

# **THE PAROLE BOOK**

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



**FOURTH EDITION**

**NEW JERSEY STATE PAROLE BOARD**





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

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

This handbook is not the law and should not be cited or referred to as legal authority. We have done our best to put into this handbook, in plain and simple language, the information that you need to know about parole.

It is the New Jersey State Parole Board's goal that inmates who have earned the privilege of parole will successfully complete their parole requirements and become productive and law-abiding citizens of our State.

Sincerely,

Peter J. Barnes, Chairman



## TABLE OF CONTENTS

- A. General Information
- B. Adult Inmate - Parole Eligibility
- C. Young Adult Inmate - Parole Eligibility
- D. Parole Release Process
- E. Parole Rescission Process
- F. Parole Revocation Process
- G. Additional Information
- H. Mandatory Parole Supervision/Community Supervision for Life/Parole Supervision for Life

## APPENDICES:

- 1. Parole Eligibility Table - Adult Inmates
- 2. Time Goal Schedule - Young Adult Inmates
- 3. Factors Considered at Parole Hearing
- 4. Future Eligibility Term Schedule - Denial of Parole
- 5. Appeal Process
- 6. Future Eligibility Term Schedule - Parole Violation
- 7. General Conditions of Parole
- 8. General Conditions of Community Supervision for Life/  
Parole Supervision for Life
- 9. Medical Parole
- 10. Who to Contact

#### A. GENERAL INFORMATION

- A1. What is the State Parole Board?
- A2. What does the State Parole Board do?
- A3. What is the Division of Parole?
- A4. What is the difference between parole counselors and parole officers?

A1. What is the State Parole Board?

Currently, the State Parole Board has a Chairperson, fourteen (14) Associate Members and three (3) Alternate Members appointed by the Governor and approved by the Senate. There are six panels of two members who deal with adult and young adult cases and a panel of two members who deal with juvenile cases. The Chairperson serves as a third member of each of the panels.

A2. What does the State Parole Board do?

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

A3. What is the Division of Parole?

The Division of Parole is a part of the State Parole Board. The Board Members decide which inmates will be paroled and under what conditions. The Division of Parole, through its field parole officers, is in charge of monitoring an offender's compliance with the parole conditions and how an offender adjusts to the community. The Division of Parole has been delegated the authority to issue parole warrants on behalf of the Board (see Question F4).

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

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

## B. ADULT INMATE - PAROLE ELIGIBILITY

- B1. When am I eligible for parole?
- B2. How is my eligibility date determined?
- B3. How do I get time off (reduce) my eligibility date?
- B4. Will my parole eligibility be reduced by credits if I am serving my sentence in a county jail?
- B5. Is there any other way to get more time off (reduce) my eligibility term?
- B6. What is “gap time” and what impact will it have on my eligibility date?
- B7. Do I have to be paroled on my eligibility date?
- B8. What if I am serving a term as a sex offender?
- B9. If I get an additional sentence, what happens to my eligibility date?



B1. When am I eligible for parole?

If you are sentenced to state prison, you will receive your parole eligibility date at an entrance interview. You will meet with a parole counselor when you begin serving your sentence.

B2. How is my eligibility date determined?

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

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

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

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

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

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

If you have a mandatory-minimum term, these credits will not reduce your parole eligibility date but they will reduce your maximum date on your sentence. The Classification Department at your housing institution calculates work and minimum custody credits. The credits are given to the Board's parole counselor staff at the institution. Consult with the Classification Department at your institution if you feel there is an error regarding your total work and/or minimum custody credits.

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

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

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

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

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

You must submit proof that you have made exceptional progress. The Board panel must have the consent of your sentencing judge before it can approve any time off your initial eligibility term.

If you think you are eligible, please contact your parole counselor.

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

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

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

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

B7. Do I have to be paroled on my eligibility date?

No. An eligibility date is not a parole release date. It is the earliest date on which a Board panel can parole you. You must have a parole release hearing and you cannot be released on parole until the Board panel decides that you have met the standard for parole (see Question D13).

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

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

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

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

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

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

An additional sentence means an additional eligibility term. This term is combined with your original eligibility term. Commutation credit is then taken off this combined eligibility term and you will receive a new eligibility date. (Remember, commutation credit cannot reduce a mandatory-minimum term).

## C. YOUNG ADULT INMATE - PAROLE ELIGIBILITY

### Indeterminate Terms Only

- C1. How do I find out the date when I am eligible to be paroled?
- C2. How do I compute my eligibility date?
- C3. How do I earn time off (reduce) my eligibility date?
- C4. When can I be awarded program participation credits?
- C5. Will I be paroled on my eligibility date?
- C6. If I get an additional sentence, what happens to my eligibility date?

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

If you are a young adult offender sentenced to an indeterminate term of years in the Youth Correctional Complex, the parole law does not set a parole term for you. You will get a "Time Goal" from a Board panel. The length of sentence imposed and the crime committed determines time goals. This schedule is in Appendix Two. You will usually get your time goal soon after you come into the system. If you are in a county institution, you may get your time goal there. The Board panel may also inform you of the activities/programs which you should participate in to prepare yourself for parole.

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

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

First Degree Crimes - 60 Months

Second Degree Crimes - 28 Months

Third Degree Crimes - 16 Months

Fourth Degree Crimes - 9 Months

C2. How do I compute my eligibility date?

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

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

You earn time off (reduce) your parole eligibility date by participating in institutional programs and by avoiding institutional charges. The Board panel will evaluate your overall institutional behavior and make one of the decisions below:

If you are rated "above average," you will get fifteen days off per month.

If you are rated "average," you will get ten days off per month.

If you are rated "below average," you will get five days off per month.

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

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

C4. When can I be awarded program participation credits?

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

C5. Do I have to be paroled on my eligibility date?

No. An eligibility date is not a parole release date. It is the earliest date on which you can be paroled. You cannot be paroled until you have a parole release hearing. You may not be released on parole until the Board panel decides that the standard for parole (see Question D13) has been met.

