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## State Parole Board

# Annual Report

171 Jersey Street  
TRW Complex Bldg. 2  
Trenton, NJ 08611  
[www.state.nj.us/parole/](http://www.state.nj.us/parole/)

**James E. McGreevey**  
*Governor*

**John D'Amico, Jr., JSC**  
*Chairman*

## **MISSION/VISION STATEMENT**

### **VISION**

To improve the safety of the public and the quality of life in New Jersey by administering an innovative parole system that addresses the needs of the community, victims, and offenders through a responsible decision-making process that provides every available opportunity for successful offender reintegration.

### **MISSION**

The New Jersey State Parole Board is committed to promoting public safety and to fostering rehabilitation of offenders by implementing policies that result in effective parole case management.



## State of New Jersey

### STATE PAROLE BOARD

P.O. BOX 862  
TRENTON, NEW JERSEY 08625-0862  
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**JAMES E. MCGREEVEY**  
*Governor*

**JOHN D'AMICO, JR.**  
*Chairman*  
**PAUL CONTILLO**  
*Vice Chairman*

April 2004

The Honorable James E. McGreevey  
Governor of the State of New Jersey  
The State House  
Trenton, New Jersey

Dear Governor:

It is my pleasure to submit to you and the people of New Jersey the annual report of the State Parole Board for fiscal year 2003.

Within this report we proudly report to you our accomplishments of the last year and our goals for the next. Through the administration of an innovative and responsive parole system we strive every day to ensure the public's safety and improve our state's quality of life. This summary of the Board's activities illustrates the outstanding service the seven hundred employees and sworn officers of the State Parole Board provide to the people of our state.

You and the residents of our state can be assured that we continue to work toward even greater improvements in our agency's operation.

Respectfully submitted,

A handwritten signature in black ink that reads "John D'Amico, Jr." in a cursive script.

John D'Amico, Jr., JSC (retired)  
Chairman

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# POWERS AND DUTIES OF THE BOARD

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“Parole”, It means results from a careful and deliberate decision by the Board that an offender has earned the privilege to serve the remainder of his or her sentence under supervision in the community. Parole is structured for risk evaluation and is not an appellate review of judicial punishment or the imposition of punishment itself. The primary mission of parole is to promote public safety and foster the rehabilitation of offenders. The New Jersey State Parole Board’s goal is to achieve successful re-entry of offenders into the community through effective parole case management.

Parole has three principal phases: (1) responsible and equitable decision making as to whether and when to release an offender from confinement: (2) supervision of the offender in the community by the Division of Parole: and (3) revocation of the parole status of the offender for violation of conditions of parole.

The Parole Act of 1979 (N.J.S.A. 30:4-123.45 to 123.69) is administratively implemented through the New Jersey Administrative Code, N.J.A.C. 10A:71-1, et seq.

The Act established the State Parole Board as an autonomous authority responsible for administering a parole system for all offenders sentenced to a term of incarceration in any state prison or correctional facility, and for offenders in county jails serving terms greater than 60 days. The Board has the power to issue warrants for the return to custody of parolees violating parole and to obtain any information necessary to assure informed decisions.

The Board has the continuing responsibility to impose and modify conditions of parole to reduce the risk of failure and to support successful community reintegration. When appropriate, it may discharge parolees from supervision before the expiration of their maximum sentence.

The Parole Board is further delegated the responsibility to receive and investigate applications for executive clemency and to formally advise the Governor in the exercise of that power.

The significant discretionary authority vested by law in the Board is continuously scrutinized to assure adherence to due process and to provide for community protection.

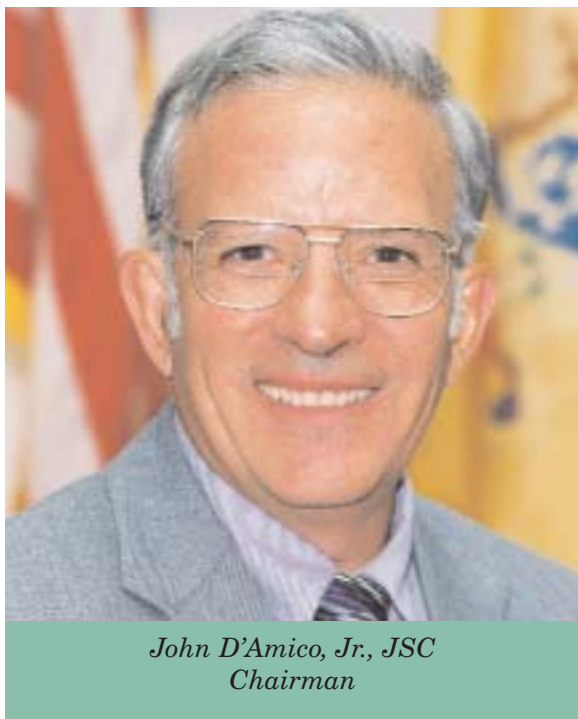
## MEMBERSHIP OF THE STATE PAROLE BOARD

The State Parole Board is composed of a Chairman, fourteen Associate Members and three Alternate Associate Members, appointed by the Governor with the advice and consent of the Senate for terms of six years. One Associate Member is designated Vice-Chairman by the Governor. Members serve staggered terms and devote their full time to the duties of the Board.

The Members of the Board, as of the date of this report, with their term expiration dates, are:

Chairman John D'Amico, Jr.	2006	David Blaker	2007
Vice-Chairman Paul Contillo (replacing William T. McCargo)	2009	Thomas Haaf	2007
Veleria Lawson (replacing Rolando Gomez-Rivera)	2009	Norman Robertson	2007
Thomas Iskrzycki	2004	Peter James Van Etten	2007
Dominic D. Porrovecchio	2004	Ruby Washington	2007
Joseph Constance	2005	<b>Alternate Members</b>	
Oscar Doyle	2005	John Paitakes, Ph.D.	2005
Stephen Iwasko	2005	Laurie Fuchs	2007
Heriberto Collazo	2006	William Thomas	2007
Kenneth Saunders	2006		

Dr. Mario A. Paparozzi resigned from the position of Chairman in August 2002, and former Vice-Chairman McCargo assumed the chairmanship as Acting Chairman for the balance of fiscal year 2003. On August 1, 2003, Governor James McGreevey appointed retired Superior Court Judge John D'Amico, Jr. as Chairman; and on December 15, 2004, he appointed former Senator Paul Contillo as Board Member and subsequently as Vice-Chairman.



*John D'Amico, Jr., JSC  
Chairman*

## **PAROLE ADVISORY BOARD**

The Parole Advisory Board reviews and comments on supervision issues, as requested by the Chairman of the State Parole Board, taking into consideration research conducted by the Division of Parole. The Advisory Board sponsors conferences with criminal justice administrators and community members, including treatment providers, in order to educate all

interested parties in the importance of relapse prevention and treatment for specialized cases, and to address issues such as lowering costs, developing protocols for confidentiality and identifying a re-entry process. The Advisory Board may make recommendations to the Chairman of the State Parole Board, the Legislature and the Governor in these matters. Members serve for terms of three years, without compensation, but are entitled to reimbursement for actual expenses incurred while serving on the Advisory Board.

The Advisory Board is composed of 23 members, 18 of which are appointed by the Governor with the advice and consent of the Senate, representing each of the following organizations: State Parole Board; Department of Corrections; Department of Health and Senior Services; Department of Law and Public Safety; Office of the Governor; Administrative Office of the Courts; Victims of Crime Compensation Board; New Jersey Chapter of the American Correctional Association; County Prosecutors' Association of New Jersey; Sheriffs' Association of New Jersey; New Jersey Wardens' Association; New Jersey State Association of Chiefs of Police; American Parole and Probation Association; Governor's Council on Alcoholism and Drug Abuse; the community at-large; treatment providers; victims' rights groups; and, former inmates who have successfully completed parole. The Advisory Board also includes two members of the Senate appointed by the Senate President, two members of the Assembly appointed by the Assembly Speaker, and the Director of the Division of Parole, or designee, who shall serve *ex officio*. The members select a Chairman from among their number.

**Fiscal Year 2003 Membership:**

**Thomas James**

Director of the Division of Parole  
(ex-officio)

**Jamaal Claggion**

Community-at-Large

**Larry Appling, Jr.**

Department of Health and Senior  
Services

**Patricia Miller**

Victims' Rights Groups

**Bruce Stout, Ph.D.**

Office of the Governor

**James O'Brien**

Victims of Crime Compensation  
Board

**Stephen Rubin, Esq.**

County Prosecutors' Association of  
New Jersey

**George Yefchak**

New Jersey Chapter of the  
American Correctional Association

**Robert Rodriguez**

Governor's Council on Alcoholism  
and Drug Abuse

**Chief Robert Heron**

New Jersey State Association of  
Chiefs of Police

**Daniel Lombardo**

Treatment Providers

**John Paitakes, Ph.D.**

American Parole and Probation  
Association

**Linda Vestal**

Sheriffs' Association of New Jersey

**Gretta Gooden-Brown, Esq.**

Department of Law and Public  
Safety

**Vacancy**

Department of Corrections

**Vacancy**

Administrator, Office of the Courts

**Vacancy**

New Jersey Wardens' Association

**Vacancy**

Former Inmate/ Completed Parole

**Sen. Robert Martin**

Senate Member

**Vacancy**

Senate Member

**Asm. John Rooney**

Assembly Member

**Asm. Mary Previte**

Assembly Member



# NEW DEVELOPMENTS AFFECTING PAROLE

## Interstate Compact Enacted

During fiscal year 2003 the Interstate Compact for Adult Offender Supervision of Parolees and Probationers, N.J.S.A. 2A:168-14 et seq., was enacted. The most significant aspect of the compact was the creation of the Interstate Commission, which is charged with administering the compact. The Compact Administrator for New Jersey is Parole Board Chairman John D'Amico, Jr. The new legislation also created a State Council, which will consist of the Chairman of the State Parole Board, two members of the Senate, two members of the Assembly, a sitting judge, a law enforcement officer and a representative of a crime victims' organization. The Council will advise the Board

and lawmakers on needed reforms to facilitate the administration of the compact in New Jersey.

