

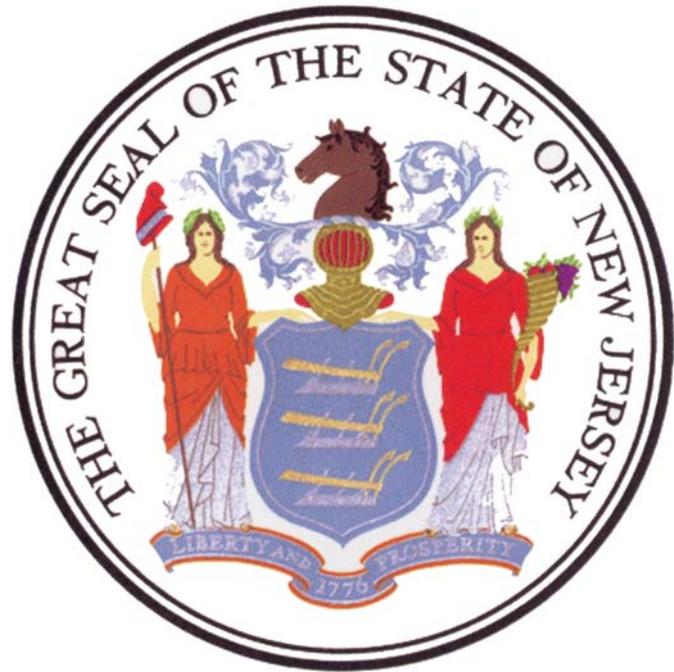
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State Parole Board Annual Report



Richard J. Codey
Acting Governor

John D'Amico
Chairman

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.

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.



State of New Jersey
STATE PAROLE BOARD

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RICHARD J. CODEY
Acting Governor

JOHN D'AMICO, JR.
Chairman

PAUL J. CONTILLO
Vice-Chairman

April 2005

The Honorable Richard J. Codey
Acting 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 fiscal year 2005 annual report of the State Parole Board.

The State Parole Board has achieved many significant milestones during the past year. From the implementation of a new risk assessment tool to the expansion of our re-entry centered community partnership efforts the Board has sought to establish New Jersey as a leader among state paroling authorities. With the safety of the public at the forefront of our decision making process, we have made significant progress in reshaping the State Parole Board's operations and structure to meet the changing needs of the state. The Associate Members, managers, sworn officers and civilian employees of the Board have done an outstanding job as we have made these changes, and continue to perform their duties with the highest level of professionalism and dedication.

The residents of the state can be assured that the State Parole Board continues to work toward improving our operations and promoting public safety.

Respectfully submitted,

A handwritten signature in dark ink that reads "John D'Amico".

John D'Amico, JSC (retired)
Chairman

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



Parole has three principal aspects: (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) modifications or revocation of the parole status if the offender violates 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 adult and juvenile

State Parole Board: Back (L-R) Heriberto Collazo, Stephen Iwasko, Joseph Constance, Oscar Doyle, Ruby Washington, P.James Van Etten, Thomas Haaf, Dominic Porrovecchio, Kenneth Saunders (Seated) Norman Robertson, Paul Contillo, John D'Amico, Carmen Garcia, Veleria Lawson and Reni Erdos.

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.

New Jersey State Parole Board 2004

Chairman John D'Amico, Jr.	2006
Vice-Chairman Paul Contillo	2009
Veleria Lawson	2009
Thomas Iskrzycki	2004
Joseph Constance	2005
Oscar Doyle	2005
Stephen Iwasko	2005
Heriberto Collazo	2006
Kenneth Saunders	2006
Thomas Haaf	2007
Norman Robertson	2007
Peter James Van Etten	2007
Ruby Washington	2007
Carmen M. Garcia	2007
Reni Erdos	2010

ALTERNATE MEMBERS

John Paitakes	2005
Laurie Fuchs	2007
William Thomas	2007

Executive Director: Michael W. Dowling

Deputy Executive Director: Yolanda E. Garcia, Esq.

Agency Accomplishments

In fiscal year 2004, the State Parole Board achieved several significant milestones in its ongoing efforts to maintain the highest professional standards for community corrections agencies nationwide.

POLICY DEVELOPMENT

The State Parole Board was a leading agency in the Governor's Re-Entry Roundtable and the National Governors' Association's (NGA) Re-entry Policy Academy. Both initiatives focused on planning for and developing resources available to facilitate the successful return of offenders to their communities. The SPB's goal remains to ease the transition from incarceration to the community for offenders and provide the necessary guidance and support to parolees. This guidance and support improves the parolee's chance of successfully reintegrating as a law-abiding citizen and reduces recidivism.

The Re-entry Roundtable was a yearlong initiative in partnership with the New Jersey Institute for Social Justice and the New Jersey Public Policy Research Institute. It brought together policy leaders from governmental and non-governmental service providers. The Roundtable developed a series of recommendations to respond to a wide array of issues related to offender re-entry. The SPB has begun to implement several of these recommendations.

New Jersey was honored to be selected as was one of only seven states selected to participate in the NGA's Re-entry Policy Academy. The Re-entry Policy Academy has afforded the SPB the unique opportunity to participate not only in a cabinet-level working group for New Jersey, but also in a

multi-state forum for the exchange of ideas and policy concepts. This exchange has fostered innovative policies and initiatives to address offender re-entry.

The SPB has also partnered with the Black Issues Convention and the Hispanic Director's Association, along with the Department of Corrections and Juvenile Justice Commission, to address the predominance of minorities in the state's corrections system. The joint effort produced a report outlining strategies for change at each stage of the criminal justice process, from investigating crimes through parole. The SPB has begun to implement some of the recommendations as part of its larger reform efforts.

The SPB's policy development efforts are being coordinated and augmented by Dr. Melinda Schlager, who in fiscal year 2004 was appointed to the newly created position of Director of Policy and Planning.

GRADUATED RESPONSES TO VIOLATIONS

In response to the burden that reincarcerating technical, non-criminal violators of parole places on the corrections system, the SPB has adopted a new policy of graduated responses to technical violations. The new graduated sanctions regime is designed to use the least restrictive response for the violation being addressed. This policy encourages Parole Officers and their

supervisors to tailor sanctions to the offense, and focus on root causes rather than relying on reincarceration as a one-size-fits-all response. The SPB has increased the number of community program slots. Community programs such as the Re-entry Substance Abuse Program, and Halfway Back provide a wide array of education, 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 sanctions policy, the Board is seeking to dramatically improve success rates among parolees.