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

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

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

#### D. PAROLE RELEASE PROCESS

- D1. What should I do to get ready for my parole hearing?
- D2. What is a parole plan and what is its purpose?
- D3. Can I be paroled directly to another state from the institution?
- D4. When will I have my initial parole hearing?
- D5. Who must be told that I am having a parole hearing?
- D6. What kind of information can these parties submit?
- D7. What happens at the preliminary review of my case?
- D8. What happens after I see a hearing officer?
- D9. Do I get a copy of the materials that are going to be used at my parole hearing?
- D10. Can anyone else be with me at my hearing?
- D11. What happens at a panel hearing?
- D12. What factors are considered to decide whether I can be paroled?
- D13. What is the standard for parole release?
- D14. What are the possible results of a panel hearing?
- D15. If I am given a new eligibility term upon denial of parole, how long can it be?
- D16. Can the new eligibility term be reduced by credits?
- D17. If I receive an extended parole eligibility term, will I be scheduled for a special review Hearing?

D. Parole Release Process -continued

- D18. What if I am serving a sentence for the crime of murder?
- D19. What if I am confined out-of-state?
- D20. What should I do during my new eligibility term so that I will not be denied parole again?
- D21. Can I appeal a denial of parole?
- D22. Can I appeal other decisions like my time goal?
- D23. What if I have a detainer(s) lodged against me?
- D24. What are parole conditions?
- D25. Can parole conditions be changed?
- D26. Can my parole supervision be transferred to another state?



D1. What should I do to get ready for my parole hearing?

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

D2. What is a parole plan and what is its purpose?

Before your parole hearing, a parole counselor will ask you where you want to live and what you plan to do when you are released. A district parole office will check out your plan and advise the Board panel whether your plan is acceptable. The Board panel can disapprove a parole plan that is not in your best interest. The Board panel wants to make sure that you have an acceptable place to live, a plan to get a job or go to school, and if possible the support of family members or a friend.

The purpose of a parole plan is to give you a good chance of re-entering society without returning to crime. If you are paroled and do not have a place to live, the district parole office will try to arrange a placement for you. Another option may be referral to a residential program or some other kind of help.

D3. Can I be paroled directly to another state from the institution?

A Board panel can grant you parole release to another state. The Office of Interstate Services reviews all out-of-state parole plans. This office will decide whether the parole plan can be sent to the parole authority of the state where you want to live. If you are planning to go to an out-of-state parole plan, you should have some roots in that state, such as an immediate relative, willing and able to assist you. You should also have an offer of employment or other visible means of support. Otherwise, the other state may not approve your parole plan or accept you for supervision. The parole authority of the other state will investigate your plan and must accept your plan. This usually takes several months. If you are not accepted for parole supervision by the out-of-state authority, the Board panel will review your case to determine if you can be released on parole in New Jersey.

If a Board panel paroles you to an out-of-state plan, the Board panel must receive and review the acceptance of your case by the out-of-state authority before you will be released.

D4. When will I have my initial parole hearing?

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

If you are an adult inmate serving a state prison sentence, your initial parole review will be conducted approximately six months before your actual parole eligibility date.

D5. Who must be told that I am having a parole hearing?

The Board must give at least 30 days notice of your parole hearing to the sentencing judge, the Attorney General, the county prosecutor, all relevant criminal justice agencies, and the public. The

Board must also notify any victim or nearest relative of a murder victim who has previously told the Board of their intent to submit a statement or give testimony to the Board. A decision cannot be made in your case until notice of your parole hearing has been issued and the 30-day time period has ended.

D6. What kind of information can these parties submit?

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

D7. What happens at the preliminary review of my case?

A Board hearing officer conducts a preliminary review of your case. The purpose of the review is to evaluate whether you meet the appropriate standard for parole release. The hearing officer may consider the pre-sentence report, the judge's remarks at the time of sentence, the Prosecutor's comments, a victim statement, information about what you have done in the institution, a report on your mental condition, and your parole plan. The hearing officer may also consider anything you want to present for consideration. You will be given time to present your case.

For some inmates, a Board hearing officer may review the case on the papers instead of conducting an in-person parole review. In such cases, the hearing officer will insure that your records are up-to-date for the Board panel to review at your parole hearing.

D8. What happens after I see a hearing officer?

After your preliminary review, if the hearing officer determines that you meet the appropriate standard for parole and, therefore, are eligible for release, the hearing officer can recommend you for parole release. Two Board members review this recommendation. If they accept it, you will not need another hearing and you will be released on parole. You will be notified in writing by the Board panel of the decision to release you on parole and your release date (see Question D14 sections (a) and (b) for how release dates are set). If the Board members feel that there is evidence indicating that you do not meet the appropriate standard for parole release, then your case will be scheduled for a panel hearing.

If the hearing officer is not certain that you meet the appropriate standard for parole release, you will be scheduled for a hearing before a Board panel of two members. The hearing officer must refer your case for a hearing before a Board panel if you are serving a term for the crime of murder, aggravated manslaughter, manslaughter, death by vehicular homicide, aggravated assault second degree, kidnapping, aggravated sexual assault, sexual assault, robbery, aggravated arson, burglary second degree, endangering the welfare of a child second degree or causing or risking widespread injury or damage second degree.

D9. Do I get a copy of the materials that are going to be used at my parole hearing?

Yes. You will receive the reports from the Classification Department before your parole hearing. If there is a problem, see your parole counselor. You will not be allowed to see any information classified as "confidential", but you will be told if confidential information has been considered. You can also submit a statement about your case. You may have people write references for you and send them to the Board or you can bring them to your hearing. If you have a promise of a job, it is helpful to get it in writing from your future employer. Bring copies of any documents that you want to be considered at your parole hearing.

D10. Can anyone else be with me at my hearing?

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

D11. What happens at a panel hearing?

You will appear before two Board members. The hearing will usually take place within a reasonable time after your preliminary review. While waiting for your panel hearing, you should continue to work on your goals, avoid infractions, and have a good parole plan ready. At the panel hearing the Board members will ask you questions, evaluate the information in the record and decide whether you meet the appropriate standard for parole release.

