provider is supportive of you residing with a minor child; whether you are progressing in a pro-social manner; and whether the knowledge of the parent or legal guardian of the minor child as to the circumstances of the sexual offense committed by you is consistent with the official version of the offense.

APPENDIX 1 (a)

PAROLE ELIGIBILITY TABLE - ADULT OFFENDERS

Use the accompanying table to determine parole eligibility.

1. First find your maximum sentence in Column A. Follow across to Column B, which will show one-third of your maximum sentence. This is the parole eligibility term (if no mandatory minimum is imposed).
2. If the sentence is for an offense committed on or after February 1, 2021, follow the parole eligibility term derived from Column B across to Column C. Column C shows the amount of commutation time applied toward your parole eligibility.
3. If the sentence is for an offense committed prior to February 1, 2021, subtract any jail credits that you have from the parole eligibility term that you found in Column B. This is the flat parole eligibility term. [Note: Jail credits are subtracted from the parole eligibility term before applying commutation (good time) credits because the law in effect prior to February 1, 2021 did not permit commutation credits on jail time served before the date of sentence. Commutation credits will be given only on the portion of the eligibility term that remains once the jail credits have been subtracted].
4. Follow the parole eligibility term derived from Column B across to Column C. Column C shows the amount of commutation time applied toward your parole eligibility.
5. By continuing to follow across to Columns D and E, you will find the maximum number of work credits (Column D) and the maximum number of minimum custody credits (Column E) that you can earn. To receive the maximum number of credits, you would have to work seven (7) days a week and be placed on minimum custody status as soon as you are sentenced or as soon as you are eligible for minimum custody status. You will probably qualify for less than the maximum number of credits.
6. Column F shows the earliest time you could be eligible for parole. This time period is based on the maximum amount of work and minimum custody credits and assumes that no commutation credits have been lost.
7. Column G shows the latest time you would be eligible for parole. This assumes that no commutation credits have been lost and that no work credits or minimum custody credits are earned.
8. Unless you have lost commutation credits, the parole eligibility will fall between the amounts of time shown in Column F and Column G.
9. Remember, this chart does not apply if a mandatory-minimum term has been imposed.
10. At least nine (9) months (less jail credits) must be served. This nine-month restriction applies to all adult offenders committed to serve a sentence in a state institution. The nine-month restriction does not apply to young adult offenders committed to serve indeterminate sentences.

APPENDIX 1 (a) (continued)

PAROLE ELIGIBILITY TABLE

A	B	C**	D**	E**	F**	G**
Sentence	Parole Eligibility (Where no man. min.)	Commutation Credits (C.C.)	Estimated Work Credits (W.C.) (Maximum possible)	Estimated Minimum Custody Credits (M.C.C.) (Maximum possible)	Earliest Eligibility Includes: 1.C.C. 2.Max W.C. 3.Max M.C.C.	Latest Eligibility Includes: 1. C.C. 2. No W.C. 3. No M.C.C.
<u>Years</u>	<u>yrs.-mos.</u>	<u>days</u>	<u>days</u>	<u>days</u>	<u>yrs.-mos.-days</u>	<u>yrs.-mos.-days</u>
1	0 - 4	--	--	--	0 - 9 - 0*	0 - 9 - 0*
2	0 - 8	--	--	--	0 - 9 - 0*	0 - 9 - 0*
3	1 - 0	72	45	22	0 - 9 - 0*	0 - 9 - 23
4	1 - 4	100	59	30	0 - 9 - 26	1 - 0 - 20
5	1 - 8	128	73	37	1 - 0 - 5	1 - 3 - 25
6	2 - 0	156	87	49	1 - 2 - 13	1 - 6 - 29
7	2 - 4	188	100	59	1 - 4 - 18	1 - 9 - 27
8	2 - 8	220	113	70	1 - 6 - 25	2 - 0 - 23
9	3 - 0	252	126	81	1 - 9 - 1	2 - 3 - 23
10	3 - 4	284	139	92	1 - 11 - 5	2 - 6 - 21
11	3 - 8	316	160	49	2 - 2 - 23	2 - 9 - 22
12	4 - 0	348	173	61	2 - 4 - 28	3 - 0 - 17
13	4 - 4	380	186	71	2 - 7 - 3	3 - 3 - 15
14	4 - 8	412	199	81	2 - 9 - 11	3 - 6 - 16
15	5 - 0	444	213	93	2 - 11 - 15	3 - 9 - 16
16	5 - 4	476	233	51	3 - 3 - 0	4 - 0 - 9
17	5 - 8	508	247	62	3 - 5 - 6	4 - 3 - 10
18	6 - 0	540	260	73	3 - 7 - 12	4 - 6 - 10
19	6 - 4	572	273	83	3 - 9 - 17	4 - 9 - 8
20	6 - 8	604	286	95	3 - 11 - 23	5 - 0 - 4
21	7 - 0	636	308	52	4 - 3 - 7	5 - 3 - 4
22	7 - 4	676	319	61	4 - 5 - 4	5 - 5 - 24
23	7 - 8	716	330	71	4 - 7 - 5	5 - 8 - 14
24	8 - 0	756	342	81	4 - 9 - 9	5 - 11 - 9
25	8 - 4	796	358	89	4 - 11 - 2	6 - 1 - 24
26	8 - 8	836	374	47	5 - 2 - 20	6 - 4 - 16
27	9 - 0	876	392	62	5 - 4 - 10	6 - 7 - 9
28	9 - 4	916	397	67	5 - 6 - 18	6 - 9 - 26
29	9 - 8	956	409	77	5 - 8 - 18	7 - 0 - 17
30	10 - 0	996	421	87	5 - 10 - 20	7 - 3 - 9
35	11 - 8	1196	488	83	6 - 9 - 28	8 - 4 - 21
40	13 - 4	1412	550	134	7 - 6 - 20	9 - 5 - 18
45	15 - 0	1632	593	170	8 - 5 - 8	10 - 6 - 13
50	16 - 8	1852	660	226	9 - 1 - 27	11 - 7 - 5
55	18 - 4	2088	712	269	9 - 10 - 29	12 - 7 - 10
60	20 - 0	2328	768	316	10 - 7 - 26	13 - 7 - 17
65	21 - 8	2568	795	348	11 - 5 - 29	14 - 7 - 25
70	23 - 4	2824	843	383	12 - 2 - 24	15 - 7 - 4
Life	25 - 0	3084	916	439	12 - 10 - 4	16 - 6 - 21

* Nine-month restriction applies to all 2C cases only.

** All figures based on zero jail credits.

APPENDIX 1 (b)

FIVE SAMPLE CALCULATIONS OF PAROLE ELIGIBILITY DATES

EXAMPLE 1

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed that does not contain a mandatory-minimum term and date of offense is after 02/01/21.

Date of Sentence:	08/15/23
Term:	10 years
Jail Credit:	122 days (04/15/23 to 08/14/23)

1. Add 1/3 of the 10-year term (3 years, 4 months) to the date of sentence (08/15/23) (and subtract one day for the date of sentence), thereby yielding a date of 12/14/26.
2. Subtract 122 days (or four months for the purpose of this illustration) of jail credit from 12/14/26. This gives a flat parole eligibility date of 08/14/26.
3. Subtract commutation credit. To determine appropriate commutation credits, calculate the time period between the date of sentence (08/15/23) and the date yielded when the parole eligibility term is added to it (12/14/26). This time period is 3 years, 4 months. Locate this time period on the commutation chart (Appendix 1 (a)). In this example, the commutation credit is 284 days. Subtract the 284 days of commutation credit from the flat parole eligibility date of 08/14/26. This gives a book parole eligibility date of 11/03/25.
4. Subtract work/minimum custody credit. In this example, assume that the offender has earned a total of 35 days of credit as of 03/31/24. Subtract 35 days from the book parole eligibility date of 11/03/25. This gives an actual eligibility date of 09/29/25 as of 03/31/24.