FAITH-BASED & VOLUNTEER PROGRAMS

With the reality of limited budgets and increasing needs in mind, the SPB has developed new partnerships with non-profit, volunteer and faith-based organizations to increase the options available to parolees in need of assistance. Launched at the SPB's first parole conference in October 2003, the effort to recruit willing non-governmental volunteers particularly from faith-based organizations, has been a great success.

Following the October conference, held at Mt. Zion A.M.E. Church in New Brunswick, the SPB created a dedicated Office of Community



Imam W. Deen Sharif addresses offender re-entry conference attendees regarding employment and education issues of parolees.

Partnerships, within the Division of Community Programs. The OCP has developed a growing network of state, county and local governmental agencies and allied non-governmental groups including churches and mosques. These partners have joined the SPB in providing greater resources for Parole Officers to use in assisting parolees. The OCP has also found paths to speed up or eliminate bureaucratic barriers faced by parolees seeking assistance.

The October conference was the first of a series of regional conferences being held throughout the state. The second was held in May 2004, at Shiloh Baptist Church and Community Center, Atlantic City. It was hosted by Associate Board Member Rev. Ruby Washington, and her husband Rev. Dr. James Washington, Shiloh's pastor. Additional conferences are planned for Newark, Camden, Paterson and Jersey City for fiscal year 2005.

NEW ASSESSMENT TOOL

The SPB began implementing a new dynamic tool to evaluate the risks and needs of offenders. The Level of Service Inventory-Revised, LSI-R, is a proven instrument for measuring the likelihood of recidivism. It also guides the prescription of training and treatment for an offender. The LSI-R is widely used by other states and the Canadian corrections authorities. The unique benefit of the LSI-R over prior instruments is its ability to measure dynamic factors in an offender's life, and consequently to measure changes in the offender, either for the good or the bad.

During fiscal year 2004 senior staff were certified in the LSI-R, and training for all Hearings Officers, and much of the parole supervisory staff is planned for fiscal year 2005 and beyond. Much of this training will be funded with a \$65,000 Byrne Grant the SPB received during fiscal year 2004.

DETOXIFICATION FACILITIES

The Community Programs Division successfully negotiated with Bergen Regional Medical Center to

secure ten beds for detoxification at no cost to the SPB. These beds fill a crucial need in that the SPB did not have any resources to accommodate a parolee in need of detoxification before admission into a residential community program. This innovative partnership is a significant step toward closing this gap.

NEW PAROLE RECRUIT CLASS

The Division of Parole graduated the first class of Parole Officer recruits since the 2001 merger of the Division of Parole with the SPB. These officers helped offset attrition because of retirements and have maintained the Division's ability to manage caseload sizes. The 26 graduates were sworn-in in May 2004.

COMMUNITY PROGRAMS DISTRICT CREATED

To better manage parolees assigned to residential treatment facilities under contract with the SPB, a new district office dedicated to supervising these cases was created. District Office 16 is based in the Trenton central office and has responsibility for the 1,100 parolees housed in residential centers from Newark to Bridgeton.

CONSOLIDATED FUGITIVE CASELOAD

The Division of Parole has consolidated the task of locating parole absconders missing 90 days or more into a single Fugitive Unit. This unit is responsible for locating and arresting missing parolees as well as case management. The unit has



Parole Officer Recruit Class # 20 recites the Pledge of Allegiance at their graduation ceremony in May 2004.

cross-trained with the United States Marshal's office and New Jersey State Police, and conducted several joint agency operations in fiscal year 2004.

EXPANDED SPECIALIZED GANG CASELOADS

The Division of Parole has expanded its Gang Reduction and Aggressive Supervised Parole (GRASP) program. GRASP is a collaborative effort among the SPB, Department of Corrections and the State Police targeting gang members both inside prisons and on parole. GRASP has developed invaluable intelligence that has led to several arrests and the prevention of at least one murder in the past fiscal year. GRASP officers presented a legislative briefing at the statehouse in June, 2004.

INFORMATIONAL TECHNOLOGY

Among the innovations implemented by the IT unit is an automated case management function added to the Parole Board Information System (PBIS). The new feature automates caseload counts and other case management functions. The IT unit also developed the Juvenile Parole Board Information System to better address the unique needs of the juvenile parole process.

The IT unit has also made significant strides in upgrading equipment and networks used by the agency to improve reliability and security.

CONCLUSION OF HAWKER V. CONSOVOY SETTLEMENT AGREEMENT

The SPB successfully completed the monitoring period required under the settlement agreement that concluded a class action lawsuit involving a backlog of pre-parole reports and parole hearings. 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. Through the hard work of dozens of SPB employees and the application of up-to-date technology, the SPB has ensured that all eligible inmates receive their parole hearings within the time frames called for under the law.

PHASE II ALGORITHM IMPLEMENTED

The next phase in the automating of the parole eligibility date calculation was rolled out in October 2003. With this new phase, 95 percent of all inmates' parole eligibility dates can be calculated automatically, greatly reducing the chance for human error and giving greater assurance that all offenders will receive timely parole hearings.

SPB TAKES OVER MH EVALUATIONS

Beginning in April 2004, the SPB took responsibility for all mental health evaluations for offenders awaiting parole consideration. These evaluations had previously been conducted by the Department of Corrections. Under the new arrangement the SPB will have greater control over the quality and timeliness of evaluations, and will be better able to request the specific evaluations based on the needs of the SPB.

Causes & Extent of Recidivism

The primary purpose of the State Parole Board is to supervise offenders in the community in ways that facilitate appropriate and effective offender re-entry. Nationally, criminal justice initiatives focusing specifically on offender re-entry have gained increasing prominence. At the state level, the State Parole Board has been a leader among criminal justice and corrections agencies in embracing new re-entry strategies. The reality is that within the next five years, approximately 70,000 offenders will either be released to parole or will complete their sentence in prison and be released to New Jersey communities.

The majority (57%) of those released will be minority offenders between the ages of 21 and 40. Moreover, these offenders will return to their communities with significant deficits and barriers that will inhibit their ability to successfully reintegrate into society. At the time of release, these offenders will be more likely to present with significant substance abuse or mental health issues, educational deficits, limited employment prospects and other problems that make assimilation into society difficult if not impossible.

The State Parole Board has been involved in significant state-level policy initiatives and many other 'street-level' initiatives. Under the auspices of Rutgers University, much good work is being done by the Newark and Camden Safer Cities programs that focus the efforts of law enforcement, the courts,

parole and probation on offender re-entry. The New Jersey Institute for Social Justice and the New Jersey Public Policy Research Institute deserve accolades for having gathered state policymakers, researchers, service provider agencies and organizations, and other key stakeholders to assist in developing a strategic response to the challenge of prisoner re-entry in New Jersey. The resulting recommendations of the New Jersey Reentry Roundtable have provided a framework for effective re-entry strategies.