D12. What factors are considered to decide whether I can be paroled?

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

D13. What is the standard for parole release?

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

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

D14. What are the possible results of a panel hearing?

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

a. Grant parole and set a parole release date:

The Board panel will generally establish the parole release date on or near your parole eligibility date. However, in no case will the parole release date be established earlier than 35 days from the date the Board panel renders their decision.

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

In the cases of young adult inmates, the Board panel can grant you program participation credits when establishing your parole release date (see Question C13 for the method of computing program participation credits).

b. Set a "no earlier than" release date.

The Board panel can order your release "no earlier than" a certain date and can impose certain pre-conditions which you must complete before you are released. Again, in no case will the release date be established earlier than 35 days from the date the Board panel renders their decision.

c. Deny parole and set a future eligibility term.

The Board panel can deny parole and give you a new eligibility term (a "hit"). This term is added to your current parole eligibility date.

d. Deny parole and refer your case to a three-member Board Panel.

The Board panel can deny parole and refer your case to a three-member Board panel in order to establish an eligibility term outside the established guidelines. If your case is referred to a three-member Board panel, the panel will explain, in writing, the reason(s) for this referral. If a three-member Board panel cannot reach a unanimous decision on the eligibility term, your case will be referred to the full Board for the establishment of the eligibility term.

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

The two-member Board panel can refer your case to a third Board member if the two-member Board panel cannot reach a unanimous decision in your case. The third Board member will review the records of the hearing before a decision is made. The three-member Board panel can make one of the decisions listed above or below.

f. Defer for further information.

The Board panel can defer (postpone) a decision because the Board panel needs more information. Your case will be considered when the reason for the postponement is resolved. You may, but are not required to, appear before the Board panel again before a decision is made in your case.

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

In some cases the Board panel may provide an inmate with a formal written notice. In such cases the formal written notice will be mailed to you. Decisions made by a Board panel in the Board's central office will be mailed to the inmate.

D15. If I am given a new eligibility term upon denial of parole, how long can it be?

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

D16. Can the new eligibility term be reduced by credits?

If you are an adult inmate serving a sentence for an offense committed before August 19, 1997, then the new eligibility term can be reduced by the appropriate credits in determining your future parole eligibility date.

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

D17. If I receive an extended parole eligibility term, will I be scheduled for a special review hearing?

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

D18. What if I am serving a sentence for the crime of murder?

If a Board panel concludes that you are a suitable candidate for parole release it must refer your case for a hearing before the entire Board. The Board, by a majority vote, will decide whether you will be released on parole or denied parole and required to serve a new eligibility term.

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

D19. What if I am confined out-of-state?

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

D20. What should I do during my new eligibility term so I will not be denied parole again?

Follow the suggestions offered by the Board panel. In addition, avoid institutional infractions. If you cannot do what the Board panel suggests because programs are not available or for other reasons beyond your control, try to find a reasonable substitute. However, compliance does not guarantee parole release. You must address the cause(s) of your criminal behavior.

D21. Can I appeal a denial of parole?

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

See Appendix Five for details on the administrative appeal process. You must first appeal a decision to the Board before you can appeal the decision in court.

D22. Can I appeal other decisions like my time goal?

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

D23. What if I have a detainer(s) lodged against me?

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

D24. What are parole conditions?

Being released on parole means that instead of remaining incarcerated you have the privilege of serving the balance of your sentence in the community under the supervision of a parole officer. Since you are still serving your sentence on parole there are general parole conditions that you must follow. These general parole conditions are printed on your parole certificate and apply to every parolee (see Appendix Seven). However, based upon the individual circumstances of your case, there may be other special conditions imposed which you must also observe.

D25. Can parole conditions be changed?

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

D26. Can my parole supervision be transferred to another state?

Your parole supervision can be transferred to another state, but you must complete the required forms and the other state must investigate and approve your proposed community plan. Your parole officer will assist you in completing the required forms. You may move to another state if that state accepts your case for supervision and if the Board panel consents to your transfer. Until you are accepted for out-of-state supervision and until the Board approves your out-of-state transfer, you must remain under parole supervision in New Jersey.

## PAROLE RESCISSION PROCESS

- E1. Can I lose my release date after I get it?
- E2. How does the Board panel take away (rescind) a release date?
- E3. What is a rescission hearing?
- E4. What are the possible results of a rescission hearing?
- E5. What can happen if I do not fulfill a pre-release condition?



E1. Can I lose my release date after I get it?

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

E2. How does the Board panel take away (rescind) a release date?

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

E3. What is a rescission hearing?

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

E4. What are the possible results of a rescission hearing?

The Board panel can: (1) lift the administrative hold and direct that you keep your parole date or establish a new parole date if your original date has passed; or (2) take away (rescind) your parole date and give you a new eligibility term (see Appendix Four).

E5. What can happen if I do not fulfill a pre-release condition?

Failure to fulfill (complete) a pre-release condition may result in the Board panel reconsidering its decision to grant you parole.

## F. PAROLE REVOCATION PROCESS

- F1. What happens if I do not follow the conditions of parole?
- F2. What if I am charged with a new offense while I am on parole?
- F3. When can my parole be revoked because of pending criminal charges?
- F4. When can my parole officer issue a warrant for my arrest?
- F5. What happens if I am arrested on a parole warrant?
- F6. What is the purpose of a probable cause hearing?
- F7. What if I am convicted of a new crime?
- F8. What is the purpose of the revocation hearing?
- F9. When will the revocation hearing be conducted?
- F10. Will I always have a probable cause hearing and a revocation hearing?
- F11. Will I receive notice that a probable cause hearing or revocation hearing will be conducted?
- F12. Can I have a lawyer at a probable cause hearing or a revocation hearing?
- F13. What happens after a revocation hearing?
- F14. What can the Board panel do to me after my revocation hearing?
- F15. Is the revocation process the same for sex offenders?
- F16. Do I lose my "street time" if my parole is revoked?

F1. What happens if I do not follow the conditions of parole?