## Juvenile Justice Revocation Hearings

The Juvenile Justice Commission (JJC) and State Parole Board agreed to allow juvenile probable cause hearings to be converted into final revocation hearings. This streamlining of the juvenile parole revocation process has expedited the process and reduced the demand on parole officers to attend multiple procedural hearings.



*Legal unit: (L to R) Mike Popovich, Joe Paullio, Douglas Chiesa, Esq., Ann Hritz, and Craig Shindewolf, Esq.*

# AGENCY ACCOMPLISHMENTS

## Updated risk assessment implementation training

The Board began the process of training its staff to use the Level of Service Inventory-Revised (LSI-R) risk assessment tool. The initial training will be followed up in fiscal year 2004 and include all hearing officers and other key staff. This new tool will become part of the risk assessment and psychological evaluation process. It will give the Board a reliable dynamic tool for evaluating the risk and needs factors of those inmates who are eligible for parole.

## Leadership training

The Division of Parole enrolled over a dozen sworn-officer supervisors in the West Point Leadership Academy offered by the New Jersey State Association of Chiefs of Police. This training increases the capacity of the agency's supervisors to effectively lead the sworn staff of the Board and to achieve our public safety mission.



*Parole supervisors attending West Point Command and Leadership Program with Chairman D'Amico and Executive Director Dowling*

## Juvenile Unit restructuring

Commencing April 2003 the Juvenile Unit underwent major evaluation and restructuring. Some of the significant changes are: creation and implementation of JPBIS (Juvenile Parole Board Information System), improved juvenile post-incarceration supervision, completion of a professional procedural manual, completion of juvenile parole handbook, revision of forms, establishment of case review mechanism for identifying special condition(s) in cases being released at max to commence juvenile post-incarceration status, participation in monthly meetings with the Juvenile Justice Commission and Department of Corrections regarding cases with multi-jurisdictional issues, assisting the JJC in the drafting of an electronic monitoring policy for juvenile offenders, and conducting training sessions for hearing officers and parole counselors regarding juvenile post-incarceration issues.

## Algorithm Project—Phase II

In cooperation with the Department of Corrections, the Board implemented an automated system to insure that the parole eligibility dates for offenders would be computed accurately and expeditiously, and updated automatically. Phase I of the proj-

ect known as the Parole Eligibility Determination Project was implemented in fiscal year 2002. Phase I facilitates calculation of parole eligibility dates for approximately 60 percent of those inmates that will be eligible for parole consideration. Phase II of the project was completed during fiscal year 2003 and will be implemented in fiscal year 2004. Phase II will expand the automated system to include calculation of parole eligibility dates for approximately 90 percent of those inmates that will be eligible for parole consideration. Due to the complexity of the sentencing structure in the cases of the remaining inmates, the calculation of those parole eligibility dates will continue to be performed manually.

## Computer network upgrades and independence

The Information Technology Unit completed the process of establishing a local area network (LAN) for Board users that is separate from the Department of Corrections network. The separate LAN was established in August 2002. This budget neutral project will afford the Board the independence necessary to manage its own electronic resources and expedite the development and deployment of a comprehensive, custom-developed, management information system.

# INITIATIVES & GOALS FOR FISCAL YEAR 2004

As the Parole Board looks forward to fiscal year 2004, it has established the following goals:

## New policy for technical parole violators

In response to the burden that re-incarcerating technical, non-criminal violators of parole place on the corrections system, the Board has adopted a new policy of graduated responses to technical violations. The Board intends to explore the expansions of community programs emphasizing treatment, job training and education as alternatives to imprisonment.

## Re-entry planning

The process by which parolees return to their communities and reestablish themselves with their families, neighborhoods and society in general is increasingly seen as crucial to parole completion. As a member of Governor McGreevey's Re-entry Policy Academy, the Board will adopt comprehensive re-entry planning as a routine. By focusing on providing the needed support and direction during the period immediately following release of offenders, the Board expects to reduce the frequency of violations and increase the likelihood of a successful parole. This effort will involve joint efforts with allied departments/agencies: Corrections, Juvenile Justice, Law and Public Safety, Labor, Health, and Human Services. The objective is a dramatic reduction in recidivism and a consequent reduction in the number of parolees returning to custody.



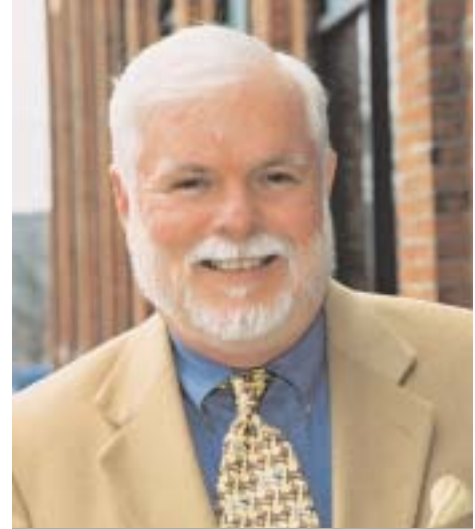
*Senior parole supervisors listen to briefing on newly enacted graduated sanctions policy for technical parole violators*

## Expanded community programs

As a natural outgrowth of the prior two initiatives, the Board is seeking to expand the use and availability of community programs. Community programs provide a wide array of educational, treatment and supportive services to parolees who are experiencing difficulty adjusting to release. By expanding the use of these programs, in concert with comprehensive re-entry planning and a graduated violation policy, the Board is seeking to dramatically improve success rates among parolees.

## Faith-based and volunteer programs

With the reality of limited budgets and increasing needs in mind, the Parole Board will seek to develop new partnerships with non-profit, volunteer and faith-based organizations to increase the array of options available to parolees in need of assistance. By developing these relationships the Board expects to leverage existing programs with the goal of improved public safety through greater success rates for parolees.



*Bud Scully has joined the Board as the new Community Partnership Coordinator*



## New parole recruit class

The Division of Parole will train its first new class of parole officer recruits in two and a half years. This new class of officers will offset the ongoing attrition of retiring officers and maintain the Division's ability to manage caseload sizes. The class is expected to begin training in late January 2004 and graduate in May 2004.



*Parole officer recruits training at the Sea Girt academy*

## Informational Technology

The IT Unit will continue agency-wide improvements to the Parole Board's technology infrastructure that will vastly improve staff productivity. By upgrading all desktop machines and standardizing computer operating systems and productivity applications, the unit will reduce costs and improve its ability to deliver services to agency staff.

## Conclusion of Hawker v. Consovoy settlement agreement

Pursuant to settlement agreement that concluded a class action lawsuit, involving a backlog of pre-parole reports and parole hearings, the Board expects to complete its obligations in the first quarter of fiscal year 2004. The Board was able to clear the backlog of cases during fiscal year 2001, and has since remained current with its caseload as required by the settlement agreement.

# DESCRIPTION OF OPERATIONS & REPORT OF ANNUAL ACTIVITIES

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The Board's operations are divided into three major components: the Parole Authority, the Supervision Authority, and community programs. The Board and the Release, Revocation Juvenile and Appeals Unit are responsible for the administration of the parole release, revocation and rescission hearing process for adult and juvenile offenders.



*Executive Director  
Michael W. Dowling*

In September of 2001, the Board assumed the supervisory functions previously exercised by the Department of Corrections. The Division of Parole now carries out the ongoing direct supervision of offenders who have been released on parole. The Division of Parole ensures that adult parolees con-



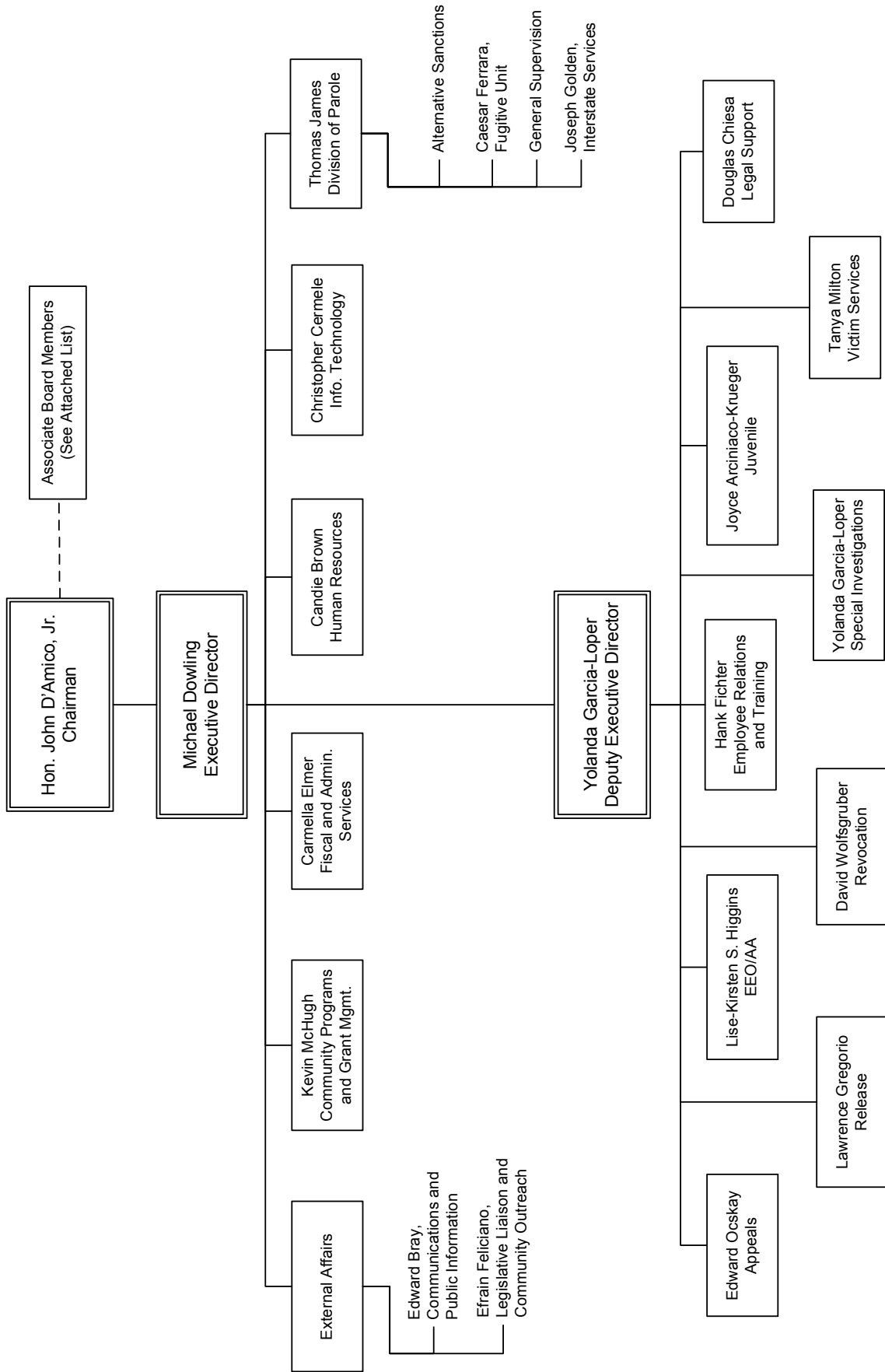
*Deputy Executive Director  
Yolanda E. Garcia, Esq.*

form to the conditions set by the Board, and its parole officers are authorized to arrest and return to custody parolees who violate those terms.