SPB IS A CRIME PREVENTION AGENCY

The prevention of future criminal behavior is at the core of the SPB's mission. Crime injures or kills victims, destroys their property and impairs their quality of life. Crime causes economic and social distress to communities, and each crime affects over 30 peo-

ple, including the victims, families of victims and offenders, law enforcement and court personnel, and corrections and parole board officers and administrators. Criminal behavior severely compromises the life and future of offenders and adversely impacts the communities to which they return.

Recidivism is a major challenge: Cycling in and out of prison is common among ex-offenders. Within three years of release, a majority of the prisoners released in New Jersey are rearrested, and about 40% are reconvicted and re-incarcerated. A large number of those inmates have been incarcerated in recent years for parole violations. The SPB is driving down the number of returns to prison for technical violations as result of a new policy of graduated sanctions and re-entry-focused parole supervision.

SPB IS A PARTNER IN HOMELAND SECURITY

Homeland security and counterterrorism is a new challenge that every law enforcement agency is encountering. The SPB has 13 district offices throughout the state staffed by 410 sworn law enforcement officers. Our officers are being integrated into the network of law enforcement that is ever on the watch for intelligence that may lead to the discovery of domestic terrorist activities.

The fine men and women of the Division of Parole do an outstanding job protecting the citizens of this state and nation.

SPB IS A COST AVOIDANCE AGENCY

Parole plays a unique role as a cost-avoidance agency in the criminal justice system. In New Jersey, the N.J. Department of Corrections' annual budget totals approximately \$1 billion

with an average cost of incarceration per offender of \$33,000 per year or \$90 per day. This is in stark contrast to a variety of alternatives to incarceration that are managed and operated by the SPB ranging in cost from \$10 to \$36 per day.

Research suggests that for offenders convicted of property or drug crimes, lengthy prison sentences do not result in enhanced public safety but do much to increase the costs associated with corrections for those who are required to complete their sentences inside prison walls. Significant cost savings can be realized through alternatives to incarceration that result in the appropriate placement of offenders in community programs providing substance abuse and treatment and counselling. For example, the U.S. Department of Health and Human Services estimates that every dollar invested in treatment reduces the costs of drug-related crime, criminal justice costs, and theft by \$7. When health care costs savings are added in, total savings can exceed costs by a ratio of 12 to 1.

The majority (over 60%) of crimes committed in New Jersey are property, drug-related or public disorder offenses and not crimes of violence. Non-violent offenders can be diverted to substance abuse or mental health treatment, education, vocational training, life skills development, counseling and community supervision for a fraction of the cost of incarceration.

To that end, the State Parole Board manages a comprehensive set of alternatives to incarceration that maintain public safety through appropriate supervision of offenders in the community. These programs include but are not limited to Halfway Back, Reentry Substance Abuse Program (RESAP), Day Reporting Centers, and Electronic

Monitoring. They are worthy of our support for three reasons: (1) they work, (2) they are cost effective, (3) and they represent the right thing to do.

SPB IS A PROBLEM-SOLVING AGENCY

The causes of recidivism are difficult and complex, and the challenges and barriers facing ex-offenders as they re-enter the community are daunting. There are five major factors that contribute to repeated criminal behavior.

FIVE KNOWN PREDICTORS OF OFFENDER RECIDIVISM

ANTISOCIAL VALUES

Antisocial values and attitudes are at the core of the recidivism problem. As part of our growing community partnership outreach program the SPB has invited the help and involvement of all faiths that preach love and compassion to help parolees replace antisocial values with pro-social values. A spiritually

transformed parolee will be more likely to choose a pro-social response over an antisocial response when faced with a moral dilemma.

ANTISOCIAL PEERS

Parolees tend to get into trouble when they reunite with the associates with whom they got into trouble in the first place. Mentors can counter-act the negative and harmful influences of antisocial peers and of the "prison code" or "penitentiary mentality." A transformed offender, guided by a compassionate mentor, will avoid bad influences and associate with persons who are positive rather than negative role models. Although Parole Officers can act as these mentors to a limited extent, the SPB is also developing a volunteer driven mentoring program to assist parolees.

POOR SELF-CONTROL AND INABILITY TO SOLVE PROBLEMS

Re-entry is very difficult and challenging for ex-offenders, many of whom return to crime when confronted with family crises or financial problems. They must be taught to stop blaming someone or something else for their troubles and instead, to accept rather than deny responsibility for their own actions.

FAMILY DYSFUNCTION

A large number of offenders come from dysfunctional fami-



Chairman John D'Amico addresses conferees at a State Parole Board community partnership conference on parolee re-entry.

lies. Any family connections that may have existed, may have been severed or at least strained, by the criminal actions of the offender and during incarceration. Because the hours and days following release can make the difference between successful reintegration and recidivism, former prisoners with access to supportive networks are more likely to succeed. Ministers, imams and mentors are

stepping forward to help parolees with their families or provide support where family resources are unavailable.

PAST CRIMINALITY

Past criminality is the major predictor of recidivism.

FOUR PLAGUES OF THE CRIMINAL JUSTICE SYSTEM

ADDICTION

Over 50% of released inmates have a drug or alcohol problem. More than half of state prisoners reported they were using drugs or alcohol when they committed the offense that led to their incarceration. Nearly one in five state prisoners said they committed their most recent crime to obtain money for drugs and 44% of parolees are drug offenders.

In the absence of treatment, risk of relapse following release from prison is high. For example, an estimated two-thirds of untreated heroin abusers



Bud Scully of the Office of Community Partnerships discusses barriers to reentry with parolees at Vince's Place Mutual Agreement Program in Trenton.

resume their heroin or cocaine use and patterns of criminal behavior to support their habit within three months of release from prison. Our state has expanded drug treatment options, but demand for treatment exceeds the capacity of existing programs.

States like New Jersey that increased use of prison for drug offenses at higher rates than other states did not experience less drug use than states that made more moderate use of prison for drug offenders. The reason: Like any other business, if you eliminate a salesman without eliminating demand, the salesman's boss will hire someone else. Drug treatment works because a reformed drug user is not automatically replaced with a new addict. Treatment programs aimed at consumption reduction are much cheaper than prison, at \$36 per day versus \$90 per day for state prison, and they are effective, reducing the likelihood of drug use and associated criminal behavior and

increasing employment.