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

F2. What if I am charged with a new offense while I am on parole?

You must contact your parole officer. Your parole cannot be revoked just because you have been arrested and charged with a new offense except as described in Question F3. You can make bail or be released on your own recognizance, however, you must tell your parole officer. It is unwise not to report to your parole officer because of a new arrest or charges. You will be subject to parole revocation action if you stop reporting. Further, the failure to notify your parole officer of your arrest or being served with a summons or complaint, accepting any pre-trial release or if you fail to report to your parole officer all constitute violations of parole.

F3. When can my parole be revoked because of pending criminal charges?

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

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

F4. When can my parole officer issue a warrant for my arrest?

The Board will authorize the issuance of a warrant if it decides to act on a request for accelerated revocation (see Question F3). Also, your parole officer can ask a designated representative of the Chairman of the Board to issue a warrant if he has probable cause to believe that you have seriously or persistently violated the conditions of your parole and if: (a) the evidence indicates that you may not appear at a probable cause hearing or (b) if you pose a danger to the public safety.

Your parole officer may issue a Division of Parole warrant for your arrest if: (a) your parole officer has probable cause to believe that you have committed a crime, are about to commit a crime or are about to flee the jurisdiction; (b) the violation is a basis for return to custody; and (c) the situation is one of immediate emergency that cannot await the issuance of a warrant by a designated representative. In such a case, it is likely that the Director of the Division of Parole will submit a request to initiate the revocation hearing process to a Board panel.

F5. What happens if I am arrested on a parole warrant?

If you are arrested on a parole warrant, a probable cause hearing should be scheduled within 14 days of your arrest unless a Board panel approves an extension to 28 days. Once you are in custody under a parole warrant, you cannot be released on bail.

F6. What is the purpose of a probable cause hearing?

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

F7. What if I am convicted of a new crime?

If you are convicted of a crime committed while on parole (by either pleading guilty or being found guilty) you will have a revocation hearing. There will be no probable cause hearing.

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

F8. What is the purpose of the revocation hearing?

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

If you are convicted of a crime committed while on parole there is a presumption that you have violated your parole. In this case, the hearing will give you a chance to explain your case and tell the Board panel (through the hearing officer) anything you think the Board panel should know when it decides your case. If you can prove that there is "good cause" why your parole should not be revoked, this is your opportunity to do so.

F9. When will the revocation hearing be conducted?

The revocation hearing will usually be conducted within sixty days of your arrest on the parole warrant or the date of sentencing for a crime committed while on parole. If you are out of state serving a custodial term for the commission of a crime in the state of confinement, you will receive a hearing upon your return to this state on a parole warrant.

F10. Will I always have a probable cause hearing and a revocation hearing?

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

If you elect to proceed with a probable cause hearing, the hearing officer will need to determine whether a revocation hearing will be conducted in your case (see Question F6 ).

F11. Will I receive notice that a probable cause hearing or revocation hearing will be conducted?

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

F12. Can I have a lawyer at a probable cause hearing or a revocation hearing?

Yes. You may be represented by a lawyer at a probable cause hearing or a revocation hearing. You may retain your own lawyer or if you are deemed indigent (unable to pay for your own lawyer) you may have an attorney assigned to represent you.

F13. What happens after a revocation hearing?

After the revocation hearing, the hearing officer prepares and submits a written report to a Board panel. A copy is sent to your attorney or directly to you if an attorney did not represent you. You must send any objections or additions to the report within seven days. A decision on your parole will be made within twenty-one days of your revocation hearing. The hearing officer is also authorized to determine whether you may be released from confinement pending review of your case by the appropriate Board panel.

F14. What can the Board panel do to me after my revocation hearing?

After considering the evidence presented at your hearing, the Board panel will decide whether your parole should be revoked. If parole is revoked, you either will receive a new parole eligibility term (see Appendix Six) or be directed to serve the remainder of your sentence. Further, in cases where only certain conditions of parole were violated, the Board panel may revoke your parole and establish a new parole release date.

The Board panel may decide not to revoke your parole, but because of the facts presented at your hearing, may decide to change the conditions of your parole and release you from custody. The Board panel may also decide to continue you on parole without changing your parole conditions. If your parole is not revoked, the Board panel may also direct that you lose all or a part of the commutation credits applied on your sentence.

A decision to revoke your parole status can, of course, be appealed in writing to the Board (see Appendix Five).

F15. Is the revocation process the same for sex offenders?

If you were paroled under the Sex Offender Act and the revocation process is implemented, you will receive a probable cause hearing, and if appropriate, a revocation hearing (see Question F10). Also, if a revocation hearing is conducted, the staff at the Adult Diagnostic and Treatment Center will prepare an evaluation report on your case that the Board panel will consider when making its decision. For further information about this process contact the Board.

F16. Do I lose my "street time" if my parole is revoked?

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

## G. ADDITIONAL INFORMATION

- G1. Who do I report to upon release on parole from an institution?
- G2. What will happen at the District Parole Office?
- G3. How often will I have to report to my parole officer?
- G4. Will I be able to advance my reporting status?
- G5. What if I disagree with an instruction I receive from my parole officer?
- G6. Can I be discharged from parole before my maximum date expires?
- G7. What is a Certificate of Good Conduct?
- G8. How does a person apply for a Certificate of Good Conduct?

G1. Who do I report to upon release on parole from an institution?

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

G2. What will happen at the District Parole Office?

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

G3. How often will I have to report to my parole officer?

You will be required to report to your parole officer on a regular basis as determined by your parole officer. You may be required to report on a weekly, bi-weekly or monthly basis. You may be required to report on a more frequent basis if you are on a special caseload such as the intensive supervision and surveillance program, the day reporting center program or the electronic monitoring program.

G4. Will I be able to advance my reporting status?

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

Of course, if you are not complying with the conditions of parole and are not making a successful adjustment to the community, you may be placed on a more restrictive reporting status and placed on a special caseload (see Question G3).

G5. What if I disagree with an instruction I receive from my parole officer?

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

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

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



G6. Can I be discharged from parole before my maximum date expires?