APPENDIX 1 (b) (continued)

EXAMPLE 1

Date of Sentence:	08/15/23 (d.o.o. after 02/01/21)
Term:	10 years
Jail Credit:	122 days (04/15/23 to 08/14/23)
Commutation Credit:	284 days (Based on 3 years, 4 months; time period from 08/15/23 to 12/14/26)
Work/Minimum Custody Credit:	35 days (Assume credits earned as of 03/31/24)
Date of Sentence:	08 - 15 - 23
1/3 of 10 Years:	+ <u>4 mos.</u> <u>3 yrs.</u>
	12 - 14 - 26
Jail Credit:	- <u>122</u> dys.
Flat Parole Eligibility Date:	08 - 14 - 26
Commutation Credit:	- <u>284</u> dys.
Book Parole Eligibility Date:	11 - 03 - 25
Work/Minimum Custody Credit:	- <u>35</u> dys.
Parole Eligibility Date (as of 03/31/24):	09 - 29 - 25

NOTE: A nine (9) month "parole restriction" applies in state prison cases. A nine (9) month restriction cannot be reduced by commutation, work, minimum custody status or parole contract agreement credits.

NOTE: Any credit earned after 03/31/24 would further reduce the parole eligibility date of 09/29/25.

APPENDIX 1 (b) (continued)

FIVE SAMPLE CALCULATIONS OF PAROLE ELIGIBILITY DATES

EXAMPLE 2

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed that does not contain a mandatory-minimum term and date of offense is prior to 02/01/21.

Date of Sentence:	08/15/23
Term:	10 years
Jail Credit:	122 days (04/15/23 to 08/14/23)

1. Add 1/3 of the 10-year term (3 years, 4 months) to the date of sentence (08/15/23) (and subtract one day for the date of sentence) thereby yielding a date of 12/14/26.
2. Subtract 122 days (or four months for the purpose of this illustration) of jail credit from 12/14/26. This gives a flat parole eligibility date of 08/14/26.
3. Subtract commutation credit. To determine appropriate commutation credits, calculate the time period between the date of sentence (08/15/23) and the flat parole eligibility date (08/14/26). This time period is 3 years, 0 months. Locate this time period on the commutation chart (Appendix 1 (a)). In this example, the commutation credit is 252 days. Subtract the 252 days of commutation credit from the flat parole eligibility date of 08/14/26. This gives a book parole eligibility date of 12/05/25.
4. Subtract work/minimum custody credit. In this example, assume that the offender has earned a total of 35 days of credit as of 03/31/24. Subtract 35 days from the book parole eligibility date of 12/05/25. This gives an actual eligibility date of 10/31/25 as of 03/31/24.

APPENDIX 1 (b) (continued)

EXAMPLE 2

Date of Sentence: 08/15/23 (d.o.o. prior to 02/01/21)

Term: 10 years

Jail Credit: 122 days (04/15/23 to 08/14/23)

Commutation Credit: 252 days (Based on 3 years, 0 months; time period from 08/15/23 to 08/14/26)

Work/Minimum Custody Credit: 35 days (Assume credits earned as of 03/31/24)

Date of Sentence: 08 - 15 - 23

1/3 of 10 Years: + 4 mos. 3 yrs.

12 - 14 - 26

Jail Credit: - 122 dys.

Flat Parole Eligibility Date: 08 - 14 - 26

Commutation Credit: - 252 dys.

Book Parole Eligibility Date: 12 - 05 - 25

Work/Minimum Custody Credit: - 35 dys.

Parole Eligibility
Date (as of 03/31/24): 10 - 31 - 25

NOTE: A nine (9) month "parole restriction" applies in state prison cases. A nine (9) month restriction cannot be reduced by commutation, work, minimum custody or parole contract agreement credits.

NOTE: Any credit earned after 03/31/24 would further reduce the parole eligibility date of 10/31/25.

APPENDIX 1 (b) (continued)

EXAMPLE 3

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed that includes a mandatory-minimum term (for any date of offense).

Date of Sentence:	08/15/23
Term:	10 years (5 years mandatory-minimum)
Jail Credit:	122 days (04/15/23 to 08/14/23)

1. Add mandatory-minimum term (5 years) to the date of sentence (08/15/23) (and subtract one day for the date of sentence) thereby yielding a date of 08/14/28.
2. Subtract 122 days jail credit from 08/14/28. This gives an actual eligibility date of 04/14/28.

Date of Sentence:	08 - 15 - 23
Mandatory-Minimum:	+ _____ 5 yrs.
	08 - 14 - 28
Jail Credit:	- _____ 122 dys.
Parole Eligibility Date:	04 - 14 - 28

NOTE: Mandatory-minimum terms cannot be reduced by commutation, work, minimum custody status, or parole contract agreement credits.

APPENDIX 1 (b) (continued)

EXAMPLE 4

This example illustrates the method of calculating parole eligibility when a specific term of years which does not contain a mandatory-minimum term is imposed concurrent to a specific term of years which does not contain a mandatory-minimum term and "gap time" credit is awarded, and all dates of offense are after 02/01/21.

Date of Sentence:	(a) 08/15/23 (b) 08/14/24
Term:	(a) 5 years (b) 5 years c/c
Jail Credit:	(a) 181 days (02/15/23 to 08/14/23) (b) 122 days (04/15/23 to 08/14/23)
Gap Time Credit:	(b) 365 days (08/15/23 to 08/13/24)

1. Add 1/3 of 5-year term (1 year, 8 months) to the date of sentence (08/15/23) (and subtract one day for the date of sentence) thereby yielding a date of 04/14/25.
2. Subtract the 181 days (or six months for the purpose of this illustration) of jail credit from 04/14/25. This gives a flat parole eligibility date of 10/15/24 on the base 5-year term.
3. Subtract the 365 days (or one year for the purpose of this illustration) of "gap time" credit from the 5-year term imposed on 08/14/24. The reduced term is 4 years (5 years minus 1 year).
4. Add 1/3 of the 4 years term (1 year, 4 months) to the date of sentence (08/14/24) (and subtract one day for the date of sentence) thereby yielding a date of 12/13/25.
5. Subtract the 122 days (or four months for the purpose of this illustration) of jail credit from 12/13/25. This gives a flat parole eligibility date of 08/13/25 on the additional 5-year term.
6. Subtract commutation credit from the base term. To determine the appropriate commutation credits, calculate the time period from the earliest date of sentence (08/15/23) to the date yielded when the parole eligibility term is added to the base term's date of sentence (04/14/25). This time period is 1 year 8 months. Identify the applicable amount of commutation credit (see Appendix 1 (a)). In this example, the commutation credit is 128 days for the base term. Subtract the 128 days of commutation credit from the base term's flat parole eligibility date of 10/15/24. This gives a book parole eligibility date of 06/09/24.