Unfortunately, recovery from addictions is often interrupted by relapses. The SPB's new policy of graduated sanctions in response to minor parole violations recognizes this reality and mandates referral of parolees to treatment and counseling programs in lieu of reincarceration.

ILLNESS

Nearly a third of state prisoners have a learning or speech disability, hearing or vision problem, or a mental or physical condition. Fifteen to twenty percent of prisoners suffer from at least one chronic condition, such as asthma, diabetes, or hypertension, and 10% have at least one communicable disease or condition, such as HIV, AIDS, tuberculosis, syphilis, chlamydia, gonorrhea, Hepatitis-B, or Hepatitis-C. Parolees with untreated chronic diseases can create substantial burdens on the community health system, particularly in terms of costly acute care and hospitalization services.

Effective health planning for the return of offenders to the community, specifically connecting them with community services, greatly increases their chance of continuing to receive medical care. The SPB has forged a partnership with the N.J. Department of Health leading to referral of parolees to Federally Qualified Health Care Centers.

In addition to physical illnesses, fifteen to twenty percent of all persons released are mentally ill. The policy of deinstitutionalization was designed to shift the burden of caring for the mentally ill population from large state hospitals to smaller community-based programs. The absence in New Jersey of effective sustained treatment for offenders have forced the criminal justice system, rather than the mental

health care system, to respond to the erratic behavior exhibited by the untreated mentally ill. We have, in effect, diverted mentally ill offenders from hospitals to prisons and then to the streets, equipping them with little more than a limited supply of drugs, if any, and little or no care or guidance.

Mentally ill parolees, particularly those with severe illness or co-occurring disorders (mental illness and addiction to alcohol or drugs) have difficulty coping with the most basic re-entry activities like finding housing and employment. As a result, they often commit new crimes. The overall cost of repeated incarcerations and/or hospitalizations of this population is staggering. Effective mental health treatment must be initiated in prison and continued after release if mentally ill parolees are to reintegrate successfully.

The SPB, the Department of Corrections, Department of Human Services, the Division of Mental Health Services, Department of Community Affairs and the Housing and Mortgage Finance Agency are developing a pilot program focusing on mentally ill homeless parolees that would include assessment, discharge planning, treatment, transitional housing, rental subsidies, employment, support, education and relapse prevention training for families. This is the type of program to which government and the private sector needs to direct substantially more resources in order to deal effectively with the mentally ill ex-offender population.

IGNORANCE

The average educational level of inmates is sixth grade or lower. This lack of education and work skills are major impediments to meaningful employment. We must do a better job encouraging parolees to further their

education, particularly in the areas of reading, writing and arithmetic. Toward that end, we encourage parolees to obtain their GED. We also wish to forge partnerships with educational institutions to further address the educational deficits of parolees.

Vocational skills training is also extremely important. Rich Liebler's Ford Motor auto mechanic training program and the New Community Corporation's culinary arts program are great examples of the type of programs needed to make parolees job ready for the work place.

IMMORALITY

Lack of morals or values, and the inability to conform to the laws governing society and accepted notions of right and wrong are endemic among offenders.

Faith-based institutions offer a wealth of resources, services, and ministries for the communities in which they reside. Traditional public and nonprofit programs lack the ability to change the hearts and minds of at-risk former prisoners in poor neighborhoods. That is the mission of churches, mosques and other faith-based institutions. It is our hope that the faith-based community will answer the "Parole Board altar call" and help combat immorality in the criminal justice mission field.

THREE MAJOR NEEDS OF PAROLEES

In developing strategies to address the causes of recidivism and to attempt to place parolees on the path to a productive noncriminal future we must first address the prime needs of the parolees. As Maslow described in his Hierarchy of Needs, these basic needs must be satisfied before we can address the higher needs.

HOUSING

Housing is a key issue, considering that the first few months following release are a critical time when a returning prisoner may be most tempted to fall back into old habits. Without the benefit of stable housing, parolees struggling to meet other basic needs, such as finding employment and gaining access to substance abuse treatment and health care services, may face a higher risk of relapse and recidivism.

The National Survey of Homeless Assistance Providers and Clients estimates that 49% of homeless people spent five or more days in a city or county jail, and 18% spent time in a state or federal prison. Each year the SPB paroles 1,300 offenders who are "placement cases," in other words, homeless parolees who are temporarily housed in shelters, motels and other transitional facilities.

Returning prisoners rarely have the financial resources or personal references necessary to compete for and secure housing in the private housing market. In most communities, a full-time minimum wage job will be insufficient to cover the fair market rent for a two-bedroom apartment. In addition, landlords typically ask applicants to list employment and housing references, to disclose financial and criminal history information, which put returning offenders at a disadvantage.

For some parolees, returning to the homes of their families is not an option. Welfare reform and changes in public housing regulations make felony drug offenders ineligible for funding and housing placement. In addition, Federal housing policies barring certain convicted felons from public housing units can result in the eviction of all members of a household because of criminal offenses committed by a family member or guest.

Parolees need access to transition-

al and permanent housing, help in completing housing applications, and linkages to community support systems that can provide an array of services to facilitate re-entry.

JOBS

The single greatest obstacle to a successful parole is unemployment. When an offender returns home, and is unable to locate productive work, all the influences and temptations that led to their original incarceration begin to take hold once again. A prime example: an ex-drug dealer can make a quick buck by returning to his trade-barring re-arrest.

Jobs incapacitate potential offenders the same way hard time does. Every hour spent working is an hour they don't have free to commit crimes. If ex-offenders are working, they can support their families, contribute to their communities, provide for their own needs, and claim a role as productive members of the community.

Unfortunately, the majority of parolees are unprepared for the competitive labor market upon release. They confront many barriers to employment such as low education levels, stigma, statutory bars to certain occupations, and lost time from the labor force. Simply, job applicants with a criminal record are substantially less likely to be hired.

The kinds of jobs for which employers have historically been more willing to hire parolees—blue collar and manufacturing jobs—are diminishing; while at the same time, jobs for which parolees are less likely to be hired or from which they are barred—childcare, elder care, customer contact, and service industry jobs—are expanding.

There are strong incentives for employers to hire parolees: federal bonding, tax breaks, and the additional

protections offered by parole supervision. But we also need a concerted effort to educate, train, and help parolees to overcome the stigma of convict status so that they can secure and maintain living-wage jobs.

The SPB and the N.J. Department of Labor have created a referral system in which each District Parole Office will be able to connect parolees with the DOL One-Stop Career Center system via direct computer link through DOL's American One-Stop Operating System, fax, or e-mail. Parolees referred to the One-Stop centers will receive job readiness assessments, detailed remediation plans to help them become job ready, and job placement.