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

G7. What is a Certificate of Good Conduct?

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

G8. How does a person apply for a Certificate of Good Conduct?

Application forms may be obtained from the Board. To be eligible, the applicant must have been paroled by the Board; be on parole at least one year; and not be incarcerated. If an application for a Certificate of Good Conduct was previously denied, at least two years must have passed from the date of denial before a new application may be submitted.

H. Mandatory Parole Supervision; Community Supervision for Life;  
and Parole Supervision for Life

- H1. Will I be under parole supervision if I was sentenced under the “No Early Release Act” (85 percent statute)?
- H2. Will I have to comply with parole conditions?
- H3. When will I be informed of the conditions of mandatory parole supervision?
- H4. What happens if I do not follow the conditions of supervision?
- H5. What happens if a Board panel does revoke my mandatory parole supervision status?
- H6. What if my sentence includes a special sentence of community supervision for life?
- H7. Will I be under parole supervision?
- H8. Will I have to comply with conditions of supervision?
- H9. When will I be informed of the conditions of community supervision for life?
- H10. What happens if I do not follow the conditions of community supervision for life?
- H11. If I am sentenced for the commission of a new offense, what happens when I am eventually released from confinement?
- H12. What if I am sentenced to a special sentence of parole supervision for life?
- H13. Will I be under parole supervision?
- H14. Will I have to comply with parole conditions?
- H15. When will I be informed of the conditions of parole supervision for life?
- H16. What happens if I do not follow the parole conditions?
- H17. Will the time period established by a Board panel upon revocation of my parole supervision for life status be reduced by any credit?
- H18. What happens when the parole supervision for life violation time period expires?

H1. Will I be under parole supervision if I was sentenced under the “No Early Release Act” (85 percent statute)?

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

H2 . Will I have to comply with parole conditions?

Yes. You will be expected to comply with the general conditions of parole (see Appendix Seven) as well as the following conditions:

- (a) You may not have any contact, verbal, written or through a third party with the victim(s) of the offense or the victim’s relatives unless contact is authorized by the assigned parole officer or contact is authorized by the appropriate court.
- (b) You may not have any contact, verbal, written or through a third party with co-defendant involved in the commission of the offense.

Additional special conditions may also be imposed.

H3. When will I be informed of the conditions of mandatory parole supervision?

Before your release from confinement a Board staff member will give you a document specifying the conditions of mandatory parole supervision.

H4. What happens if I do not follow the parole conditions?

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

You should refer to Questions F1 to F16 for information on the revocation hearing process.

H5. What happens if a Board panel does revoke my mandatory parole supervision status?

You will be returned to custody and you will be required to serve the remainder of the supervision term in custody. You will not be eligible for parole consideration during the remainder of the supervision term.

H6. What if my sentence includes a special sentence of community supervision for life?

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

H7. Will I be under parole supervision?

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

H8. Will I have to comply with conditions of supervision?

Yes. You must comply with the general conditions of parole as well as other general conditions established by the Board (see Appendix Eight). Additional special conditions may also be imposed.

H9. When will I be informed of the conditions of community supervision for life?

Before you begin the special sentence of community supervision for life at the end of your custodial sentence, a Board staff person will give you a document specifying the conditions of supervision.

H10. What happens if I do not follow the conditions of community supervision for life?

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

H11. If I am sentenced for the commission of a new offense, what happens when I am eventually released from confinement?

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

H12. What if I am sentenced to a special sentence of parole supervision for life?

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

H13. Will I be under parole supervision?

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

H14. Will I have to comply with parole conditions?

Yes. You will be expected to comply with the general conditions of parole as well as other general conditions established by the Board (see Appendix Eight). Additional special conditions may also be imposed.

H15. When will I be informed of the conditions of parole supervision for life?

Before your release from confinement a Board staff person will give you a document specifying the conditions of parole supervision for life.

H16. What happens if I do not follow the parole conditions?

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

Further, if your failure to follow the parole rules is of a serious or persistent nature, the parole revocation hearing process may also be implemented in your case. After the hearing process a Board panel may decide to revoke your parole supervision for life status and return you to prison.

You should refer to Questions F1 to F16 for information on the revocation hearing process.

H17. Will the time period established by a Board panel upon revocation of my parole supervision for life status be reduced by any credit?

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

H18. What happens when the parole supervision for life violation time period expires?

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

**APPENDIX ONE - (a)**  
**PAROLE ELIGIBILITY TABLE - ADULT INMATES**

Use the accompanying table to determine parole eligibility.

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

**APPENDIX ONE - (b)**  
**PAROLE ELIGIBILITY TABLE**

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

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

\*\* All figures based on zero jail credits.

## APPENDIX ONE - (c)

### THREE SAMPLE CALCULATIONS OF ADULT INMATE PAROLE ELIGIBILITY DATES

#### EXAMPLE I

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed that does not contain a mandatory-minimum term.

Date of Sentence:	01/28/05
Term:	10 years
Jail Credit:	61 days (11/29/04 to 01/28/05)

1. Add 1/3 of 10-year term (3 years, 4 months) to the date of sentence (01/28/05) thereby yielding a date of 05/28/08.
2. Subtract sixty-one (61) days of jail credit from 05/28/08. This gives a flat eligibility date of 03/28/08.
3. Subtract commutation credit. To determine appropriate commutation credits calculate the time period between the date of sentence (01/28/05) and the flat eligibility date (03/28/08). This time period is 3 years, 2 months. Locate this time period on the commutation chart (Appendix One - (b)). In this example, the commutation credit is 268 days. Subtract the 268 days of commutation credit from the flat eligibility date of 03/28/08. This gives a book eligibility date of 07/04/07.
4. Subtract work/minimum custody credit. In this example, assume that the inmate has earned a total of 35 days of credit as of 12/01/05. Subtract 35 days from the book eligibility date of 07/04/07. This gives an actual eligibility date of 05/30/07 as of 12/01/05.