The Community Programs Unit administers a myriad of treatment and rehabilitative programs for parolees. The focus of the Community Programs Unit is to make available the substance abuse treatment, job readiness, and other training needed for parolees to succeed in the community.

The following sections provide a summary of the operations of the Parole Board, these three areas and their associated programs for fiscal year 2003.

# New Jersey State Parole Board





# Paroling Authority

## Release Unit

The Release Hearing Unit conducts initial parole release hearings and provides recommendations to appropriate Board members and panels, schedules panel hearings, records the results of decisions, processes parole certificates and disseminates case decisions to correctional personnel, prosecutors, and various agencies within the criminal justice system. This unit is also responsible for receiving, tracking and responding to correspondence.

The County Unit is a sub-unit of the Release Unit and is responsible for conducting initial hearings for county inmates. The unit processes county panel hearings and reviews which are conducted by the special county panel consisting of two Board members or a Board member and a senior hearing officer.

As reported in prior annual reports, in May 2000, a class-action lawsuit was filed against the Board by inmates alleging that the Board failed to meet deadlines for the preparation of pre-parole reports and parole hearings. In November 2000, a settlement agreement was reached and on January 22, 2001, the United States District Court accepted the agreement. In March 2002, the State Parole Board filed an affidavit certifying that the agency was in compliance with all provisions of the settlement agreement. During fiscal year 2003 the Board maintained compliance with the provisions of the settlement agreement, and its caseload is current.



*Parole counselor interview inmates and prepare their files for parole consideration and possible release*

The Release Hearing Unit schedules over 15,000 initial hearings each year. During the hearing a hearing officer reviews the record and interviews the inmate. The hearing officer can recommend the inmate for parole, refer the case to a two-member panel for decision, or defer the matter pending more information. If a hearing officer recommends parole, two Board members will administratively review the decision and either concur or deny parole. When a case is referred to a two-member panel, the

inmate will be interviewed by the Panel and a decision rendered. When the two-member panel can not reach a decision, the case will be referred to a three-member panel for resolution. In the case of an inmate serving a sentence for the offense of murder, the inmate will have a hearing before the Full Board. A majority vote of the Board to grant parole is required in order for the inmate to be released on parole status.

## RELEASE-STATE INMATES

	2003	2002	2001	2000	1999	1998
Initial Hearings						
Scheduled	15,953	15,993	17,112	11,454	1,259	13,675
Conducted	13,460	11,536	14,675	10,973	12,123	13,307
HO recommend for parole	1,581	2,069	3,611	2,169	3,906	5,352
Deferd for further information	4,113	4,457	2,437	442	426	368
Refer to panel	10,259	9,467	11,064	8,804	8,217	7,955
Two-member Panel Hearings						
Scheduled	12,995	11,741	14,804	11,569	7,596	7,433
Decided	12,021	13,720	18,440	13,837	10,296	12,170
Defered for further information	143	93	83	1,168	1,663	2,026
Parole denied	5,627	5,782	7,293	4,182	2,711	2,137
Parole granted	6,394	5,958	7,261	6,009	3,099	2,576
Three-member Panel Hearings						
Decided	55	63	266	40	38	18
Parole denied	35	62	260	40	38	18
Parole granted	2	1	2	0	0	0
Full Board Panels						
Decided	27	39	60	4	15	8
Parole denied	17	22	26	2	4	5
Parole granted	7	15	34	2	5	3
Administrative review of HO reccommendations						
Reviewed	1,575	2,212	3,878	2,401		
Denied	199	223	242	133		
Parole granted	1,374	1,989	3,636	2,268		
Total state inmates paroled	7,777	7,947	10,897	8,277	3,099	2,576

## RELEASE-COUNTY INMATES

	2003	2002	2001	2000	1999	1998
<b>Initial Hearings</b>						
Scheduled	5,485	5,788	5,363	5,165	5,659	5,860
Conducted	4,862	5,030	4,521	4,372	4,915	5,117
HO recommend for parole	1,812	1,908	1,755	2,128	2,241	2,852
Defer for further information	97	66	174	475	242	134
Not feasible	1,660	1,908	1,607	1,132	1,071	1,108
Refer to panel	1,293	1,148	985	637	1,361	1,021
<b>Panel Hearings</b>						
Scheduled	1,560	2,663	2,440	2,636	3,210	3,623
Decided	1,416	2,534	2,193	2,420	3,108	3,550
Defered for further information	7	10	33	27	93	69
Parole denied	599	149	39	15	28	58
Parole granted	817	2,385	2,154	2,405	3,080	3,492
<b>Administrative review of HO recommendations</b>						
Reviewed	1,812	1,908	1,755	2,128	2,241	2,853
Denied	225	211	77	12	44	50
Parole granted	1,587	1,697	1,675	2,116	2,197	2,803
<b>Total county inmates paroled</b>	<b>2,404</b>	<b>4,082</b>	<b>3,829</b>	<b>4,521</b>	<b>5,277</b>	<b>6,295</b>

## Revocation Unit

The Revocation Hearing Unit conducts revocation hearings for parolees who are alleged to have violated the conditions of parole and also conducts rescission hearings in the cases of inmates committing institutional infractions prior to the grant of parole. The unit provides recommendations to appropriate Board members and panels, records the results of decisions, processes notices and disseminates case decisions.

In revocation cases the Board may decide to return a parolee to parole status, to revoke parole and establish a future eligibility term at which the parolee will be parole eligible; to revoke parole and grant a specific date for re-parole; or to revoke parole and

order the parolee to serve the remainder of the term in custody. Parole can be revoked for the commission of a new crime or a technical violation of parole, such as the use of a controlled dangerous substance, the failure to report to the parole officer, the failure to reside at an approved residence or the failure to participate in an appropriate treatment program.

An inmate who violates the regulations of a correctional institution can have their parole grant rescinded. In these cases the Board can rescind the parole grant and order the inmate to serve the maximum sentence, continue the established parole release date, or rescind the grant of parole and establish a new parole eligibility date.



*Chiefs of Hearing Units: David Wolfsgruber, revocation; Lawrence Gregorio, release; and Joyce Arciniaco-Krueger, juvenile*

## REVOCATION STATS

	2003	2002	2001	2000	1999
<b>Adult panel</b>					
Revocation initiated	4530	4614	4284	4255	5858
Continued on parole	1343	1292	749	562	897
Revoke- establish term	1421	1414	1279	1424	2011
Revoke-reparole	87	210	280	302	526
Revoke- serve maximum	1672	1698	1976	1967	2424
Refer to 3-member panel	7				
<b>Young-adult Panel</b>					
Revocation initiated	30	51	26	53	101
Continued on parole	3	16	3	11	16
Revoke- establish term	20	24	16	23	52
Revoke-reparole	2	3	6	2	13
Revoke- serve maximum	5	8	1	17	20
<b>Juvenile Panel</b>					
Revocation initiated	293	166	236	234	265
Continued on parole	16	13	25	11	23
Revoke- establish term	56	35	63	64	108
Revoke- serve maximum	221	118	148	159	134
<b>County inmates</b>					
Revocation initiated	92	103	126	93	179
Continued on parole	6	7	12	2	36
Revoked- serve maximum	86	96	114	91	143
<b>Total</b>					
Revocation initiated	4945	4934	4672	4635	6403
Continued on parole	1368	1328	789	586	972
Revoked-established term	1497	1473	1358	1511	2171
Revoked-reparoled	89	213	286	304	539
Revoked -serve maximum	1984	1920	2239	2234	2721

## BASIS FOR REVOCATION

	2003	2002	2001	2000	1999	1998
Adult						
Technical violation	3,333	3,677	3,422	3,693	4,561	4,578
New criminal charge	207	153	113	136	400	463
Young-adult						
Technical violation	24	17	17	42	64	83
New criminal charge	3	7	6	5	21	20
Juvenile						
Technical violation	228	115	177	198	205	141
Delinquent	49	38	34	25	37	29
County						
Technical violation	82					
New criminal charge	4					
Total						
Technical violation	3,667	3,809	3,616	3,933	4,830	4,802
Criminal/ delinquent	263	198	153	166	458	512

## RECISSION

	2003	2002	2001	2000	1999	1998
Continue original parole date	20	17	24	1	8	10
Continue new parole date	163	159	194	67	112	137
Recind- establish new term	300	395	327	263	183	196
Recind-serve maximum	0	5	12	0	78	112
Recind new PDS		1	0	0	0	0
AMMD PDS		1	0	0	0	0
Non-rescission		148	0	0	0	0

## Juvenile Unit

The mission of the Juvenile Unit is to conduct conscientious, informed hearings and make objective, impartial decisions regarding juvenile offenders during their incarceration in order to transition them back into society, keeping in mind what is best for the juvenile and public safety.