Additionally, we have been working with employers, organized labor, and community-based and faith-based organizations to provide employment opportunities to parolees.

TRANSPORTATION

Driver's licenses are very difficult to obtain for returning offenders who face accumulated fines and surcharges, and may also face child-support arrears that prevent the issuance of a license. The Sentencing Study Commission will be evaluating the issue of suspension of licenses of defendants convicted of CDS offenses. Developing a response which allows parolees to satisfy their obligation of fines and other accrued debts, while removing the barrier to obtaining work that a suspended license causes, will be a major challenge to be met in the future.

Affordable access to public transportation is essential, but not all areas of the state are served by public transit, however, so we seek volunteers in community-based organizations and the private sector to help parolees get to and from work and other important destinations such as doctors offices,

clinics, parole offices and schools.

TWO SECTORS INVOLVED IN REENTRY PLANNING AND AFTERCARE

Both the public and private sectors have crucial roles to play in the development of a comprehensive response to this complex situation. As part of our mission to promote successful re-entry, the SPB administers several programs aimed at assisting offenders in the transition from prison to the street.

Additionally, we have forged partnerships with allied private sector organizations to reach beyond what SPB can do.

The Nicholson Foundation has funded the training of Essex County welfare staff and Department of Corrections staff to help ex-offenders qualify for Medicaid, food stamps, housing assistance, financial assistance, substance abuse treatment, work training, and job placement.

The Nicholson Foundation has also funded the North Ward Center Group Conferencing program, in Newark, to help incarcerated women reunite with children who have been cared for by foster parents or relatives.

The Most Excellent Way, a Christian 12-step program, has partnered with churches, the Salvation Army, Catholic Charities and Jewish Family and Children's Services to provide substance abuse counseling, help



Parolees receiving individual attention on job skills training at Day Reporting Center in Princeton.

in finding housing, security deposits, jobs, transportation, clothing, haircuts, and dental care to parolees throughout the state. These are just a few of the types of partnerships being forged.

The reality is that there is no singular simplistic answer to the myriad of problems faced by parolees, the communities they return to, and our state as a whole. The SPB will continue to strive to develop even better responses to these, based on best practices, and supported by sound, measurable evaluations. The dedicated professionals at the SPB are committed to implementing an effective parole system that protects the public and returns ex-offenders to society as reformed and productive citizens.

Goals for Fiscal Year 2005

As part of the planning for fiscal year 2005, the SPB has established a series of projects and policy initiatives to improve ex-offender re-entry and enhance public safety:

SEX OFFENDER MANAGEMENT UNIT

To provide the best trained and most effective management of offenders serving terms of community and parole supervision for life, the SPB will create a new district office tasked exclusively with the handling of sex offenders. The new SOMU will handle cases from throughout the state for which officers will receive specialized training.

EVIDENCE BASED DECISION MAKING

The Director of Policy and Planning will head up a multi-faceted, agency wide effort to implement “best practices” for decision making at all points in the parole process from first eligibility through discharge consideration. Founded on the best social science and rooted in measurable evidence, the revisions will ensure New Jersey remains at the forefront of paroling practices.

VIOLATIONS MATRIX

As part of the decision making revisions, the Division of Parole and others will develop a new tool to guide the agency in determining what will be the most appropriate response to a parolee's violation of the conditions of parole. Aimed at increasing the predictability and standardization of the violation process the new matrix will be an invaluable tool for



Associate Board Member Thomas Haaf and Alternate Board Member John Paitakes conduct a parole hearing via video conferencing technology.

officers, supervisors and members of the Board.

EXPANDED COMMUNITY PARTNER- SHIPS

The Office of Community Partnerships will continue its efforts to create new relationships that will expand the availability of support networks for parolees. The goal is to engage willing nongovernmental organizations and to focus communi-

ty resources on aiding parolee re-entry. The OCP will also endeavor to coordinate the efforts of other governmental agencies that also serve the parole population.

REGIONAL CONFERENCES

The OCP will conduct regional conferences in Newark, Camden and Paterson to foster the creation of new partnerships in these regions.

PATHFINDERS

The OCP will train and formally launch a volunteer based coaching program to assist parolees in making the transition from incarceration to successful citizen. Volunteers will be drawn from congregations and trained by the Prison Fellowship Ministries.

TRANSITIONAL HOUSING

OCP will formalize a partnership with the Friends of Gene Webster, in Atlantic City, to provide the first private-



District Parole Supervisor Daniel Riccardo educates the public on gang related issues at a State Parole Board conference.

ly funded transitional housing options for parolees. The SPB has plans for future sites throughout the state.

PAROLE OFFICER RECRUIT CLASS

Concentrating on expanding the ranks of bilingual officers, the SPB will train another class of Parole Officers in fiscal year 2005.

FORMAL LAUNCH OF CAMDEN SAFER CITY INITIATIVE

The Camden Safer City Initiative (CSCI) will move from the planning to implementation stage in fiscal year 2005. Focusing on young offenders at risk of killing or being killed, the CSCI represents a critical step forward in improving the quality of life for Camden's residents. The SPB is proud to be a partner with federal, state and local law enforcement agencies and the court system in this critical endeavor.

New Developments Affecting Parole

Each year the administration of parole is refined through legislation and court decisions. During fiscal year 2004 there were three important court decisions and one key legislative enactment.

PAROLE SUPERVISION FOR LIFE

On January 14, 2004, Governor Mc Greevey signed S-2659, Parole Supervision for Life, into law as P.L.2003, c.267. The purpose of this Act was to clarify that the special sentence of community supervision for life for sex offenders requires parole supervision. This Act applies however only to offenses occurring on or after the effective date of the Act.

The law added to the list of crimes for which a sentence of parole supervision for life must be imposed the crime of facilitating the creation of child pornography by causing or permitting a child to engage in a prohibited sexual act pursuant to N.J.S.A. 2c:24-4(b)3. The law also amended N.J.S.A. 2C:43-6.4 to clarify that parole supervision for life commences immediately upon the offender's release from confinement. An offender serving a special sentence of parole supervision for life is subject to conditions of parole that specifically focus on sex offenders.

The new law also amended N.J.S.A. 2C:43-2 to remove probation as a sentencing option for parole supervision for life offenses. Further, the law provides that if the sentencing court suspends the imposition of sentence on an

offender convicted of any offense subject to parole supervision for life, the sentencing court may not suspend the imposition of the special sentence of parole supervision for life. When no custodial term is imposed, parole supervision for life commences immediately, and the Division of Parole of the State Parole Board provides supervision.