**APPENDIX ONE - (c)**

**EXAMPLE I (con't)**

Date of Sentence:	01/28/05
Term:	10 years
Jail Credit:	61 days (11/29/04 to 01/28/05)
Commutation Credit:	268 days (Based on 3 years, 2 months; time period from 01/28/05 to 03/28/08)
Work/Minimum Custody	35 days (Assume credits earned as of 12/01/05)
Date of Sentence:	01 - 28 - 05
1/3 of 10 Years:	+ <u>4 mos.</u> <u>3</u> yrs.
	05 - 28 - 08
Jail Credit:	- <u>        61</u> dys.
Flat Parole Eligibility Date:	03 - 28 - 08
Commutation Credit:	- <u>      268</u> dys.
Book Parole Eligibility Date:	07 - 04 - 07
Work/Minimum Custody Credit:	- <u>      35</u> dys.
Parole Eligibility Date (as of 12/01/05):	05 - 30 - 07

NOTE: A nine (9) month "parole restriction" applies in state prison cases.

NOTE: Any credit earned after 12/01/05 would further reduce the parole eligibility date of 05/30/07.

**APPENDIX ONE - (c)**

**EXAMPLE II**

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed that includes a mandatory-minimum term.

Date of Sentence: 01/28/05  
Term: 10 years (5 years mandatory-minimum)  
Jail Credit: 61 days (11/29/04 to 01/28/05)

1. Add mandatory-minimum term (5 years) to the date of sentence (01/28/05) thereby yielding a date of 01/28/10.
2. Subtract 61 days jail credit from 01/28/10. This gives an actual eligibility date of 11/28/09.

Date of Sentence: 01/28/05  
Term: 10 years (5 years mandatory-minimum)  
Jail Credit: 61 days (11/19/04 to 01/28/05)

Date of Sentence: 01 - 28 - 05  
Mandatory-Minimum: + \_\_\_\_\_ 5 yrs.  
Date of Sentence: 01 - 28 - 10  
Jail Credit: - \_\_\_\_\_ 61 dys.  
Parole Eligibility Date: 11 - 28 - 09

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

## APPENDIX ONE - (c)

### EXAMPLE III

This example illustrates the method of calculating parole eligibility when a specific term of years which does not contain a mandatory-minimum term is imposed concurrent to a specific term of years which does not contain a mandatory-minimum term and "gap time" credit is awarded.

Date of Sentence: (a) 01/28/05 (b) 04/27/05

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

Jail Credit: (a) 61 days (11/29/04 to 01/28/05)

(b) 30 days (02/01/04 to 03/01/04)

Gap Time Credit: 90 days (01/28/05 to 04/27/05)

1. Add 1/3 of 5-year term (1 year, 8 months) to the date of sentence (01/28/05) thereby yielding a date of 09/28/06.
2. Subtract sixty-one (61) days of jail credit from 09/28/06. This gives a flat eligibility date of 07/29/06 on the base 5-year term.
3. Subtract the 90 days (or three months for the purpose of this illustration) of "gap time" credit from the 5-year term imposed on 04/27/05. The reduced term is 4 years, 9 months (5 years minus 3 months).
4. Add 1/3 of the 4 years 9 months term (1 year, 7 months) to the date of sentence (04/27/05) thereby yielding a date of 11/27/06.
5. Subtract the 30 days of jail credit from 11/27/06. This gives a flat eligibility date of 10/28/06 on the additional 5-year term.
6. Subtract commutation credit. To determine the appropriate commutation credits calculate the time period from the first date of sentence (01/28/05) to the latest flat eligibility date (10/28/06). This time period is 1 year 9 months and is deemed to be the aggregate parole eligibility term. Identify the applicable amount of commutation credit [(see Appendix One - (b))]. In this example, the commutation credit is 135 days. Subtract the 135 days of commutation credit from the latest flat eligibility date of 10/28/06. This gives a book eligibility date of 06/15/06.
7. Subtract work/minimum custody credit. In this example, assume that the inmate has earned 35 days of credit as of 12/01/05. Subtract 35 days from the book eligibility date of 06/15/06. This gives an actual eligibility date of 05/11/06 as of 12/01/05.

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

**APPENDIX ONE - (c)**

**EXAMPLE III (con't)**

Date of Sentence: (a) 01/28/05 (b) 04/27/05

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

Jail Credit: (a) 61 days (11/29/04 to 01/28/05)

(b) 30 days (02/01/04 to 03/01/04)

Gap Time Credit: 90 days (three months) (01/28/05 to 04/27/05)

Commutation Credit: 135 days (Based on 1 year 9 months: the time period from 01/28/05 to 10/28/06)

Work/Minimum Custody Credit: 35 days (Assume credits earned as of 12/01/05)

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

(b) 1 year 7 months (1/3 of 4 years 9 months)

Date of Sentence: 01 - 28 - 05 04 - 27 - 05

Eligibility Term: + 8 mos. 1 yr. + 7 mos. 1 yr.

09 - 28 - 06 11 - 27 - 06

Jail Credit: - 61 dys. - 30 dys.  
07 - 29 - 06 10 - 28 - 06

Latest Flat Parole Eligibility Date: 10 - 28 - 06

Commutation Credit: - 135 dys.

Book Parole Eligibility Date: 06 - 15 - 06

Work/Minimum Custody Credit: - 35 dys.