A juvenile offender in the custody of the Juvenile Justice Commission is eligible for parole consideration on a date established pursuant to a schedule of presumptive primary eligibility terms (time goals), by a board member assigned to juvenile cases or the juvenile panel. Time goals are set according to the type of offense and length of term for which the offender is committed. The juvenile panel may establish a tentative parole release date that is beyond the scheduled guidelines depending on aggravating and mitigating factors of the case.

Every juvenile offender's case is reviewed quarterly by a Board member or hearing officer. The frequency of the review process facilitates accurate, individualized monitoring of each juvenile. The juvenile panel or a juvenile member schedules each juvenile inmate for an annual review during the twelfth month following the establishment of the tentative release date, and these are yearly reviews thereafter. The juvenile is encouraged to earn parole by participating in programs that will assist in his or her successful return to society. Only when the Board Panel determines that the juvenile will not cause injury to persons or substantial injury to property is parole release authorized. If a juvenile is approved for parole before serving one-third of any term imposed for any offense of the first, second or third degree, including any extended term, or one-fourth of any term imposed for any other offense, the juvenile inmate's release on parole is subject to the approval of the sentencing court.



## JUVENILE STATS

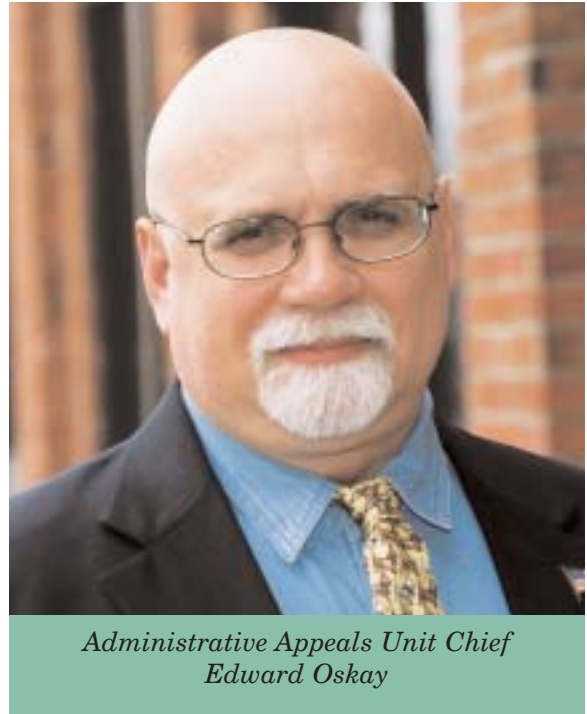
	2003	2002	2001	2000	1999	1998
Time goals established-juveniles	783	706	769	835	771	727
Time goals deferred	2	0	0	0	0	0
Quarterly reviews	2,423	2,096	2,277	2,430	2,548	2,406
Annual reviews	38	64	72	17	18	11
Continued confinement	1,407	1,066	1,126	1,189	1,386	1,295
Parole approved	516	275	692	753	743	750
Serve Max	313	229	175	176	156	127
Review deferred	246	180	232	279	233	163
Refereed to young adult panel	0	0	0	0	1	4
Refereed to adult panel	5	15	7	9	15	12
Time goals established-young adult	15	8	8	9	15	21

## Appeals Unit

The Administrative Appeals Unit processes, investigates and reports to the Board on administrative appeals by offenders of decisions rendered by any hearing officer, panel or the Board. The Appeals Unit has been handling a steadily increasing number of appeals from inmates. Since 1999 the unit has experienced an 84 percent increase in appeals from 1,173 to 2,164 in fiscal year 2003.

## Victim Services

The Victim Services Unit is responsible for administering the victim input program, notifying crime victims of their right to submit written statements or to testify before a senior hearing officer, panel or the full Board. The unit responds to all correspondence and inquiries from crime victims, schedules interviews with victims, conducts victim-input hearings and notifies victims of the Board's decisions. During fiscal year 2003 the Victim Services Unit conducted 205 victim-input hearings, received and processed 320 victim statements, and performed over 6,100 victim contacts. The unit registered over one thousand new victims and produced 1,313 letters notifying county prosecutors of impending hearings.



*Administrative Appeals Unit Chief  
Edward Oskay*

# Supervising Authority

The Division of Parole is comprised of thirteen district parole offices (DPO's) located throughout the state, the Electronic Monitoring Unit, the Office of Interstate Services, and the Fugitive Unit. The Division is managed by a Director, an Assistant Director, five Supervising Parole Officers (SPO), 14 District Parole Supervisors (DPS) and 28 Assistant District Parole Supervisors (ADPS).



*Director of the Division of Parole  
Thomas K. James*

Each of the thirteen district offices is supervised by a DPS and two ADPS's. The Electronic Monitoring Unit is headed by a DPS and the Fugitive Unit is lead by an ADPS. The Division has a total of 316 senior parole officers whose primary function is to protect society and promote public safety by ensuring compliance with all conditions of parole and by encouraging pro-social behavior in parolees through established practices of risk management, prescribed treatment, surveillance, supervision, and enforcement.

There are 316 officers in the Division of Parole, six of whom are performing institutional parole officer (IPO) functions in various correctional institutions. IPO's work with inmates as they prepare their parole plans, and assist them in acquiring needed documents, housing, financial support, and essential social services. IPO's also help inmates resolve any outstanding fines, warrants, or detainers.

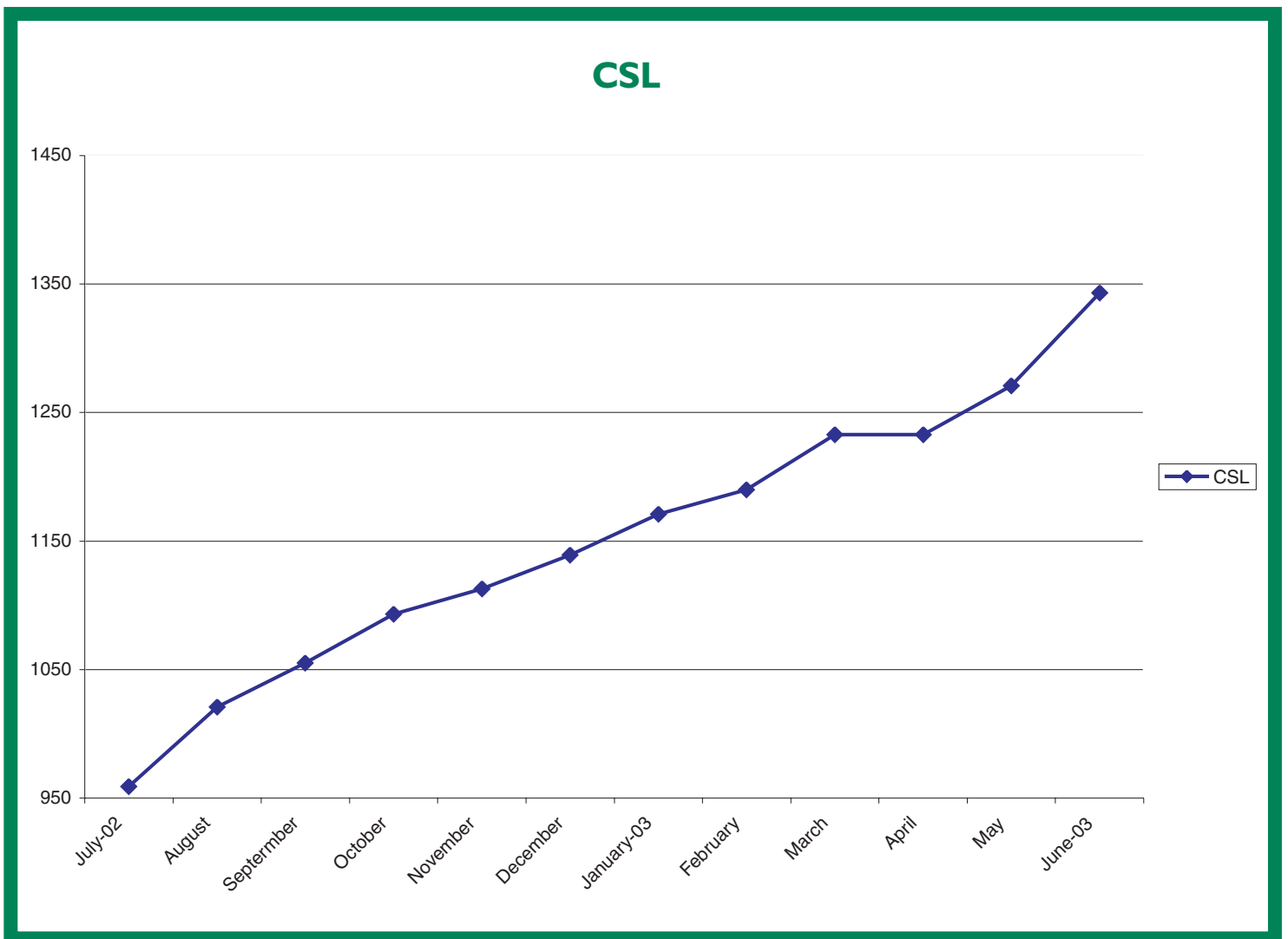
The Division of Parole is responsible for the supervision of over 12,000 parolees and 77 Department of Corrections inmates in the Electronic Monitoring Program. Depending on the level of risk, parolees are assigned different levels of supervision such as intense, regular, quarterly, semi-annual and annual. The Division also supervises parolees who are in hospitals, substance abuse treatment facilities, and other rehabilitative facilities. It also supervises out-of-state parolees residing in New Jersey.