The law clarified that the offender shall, during the term of parole supervision for life, be deemed to be in the custody of the Commissioner of Corrections and that the Division of Parole of the State Parole Board shall maintain supervision of the offender, which includes the compliance with any conditions imposed by the sentencing court. Nothing prevents the sentencing court from, at any time, proceeding against the offender for violation of any condition imposed by the court when it suspended imposition of sentence. Nor is the Division of Parole precluded from proceeding against the offender for a violation of any condition of parole supervision for life including any condition imposed by the sentencing court.

The law clarified that the State Parole Board may not discharge from supervision an offender on parole supervision for life unless the court grants a petition to terminate said supervision status. The offender must

satisfy the clear and convincing evidence standard of proof before a court may discharge the offender from the special sentence of parole supervision for life. In order to discharge the offender from parole supervision for life, the court must be satisfied that the offender has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the offender is not likely to pose a



A parole violator is placed into custody at one of the Board's District Parole Offices.

threat to the safety of others if released from parole supervision.

The law enables the State Parole Board to treat a violation of a condition of parole supervision for life like any other parole violation. Thus, an offender who violates the terms and conditions of parole supervision for life is subject to revocation of parole supervision for life status by the State Parole Board and may be sent to prison for a term of 12 to 18 months. Upon the completion of that term the offender continues under parole supervision for life or until such time as the court discharges the offender.

The law provides that the term to be served in confinement for violation of a condition of parole supervision for life cannot be reduced by credits for good behavior, the performance of a work assignment or assignment to minimum custody status. Additionally, the term to be served for violation of a condition of parole supervision for life may not be aggregated with any other sentence that may be imposed for the commission of

any other offense.

A violation of a condition of parole supervision for life without good cause also constitutes the commission of a crime of the fourth degree. Therefore, the offender is also subject to criminal prosecution as well as administrative action taken by the State Parole Board for the same violation.

MOCCO V. STATE PAROLE BOARD: SPECIAL CONDITIONS UPHELD

Appellant Joseph Mocco served as Town Clerk for the Township of North Bergen from 1971-1979. Following a criminal trial that lasted more than six months, Mocco was convicted of second-degree conspiracy to commit racketeering, N.J.S.A. 2C:41-2(d); second-degree bribery, N.J.S.A. 2C:27-2(c) and (d); and second-degree official misconduct, N.J.S.A. 2C:30-2(a). He was sentenced to an aggregate term of

twenty years imprisonment, fined \$200,000, ordered to make restitution of \$56,300 and assessed a total Violent Crimes Compensation Board penalty of \$90.00. Mocco's sentence was stayed pending appeal and he did not actually enter prison until July 1995.

On June 23, 1999 Mocco was considered for parole and granted parole. Upon being apprised of Mocco's pending parole release, the Township of North Bergen petitioned the Board for the imposition of ten special conditions that sought to curtail Mocco's influence and activities in the political affairs of the Township. Upon Mocco's release on parole, the Board agreed to the imposition of the ten special conditions of parole. However, the Board held such special conditions in abeyance pending review by the Division of Law, Department of Law and Public Safety.

On September 17, 2001 a special condition prohibiting Mocco from having any communication with certain named individuals was imposed. Mocco noted his objection to such special condition, but agreed to comply nonetheless. In addition, on February 22, 2002 the Board imposed the following five special conditions in lieu of the original ten special conditions that were imposed upon Mocco's release.

1.You may not engage in any political organizing, fundraising or campaigning.

2.You may not seek or hold public or political office.

3.You may not associate with persons whom you know to have criminal records.

4.You may not be employed by or volunteer with a company, association or group that provides any service involved with or related to the Township of North Bergen election process including, but not limited to,

providing political consulting, polling, election ballots or voting machines.

5.You in any individual capacity may not provide any service involved with or related to the Township of North Bergen election process including, but not limited to, providing political consulting, polling, election ballots or voting machines.

Mocco lodged repeated objections to the conditions contending that they violated his rights under the law. The Board modified the special condition imposed on September 17, 2001 to allow Mocco to have contact with the Mayor of North Bergen and the Township attorney in the setting of formal open public meetings and permitted Mocco to provide written submissions so that Mocco could express himself on public issues.

Mocco attacked the propriety of the conditions on statutory and constitutional grounds: , however, the Appellate Division of the Superior court noted that the substantive standards which were developed for each condition are related and similar. The Appellate Division found that the conditions prohibiting Mocco from engaging in electioneering were reasonably related to the offenses for which he was convicted and significant in attaining the goal of protecting the electoral and political process without silencing Mocco entirely. Thus, the conditions passed the "balancing test" required by the courts. Accordingly, the Appellate Division affirmed the conditions imposed upon Mocco.

JOHNSON V. STATE PAROLE BOARD: MEMBER'S PARTICIPATION IN MULTIPLE HEARINGS APPROVED

In 1977 James Johnson was convicted of Rape (3 counts), Rape While Armed (3 counts), Robbery and Assault While Armed. He was sentenced to an aggregate term of

70 years.

Between November 1989 and March 2001 Johnson was denied parole twice and received extended eligibility terms of 8 years and 6 years, respectively.

Following two parole hearings conducted on July 16, 2003 and July 30, 2003, the two-member Board panel could not reach a unanimous decision. Therefore, Johnson's case was referred to a third Board panel member for review. Upon such review, on July 31, 2003 a majority of the Board panel elected to grant parole release no earlier than September 11, 2003.

Following the decision to grant parole, another Board panel petitioned the Chairman to have the Full Board review the decision to grant parole. On September 10, 2003 the Full Board conducted a de novo hearing. Upon conclusion of the hearing, the Full Board denied parole. On November 12, 2003 the Full Board established a fifteen-year future parole eligibility term.

Johnson appealed the Full Board's decision to deny parole claiming the Board's decision was arbitrary, capricious, vindictive and a denial of due process. On February 19, 2004, the Appellate Division affirmed the decisions to deny parole and to establish a fifteen-year future parole eligibility term.

The Appellate Division found that the decision to deny Johnson parole was based on credibility determinations and discerned no basis to interfere with the Board's decision. Johnson contended that certain Board members were biased. The Appellate Division, upon review of the transcript of the hearing, was persuaded that there was no evidence to support this allegation. The Appellate Division felt that a particular Board Member who participated in all three parole hearings was in a better posi-

tion to gauge Johnson's responses because they were still fresh in his mind and he could compare the way Johnson was answering similar questioning by the Board members through the course of the three different hearings. Thus, the Appellate Division determined that the Board Member's characterization of Johnson's testimony was not unfounded.