Actual Parole Eligibility Date: 05 - 11 - 06  
(as of 12/01/05)

**NOTE:** Any credit earned after 12/01/05 would further reduce the parole eligibility date of 05/11/06.

**APPENDIX TWO - (a)**

**TIME GOAL SCHEDULE FOR YOUNG ADULTS**

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

PRESUMPTIVE PRIMARY ELIGIBILITY DATES (MONTHS)

LENGTH OF INDETERMINATE TERM  
(Years)

	CRIME CATEGORY			0-4	5-9	10-14	15-19	20-24
	24	25-29	30-Life					
Category A	40	56	74	90	106	120		
Category B	16	32	40	48	56	56	56	
Category C	16	28	36	44	52			
Category D	14	20	28	36	44			
Category E	12	14	18	22	22			
Category F	10	10						
Category G	8							

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

- Category A - Murder
- Category B - Aggravated Manslaughter, Kidnapping first degree, Aggravated Sexual Assault, or any other first-degree crime
- Category C - Robbery first degree
- Category D - Manslaughter, Robbery second degree, Aggravated Assault second degree, Sexual Assault or any other second degree crime
- Category E - Sale or Distribution of Controlled Dangerous Substance and Possession of Controlled Dangerous Substance with Intent to Distribute.
- Category F - Burglary third degree, Possession of a Weapon for an Unlawful Purpose third degree, Unlawful Possession of a Weapon third degree, Terroristic Threats, Aggravated Assault third degree, Death by Auto,

Endangering the Welfare of a Child third degree, any other third degree crime, or Possession of Controlled Dangerous Substance.

**APPENDIX TWO – (a) continued**  
**TIME GOAL SCHEDULE FOR YOUNG ADULTS**

Category G - Criminal Sexual Contact, Forgery fourth degree, Possession of a Weapon fourth degree, or any other fourth degree crime.

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

**NOTE:**

(a) Effective August 6, 1982 the authorized disposition for the offense of murder is a sentence of 30 years (30 years mandatory-minimum term), a sentence of a term of years to life (30 year mandatory-minimum term), or a sentence of Death.

(b) Effective June 9, 1997 a court imposing a sentence for a violent crime of the first or second degree is required to establish a mandatory-minimum term of 85 percent of the sentence imposed (“No Early Release Act”, N.J.S.A. 2C:43-7.2).

(c) Effective June 29, 2001 a court imposing a sentence for a crime of the first or second degree enumerated in N.J.S.A. 2C:43-7.2(d) is required to establish a mandatory-minimum term of 85 percent of the sentence imposed. Included in (d) are the offenses of murder, aggravated manslaughter, manslaughter and vehicular homicide.

## APPENDIX TWO - (b)

### **PRIMARY PAROLE ELIGIBILITY TERM (TIME GOAL) SCHEDULE FOR YOUNG ADULTS**

To use the accompanying chart, follow these steps:

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



**APPENDIX TWO - (c)  
PRIMARY PAROLE ELIGIBILITY TERMS  
YOUNG ADULT OFFENDERS**

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

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

## APPENDIX TWO - (d)

### COMPUTING ELIGIBILITY FOR A YOUNG ADULT INMATE

#### (EXAMPLE)

- A. The offender is sentenced to a five-year indeterminate sentence on January 28, 2005 on the offense of Possession of Controlled Dangerous Substances with Intent to Distribute. The sentencing judge awards the offender 60 days of jail credit.
- B. The Board Panel will review this case shortly after the offender is received into the system in order to establish a time goal.
- C. A five year indeterminate sentence for Possession of Controlled Dangerous Substance with Intent to Distribute, has a presumptive time goal of fourteen (14) months (see prior pages for computing time goals). Assuming no aggravating or mitigating circumstances in this case, the Board Panel would establish a fourteen (14) month time goal.
- D. The tentative release date is calculated by adding the time goal (14 months) to the date of sentence, and reducing this by jail credits.

January 28, 2005 + 14 months = March 28, 2006

March 28, 2006 - 60 days jail credit = January 27, 2006

January 27, 2006 would be the tentative parole eligibility date (tentative release date).

- E. A young adult inmate's actual parole eligibility date is computed by reducing the tentative parole eligibility date by program participation credits. The Board panel determines these program credits during each Annual Review Hearing and at the mid-goal review (see Question C4 ). A mid-goal review hearing in this case would be conducted in July, 2005 and program participation credits assigned at that time.
- F. Program credits are assigned on the basis of correctional time. In this example, the inmate's correctional time is his time goal (14 months) less jail credit (60 days) or twelve (12) months.
- G. Assuming "average" credits were allowed to this inmate for program participation, the tentative eligibility date would be reduced by 120 days (10 credits per month for above average credits multiplied by 12 months). The new tentative release date would be reduced from January 27, 2006 to September 29, 2005.
- H. The decision to grant reductions for program participation is a separate decision from whether parole release is approved. Although both of these decisions may be made during the mid-goal review, it is important to understand this difference.

**APPENDIX THREE**  
**FACTORS CONSIDERED AT PAROLE HEARING**

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

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

**APPENDIX THREE (continued)**

**FACTORS CONSIDERED AT PAROLE HEARING**

18. History of employment, education and military service.
19. Family and marital history.
20. Statement by the court reflecting the reasons for imposition of sentence of commitment.
21. Statements or evidence presented by the appropriate Prosecutor's office, the Office Of the Attorney General or any other criminal justice agency.
22. Statements or testimony of any victim or the nearest relative of a murder victim.
23. The results of the objective risk assessment instrument.

In addition, the Board may consider any other factors deemed relevant to the inmate's case.

**APPENDIX FOUR**  
**FUTURE PAROLE ELIGIBILITY TERM SCHEDULE - DENIAL OF PAROLE**

<u>Original Offense:</u>	<u>Presumptive Term</u>
<u>For State Prison Sentences</u>	
Murder, Manslaughter, Aggravated Sexual Assault, Kidnapping, or for offenses not mentioned with terms in excess of 14 years	27 months (+/- 9 months)
Armed Robbery, Robbery, or for offenses not mentioned with terms of 8 to 14 years	23 months (+/- 9 months)
Burglary, Narcotic Law Violations, Theft, Arson, Aggravated Assault or offenses not mentioned with terms of at least 4 but less than 8 years	20 months (+/- 9 months)
Escape, Bribery, Conspiracy, Gambling, Possession of a Weapon or offenses not mentioned with terms less than 4 years	17 months (+/- 9 months)
<u>For Young Adult Sentences</u>	
Murder, Aggravated Manslaughter, Kidnapping first degree, Aggravated Sexual Assault, or any other first-degree crime	24 months (+/- 9 months)
Robbery first degree	20 months (+/- 9 months)
Manslaughter, Robbery second degree, Aggravated Assault second degree, Sexual Assault or any other second degree crime	16 months (+/- 9 months)
Sale or Distribution of CDS and Possession of CDS with Intent to Distribute	12 months (+/- 9 months)
Burglary third degree, Possession of a Weapon for an Unlawful Purpose third degree, Unlawful Possession of a Weapon third degree, Terroristic Threats, Aggravated Assault third degree, Death by Auto, Endangering the Welfare of a Child third degree, any other third degree crime or Possession of CDS	10 months (+/- 9 months)
Criminal Sexual Contact, Forgery, or any other fourth degree crime	8 months (+/- 9 months)

