

CORRECTIONS

STATE PAROLE BOARD

Notice of Receipt of Petition for Rulemaking

Petitioner: Ronald Robbins

Take notice that on January 31, 2020, the State Parole Board (SPB) received a petition for rulemaking from the above captioned petitioner. The petitioner requests that the State Parole Board (SPB) consider the following rule changes to N.J.A.C. 10A:71:

The SPB shall consider immaturity and attributes of youth at the time of crime for all criminal acts by all under 18 offenders and maturity and growth since incarceration as a factor in N.J.A.C. 10A:71-3.11(b).

The SPB shall publish in their annual report, pursuant to N.J.A.C. 10A:71-1.9(a), statistical data (mean, median, mode, range, standard deviation) on: (a) all FETs imposed on inmates, grouped by sentence authority from: (i) pursuant to Title 2A (1948); (ii) pursuant to Title 2C (1979); (iii) pursuant to N.E.R.A. (No Early Release Act) (1997); and from (iv) total number of months of FETs imposed, multiplied by the average yearly cost to the NJDOC for these inmates; (b) all FETs imposed on inmates longer than 36 months for all three sentencing groups and total number of months of FETs imposed, multiplied by the average yearly cost to the NJDOC for these inmates; and (c) number of 2nd, 3rd, 4th, 5th FETs, etc., for all three sentencing groups and the total number of months FETs imposed, multiplied by the average yearly cost to the NJDOC for these inmates.

The SPB should provide particularized factors in N.J.A.C. 10A:71-3.14(h) to define the current standard of “clearly inappropriate” for 36+ FETs. Petitioner suggests the following language: The SPB shall provide particularized written findings to support a conclusion that an FET of less than 36 months is clearly inappropriate due to lack of satisfactory progress. N.J.A.C. 10A:71-3.21(d)1 and 10A:71-3.21(d)2. These findings shall not be based on N.J.A.C. 10A:71-3.11(b) factors, but only on findings related to prior record and inmate character as determined by inmate progress reports, disciplinary record, and programming. In the alternative, petitioner suggests the following language: “clearly inappropriate” shall be demonstrated by findings of three or more of the following factors: minimizing participation or responsibility for offense; lack of insight into root causes of antisocial behaviors; two or more prior felony convictions; two prior violations of conditions of parole or probation; lack of required program participation and/or lack of insight into program participation benefits and material learned; disciplinary infraction within last three years; or pattern of more than one disciplinary infraction per year of incarceration.

The SPB shall publish in the annual report the number of psychological/psychiatric exams ordered pursuant to N.J.S.A. 30:4-123.54a, 30:4-123.52(d) and N.J.A.C. 10A:71-3.7(i) as well as their total cost and total number of times outside (non NJDOC/or SPB) contractors have been used for these exams. The SPB shall also publish non-individually

identifiable totals of the conclusions of these exams in four categories: of highly recommended release; recommended release; recommended denial; highly recommended denial. The SPB shall also publish the number of times inmates presented their own psychiatric experts for these types of exams in support of parole.

The SPB shall publish in their annual report, N.J.A.C. 10A:71-1.9(a), statistics (mean, median, mode, range, standard deviation) of (i) raw LSIR scores; (ii) adjusted LSIR scores; and (iii) adjustments made to LSIR scores for all inmates. The SPB shall ensure all current inmates have LSIR intake and LSIR release calculated and cited on their Face Sheet report.

The SPB shall add as a mitigating factor to Notice of Decision form (NJSPB Form 05.035N, 03/18/15, a/k/a the "green sheet") Eligible for full minimum custody status, but not available (due to NJDOC policy/practice).

The SPB shall add as a relevant mitigating and denial factor to Notice of Decision form (NJSPB Form 05.035N, 03/18/15, a/k/a/ the "green sheet") and/or in N.J.A.C. 10A:71-3.11(b) age related statistics for recidivism of inmates of all ages.

The SPB shall publish specific standards for educational requirements for SPB members who are involved in decision-making on parole release and FETs. There shall be a bar against former law enforcement officials from participation in these decisions unless they have a law degree and judicial experience, or received a four (4) year criminology/criminal justice, sociology or psychology degree from an accredited university or college in existence and shall be 10 years out of law enforcement employment before applying for SPB decision making duties.

The SPB shall grant all special needs and mentally impaired inmates an attorney for all board hearings where the SPB relies on confidential mental health reports. The inmate shall not be allowed to see the mental health reports but the attorney shall review them and file a brief detailing any and all problematic conclusions, tests, exams, procedures, diagnoses, or facts relied upon by the expert in making their conclusions.

The SPB shall provide a clear and specific definition in N.J.A.C. 10A:71-1.1 of the nature and extent of "one-on-one counseling" including who, when, how long, why and under what conditions it will be considered completed by the SPB.

In accordance with the provisions of N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2, the State Parole Board upon consideration of the above suggested rule changes will mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.