APPENDIX 1 (b) (continued)

EXAMPLE 4

7. Subtract commutation credit from the additional term. To determine the appropriate commutation credits, calculate the time period from the earliest date of sentence (08/15/23) to the date yielded when the parole eligibility term is added to the additional term's date of sentence (12/13/25). This time period is 2 years 4 months. Identify the applicable amount of commutation credit (see Appendix 1 (a)). In this example, the commutation credit is 188 days for the additional term. Subtract the 188 days of commutation credit from the additional term's flat parole eligibility date of 08/13/25. This gives a book parole eligibility date of 02/06/25. Because this is the latest book parole eligibility date, this is the controlling date of the aggregate parole eligibility calculation.
8. Subtract work/minimum custody credit. In this example, assume that the offender has earned 35 days of credit as of 03/31/24. Subtract 35 days from the controlling book parole eligibility date of 02/06/25. This gives an actual eligibility date of 01/02/25 as of 03/31/24.

NOTE: Regardless of whether a subsequent sentence is imposed concurrently or consecutively to the base sentence, awarded "gap time" must be applied to reduce the sentence prior to determining the parole eligibility term (one-third of the reduced sentence when no mandatory-minimum term is imposed) derived from said sentence. However, in no case does "gap time" impact a mandatory-minimum term.

APPENDIX 1 (b) (continued)

EXAMPLE 4

Date of Sentence: (a) 08/15/23 (b) 08/14/24

Term: (a) 5 years (b) 5 years c/c

Jail Credit: (a) 181 days (02/15/23 to 08/14/23)
(b) 122 days (04/15/23 to 08/14/23)

Gap Time Credit: 365 days (one year) (08/15/23 to 08/13/24)

Commutation Credit: (a) 128 days (Based on 1 year 8 months; the time period from 08/15/23 to 04/14/25)
(b) 188 days (Based on 2 years 4 months; the time period from 08/15/23 to 12/13/25)

Work/Minimum Custody Credit: 35 days (Assume credits earned as of 03/31/24)

Eligibility Term: (a) 1 year 8 months (1/3 of 5 years)
(b) 1 year 4 months (1/3 of 4 years)

Date of Sentence:	08 – 15 – 23	08 – 14 – 24
Eligibility Term:	+ <u>8 mos.</u> <u>1 yr.</u>	+ <u>4 mos.</u> <u>1 yr.</u>
	04 – 14 – 25	12 – 13 – 25
Jail Credit:	- <u>181 dys.</u>	- <u>122 dys.</u>
Flat Parole Eligibility Date:	10 – 15 – 24	08 – 13 – 25
Commutation Credit:	- <u>128 dys.</u>	- <u>188 dys.</u>
	06 – 09 – 24	02 – 06 – 25
Latest Book Parole Eligibility Date:		02 – 06 – 25
Work/Minimum Custody Credit:		- <u>35 dys.</u>
Actual Parole Eligibility Date (as of 03/31/24):		01 – 02 – 25

NOTE: Any credit earned after 03/31/24 would further reduce the parole eligibility date of 01/02/25.

APPENDIX 1 (b) (continued)

EXAMPLE 5

This example illustrates the method of calculating parole eligibility when a specific term of years which does not contain a mandatory-minimum term is imposed concurrent to a specific term of years which does not contain a mandatory-minimum term and "gap time" credit is awarded, and the date of offense is after 02/01/21 on only the base term (a).

Date of Sentence:	(a) 08/15/23 (b) 08/14/24
Term:	(a) 5 years (b) 5 years c/c
Jail Credit:	(a) 181 days (02/15/23 to 08/14/23) (b) 122 days (04/15/23 to 08/14/23)
Gap Time Credit:	(b) 365 days (08/15/23 to 08/13/24)

1. Add 1/3 of 5-year term (1 year, 8 months) to the date of sentence (08/15/23) (and subtract one day for the date of sentence) thereby yielding a date of 04/14/25.
2. Subtract the 181 days (or six months for the purpose of this illustration) of jail credit from 04/14/25. This gives a flat parole eligibility date of 10/15/24 on the base 5-year term.
3. Subtract the 365 days (or one year for the purpose of this illustration) of "gap time" credit from the 5-year term imposed on 08/14/24. The reduced term is 4 years (5 years minus 1 year).
4. Add 1/3 of the 4 years term (1 year, 4 months) to the date of sentence (08/14/24) (and subtract one day for the date of sentence) thereby yielding a date of 12/13/25.
5. Subtract the 122 days (or four months for the purpose of this illustration) of jail credit from 12/13/25. This gives a flat parole eligibility date of 08/13/25 on the additional 5-year term.
6. Subtract commutation credit from the base term. To determine the appropriate commutation credits, calculate the time period from the earliest date of sentence (08/15/23) to the date yielded when the parole eligibility term is added to the base term's date of sentence (04/14/25). This time period is 1 year 8 months. Identify the applicable amount of commutation credit (see Appendix 1 (a)). In this example, the commutation credit is 128 days for the base term. Subtract the 128 days of commutation credit from the base term's flat parole eligibility date of 10/15/24. This gives a book parole eligibility date of 06/09/24.

APPENDIX 1 (b) (continued)

EXAMPLE 5

7. Subtract commutation credit from the additional term. To determine the appropriate commutation credits, calculate the time period from the earliest date of sentence (08/15/23) to the flat parole eligibility date of the additional term (08/13/25). This time period is 2 years. Identify the applicable amount of commutation credit (see Appendix 1 (a)). In this example, the commutation credit is 156 days for the additional term. Subtract the 156 days of commutation credit from the additional term's flat parole eligibility date of 08/13/25. This gives a book parole eligibility date of 03/10/25. Because this is the latest book parole eligibility date, this is the controlling date of the aggregate parole eligibility date calculation.
8. Subtract work/minimum custody status credit. In this example, assume that the offender has earned 35 days of credit as of 03/31/24. Subtract 35 days from the controlling book parole eligibility date of 03/10/25. This gives an actual parole eligibility date of 02/03/25 as of 03/31/24.

NOTE: The law that is applicable at the time in which an offense is committed determines how commutation credits are calculated for each individual term imposed. On the additional term in this example, jail credits are subtracted from the parole eligibility term (yielding the flat parole eligibility date) to provide the basis for the calculated commutation credits because the law prior to 02/01/21 did not permit commutation credits on jail time served before the date of sentence.

APPENDIX 1 (b) (continued)

EXAMPLE 5

Date of Sentence:	(a) 08/15/23 (d.o.o. after 02/01/21)	(b) 08/14/24
Term:	(a) 5 years	(b) 5 years c/c
Jail Credit:	(a) 181 days (02/15/23 to 08/14/23)	(b) 122 days (04/15/23 to 08/14/23)
Gap Time Credit:	365 days (one year) (08/15/23 to 08/13/24)	
Commutation Credit:	(a) 128 days (Based on 1 year 8 months; the time period from 08/15/23 to 04/15/25)	(b) 156 days (Based on 2 years; the time period from 08/15/23 to 08/14/25)
Work/Minimum Custody Credit:	35 days (Assume credits earned as of 03/31/24)	
Eligibility Term:	(a) 1 year 8 months (1/3 of 5 years)	(b) 1 year 4 months (1/3 of 4 years)
Date of Sentence:	08 – 15 – 23	08 – 14 – 24
Eligibility Term:	+ <u>8 mos.</u> <u>1 yr.</u>	+ <u>4 mos.</u> <u>1 yr.</u>
	04 – 14 – 25	12 – 13 – 25
Jail Credit:	- <u>181 dys.</u>	- <u>122 dys.</u>
Flat Parole Eligibility Date:	10 – 15 – 24	08 – 13 – 25
Commutation Credit:	- <u>128 dys.</u>	- <u>156 dys.</u>
	06 – 09 – 24	03 – 10 – 25
Latest Book Parole Eligibility Date:		03 – 10 – 25
Work/Minimum Custody Credit:		- <u>35 dys.</u>
Actual Parole Eligibility Date (as of 03/31/24):		02 – 03 – 25

NOTE: Any credit earned after 03/31/24 would further reduce the parole eligibility date of 02/03/25.