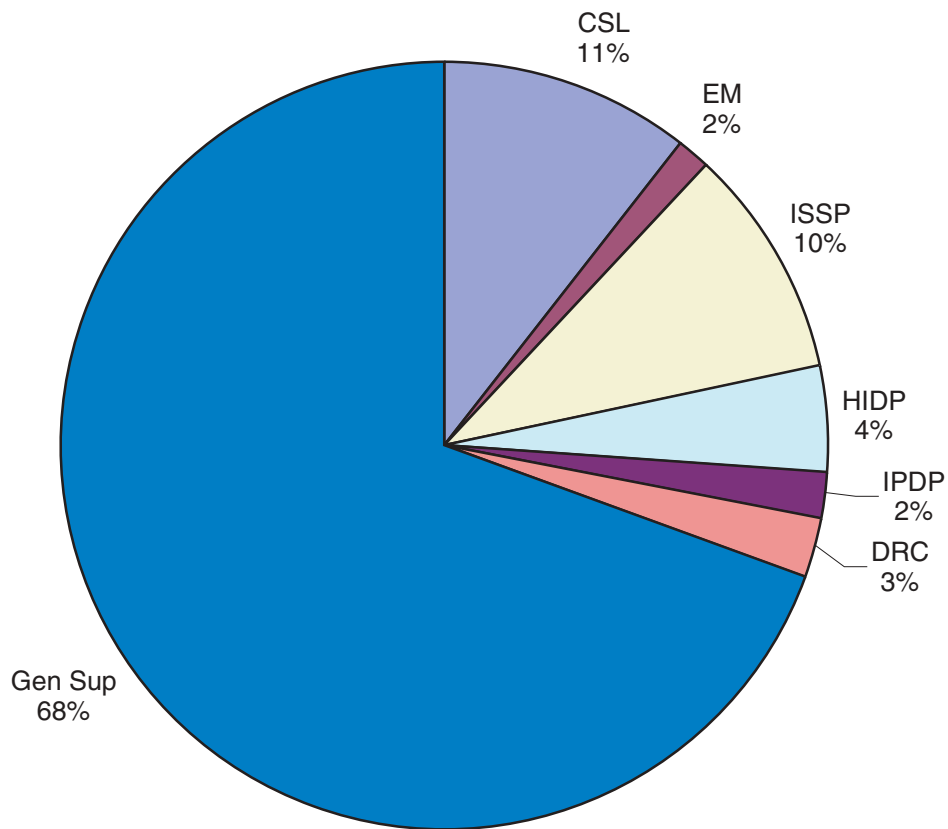
*Senior Parole Officer meets with and discuss case with parolee in district office*

## Community Supervision for Life—CSL

The population supervised by the Division includes 1,300 community supervision for life (CSL) cases, which are supervised, “as if on parole.” CSL cases involve offenders who have been convicted of a sex crime and are required by the provisions of Megan’s Law to be supervised for the remainder of their lives. After 15 years of supervision, a CSL offender may petition the Superior Court for release from supervision. This caseload is growing at a rate of more than 30 new cases per month.



## CASELOAD BY CLASSIFICATION



### Electronic Monitoring—EM

In addition to the 77 inmates, the EM unit supervised between 130 and 200 parolees who are required to wear an ankle transmitter which monitors the parolees' location. The movements of EM parolees are limited and monitored, and they must comply with established curfews. EM provides around the clock supervision and parole officers are ready to respond to a violation at any time of the day or night. Typically a parolee will spend 90 days in the EM program before being moved to a different level of supervision.

### Intensive Supervision and Surveillance Program—ISSP

ISSP is designed to provide an intensive level of supervision to a parolee who requires special attention. The program is based on the premise that there are some inmates who can be paroled, or parolees who can be diverted from re-incarceration only if provided a highly structured supervision regimen.

## High Impact Diversion Program—HIDP

HIDP caseloads provide intermediate security risk parolees with an especially intense level of supervision. HIDP officers' caseloads are limited to allow for this increased supervision.



*Senior Parole Officer and Assistant District Parole Supervisor take parole violator into custody*

## Intensive Parole Drug Program—IPDP

IPDP is designed to provide a level of supervision appropriate for parolees with a documented history of alcohol or drug addiction. This highly structured program is specifically geared to offer parolees a level of guidance and supervision that will increase their opportunity to succeed while under supervision.

## Day Reporting Centers—DRC

DRC's are operated under the Community Programs Unit of the Board. Parolees are required to report to the DRC's on a daily basis, and receive an intensive all-day program of counseling, job readiness training, and other services.

## DIVISION POPULATION

	CSL	EM	ISSP	HIDP	IPDP	DRC	Gen Sup
July-02	959	158	1436	552	341	327	8903
August	1021	165	1435	546	375	320	8473
September	1055	134	1491	586	372	316	8522
October	1093	129	1541	552	319	381	8632
November	1113	130	1498	574	310	376	8564
December	1139	135	1513	557	316	356	8525
January-03	1171	149	1463	566	314	350	8717
February	1190	168	1460	548	311	319	8632
March	1233	183	1449	563	250	332	8345
April	1233	171	1297	555	259	354	9015
May	1271	174	1274	591	261	358	9095
June-03	1343	192	1238	548	258	323	8882

Fiscal Year	CSL	EM	ISSP	HIDP	IPDP	DRC	Gen Sup
2002	915	155	1465	585	357	330	8826
2001	586	68	1494	647	337	362	9373
2000	225	61	1241	608	358	344	10061

### Office of Interstate Services

Under the provisions of the Interstate Compact on Adult Offender Supervision, approximately 500 New Jersey parolees are being supervised by the paroling authorities of the other states in which they reside. Reciprocally, New Jersey supervised approximately 270 cases from other jurisdictions in any given month during fiscal year 2003.



## Fugitive Unit

In August 2001, the Board formed the Fugitive Unit to locate and apprehend parole absconders who have been at large more than ninety days. The unit made 200 arrests in fiscal year 2003. For its performance, the unit has received letters of gratitude from Governor James E. McGreevey, the South Orange Police Department, the Passaic County Sheriff's Department and a citation from the New Jersey Narcotics Enforcement Officers Association. The Unit coordinates its efforts with the N.J. State Police and the U.S. Marshal's office, and all members of the Fugitive Unit have been deputized by the Marshal's office.



*State Parole Board's Fugitive Unit prepares to execute a warrant*



# Community Programs

The Community Programs and Grants Management Unit is dedicated to developing, coordinating and managing the provision of quality treatment and services to parolees. This is done through community-based programs, community partnerships, grant initiatives and special projects designed to support re-entry and effective supervision of offenders, to promote pro-social behavior and improve the quality of life in our communities.

This unit administers contracts for the operation of the Day Reporting Centers (DRC), Halfway Back (HWB), and Mutual Agreement Program (MAP). Responsibilities include contract administration, grants management, offender referral and placement process, program monitoring and quality assurance, development of applicable policies and procedures and maintaining essential records and data.

The Board and its District Parole Office's work in partnership with community-based programs to develop and maintain a continuum of treatment, support services and supervision that encourages and aids offenders in completing their supervision in the community.

## Day Reporting Centers—DRC

DRC's are non-residential multi-service centers that serve as an alternative sanction to incarceration for technical parole violators or as a special condition for offenders who would otherwise be denied parole. The DRC's operate 10 hours per day, 7 days per week, and are designed to maintain the parolee in the community through life skill development and other service enriched intervention strategies. Length of participation by a parolee in a DRC is usually ninety days.

The Board has contracted with seven private providers to operate DRC's, each with 50 slots for parolees. Participants are expected to attend the DRC all day, every day until the assigned parole officer authorizes a program discharge or modifies the supervision.



*Parolees attend a GED prep class as part of the Day Reporting Center program*

## DRC

	FY 03	FY 02	FY 01	FY 00	FY 99	FY 98
July	112					
August	120					
September	90					
October	126					
November	76					
December	14					
January	88					
February	64					
March	140					
April	112					
May	114					
June	81					
Total	1137	1495	1252	1571	1685	

## Halfway Back Program—HWB

HWB programs involve residential assessment-driven treatment facilities operated by non-profit agencies that provide treatment services to technical parole violators. The programs are designed as a more structured alternative sanction in lieu of incarceration for parolees who are assigned to the program. Treatment services are concentrated in the area of offenders' highest needs.

Program services are tailored to meet the special needs of offenders as identified through an assessment process or as prescribed by the Board. Parolees who are assigned to the program receive a prescriptive program plan that addresses their needs and timeframes required to achieve specified objectives and treatment goals. Services include intensive drug treatment, relapse prevention, life skills development, anger and aggression manage-

ment, job readiness skills, employment counseling, academic assistance, money management, future housing, and transitional support services.

## HWB

	Referred	Placed	Completion
Jul-02	160	77	41
Aug-02	158	177	56
Sep-02	91	76	108
Oct-02	124	112	70
Nov-02	87	75	72
Dec-02	151	78	69
Jan-03	129	89	62
Feb-03	40	81	69
Mar-03	176	127	64
Apr-03	121	114	60
May-03	175	122	79
Jun-03	120	45	70
TOTAL:	1532	1173	820
FY '02	739	457	245
FY '01	945	385	250

## Mutual Agreement Program— MAP

MAP facilities are privately licensed residential substance abuse treatment programs located throughout the state. These facilities provide a highly structured environment which introduces intensive therapy for behavioral and psychological problems related to addiction.



*Senior Parole Officer and program provider staff, meet with parolee to discuss his progress in community program*

This program offers private chemical abuse treatment as a special pre-condition of parole for inmates who otherwise might not achieve parole status. All MAP participants must successfully complete the program, as determined by the individual facility treatment staff. Parolees who fail to complete the program are referred for revocation.

## MAP Intensive Outpatient Program

In addition to offering residential treatment, the Board has contracted with outpatient facilities to provide a continuum of treatment for those who have successfully completed an institutional or private residential treatment program. Such facilities provide aftercare and community networking as a reinforcement of a parole plan and may be utilized as alternatives to re-incarceration for technical parole violators.

### MAP

MONTH	Cases Referred	Places	Full Completions
Jul-02	81	24	26
Aug-02	69	32	17
Sep-02	65	43	23
Oct-02	97	48	35
Nov-02	47	42	18
Dec-02	41	32	17
Jan-03	72	24	18
Feb-03	36	35	19
Mar-03	96	36	24
Apr-03	56	56	24
May-03	37	44	36
Jun-03	75	36	17
<b>TOTAL:</b>	<b>772</b>	<b>452</b>	<b>274</b>
2002	808	479	254
2001	945	385	250
2000	114	494	325
1999	1234	545	382
1998	1003	544	349

## *Appendix A*

# **THE ADMINISTRATION OF THE PAROLE PROCESS**

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Within ninety (90) days of sentencing, offenders are notified of their presumptive parole eligibility date. A “presumptive date” means that an inmate can earn release on or near that date.