Johnson also asserted that the Board's determination to deny him parole contained two provisions which exceeded the Board's authority. The first provision that Johnson claimed as beyond the scope of the Board's authority was that the Board directed him to undergo an Adult Diagnostic Treatment Center evaluation and follow the recommendations for treatment as indicated therein. The second provision provided that once the treatment course is successfully completed, Johnson was then to be given an in-depth evaluation by a certified sex offender therapist indicating that he was not a danger to society. The Appellate Division agreed with the Board that the record amply supported such evaluations especially where Johnson had failed to gain the requisite insight as to why he committed three separate brutal rapes even though he has had in excess of 27 years of counseling.

Lastly, the Appellate Division found that the record clearly supported the increase of the future eligibility term set in the Board's latest decision. The Court noted that Johnson had failed to come to grips with the reasons which caused his behavior so many years ago and suggested that Johnson merely needed to take a look at himself to see why the Board has seen fit to continue to increase his future eligibility term.

Annual Operations

The Board's operations are divided into three major components: the paroling authority, the supervision authority, and community programs. The Board and the release, revocation and appeals unit are responsible for the administration of the parole release, revocation and rescission hearing process for adult and juvenile offenders.

In September 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 conform 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 Board, these three areas and their associated programs for fiscal year 2004.



Board employees receive awards for exceptional work resolving the Hawker backlog. (L-R) D. Fucello, C. Benedetti, J. Aynedjian, L. Henry, Chairman D'Amico, S. Goldberg, A. Latino, L. Gregorio, B. Haskell, J. Inverso and Dep. Ex. Dir. Y. Garcia, Esq.

STATE PAROLE BOARD ORGANIZATION

Chairman
John D'Amico, Jr.

Associate Board Members

Executive Director
Michael W. Dowling

Deputy Executive Director
Yolanda E. Garcia, Esq.

Appeals
Edward Ocskay

Release
Lawrence Gregorio

Revocation
Richard Turback (acting)

Juvenile
Joyce Arciniaco-Krueger

Legal support
Douglas Chiesa, Esq.

Community Programs
Kevin McHugh

Policy & Planning
Melinda Schlager, PhD.

Fiscal & Administrative Services
Camella Elmer

External Affairs
Efrain Feliciano, Legislative Liaison
Edward Bray, Communications Manager

Director of Parole
Thomas James

Special Investigations
Chief Thomas Ciacciarelli

Information Technology
Christopher Cemele

EEO/ AA
Lise-Kirsten Higgins, Esq.

Human Resources
Candie Brown

Operations & Community Programs
SPO Sean Asay

DO 6,7,10 & OIS
SPO Francisco Bolanos

DO 3, 8 & 11 & EM
SPO Richard Kraemer

Training & Recruitment Coordinator
SPO David Soltis

Administration
SPO Sterling Wheaten

DO 1, 4, & 12 & Fugitive Unit
SPO Richard Butler

DO2, 9, 13 & 5 & SOMU
SPO Anne McGrath

Hearings

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 subsection of the release unit and is responsible for conducting initial hearings for county inmates. The unit processes county panel hearings and reviews that are conducted by the special county panel consisting of two Board members or a Board member and a senior hearing officer.

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 panel will interview the inmate and render a decision. When the two-member panel cannot 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 of the Board must vote to grant parole for such an inmate to be released.

REVOCAION UNIT

The revocation hearing unit conducts 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

COUNTY INMATE RELEASE UNIT STATISTICS

	2004	2003	2002	2001	2000	1999	1998
Initial Hearings							
Scheduled	5,711	5,485	5,788	5,363	5,165	5,659	5,860
Conducted	5,038	4,862	5,030	4,521	4,372	4,915	5,117
HO recommend for parole	1,455	1,812	1,908	1,755	2,128	2,241	2,852
Deferred	277	97	66	174	475	242	134
Not feasible	1,724	1,660	1,908	1,607	1,132	1,071	1,108
Refer to panel	1,582	1,293	1,148	985	637	1,361	1,021
Panel Hearings							
Scheduled	2,205	1,560	2,663	2,440	2,636	3,210	3,623
Decided	2,001	1,416	2,534	2,193	2,420	3,108	3,550
Deferred	13	7	10	33	27	93	69
Parole denied	971	599	149	39	15	28	58
Parole granted	1,030	817	2,385	2,154	2,405	3,080	3,492
Administrative review							
Reviewed	1,455	1,812	1,908	1,755	2,128	2,241	2,853
Denied	221	225	211	77	12	44	50
Parole granted	1,234	1,587	1,697	1,675	2,116	2,197	2,803
Total paroled	2,264	2,404	4,082	3,829	4,521	5,277	6,295

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.

JUVENILE UNIT

The mission of the juvenile unit is to conduct conscientious, informed hearings and make objective, impartial decisions regarding juvenile offenders

STATE INMATES RELEASE UNIT STATISTICS

	2004	2003	2002	2001	2000	1999	1998
Initial Hearings							
Scheduled	15,075	15,953	15,993	17,112	11,454	1,259	13,675
Conducted	13,614	13,460	11,536	14,675	10,973	12,123	13,307
Parole recommended	1,314	1,581	2,069	3,611	2,169	3,906	5,352
Deferred	779	4,113	4,457	2,437	442	426	368
Referred to panel	10,618	10,259	9,467	11,064	8,804	8,217	7,955
Two-member Panels							
Scheduled	12,700	12,995	11,741	14,804	11,569	7,596	7,433
Decided	11,827	12,021	13,720	18,440	13,837	10,296	12,170
Deferred	160	143	93	83	1,168	1,663	2,026
Parole denied	4,945	5,627	5,782	7,293	4,182	2,711	2,137
Parole granted	6,877	6,394	5,958	7,261	6,009	3,099	2,576
Three-member Panels							
Decided	53	55	63	266	40	38	18
Parole denied	53	35	62	260	40	38	18
Parole granted	0	2	1	2	0	0	0
Full Board Panels							
Decided	18	27	39	60	4	15	8
Parole denied	12	17	22	26	2	4	5
Parole granted	6	7	15	34	2	5	3
Administrative review							
Reviewed	1,268	1,575	2,212	3,878	2,401		
Denied	180	199	223	242	133		
Parole granted	1,084	1,374	1,989	3,636	2,268		
Total paroled	7,967	7,777	7,947	10,897	8,277	3,099	2,576