APPENDIX 2

PAROLE CONTRACT AGREEMENT SCHEDULE OF REDUCTIONS

This schedule is incorporated by reference into the Parole Contract Agreement entered into with the State Parole Board and the Department of Corrections.

Transitional Services Programs

Cage Your Rage (CYR-Men or CYR-Women)	2 days
Every Person Influences Children (EPIC)	2 days
Helping Offenders Parent Effectively (HOPE-Men or HOPE-Women)	2 days
Thinking for a Change (T4C)	3 days
Successful Transition and Reentry Series (STARS)	3 days
Successful Employment and Lawful Living through Conflict Resolution (SEALL)	1 day

Academic and Enrichment Programs

Achievement of high school diploma or GED	30 days
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Career and Technical Programs

Auto Mechanics	1 day
Cabinet Making	1 day
Carpentry	1 day
Communications Technology	1 day
Clerical Skills	5 days
Computer Applications	1 day
Computer Programming	1 day
Computer Repair	1 day
Construction Equipment Operator	1 day
Cosmetology	5 days
Culinary Arts	1 day
Electrical/Electronics	1 day
Heating, Ventilation and Air Conditioning	5 days
Horticulture	1 day
Masonry	1 day
Media Technology	1 day
Plumbing	1 day
Small Engine Repair	1 day
Welding	1 day

Victim Services Programs

Focus on the Victim (FOV)	2 days
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Drug Treatment

Substance Use Disorder Treatment – Inpatient Program / Outpatient Program	15 days / 5 days
Engaging the Family	2 days
Living in Balance	2 days
Responsible Parenting	2 days

APPENDIX 3 (a)

TIME GOAL SCHEDULE - YOUNG ADULT OFFENDERS

The schedule of presumptive parole eligibility terms shown below is used as a guide by the Board panel when a time goal is set. In order to determine the presumptive eligibility term for an offense and sentence, you should follow the steps shown below.

PRESUMPTIVE PRIMARY ELIGIBILITY DATES (Months)

LENGTH OF INDETERMINATE TERM (Years)

<u>CRIME CATEGORY</u>	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>15-20</u>
<u>Category A</u>	<u>16</u>	<u>32</u>	<u>40</u>	<u>48</u>
<u>Category B</u>	<u>14</u>	<u>20</u>	<u>28</u>	
<u>Category C</u>	<u>12</u>	<u>14</u>	<u>18</u>	<u>22</u>
<u>Category D</u>	<u>10</u>	<u>10</u>		
<u>Category E</u>	<u>8</u>			

1. Find the category of your crime in the chart below. If the sentence is for more than one crime, use the highest category.

- Category A - Any first degree crime, except as provided in Category C.
- Category B - Any second degree crime, except as provided in Category C.
- Category C - Manufacturing, distributing or dispensing a controlled-dangerous substance second degree or possession with intent to manufacture, distribute or dispense a controlled dangerous substance, first or second degree.
- Category D - Any third degree crime.
- Category E - Any fourth degree crime.

2. Identify the length of the indeterminate sentence on the top line of the schedule. Follow this column down to the appropriate category to determine the presumptive term for the crime and sentence.
3. It is important to remember that the actual time goal may be set above or below the presumptive term because of aggravating or mitigating factors of the case.

APPENDIX 3 (b)

PRIMARY PAROLE ELIGIBILITY TERM (TIME GOAL) SCHEDULE - YOUNG ADULT OFFENDERS

To use the accompanying chart, follow these steps:

1. First, find in Column A the time goal (primary parole eligibility term) established by the Young Adult Panel in your case (See Appendix 3 (a)).
2. Once you have found your time goal (primary parole eligibility term), follow across to Columns B, C and D. These columns reflect the number of program participation credits that you could earn depending on whether your program participation is rated as being above average (Column B), average (Column C) or below average (Column D).
3. Column E shows the earliest time you could be eligible for parole.
4. Column F shows the time you could be eligible for parole based on a program participation rating of average.
5. Column G shows the time you could be eligible for parole based on a program participation rating of below average.
6. The figures in the accompanying chart are based on zero jail credit. If you do receive jail credit, the time goal established by the Board panel is reduced by the jail credit. In order to properly use the accompanying chart, you must first reduce the time goal by the jail credit awarded and then follow across to Columns B through G using the reduced time goal. The following example will show what must be done:
 - a) The Board panel establishes a 14 month time goal. At sentencing the offender is awarded 60 days (two months) of jail credit.
 - b) The 14-month time goal is reduced by the 60 days (two months) jail credit. The reduced time goal is 12 months.
 - c) To find how much time the offender would serve before being eligible for parole, follow across to Columns B through G on the same line as 12 months.

APPENDIX 3 (c)

PRIMARY PAROLE ELIGIBILITY TERMS - YOUNG ADULT OFFENDERS

A	B	C	D	E	F	G	H
Primary Parole Eligibility Term	Maximum Estimated Program Participation Credits: Above Average Rating (15 days per month)	Maximum Estimated Program Participation Credits: Average Rating (10 days per month)	Maximum Estimated Program Participation Credits: Below Average Rating (5 days per month)	Earliest Eligibility Based on Above Average Program Participation Rating	Eligibility Based on Average Program Participation Rating	Eligibility Based on Below Average Program Participation Rating	Latest Eligibility Based on Poor Program Participation Rating (zero credits)
Months	days	days	days	yrs-mos-days	yrs-mos-days	yrs-mos-days	yrs-mos-days
8	120	80	40	0 - 4 - 0	0 - 5 - 10	0 - 6 - 20	0 - 8 - 0
10	150	100	50	0 - 5 - 0	0 - 6 - 20	0 - 8 - 10	0 - 10 - 0
12	180	120	60	0 - 6 - 0	0 - 8 - 0	0 - 10 - 0	1 - 0 - 0
14	210	140	70	0 - 7 - 0	0 - 9 - 10	0 - 11 - 20	1 - 2 - 0
16	240	160	80	0 - 8 - 0	0 - 10 - 20	1 - 1 - 10	1 - 4 - 0
18	270	180	90	0 - 9 - 0	1 - 0 - 0	1 - 3 - 0	1 - 6 - 0
20	300	200	100	0 - 10 - 0	1 - 1 - 10	1 - 4 - 20	1 - 8 - 0
22	330	220	110	0 - 11 - 0	1 - 2 - 20	1 - 6 - 10	1 - 10 - 0
24	360	240	120	1 - 0 - 0	1 - 4 - 0	1 - 8 - 0	2 - 0 - 0
26	390	260	130	1 - 1 - 0	1 - 5 - 10	1 - 9 - 20	2 - 2 - 0
28	420	280	140	1 - 2 - 0	1 - 6 - 20	1 - 11 - 10	2 - 4 - 0
30	450	300	150	1 - 3 - 0	1 - 8 - 0	2 - 1 - 0	2 - 6 - 0
32	480	320	160	1 - 4 - 0	1 - 9 - 10	2 - 2 - 20	2 - 8 - 0
36	540	360	180	1 - 6 - 0	2 - 0 - 0	2 - 6 - 0	3 - 0 - 0
40	600	400	200	1 - 8 - 0	2 - 2 - 20	2 - 9 - 10	3 - 4 - 0
44	660	440	220	1 - 10 - 0	2 - 5 - 10	3 - 0 - 20	3 - 8 - 0
48	720	480	240	2 - 0 - 0	2 - 8 - 0	3 - 4 - 0	4 - 0 - 0
52	780	520	260	2 - 2 - 0	2 - 10 - 20	3 - 7 - 10	4 - 4 - 0
56	840	560	280	2 - 4 - 0	3 - 1 - 10	3 - 10 - 20	4 - 8 - 0
74	1110	740	370	3 - 1 - 0	4 - 1 - 10	5 - 1 - 20	6 - 2 - 0
90	1350	900	450	3 - 9 - 0	5 - 0 - 0	6 - 3 - 0	7 - 6 - 0
106	1590	1060	530	4 - 5 - 0	5 - 10 - 20	7 - 4 - 10	8 - 10 - 0
120	1800	1200	600	5 - 0 - 0	6 - 8 - 0	8 - 4 - 0	10 - 0 - 0