For offenders who committed an offense prior to August 19, 1997, the Board is required to release the offender unless the Board can demonstrate by a preponderance of the evidence that there is a “substantial likelihood” that he or she will commit another crime if released. For offenders who committed an offense on or after August 19, 1997, the Board is required to release the offender unless the Board can demonstrate by a preponderance of the evidence that the inmate failed to cooperate in his or her rehabilitation, or there is a reasonable expectation that the inmate will violate conditions of parole.

Before the initial parole hearing before a hearing officer, notification of possible parole release is provided, per statute, to the courts, prosecutor, Attorney General, interested criminal justice agencies and the media. During the course of parole hearings, a wide array of factors are considered by the Board. Please see Appendix B for a list of the 21 factors considered.

## **SENTENCING AND PAROLE ELIGIBILITY**

Nearly every inmate sentenced to a term of incarceration at a state correctional institution will at some point become eligible for parole. Most county inmates, except those serving relatively short sentences, have this same opportunity. New Jersey has several types of sentence structures and the type of sentence an offender receives governs the offender’s eligibility for parole.

The “parole eligibility date” is the date authorized by statute on which an offender may be released on parole status. The punishment portion of a sentence is deemed to be satisfied at the date of parole eligibility. At that point, the Board assumes the legal responsibility to determine whether an offender should be released to supervision within the community.

### **Adult Offenders:**

Offenders sentenced to a specific term of years in state prison pursuant to the provisions of the Code of Criminal Justice (Title 2C) are generally eligible for parole after

serving one-third of the term. This parole eligibility term is reduced by jail credits granted by the sentencing court and by commutation or “good time,” work, and minimum security credits (N.J.S.A. 30:4-123.51). These latter credits provide the offender with an incentive for doing his or her time in a positive manner.

An offender sentenced under Title 2C may be statutorily or judicially required to serve a minimum term during which the offender is not eligible for parole. Generally, a mandatory minimum term imposed at the discretion of the sentencing court may not exceed one-half of the full term imposed. A mandatory minimum term may only be reduced by jail credits. Any other credits earned serve only to reduce the maximum portion of the sentence and have no effect on reducing the mandatory minimum term.

Sex offenders serving a term under N.J.S.A. 2C:47-1, et seq. become eligible for parole consideration only upon recommendation by the Special Classification Review Board of the Adult Diagnostic and Treatment Center. Sex offenders sentenced under N.J.S.A. 2C:47-1 et seq., who are serving a mandatory minimum term must complete the mandatory minimum term and be recommended by the Special Classification Review Board prior to becoming eligible for parole consideration.

If, however, a 2C sex offender is transferred out of the Adult Diagnostic and Treatment Center into the general prison population, the offender would be eligible for parole after serving one-third of the term, less any jail credits, if no mandatory minimum term was imposed as a component of sentence. The computation of the parole eligibility

date would not include commutation credits, work, or minimum custody credits.

## **Young Adult Offenders:**

An offender sentenced to an indeterminate term of years in the Youth Correctional Complex is eligible for parole consideration on a date established, pursuant to a schedule of presumptive primary eligibility terms (time goals), by the young adult panel. Time goals are set according to the type of offense and length of term for which the offender is committed. The presumptive date may be decreased or increased by up to ten months by mitigating or aggravating factors; further, the Board is authorized to go beyond the scheduled guidelines if the circumstances of the crime and prior criminal record of the inmate so indicate. The time goal can be reduced only by the application of program participation credits, thereby providing the inmate with a strong incentive to “earn” parole through participation in rehabilitative programs.

## **Juvenile Offenders:**

A juvenile offender sentenced to a term in a Juvenile Justice Commission facility is eligible for parole consideration on a date established pursuant to a schedule of presumptive parole release terms by a juvenile panel Board member. Each case is reviewed quarterly by a Board member or hearing officer. The frequency of the review process allows the Board to maintain accurate individualized monitoring of the progress of each juvenile. The juvenile is encouraged to



“earn” parole by participating in programs which will assist in his or her successful return to society. Only when the Board members determines that the juvenile will not cause injury to persons or substantial injury to property, is parole release authorized. If a juvenile is approved for parole prior to serving one-third of any term imposed for any offense of the first, second or third degree, including any extended term, or one-fourth of any term imposed for any other offense, the juvenile inmate’s release on parole is subject to the approval of the sentencing court.

## County Jail Inmates:

In July 1982, the Board assumed jurisdiction over all offenders sentenced to county jail terms exceeding 60 days. An offender sentenced to a term of incarceration in a county jail becomes eligible for parole after completion of sixty days, less jail credits, or one-third of his or her sentence less jail credits, whichever is greater. County inmates are considered for parole according to a procedure very similar to adult and young adult inmates, with the exception that the panel may consist of two Board members or a Board member and a hearing officer.

## MONITORING, PUBLICATION AND NOTICE OF PAROLE ELIGIBILITY

The provision of timely and accurate information is vital to the parole decision-making process. The Board needs information

to render effective determinations, and inmates need to know where they stand and what is expected of them. This is accomplished in the following manner.

Each adult and young adult inmate is interviewed by a representative of the Board shortly after reception into the correctional system, and is provided with a “calculation” indicating when the inmate will be statutorily eligible for parole.

At a point six to seven months before actual eligibility, each inmate’s name is “published.” This publication takes the form of a notification list, which is sent to the courts, county prosecutors, Attorney General, interested criminal justice agencies and the media, so that any person who wishes to comment on the parole suitability of an individual has that opportunity. Such comments should be directed to the Executive Director or Deputy Executive Director of the Board but not to individual Board members.

In 1996, the Board became the first paroling authority in the nation to publish monthly lists of parole eligible inmates on the World Wide Web. Using the internet, the courts, law enforcement, victim organizations, the media and the public can learn of an offender’s upcoming parole eligibility months before hearings are scheduled so that interested parties can provide their valued input to the Board. This information and an outline of the Board’s activities can be found at [www.state.nj.us/parole/](http://www.state.nj.us/parole/).

At least 120 days, but no more than 180 days, prior to the parole eligibility date of an adult or a young adult inmate, a report concerning the inmate must be filed with the Board by the staff members designated

by the administrator or chief executive officer of the institution in which the inmate is confined. This package of reports must contain the pre-incarceration records of the inmate, a statement of the conduct of the inmate during the current period of confinement, a complete report on the inmate's social, physical and mental condition, an investigation by the Division of Parole of the inmate's parole plans and any current information bearing upon the likelihood that the inmate may commit a crime under the laws of this state, if released on parole.

## **INFORMATIONAL HEARINGS**

Upon public notice of an inmate's parole eligibility, the Attorney General, the appropriate county prosecutor and any other criminal justice agency may request permission to submit testimony, present evidence or confront and cross-examine witnesses regarding the inmate's suitability for parole. Following such a request, a hearing is conducted by a hearing officer. This hearing is informal and non-adversarial in nature. A summary of the hearing is prepared and distributed to all parties involved, including the affected inmate and his or her counsel. However, all or part of the summary may be deemed confidential for good cause. The inmate and his or her counsel are given an opportunity to submit a written response to the Board, and if necessary, to present relevant information to the hearing officer. Normally, informational hearings are conducted prior to a parole release hearing.

The purpose of an informational hearing is to provide knowledgeable persons with the opportunity to submit to the Board additional information relevant to the issue of an inmate's suitability for parole.

## **VICTIM INPUT HEARINGS**

If the victim of a crime or the nearest relative of a murder victim has notified the Board of his or her intention to testify, a special hearing is scheduled for that purpose. A hearing officer is required to prepare a transcript of the testimony, which is considered by the panel at the time of the hearing. A victim of a crime of the first or second degree or the nearest relative of a murder victim has the option of presenting testimony directly to the Board panel that will decide the offender's case, or to the full Board in murder cases.

The statement of the crime victim or the nearest relative of a murder victim may advise of the continuing nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim, and the continuing effect of the crime upon the victim's family. At the conclusion of the parole hearing, the victim is notified of the final decision of the panel.

## PAROLE HEARINGS AND RELEASE DECISIONS

### State Prison and Young Adult Inmates

Inmates receive an initial parole consideration hearing conducted by a hearing officer between four and six months before the parole eligibility date. The hearing officer advises the inmate verbally and in writing of his or her recommendation regarding parole release and refers the case for administrative review by a panel for the conducting of a panel hearing as appropriate.

At an initial hearing, the hearing officer will review the pre-sentence report (which contains information on the circumstances of the offense and the inmate's background and social history), State Police criminal history, institutional reports, including a summary of the inmate's institutional behavior, work record and program participation, psychological and psychiatric reports, the inmate's parole plans and any other information deemed appropriate. The latter may include such items as a prosecutor's comment or a statement of the victim of the crime, in the event the victim has contacted the Board. In addition, the hearing officer may review letters of support or letters of protest as well as any other information submitted. By statute, inmates are provided with a copy of all material considered by the panel, except material determined to be confidential. If parole is recommended by the hearing officer, and the assigned Board members of the designated panel concur, a specific parole release date will be established, as soon as practicable,

after the inmate's parole eligibility date. However, if time is required to complete a rehabilitative program determined essential to successful parole, the parole release date is so extended.

If the hearing officer (or reviewing Board members) determines that there may be a basis for denial of parole, the inmate is notified that a hearing before a panel will be scheduled. If parole is denied following a panel hearing, the inmate is immediately advised verbally of the outcome. The inmate is formally advised, in writing within 21 days, of the reasons for denial and his or her future parole eligibility date. Future parole eligibility dates are set pursuant to a schedule established by the Board which, by statute, emphasizes the severity of the offense and the characteristics of the offender. This new eligibility date may be reduced by commutation or "good time," work and minimum security credits in the case of adult inmates or by program participation credits in the case of young adult inmates except in cases where the date of offense occurred after or on August 19, 1997. When the inmate is within six months of their new parole eligibility, the parole process begins anew.