REVOCATION UNIT STATISTICS

	2004	2003	2002	2001	2000	1999	1998
Revocation initiated	3926	4945	4934	4672	4635	6403	6670
Continued on parole	1001	1368	1328	789	586	972	1304
Revoked-establish term	1210	1497	1473	1358	1511	2171	1977
Revoked re-paroled	129	89	213	286	304	539	812
Revoked -serve max	1546	1984	1920	2239	2234	2721	2577
Revoke-serve MSV	37						
Revoke other	3						

JUVENILE UNIT STATISTICS

	2004	2003	2002	2001	2000	1999	1998
Time goals established-juveniles	888	783	706	769	835	771	727
Time goals deferred		2	0	0	0	0	0
Quarterly reviews	3,045	2,423	2,096	2,277	2,430	2,548	2,406
Annual reviews	66	38	64	72	17	18	11
Continued confinement	3,446	1,407	1,066	1,126	1,189	1,386	1,295
Parole approved	624	516	275	692	753	743	750
Serve Max	482	313	229	175	176	156	127
Review deferred	145	246	180	232	279	233	163
Referred to young adult panel	0	0	0	0	0	1	4
Referred to adult panel	1	5	15	7	9	15	12
Time goals est.- young adult	0	15	8	8	9	15	21

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 a 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 partici-

pating 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.

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.

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, inquiries from crime victims, schedules interviews with victims, conducts victim-input hearings and notifies victims of the Board's decisions.

Supervision

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, two assistant directors, five supervising Parole Officers (SPO's), 14 district parole supervisors (DPS's) and 28 assistant district parole supervisors (ADPS's).

Each of the thirteen district offices is supervised by a DPS and two ADPS's. The electronic monitoring unit and the fugitive unit are lead by DPS's. 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.

Six Parole Officers are assigned as institutional Parole Officers (IPO's), in the 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.

COMMUNITY & PAROLE SUPERVISION FOR LIFE-CSL / PSL

The population supervised by the SPB includes more than 2,100 community supervision for life (CSL) and parole supervision for life (PSL) cases, which are supervised, "as if on parole." CSL/PSL 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 C/PSL 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.

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 that 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 divert-

ed from re-incarceration only if provided a highly structured supervision regimen.

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 CENTER-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.

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 325 cases from other jurisdictions in any given month during fiscal year 2004.

SPB Chairman John D'Amico is the Interstate Compact Commissioner for the State of New Jersey. He is assisted by Joseph Golden who heads the SPB's OIS and John Gusz of the Probation Department, Administrative Office of the Courts.

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 has processed 568 arrests in fiscal year 2004. The Unit coordinates its efforts with the N.J. State Police and the U.S. Marshal's office which has deputized all members of the fugitive unit.

PAROLE POPULATION

	CSL	GS	EM	ISSP	HIDP	IPDP	DRC	Total
June-04	2,112	10,679	372	871	178	310	389	12,799
May-04	2,074	10,295	352	925	235	298	412	12,517
April-04	2,008	10,214	367	913	224	319	402	12,439
March-04	2,045	10,099	385	869	179	208	434	12,174
February-04	1,922	10,079	380	881	171	202	465	12,178
January-04	1,729	9,216	343	1,050	350	286	383	11,628
December-03	1,753	9,042	325	1,088	371	291	315	11,432
November-03	1,768	8,981	303	1,144	448	285	304	11,465
October-03	1,644	8,731	288	1,163	491	297	300	11,270
September-03	1,571	8,777	263	1,187	454	290	259	11,230
August-03	1,534	8,798	235	1,192	473	271	372	11,341
July-03	1,343	8,866	210	1,242	560	269	318	11,465
2003	1,343	8,882	192	1,238	548	258	323	11,441
2002	915	8,826	155	1,465	585	357	330	11,718
2001	586	9,373	68	1,494	647	337	362	12,281
2000	225	10,061	61	1,241	608	358	344	12,673

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 offices 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 CENTER-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 con-

dition 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 skills 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.

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

HALFWAY BACK PROGRAM

	Cases Referred	Placed	Incomplete <30 days	Incomplete >30 days	Completions
June	297	211	11	39	129
May	239	184	21	38	105
April	187	276	20	12	129
March	284	190	12	29	122
February	505	156	16	20	97
January	206	115	7	22	83
December	119	135	19	18	87
November	106	136	12	13	79
October	217	155	13	16	93
September	137	94	7	19	94
August	95	116	3	5	89
July	125	122	11	29	99
2003	1532	1173			820
2002	739	457			245
2001	945	385			250

MUTUAL AGREEMENT PROGRAM

	Cases Referred	Placed	Incomplete <30 days	Incomplete >30 days	Completions
June	61	34	3	12	15
May	24	22	5	8	31
April	29	23	3	9	8
March	47	22	3	6	22
February	40	23	2	7	14
January	57	22	0	6	11
December	33	30	3	8	10
November	40	34	4	11	23
October	42	22	4	11	17
September	48	38	4	11	27
August	39	32	5	6	18
July	58	35	5	9	16
2003	772	452			274
2002	808	479			254
2001	945	385			250
2000	1140	494			325
1999	1234	545			382
1998	1003	544			349

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 provides time frame for achievement of specified objectives and treatment goals. Services include intensive drug treatment, relapse prevention, life skills development, anger and aggression management, job readiness skills, employment counseling, academic assistance, money management, future housing, and transitional support services.

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 that introduces intensive therapy for behav-

ioral and psychological problems related to addiction.

This program offers private chemical abuse treatment as a special precondition of parole for inmates who otherwise might not achieve parole status. All MAP participants must suc-

cessfully 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 after-care and community networking as a reinforcement of a parole plan and may be utilized as alternatives to re-incarceration for technical parole violators.

REENTRY SUBSTANCE ABUSE PROGRAM-RESAP

RESAP provides a structured, residential alternative to incarceration of technical parole violators who require substance abuse treatment. Similar to MAP and HWB, RESAP provides individually targeted treatment for offenders, but with an emphasis on substance abuse relapse treatment.

Appendix A: THE ADMINISTRATION OF THE PAROLE PROCESS

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.

Prior to 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, the Board considers a wide array of factors. 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 determine 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 jurisdic-

tion 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/.

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

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.

GENERAL CONDITIONS OF PAROLE

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.

GENERAL CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE

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/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.

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 program 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 a 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 THE PAROLE PROCESS

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 sanctions program, the Fugitive Unit, the Office of Interstate Services, and the Division of Community Programs.

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.

New Jersey State Parole Board

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