NOTE: A young adult offender's actual parole eligibility date is computed by reducing the tentative parole eligibility date (based on the eligibility term/time goal minus jail credit) by program participation credits. These program credits are determined by the Board panel at each Annual Review Hearing and at the Mid-Goal Review Hearing. All computations are based on zero jail credits.

APPENDIX 3 (d)

COMPUTING ELIGIBILITY - YOUNG ADULT OFFENDERS

EXAMPLE

- A. The offender is sentenced to a five (5) year indeterminate sentence on July 11, 2023 on the offense of Possession of Controlled Dangerous Substances with Intent to Distribute, second degree. The sentencing judge awards the offender 60 days of jail credit.
- B. The Board Panel will review this case shortly after the offender is received into the system in order to establish a time goal.
- C. A five (5) year indeterminate sentence for Possession of Controlled Dangerous Substance with Intent to Distribute, second degree, has a presumptive time goal of 14 months (see prior pages for computing time goals). Assuming no aggravating or mitigating circumstances in this case, the Board Panel would establish a 14 month time goal.
- D. The tentative parole eligibility date (tentative release date) is calculated by adding the time goal (14 months) to the date of sentence (and subtract one day for the date of sentence), and reducing this by jail credits.

July 11, 2023 + 14 months = September 10, 2024

September 10, 2024 - 60 days jail credit = July 12, 2024

July 12, 2024 would be the tentative parole eligibility date (tentative release date).

- E. A young adult offender's actual parole eligibility date is computed by reducing the tentative parole eligibility date by program participation credits. The Board panel determines these program credits during each Annual Review Hearing and at the mid-goal review (see Question C4). A mid-goal review hearing in this case would be conducted in February, 2024 and program participation credits assigned at that time.
- F. Program credits are assigned based on the offender's time goal less jail credits. In this example, program credits would be applied on the basis of 14 months (the time goal) less 60 days (the jail credit), or 12 months.
- G. Assuming "average" credits were awarded for program participation to the offender in this example, the tentative eligibility date would be reduced by 120 days (10 credits per month for average credits multiplied by 12 months). The new tentative release date would be reduced from July 12, 2024 to March 14, 2024.
- H. The decision to grant reductions for program participation is a separate decision from whether parole release is approved. Although both of these decisions may be made during the mid-goal review, it is important to understand this difference.

APPENDIX 4

FACTORS CONSIDERED AT PAROLE HEARINGS

The hearing officer, certifying Board member, appropriate Board panel or the full Board will consider the following factors when evaluating an offender for parole consideration:

1. Commission of an offense while incarcerated.
2. Commission of serious disciplinary infractions.
3. Nature and pattern of previous convictions.
4. Adjustment to previous probation, parole and incarceration.
5. Facts and circumstances of the offense.
6. Aggravating and mitigating factors surrounding the offense.
7. Pattern of less serious institutional disciplinary infractions.
8. Participation in institutional programs which could have led to the improvement of problems diagnosed at admission or during incarceration. This includes, but is not limited to, participation in substance abuse programs, academic or vocational education programs, work assignments that provide on-the-job training and individual or group counseling.
9. Statements by institutional staff, with supporting documentation, that the offender is likely to commit a crime if released; that the offender has failed to cooperate in his or her own rehabilitation; or that there is a reasonable expectation that the offender will violate conditions of parole.
10. Documented pattern or relationships with institutional staff or offenders.
11. Documented changes in attitude toward self or others.
12. Documentation reflecting personal goals, personal strengths, or motivation for law-abiding behavior.
13. Mental and emotional health.
14. Parole plans and the investigation thereof.
15. Status of family and marital relationships at the time of eligibility.
16. Availability of community resources or support services for offenders who have a demonstrated need for same.

APPENDIX 4 (continued)

FACTORS CONSIDERED AT PAROLE HEARING

17. Statements by the offender reflecting on the likelihood that he or she would commit another crime if released; the failure to cooperate in his or her own rehabilitation; or the reasonable expectation that he or she will violate conditions of parole.
 18. History of employment, education and military service.
 19. Family and marital history.
 20. Statement by the court reflecting the reasons for the sentence imposed.
 21. Statements or evidence presented by the appropriate prosecutor's office, the Office of the Attorney General or any other criminal justice agency.
 22. Statements or testimony of any victim or the nearest relative(s) of a murder/manslaughter victim.
 23. The results of the objective risk assessment instrument.
 24. Subsequent growth and increased maturity of the offender during incarceration.
- In addition, the Board may consider any other factors deemed relevant to the offender's case.

APPENDIX 5

FUTURE PAROLE ELIGIBILITY TERM SCHEDULE - DENIAL OF PAROLE

<u>Offense</u>	<u>Presumptive Term</u>
<u>For State Prison Sentences</u>	
Murder, Manslaughter, Aggravated Sexual Assault, Kidnapping, Strict Liability for Drug-Induced Death (offenses include Attempt and Conspiracy), or for offenses not mentioned with terms in excess of 14 years	27 months (+/- 9 months)
Armed Robbery, Robbery (offenses include Attempt and Conspiracy), or for offenses not mentioned with terms between 8 to 14 years	23 months (+/- 9 months)
Burglary, Narcotic Law Violations, Theft, Arson, Aggravated Assault (offenses include Attempt and Conspiracy), or offenses not mentioned with terms of at least 4 but less than 8 years	20 months (+/- 9 months)
Escape, Bribery, Conspiracy, Gambling, Possession of a Dangerous Weapon (offenses include Attempt), or offenses not mentioned with terms less than 4 years	17 months (+/- 9 months)
<u>For Young Adult Sentences</u>	
Any first degree crime, except Possession with Intent to Manufacture, Distribute or Dispense CDS first degree	24 months (+/- 9 months)
Any second degree crime, except Manufacturing, Distributing or Dispensing CDS second degree, or Possession with Intent to Manufacture, Distribute or Dispense CDS second degree	16 months (+/- 9 months)
Manufacturing, Distributing or Dispensing CDS second degree, or Possession with Intent to Manufacture, Distribute or Dispense CDS, first or second degree	12 months (+/- 9 months)
Any third degree crime	10 months (+/- 9 months)
Any fourth degree crime	8 months (+/- 9 months)

APPENDIX 6

APPEAL PROCESS

- I. The following is a brief explanation of how an offender can appeal a decision made by a Board hearing officer, a Board member, a Board panel or the Board. For details, refer to N.J.A.C. 10A:71-4.