If, on the other hand, the panel decided to grant parole, a parole date is established and appropriate conditions of parole are imposed. In the case of an offender serving a sentence for the crime of murder, only the full Board, after an in-person hearing and by majority vote, can certify parole release.

In cases where the panel denied parole and is inclined to establish an extended future eligibility term, the case is referred for consideration wherein a third Board member



is scheduled to review the case. The three member administrative review is scheduled and an extended future eligibility term is determined.

## Juvenile Inmates

A juvenile inmate committed to the custody of the Juvenile Justice Commission shall be released on parole when it appears that the juvenile, if released, will not cause injury to persons or substantial injury to property. The review includes a personal interview of the juvenile by the assigned Board member or the designated hearing officer and, prior to such review, all documents relevant to the case, except documents classified confidential, are explained to the juvenile. If a hearing officer conducts the review, the hearing officer, at the conclusion of the review, recommends in writing any appropriate action to an assigned member of the juvenile panel.

At the conclusion of the review, the assigned Board member either certifies parole release of the juvenile as soon as practicable or files with the Board a statement setting forth the decision of the Board member. A copy of the statement is served upon the juvenile, the juvenile's parents or guardians, the court and the county prosecutor.

The juvenile panel reviews yearly the case of each juvenile confined to determine the reasons for the continued confinement of the juvenile. A copy of the report of such review is forwarded to the Juvenile Justice Commission, the court, the county prosecutor, the juvenile and the juvenile's parents

or guardians. If a juvenile is approved for parole prior to serving one-third of any term imposed for any offense of the first, second or third degree, including any extended term, or one-fourth of any term imposed for any other offense, the release of the offender on parole is subject to the approval of the sentencing court. Prior to approving parole release, the court is required to provide the prosecuting attorney notice and an opportunity to be heard. If the court denies the parole release of a juvenile, the court must state its reasons in writing and notify the Board, the juvenile and the juvenile's attorney of said reasons. The court has thirty days from the date of notice of the pending parole to exercise the authority to review the parole release of the juvenile. If the court does not respond within that time period, the parole is deemed approved.

## RECONSIDERATION OF BOARD DECISIONS

An inmate may request reconsideration of any action by a hearing officer, Board member, Board panel or the full Board. Unlike an administrative appeal, a request for reconsideration is reviewed by the body, which rendered the original decision. A request for reconsideration must demonstrate that either inaccurate information was considered which substantially affected the decision, or that relevant information such as medical, personal or family emergencies or positive community supports were not considered at the time of the panel hearing.

## **APPEAL OF BOARD PANEL DECISIONS**

Any decision by a hearing officer or Board member may be appealed to the appropriate panel and then to the full Board. Any decision by a panel is appealable directly to the full Board. Administrative appeals may be made by the inmate or by one acting on the inmate's behalf.

In the event an inmate is denied parole by a panel, that inmate may appeal the decision. Such appeals are considered when one or more of the following criteria are met: (1) the panel failed to consider material facts, (2) the panel failed to document that a preponderance of the evidence indicates a substantial likelihood that the inmate will commit a crime if released on parole, (3) the panel rendered a decision contrary to written Board policy, or (4) the panel consisted of a Board member who had a personal interest which affected the decision. A juvenile inmate may appeal any decision of the juvenile panel on grounds that: (1) the panel failed to consider material which indicated that no cause of injury to persons or substantial injury to property would occur, (2) the decision was contrary to written Board policy, or (3) the panel consisted of a Board member who had a personal interest which affected the decision.

## **PAROLE RESCISSION**

If a panel receives information, subsequent to a parole release decision being rendered but prior to the parole release date, which bears upon the likelihood that the inmate will commit a crime, the release date may be suspended.

A hearing officer conducts a hearing to determine whether, due to circumstances of an institutional infraction committed by the inmate or due to circumstances of the inmate's case which were not previously considered, there is good cause for the panel to reconsider the prior determination certifying parole release. At the hearing, the inmate may be represented by an attorney, speak on his own behalf, present and cross examine witnesses and present documentary evidence. Also, the inmate has a right to review non-confidential adverse information relevant to the hearing. Finally, the inmate may waive the hearing.

Following the hearing, the hearing officer prepares a written summary of the hearing for review by the panel and the inmate or his or her attorney. Comments or objections may be filed by the inmate or by his or her attorney with the panel prior to their decision. The panel issues a written notice of decision including the reasons thereof.

## **PAROLE REVOCATION**

If a parole officer has probable cause to believe that a parolee has seriously or persistently violated the conditions of parole, a warrant for the parolee's arrest may be issued, if evidence indicates the parolee may not appear at the preliminary hearing or that the parolee otherwise poses a danger to the public safety.

By statute, the Board may not commence revocation proceedings on the basis of new criminal charges which have not been judicially disposed of except upon request of the prosecuting authority or the Director of the

Division of Parole. Any parolee convicted of a crime committed while on parole will have his parole revoked unless the parolee demonstrates at a hearing by clear and convincing evidence that good cause exists to continue parole. The revocation hearing process consists of two stages. First, the initial, or preliminary hearing, is conducted by a hearing officer to determine if there are reasonable grounds (probable cause) to believe that parole violations have occurred. The parolee receives written notice of the hearing date, the violations alleged to have been committed and his rights at the hearing, including the right to be represented by counsel. Upon conclusion of the hearing the hearing officer will prepare a written decision and provide same to the parolee.

Following a review of the hearing officer's decision, the appropriate Board panel decides whether to continue the parolee under parole supervision or to conduct a final revocation hearing. The final hearing is held by a hearing officer at the institution in which the inmate is confined. The inmate is provided with a notice of the hearing advising him or her of the date of the hearing, the right to representation by an attorney, the right to present witnesses, the right to present documentary evidence, and the right to request postponement or to waive the hearing. A summary report is prepared by the hearing officer, and that report, including comments submitted by the parolee or his or her attorney, is presented to the appropriate Board panel. If there is clear and convincing evidence that a parolee has violated the conditions of parole, the appropriate Board panel may

revoke parole, if it is determined that revocation is desirable, and require the parolee to serve the remainder of their term in custody, or establish a future parole eligibility date upon which the inmate shall be primarily eligible for parole.

## **DISCHARGE FROM PAROLE SUPERVISION**

The appropriate Board panel may discharge any parolee from supervision prior to the expiration of the maximum sentence after a determination that a satisfactory adjustment has been made, continued supervision is not required and all fines and restitution have been paid. Discharge is considered upon receipt of a formal request with a recommendation from the Division of Parole on behalf of the parolee.

## **EXECUTIVE CLEMENCY**

The Governor has the constitutional power to commute sentences and to pardon convicted offenders. In addition, the Governor may remit fines and restore the right of suffrage in appropriate cases. The Governor has delegated to the Board the responsibility to investigate, report and recommend action on requests for executive clemency. The Board investigates each clemency request, prepares a full report, and forwards the report together with any recommendation to the Governor.

## **CERTIFICATE OF GOOD CONDUCT**

The Certificate of Good Conduct is a document issued by the Board to assist the rehabilitation of convicted offenders by removing impediments and restrictions upon their ability to obtain proposed employment. Issuance of a Certificate of Good Conduct pursuant to N.J.S.A. 2A:168A-1 et seq., precludes a licensing authority, as defined in N.J.S.A. 2A:168A-2, from disqualifying or discriminating against the applicant because of any conviction for a crime unless N.J.S.A. 2C:51-2 is applicable. Applications for certificates are made directly to the Board. A confidential investigation of the applicant's case will be conducted prior to the Board reviewing and rendering a determination on the application.

## Appendix B

# FACTORS CONSIDERED AT PAROLE HEARINGS (N.J.A.C. 10A:71-3.11)

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Parole decisions are based on the aggregate of all pertinent factors, including material supplied by the inmate and reports and material which may be submitted by any person or agencies which have knowledge of the inmate. The hearing officer and panel members in evaluating an inmate's case for parole consider the following factors:

1. Commission of a crime 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 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 inmate is likely to commit a crime if released.
10. Documented pattern of relationships with institutional staff or inmates.
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 or marital relationships at the time of eligibility.
16. Availability of community resources or support services for inmates who have a demonstrated need for same.
17. Statements by the inmate reflecting on the likelihood that he or she will commit another crime.
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. Statement or testimony of any victim or the nearest relative(s) of a murder victim.
23. The results of an objective risk assessment instrument.

A hearing officer and panel members may consider any other factors deemed relevant and may move to secure such additional information deemed necessary to ensure the rendering of an informed decision.

## Appendix C

# GENERAL CONDITIONS OF PAROLE

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**The conditions listed below apply to every individual serving a sentence on parole.**

1. You are required to obey all laws and ordinances.
2. You are to report in person to your District Parole Supervisor or his/her designated representative immediately after you are released on parole from the institution, unless you have been given other instructions by the institutional parole office, and you are to report thereafter as instructed by the District Parole Supervisor or his or her designated representative.
3. You are to notify your Parole Officer immediately after any arrest, immediately after being served with or receiving a complaint or summons and after accepting any pre-trial release, including bail.
4. You are to immediately notify your parole officer upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act N.J.S.A. 2C:25-17 et seq., of an order granting emergency relief, a temporary or final restraining order or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation. You are to comply with any condition established within the respective order until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court.
5. You are to obtain approval of your Parole Officer:
  - a. For any change in your residence or employment location.
  - b. Before leaving the state of your approved residence.
6. You are required not to own or possess any firearm, as defined in N.J.S.A. 2C39-1f, for any purpose.
7. You are required not to own or possess any weapons enumerated in N.J.S.A. 39-1r.
8. You are required to refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.A. 2C:35-2 and N.J.S.A. 2C:35-11.
9. You are required to make payment to the Division of Parole of any assessment, fine, restitution, D.E.D.R. penalty and Lab Fee imposed by the sentencing court.
10. You are to register with the appropriate law enforcement agency and, upon a change of address, re-register with the appropriate law enforcement agency if you are subject to the provisions of N.J.S.A. 2C:7-2.