- A. You can appeal to the full Board a decision of a Board panel denying you parole if:
 1. The Board panel failed to consider material facts.
 2. If you are an offender serving a sentence for an offense committed prior to August 19, 1997, the Board panel failed to document that a preponderance of the evidence indicates that there is a substantial likelihood that you would commit a crime if released on parole.
 3. If you are an offender serving a sentence for an offense committed on or after August 19, 1997, the Board panel failed to document that a preponderance of the evidence indicates that:
 - i. You failed to cooperate in your own rehabilitation; or
 - ii. There is a reasonable expectation that you will violate conditions of parole if released on parole.
 4. The Board panel's decision did not follow the Board's policies or procedures.
 5. A Board panel member had a personal interest or demonstrated prejudice or bias in the case and this affected the decision.
 6. A Board panel member failed to comply with the Board's professional code of conduct.

- B. You can appeal to the full Board a decision of the full Board denying you parole if one of the criteria in A. above is met.

- C. You can appeal to the full Board a decision of a Board panel denying you Administrative Parole Release if the panel failed to document that:
 1. You have been previously convicted of, adjudicated delinquent for, or are currently serving a sentence imposed for any crime enumerated at N.J.S.A. 2C:7-2(b) (registration law for sex offenders), N.J.S.A. 2C:43-6(c) or (g) ("Graves Act"), N.J.S.A. 2C:43-7.2(d) ("No Early Release Act"), or N.J.S.A. 30:4-27.26 ("Sexually Violent Predator Act").
 2. You have committed any prohibited acts required to be reported to the prosecutor pursuant to rules promulgated by the Commissioner during the current period of incarceration.

APPENDIX 6 (continued)

APPEAL PROCESS

3. You have committed any serious disciplinary infraction, designated in rules promulgated by the Commissioner as a prohibited act that is considered to be the most serious and results in the most severe sanctions, (those identified by the Department of Corrections with an asterisk designation) within the previous two (2) years.
 4. You have not completed relevant rehabilitation programs, as determined by the Department of Corrections and the Board, available at the correctional facility.
 5. You have not applied for relevant rehabilitation programs.
 6. You were not denied access to relevant rehabilitation programs due to circumstances beyond your control including, but not limited to, capacity limitations or exclusionary policies of these programs.
- D. You can appeal any decision establishing a parole eligibility term (time goal), establishing a future eligibility term or extending a term for the commission of institutional infractions if:
1. The decision did not follow Board policies, procedures or established practices.
 2. Reasons were not provided for the establishment of a term outside Board guidelines.
 3. The established term was longer than permitted by the guidelines or the term violates statutory restrictions.
 4. A hearing officer or Board panel member failed to comply with the Board's professional code of conduct.
- E. You can appeal any revocation of parole by a Board panel to the full Board if:
1. The Board panel failed to consider material facts or failed to document that you seriously or persistently violated conditions of parole.
 2. The Board panel failed to show, other than when revocation is for a new criminal conviction, that revocation is desirable.
 3. The decision is contrary to Board policy or procedure.
 4. A Board panel member failed to comply with the Board's professional code of conduct.

Appeals must be sent in writing to the Board within 90 days of written notice of the action or decision being received by you. You should include the date of the action or decision being appealed as well as the reason for the appeal. You must first appeal any action or decision of a hearing officer, Board member, or Board panel to the Board before you can appeal the decision to the Superior Court - Appellate Division.

APPENDIX 6 (continued)

APPEAL PROCESS

II. The following is a brief explanation of how an offender under supervision can appeal a decision made by a District Parole Supervisor or a designated representative. For details, refer to N.J.A.C. 10A:71-4.4.

You can appeal the decision rendered by a District Parole Supervisor or a designated representative, such as the imposition of a special condition, to the Director, Division of Parole. The decision of the Director, Division of Parole, can be appealed to a Board panel. The decision of the Board panel can be appealed to the Board.

A. You can appeal the decision rendered if:

1. The decision-maker failed to consider material facts;
2. The decision rendered is contrary to written Board policy or procedure;
3. The decision-maker has a demonstrable personal interest or demonstrated prejudice or bias in the case that affected the decision; or
4. The decision-maker has failed to comply with the Board's professional code of conduct.

Appeals must be submitted in writing within 30 days of the decision being rendered. You should include the date of the action or decision being appealed as well as the reason for the appeal. You must have a final decision rendered by the Board before you can appeal the decision to the Superior Court - Appellate Division.

APPENDIX 7

GENERAL CONDITIONS OF PAROLE, N.J.A.C. 10A:71-6.4(a)

1. Obey all laws and ordinances.
2. Report in person to the District Parole Supervisor or his or her designated representative immediately after the offender is released from the institution, unless the offender has been given other written instructions by a designated representative of the Board and the offender is to report thereafter as instructed by the District Parole Supervisor or his or her designated representative.
3. Notify the assigned parole officer no later than the next business day after any contact (verbal, physical, written, or electronic) with a law enforcement agency, after any arrest, or after being served with, or receiving, a complaint or summons.
4. Report in person to the assigned parole officer no later than the next business day after accepting any pre-trial release, including bail, or after being released from a county or State correctional facility.
5. Notify the assigned parole officer no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., 2C:12-10.1, 2C:12-10.2, or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation.
6. Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., 2C:12-10.1, 2C:12-10.2, or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court.
7. Refrain from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., 2C:12-10.1, or the provisions of similar Federal or state statutes.
8. Reside at a residence approved by the assigned parole officer. Absence from the approved residence overnight without the approval of the assigned parole officer shall constitute a failure to reside at the approved residence.

APPENDIX 7 (continued)

GENERAL CONDITIONS OF PAROLE, N.J.A.C. 10A:71-6.4(a)

9. Obtain the permission of the assigned parole officer prior to any change of residence. Absence from the approved residence for 24 hours or more without the approval of the assigned parole officer shall constitute a change of residence for the purpose of this condition.
10. Obtain permission prior to leaving the state of the approved residence for any purpose. If leaving the state for a period of less than 24 hours, verbal permission by the assigned parole officer shall be required. If leaving the state for a period of greater than 24 hours, written permission by the Supervising Parole Officer, District Parole Supervisor, or designated representative shall be required.
11. Refrain from owning or possessing any:
 - i. Firearm, as defined at N.J.S.A. 2C:39-1.f, for any purpose, whether or not the firearm is operational;
 - ii. Imitation firearm, as defined at N.J.S.A. 2C:39-1.v, for any purpose; or
 - iii. Firearm ammunition.
12. Refrain from owning or possessing any weapon enumerated in N.J.S.A. 2C:39-1.r.
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 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. Any paraphernalia as defined at N.J.S.A. 2C:36-1 related to such substances, other than if used, or intended to be used, for marijuana or hashish.
14. Make payment of any assessment, fine, penalty, lab fee, or restitution imposed by the sentencing court.
15. Register with the appropriate law enforcement agency and, upon a change of address, re-register with the appropriate law enforcement agency if the offender is subject to the provisions of N.J.S.A. 2C:7-2.

APPENDIX 7 (continued)

GENERAL CONDITIONS OF PAROLE, N.J.A.C. 10A:71-6.4(a)

16. Waive extradition to the State of New Jersey from any jurisdiction in which the offender is apprehended and detained for violation of parole and not to contest any effort by any jurisdiction to return the offender to the State of New Jersey.
17. Submit to drug or alcohol testing at any time as directed by the assigned parole officer.
18. Refrain from operating a motor vehicle without a valid driver's license.
19. Notify the assigned parole officer no later than the next business day of any change in employment status.
20. Submit to a search conducted by a parole officer, without a warrant of the offender's person, place of residence, vehicle or other real or personal property within the offender's control at any time a parole officer has a reasonable, articulable basis to believe that the search will produce contraband or evidence that a condition of supervision has been violated, is being violated or is about to be violated and permit the confiscation of any contraband.
21. Notify the assigned parole officer no later than the next business day of any contact with a representative of a child protection service agency including, but not limited to, the New Jersey Department of Child Protection and Permanency.

APPENDIX 8

PAROLE ELIGIBILITY TERM SCHEDULE - PAROLE VIOLATION

<u>Technical Violations</u>	<u>Adult</u> (months)	<u>Young Adult</u> (months)
Non-Reporting/Absconding	12 +/- 3	9 +/- 3
Failure to notify of issuance of TRO/FRO, comply with condition of TRO/FRO, refrain from behavior that results in issuance of FRO	12 +/- 3	9 +/- 3
Owning or Possessing of any Firearm/Imitation Firearm/Ammunition	12 +/- 3	9 +/- 3
Purchase, Use, Possession or Distribution of CDS	12 +/- 3	9 +/- 3
Any Special Condition of Parole	12 +/- 3	9 +/- 3
Any other condition (including disorderly persons convictions)	8 +/- 3	6 +/- 2

<u>Criminal Violations - Adult</u>	<u>Range</u> (months)	<u>Presumptive Term</u> (months)
Murder, Kidnapping	56 - 100	78
First Degree Offense	28 - 48	38
Second Degree Offense	16 - 28	22
Third Degree Offense	12 - 16	14
Fourth Degree Offense	8 - 12	10

<u>Criminal Violations – Young Adult</u>	<u>Range</u> (months)	<u>Presumptive Term</u> (months)
Murder, Kidnapping	20 - 40	30
First Degree Offense	16 - 32	24
Second Degree Offense, Sale or Distribution of CDS or Possession of CDS with Intent to Distribute	10 - 22	16
Third Degree Offense or Possession of CDS	6 - 14	10
Fourth Degree Offense	6 - 10	8

APPENDIX 8 (continued)

PAROLE ELIGIBILITY TERM SCHEDULE - PAROLE VIOLATION

NOTE: Any adult parolee whose parole status is twice revoked subsequent to conviction on an indictable offense will be required to serve the balance of time remaining on the original sentence or 10 years, whichever is less.

In any instance where the presumptive parole eligibility term is clearly inappropriate, a parole eligibility term may be established outside of the guidelines. Notification of the intent to establish a parole eligibility term outside of the guidelines and the opportunity to submit comments will be provided to the offender before the final decision is made.

APPENDIX 9

CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.11(b)/ **PAROLE SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.12(d)**

A. General Conditions

1. Obey all laws and ordinances.
2. Report to the assigned parole officer as instructed.
3. Notify the assigned parole officer no later than the next business day after any contact (verbal, physical, written, or electronic) with a law enforcement agency, after any arrest, or after being served with, or receiving, a complaint or summons.
4. Report in person to the assigned parole officer no later than the next business day after accepting any pre-trial release, including bail, or after being released from a county or State correctional facility.
5. Notify the assigned parole officer no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., 2C:12-10.1, 2C:12-10.2, or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation.
6. Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., 2C:12-10.1, 2C:12-10.2, or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court.
7. Refrain from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., 2C:12-10.1, or the provisions of similar Federal or state statutes.
8. Reside at a residence approved by the assigned parole officer. Absence from the approved residence overnight without the approval of the assigned parole officer shall constitute a failure to reside at the approved residence.
9. Obtain the permission of the assigned parole officer prior to any change of residence. Absence from the approved residence for 24 hours or more without the approval of the assigned parole officer shall constitute a change of residence for the purpose of this condition.

APPENDIX 9 (continued)

CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.11(b)/ PAROLE SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.12(d)

10. Obtain permission prior to leaving the state of the approved residence for any purpose. If leaving the state for a period of less than 24 hours, verbal permission by the assigned parole officer shall be required. If leaving the state for a period of greater than 24 hours, written permission by the Supervising Parole Officer, District Parole Supervisor or designated representative shall be required.
11. Refrain from owning or possessing any:
 - i. Firearm, as defined at N.J.S.A. 2C:39-1.f, for any purpose, whether or not the firearm is operational;
 - ii. Imitation firearm, as defined at N.J.S.A. 2C:39-1.v, for any purpose; or
 - iii. Firearm ammunition.
12. Refrain from owning or possessing any weapon enumerated in N.J.S.A. 2C:39-1r.
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 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. Any paraphernalia as defined at N.J.S.A. 2C:36-1 related to such substances, other than if used, or intended to be used, for marijuana or hashish.
14. Cooperate in any medical and/or psychological examination or test as directed by the assigned parole officer.
15. Participate in and successfully complete an appropriate community or residential counseling or treatment program as directed by the assigned parole officer.
16. Submit to drug or alcohol testing at any time as directed by the assigned parole officer.
17. Obtain the permission of the assigned parole officer prior to securing, accepting or engaging in any employment, business or volunteer activity and prior to a change of employment.
18. Notify the assigned parole officer no later than the next business day of any change in employment status.

APPENDIX 9 (continued)

CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.11(b)/ **PAROLE SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.12(d)**

19. Refrain from any contact directly or through a third party by any means including, but not limited to, verbal, physical, written, or electronic, with the victim(s) of the offense unless contact is authorized by a Board panel or contact is authorized by the appropriate court.
20. Comply with any curfew established by the assigned parole officer.
21. Refrain from operating a motor vehicle without a valid driver's license. (General condition of Parole Supervision for Life only).
22. Refrain from any contact (verbal, physical, written, or electronic) with any group, club, association, or organization that engages in, promotes or encourages illegal or sexually deviant behavior.
23. Submit to a search conducted by a parole officer, without a warrant, of the offender's person, place of residence, vehicle or other real or personal property within the offender's control at any time a parole officer has a reasonable, articulable basis to believe that the search will produce contraband or evidence that a condition of supervision has been violated, is being violated or is about to be violated and permit the confiscation of any contraband.
24. Make payment of any assessment, fine, penalty, lab fee, or restitution imposed by the sentencing court. (General condition of Parole Supervision for Life only).
25. Pursuant to N.J.S.A. 30:4-123.88, the State Parole Board, on at least an annual basis, may administer a polygraph examination to all offenders serving a special sentence of community or parole supervision for life. The offender shall submit to a polygraph examination as directed by an Assistant District Parole Supervisor, District Parole Supervisor, or Supervising Parole Officer.
26. Waive extradition to the State of New Jersey from any jurisdiction in which the offender is apprehended and detained for violation of parole supervision for life status and not contest any effort by any jurisdiction to return the offender to the State of New Jersey. (General condition of Parole Supervision for Life only).
27. Notify the assigned parole officer no later than the next business day of any contact with a representative of a child protection service agency including, but not limited to, the New Jersey Department of Child Protection and Permanency.