11. You are to refrain from behavior which results in the issuance of a final restraining order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq.
12. You are to waive extradition to the state of New Jersey from any jurisdiction in which you are apprehended and detained for violation of this parole status and you are not to contest any effort by any jurisdiction to return you to the state of New Jersey.
13. You are not to operate a motor vehicle without a valid driver's license.
14. You are to submit to drug and alcohol testing at anytime as directed by the assigned Parole Officer.
3. You are to notify your Parole Officer immediately after any arrest, immediately after being served with or receiving a complaint or summons and after accepting any pre-trial release, including bail.
4. You are to immediately notify your parole officer upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act N.J.S.A. 2C:25-17 et seq., of an order granting emergency relief, a temporary or final restraining order or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation. You are to comply with any condition established within the respective order until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court.

### **General Conditions of Community Supervision for Life**

#### **A. Offenders serving a sentence of Community Supervision for Life or Parole Supervision for Life are subject to the following general conditions:**

1. You are required to obey all laws and ordinances.
2. You are to report in person to your District Parole Supervisor or his/her designated representative immediately after you are released on parole from the institution, unless you have been given other written instructions by the institutional parole office, and you are to report thereafter as instructed by the District Parole Supervisor or his or her designated representative.
5. You are to obtain approval of your Parole Officer:
  - a. For any change in your residence or employment location.
  - b. Before leaving the state of your approved residence.
6. You are required not to own or possess any firearm, as defined in N.J.S.A. 2C39-1f, for any purpose.
7. You are required not to own or possess any weapons enumerated in N.J.S.A. 39-1r.
8. You are required to refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.A. 2C:35-2 and N.J.S.A. 2C:35-11.



9. You are required to make payment to the Division of Parole of any assessment, fine, restitution, D.E.D.R. penalty and Lab Fee imposed by the sentencing court.
10. You are to register with the appropriate law enforcement agency and, upon a change of address, re-register with the appropriate law enforcement agency if you are subject to the provisions of N.J.S.A. 2C:7-2.
11. You are to refrain from behavior which results in the issuance of a final restraining order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq.
12. You are to waive extradition to the state of New Jersey from any jurisdiction in which you are apprehended and detained for violation of this parole status and you are not to contest any effort by any jurisdiction to return you to the state of New Jersey.
13. You are not to operate a motor vehicle without a valid driver's license.
14. You are to submit to drug and alcohol testing at anytime as directed by the assigned Parole Officer.
15. You are to cooperate in any medical and/or psychological examinations or tests as directed by the assigned parole officer.
16. You are to participate in and successfully complete an appropriate community or residential counseling or treatment program as directed by the assigned parole officer.
17. You are to submit to drug or alcohol testing at any time as directed by the parole officer.
18. You are to obtain the permission of the assigned parole officer prior to securing, accepting or engaging in any employment or business activity and prior to a change of employment.
19. You are to notify promptly the assigned parole officer upon becoming unemployed.
20. You are to refrain from any contact, verbal, written, or through a third party, with the victim(s) of the offense(s) unless contact is authorized by the assigned parole officer.
21. You are to comply with any curfew established by the assigned parole officer.
22. You are to permit the assigned parole officer to visit you at any time at home or elsewhere and permit confiscation of any contraband observed in plain view by the parole officer.
23. You are to notify, as directed by the assigned parole officer, an employer or any third party of your criminal record or personal history or characteristics, and permit the parole officer to make such notifications and to confirm compliance with such notification requirement.
24. You are to comply with any other reasonable instruction or directive given by the assigned parole officer.
25. You are to comply with any special conditions imposed by the District Parole Supervisor, an Assistant District Parole Supervisor, or the designated representative of the District Parole Supervisor and which is affirmed by the State Parole Board.

**B. You understand that if the victim(s) of an offense committed by you is a minor, you shall, in addition to the conditions specified in A above, be subject to the following conditions:**

1. You are to refrain from initiating, establishing or maintaining contact with any minor.
2. You are to refrain from attempting to initiate, establish or maintain contact with any minor.
3. You are to refrain from residing with any minor without the prior approval of the assigned parole officer.

**You understand that the following circumstances are deemed exceptions to the conditions specified in B above:**

1. When the minor is engaged in a lawful commercial business activity, you may engage in the lawful commercial or business activity, provided the activity takes place in an area open to public view.
2. When the minor is in the physical presence of his or her parent or legal guardian.
3. When you are present in a public area, as long as you are not associating with a minor, and the public area is not one frequented mainly or exclusively by minors.
4. When the appropriate court may authorize contact with a minor.

C. You understand that if the sentencing court had determined that your conduct was characterized by a pattern of repetitive and compulsive behavior and had committed you to the Adult Diagnostic and Treatment Center for a pro-

gram of specialized treatment, you shall comply with any program of counseling or therapy identified by the treatment staff of the Adult Diagnostic and Treatment Center.

D. You understand that if the sentencing court had determined that your conduct was characterized by a pattern of repetitive and compulsive behavior and had committed you to the Adult Diagnostic and Treatment Center and if upon release from confinement the appropriate county prosecutor determines pursuant to N.J.S.A. 2C:7-8 that you are a high risk to re-offend, you shall, in addition to the conditions imposed in A, B and C above submit every two years to an evaluation at the Adult Diagnostic and Treatment Center and comply with any program of counseling or therapy identified by treatment staff.

E. You understand that if the sentencing court had determined that your conduct 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 you are a high risk to re-offend, you shall, in addition to the conditions specified in A, B, C and D above be subject to the following conditions:

1. You are to refrain from any use of alcohol.
2. You are to submit to search conducted by the assigned parole officer, without a warrant, of your person, place of residence, vehicle or other personal property at any time the assigned parole officer has a reasonable or 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.

## *Appendix D*

# **HISTORY OF PAROLE**

Parole in New Jersey reflects an evolving system, which has been continually refined to meet changing conditions and increasing demands. In 1947, a new State Constitution was ratified dissolving the Board of Pardons and providing for the creation of the State Parole Board. Legislation actually establishing the State Parole Board was enacted in 1948, following the more general governmental reorganization resulting from the ratification of the 1947 Constitution.

From 1948 until April 1980, the Board was one of four separate paroling authorities, each of which had separate policy and decision-making authority and jurisdiction. The State Parole Board was given jurisdiction over inmates incarcerated in the state prison system. Parole jurisdiction for inmates committed for an indeterminate sentence was vested with three part-time institutional boards of trustees, which consisted of the Board of Trustees for the Youth Correctional Complex, the Board of Trustees for the Correctional Institution for Women, and the Board of Trustees for the Training School for Boys and Girls. While these various paroling authorities exercised their duties, there was little continuity or uniformity in decision-making among the boards. With the implementation of the Code of Criminal Justice (Title 2C) in 1979, the recognition grew that there was a need to consolidate jurisdiction and revise the laws governing parole.

The Parole Act of 1979 consolidated the paroling authority into the State Parole Board to coordinate operations, develop policy and foster consistent decision-making. The Board, which now has fifteen full-time members and three alternate members, includes two members who deal specifically with the cases of juvenile offenders. Though each two-member panel devotes primary attention to its assigned areas, when resolving policy issues and appeals, the Board acts as one unit.

In 1982, the Parole Act of 1979 was amended to effect a county parole system. The Board was vested with the additional authority to parole offenders, sentenced to serve a term greater than 60 days in a county jail facility. The county panel is comprised of two Board members or one Board member and one hearing officer.

On May 4, 2001, the Legislature enacted legislation transferring the Division of Parole, which consisted of the sworn law enforcement officers who supervised offenders on parole status, from the Department of Corrections to the State Parole Board, with all of its functions, powers, and duties. On September 4, 2001 the Division of Parole successfully merged with the State Parole Board and the agency grew from 175 employees to 750 employees. Included in the merger were the thirteen district parole offices, the alternative sanction programs, the Fugitive Unit, the Office of Interstate Services, and the Division of

Community Programs. In addition, the Parole Advisory Board was transferred to the State Parole Board. The Advisory Board is responsible to review and comment on supervision issues, develop and implement drug and alcohol treatment programs for parolees, and any other issues requested by the State Parole Board, taking into consideration all relevant research. The Advisory Board is to sponsor conferences with criminal justice administrators and community members, in order to educate all interested parties in the importance of relapse prevention and treatment for specialized cases, addresses issues such as lowering costs, developing protocols for confidentiality, identifying the type and amount of treatment available, and promotes community involvement in the reintegration process.

## Appendix E

# WHO TO CONTACT

Use this chart to find out who to contact.

SUBJECT	CONTACT PAROLE COUNSELOR	CONTACT PAROLE BOARD	CONTACT CLASSIFICATION SOCIAL WORKER
APPEAL OF PAROLE DECISION		X	
APPEAL OF OFFENDER STATUS		X	
COMMUTATION TIME FOR PAROLE	X		
COMMUTATION TIME LOST			X
COMMUTATION OF SENTENCE		X	
CONDITIONS OF PAROLE		X	
CREDITS, WORK, MINIMUM			X
CUSTODY STATUS			X
DECISION RESULT	X		
DETAINER(S)			X
ELIGIBILITY DATE	X		
EXTENSION OF PAROLE ELIGIBILITY	X		
HEARINGS, SCHEDULE OF	X		
EXECUTIVE CLEMENCY		X	
FINE, PAYMENT OF			X
FURLOUGH			X
HEARINGS, RESULT	X		
JAIL TIME			X
MANDATORY-MINIMUM	X		X
MAXIMUM DATE			X
MEDICAL COMMUTATION		X	
OFFENDER STATUS	X	X	
OFFENDER STATUS APPEAL		X	
PENALTY PAYMENT OF			X
PAROLE PLAN	X		
PRE-RELEASE CONDITIONS	X		
PROGRAMS	X		X
RECORDS			X
RESCISSION	X	X	
RESTITUTION, PAYMENT OF			X
REVOCATION		X	
SENTENCES			X
SPECIAL CONDITIONS	X	X	X
TRANSFERS			X
WARRANTS			X
WORK RELEASE			X