APPENDIX 9 (continued)

CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.11(b)/ **PAROLE SUPERVISION FOR LIFE, N.J.A.C. 10A:71-6.12(d)**

B. Additional Conditions

1. If the victim(s) of an offense is a minor, the offender shall:
 - a. Refrain from initiating, establishing or maintaining contact with any minor;
 - b. Refrain from attempting to initiate, establish or maintain contact with any minor; and
 - c. Refrain from residing with any minor without the prior approval of the District Parole Supervisor, or his or her designated representative, or the appropriate court. Staying overnight at a location where a minor is present shall constitute residing with any minor for the purpose of this condition.
2. The following circumstances are deemed exceptions to the conditions specified above:
 - a. When the minor is engaged in a lawful commercial or business activity, the offender may engage in the lawful commercial or business activity, provided the activity takes place in an area open to the public view;
 - b. When the minor is in the physical presence of his or her parent or legal guardian (the offender may not be the parent or legal guardian);
 - c. When the offender is present in a public area, as long as the offender is not associating with a minor, and the public area is not one frequented mainly or exclusively by minors;
 - d. When the appropriate court may authorize contact with a minor; or
 - e. When the District Parole Supervisor or designated representative may authorize the offender to have contact with a minor.
3. If the sentencing court determines that the conduct of the offender was characterized by a pattern of repetitive and compulsive behavior and commits the offender to the Adult Diagnostic and Treatment Center for a program of specialized treatment, the offender shall, in addition to the conditions specified above, participate in and successfully complete any program of counseling or therapy identified by the treatment staff of the Adult Diagnostic and Treatment Center.
4. If the sentencing court determines that the conduct of the person convicted of an offense specified above was characterized by a pattern of repetitive and compulsive behavior and if upon release from confinement the appropriate county prosecutor determines pursuant to N.J.S.A. 2C:7-8 that the offender is a high risk to re-offend and the appropriate court affirms the determination of the county prosecutor, the offender shall, in addition to the conditions specified above, refrain from the purchase, use, and possession of alcohol.

APPENDIX 10

COMPASSIONATE RELEASE

- A. Pursuant to N.J.S.A. 30:4-123.51e, the court may release an offender serving any sentence of imprisonment who has been diagnosed as suffering from a terminal condition, disease, or syndrome or a permanent physical incapacity and is found by the court to be so debilitated or incapacitated by the terminal condition, disease, or syndrome or permanent physical incapacity as to be permanently physically incapable of committing a crime if released and, in the case of a permanent physical incapacity, the conditions under which the offender would be released would not pose a threat to public safety.
- B. "Grave medical condition" means a prognosis by the licensed physicians designated by the Commissioner of Corrections that an offender has more than six (6) months but not more than 12 months to live or has a medical condition that did not exist at the time of sentencing and for at least three (3) months has rendered the offender unable to perform activities of basic daily living, resulting in the offender requiring 24-hour care.
- C. "Terminal condition, disease or syndrome" means a prognosis by the licensed physicians designated by the Commissioner of Corrections that an offender has six (6) months or less to live.
- D. "Permanent physical incapacity" means a prognosis by the licensed physicians designated by the Commissioner of Corrections that an offender has a medical condition that renders the offender permanently unable to perform activities of basic daily living, results in the offender requiring 24-hour care, and did not exist at the time of sentencing.
- E. A medical diagnosis that an offender is suffering from a terminal condition, disease, or syndrome or a permanent physical incapacity shall be made by two (2) licensed physicians designated by the Commissioner of Corrections. The diagnosis shall include, but not be limited to:
1. A description of the terminal condition, disease or syndrome, or the permanent physical incapacity;
 2. A prognosis concerning the likelihood of recovery from the terminal condition, disease or syndrome, or the permanent physical incapacity;
 3. A description of the offender's physical incapacity, if appropriate; and
 4. A description of the type of ongoing treatment that would be required if the offender is granted compassionate release.
- F. A medical diagnosis to determine whether an offender is eligible for compassionate release may be initiated by the administrator, superintendent, or a staff member of a correctional facility or, upon request, submitted to the Commissioner of Corrections by the offender, a member of the family of the offender; or the attorney for the offender.
1. The request shall be submitted in a manner and form prescribed by the Commissioner of Corrections.

APPENDIX 10 (continued)

COMPASSIONATE RELEASE

- G. In the event that a medical diagnosis determines that an offender is suffering from a grave medical condition, the Department of Corrections shall promptly notify the offender's attorney or, if the offender does not have an attorney, the Public Defender, to initiate the process of petitioning for compassionate release.
1. The petition shall not be filed until a subsequent medical diagnosis determines that the offender is suffering from a terminal condition, disease or syndrome, or a permanent physical incapacity and the Department of Corrections issues to the offender a Certificate of Eligibility for Compassionate Release.

APPENDIX 11

WHO TO CONTACT

SUBJECT	CONTACT PAROLE COUNSELOR	CONTACT PAROLE BOARD	CONTACT DOC CLASSIFICATION DEPARTMENT	CONTACT PAROLE OFFICER
ADMINISTRATIVE PAROLE RELEASE	X			
APPEAL OF PAROLE DECISION		X		
CERTIFICATE OF GOOD CONDUCT		X		X
CERTIFICATE SUSPENDING CERTAIN EMPLOYMENT, OCCUPATIONAL DISABILITIES OR FORFEITURES		X		
COMMUTATION CREDIT FOR PAROLE ELIGIBILITY	X			
COMMUTATION CREDIT, LOST/RESTORATION			X	
COMMUTATION OF SENTENCE		X		
COMPASSIONATE RELEASE			X	
CONDITIONS OF PAROLE		X		X
CREDITS, PUBLIC HEALTH EMERGENCY		X	X	
CREDITS, WORK AND MINIMUM CUSTODY STATUS			X	
CUSTODY STATUS			X	
DECISION OF HEARING OFFICER, BOARD PANEL, BOARD	X	X		
DETAINER(S)			X	
ELIGIBILITY, COMMUNITY RELEASE			X	
EXECUTIVE CLEMENCY		X		
EXTENTION OF PAROLE ELIGIBILITY	X			
FINE, PAYMENT OF *			X	X
HEARING(S), RESULT OF	X	X		
HEARING, SCHEDULE OF	X			
JAIL CREDIT			X	
MANDATORY-MINIMUM TERM	X		X	

APPENDIX 11 (continued)

WHO TO CONTACT

SUBJECT	CONTACT PAROLE COUNSELOR	CONTACT PAROLE BOARD	CONTACT DOC CLASSIFICATION DEPARTMENT	CONTACT PAROLE OFFICER
MAXIMUM EXPIRATION DATE			X	
MEDICAL COMMUTATION OF SENTENCE		X	X	
MONITARY OBLIGATIONS PAYMENT OF*				X
PAROLE COMPLIANCE CREDITS		X		X
PAROLE CONTRACT AGREEMENT	X	X		
PAROLE ELIGIBILITY DATE	X			
PAROLE PLAN	X			
RECORDS			X	
RESCISSION, GRANT OF PAROLE	X	X		
RESIDENCE, CHANGE OF	X			X
RESTITUTION, PAYMENT OF *				X
REVOCAION OF SUPERVISION STATUS		X		
SENTENCES			X	
SPECIAL CONDITIONS	X	X		X
SPECIAL CREDITS			X	
TRANSFER, INSTITUTIONAL			X	
TRANSFER OF PAROLE SUPERVISION				X
WARRANTS/DETAINERS			X	

* Questions regarding payment of revenue obligations while confined should be directed to the institutional business office.