## APPENDIX FIVE

### APPEAL PROCESS

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

- (A) You can request reconsideration of any decision of a hearing officer or a Board panel for the following reasons:
1. Significant information was not considered, or
  2. Inaccurate information was considered, and it substantially affected the decision, or
  3. The hearing officer or Board member failed to comply with the Board's professional code of conduct.
- (B) You can appeal to the full Board a decision of a panel denying you parole if:
1. Important information was not considered, or
  2. If you are an inmate serving a sentence for an offense committed prior to August 19, 1997, the panel failed to document that a preponderance of the evidence indicates that there is a substantial likelihood that you would commit a crime if released, or
  3. If you are an inmate serving a sentence for an offense committed on or after August 19, 1997, the panel failed to document that a preponderance of the evidence indicates that:
    - i. you failed to cooperate in your own rehabilitation; or
    - ii. there is a reasonable expectation that you will violate conditions of parole if released.
  4. The decision did not follow the Board's policies or procedures, or
  5. A Board panel member or hearing officer had a personal interest or demonstrated prejudice or bias in the case and this affected the decision, or
  6. A Board panel member failed to comply with the Board's code of professional conduct.

## APPENDIX FIVE (continued)

### APPEAL PROCESS

- (C) You can appeal any decision setting a parole eligibility term (time goal), setting a future eligibility term or extending a term for the commission of institutional infractions if:
1. The decision did not follow Board policies or procedures, or
  2. Reasons were not given for the establishment of a term outside Board guidelines,
  3. The term was set longer than permitted by the guidelines or the term violates restrictions, or
  4. A staff member, hearing officer or Board panel member failed to comply with the Board's code of professional conduct.
- (D) You can appeal any revocation of parole by a Board panel to the full Board if:
1. The Board panel failed to consider material facts or failed to document that you seriously or persistently violated conditions of parole.
  2. The Board panel failed to show, other than when revocation is for a new criminal conviction, that revocation is desirable.
  3. The decision is contrary to Board policy or procedure.
  4. A Board panel member failed to comply with the Board's code of professional conduct.

Appeals must be sent in writing to the Board within 180 days of written notice of the action or decision being received by you. You should include the date of the action or decision being appealed as well as the reason. You must first appeal any action or decision of a hearing officer, Board member, or Board panel to the Board before you can appeal the decision to the Appellate Division of the Superior Court.

## APPENDIX SIX

### FUTURE ELIGIBILITY TERM SCHEDULE - PAROLE VIOLATION

<u>Technical Violations</u>	<u>State Prison</u> (months)	<u>Young Adult</u> (months)
Absconding (Non-Reporting)	12+/-3	9+/-3
Possession of Firearm	12+/-3	9+/-3
Any Special Condition of Parole	12+/-3	9+/-3
Any other condition (including disorderly persons convictions)	8+/-3	6+/-2
<u>Criminal Violations - State Prison</u> <u>Offense</u>	<u>Range</u> (months)	<u>Presumptive Term</u> (months)
Murder, Kidnapping	56 - 100	78
First Degree Offense	28 - 48	38
Second Degree Offense, Sale or Distribution of CDS or Possession of CDS with Intent to Distribute	16 - 28	22
Third Degree Offense or Possession of CDS	12 - 16	14
Fourth Degree Offense	8 - 12	10
<u>Criminal Violations - Young Adult</u> <u>Offense</u>	<u>Presumptive Term</u> (months)	
Murder, Kidnapping	30+/-10	
First Degree Offense	24+/-8	
Second Degree Offense, Sale or Distribution of CDS or Possession of CDS with Intent to Distribute	16+/-6	



**APPENDIX SIX (continued)**

**FUTURE ELIGIBILITY TERM SCHEDULE - PAROLE VIOLATION**

<u>Criminal Violations - Young Adult Offense</u>	<u>Presumptive Term (months)</u>
Third Degree Offense or Possession of CDS	10+/-4
Fourth Degree Offense	8+/-2

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

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

## APPENDIX SEVEN

### GENERAL CONDITIONS OF 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 or her designated representative, immediately after you are released on parole from the institution, unless you have been given other written instructions by a designated representative of the Board, 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 your 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:
  - i. Prior to any change in your residence.
  - ii. Before leaving the state of your approved residence.
6. You are not to own or possess any firearm, as defined in N.J.S.A. 2C:39-1f, for any purpose.
7. You are not to own or possess any weapon enumerated in N.J.S.A. 2C:39-1r.
8. You are 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, penalty, lab fee or restitution imposed by the sentencing court.
10. You are to register with the appropriate law enforcement agency and, upon a change of address, 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.

**APPENDIX SEVEN (continued)**

**GENERAL CONDITIONS OF PAROLE**

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 to submit to drug or alcohol testing at any time as directed by the assigned parole officer.
14. You are not to operate a motor vehicle without a valid driver's license.
15. You are to immediately notify your parole officer of any change in your employment status.
16. You are to submit to a search conducted by a parole officer, without a warrant of your person, place of residence, vehicle or other real or personal property within your control at any time a parole officer has a reasonable, articulable basis to believe that the search will produce contraband or evidence that condition of supervision has been violated, is being violated or is about to be violated and permit the confiscation of any contraband.

## APPENDIX EIGHT

### **GENERAL CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE/ PAROLE SUPERVISION FOR LIFE**

- A.
1. Obey all laws and ordinances;
  2. Report to the assigned parole officer as instructed;
  3. Notify the assigned parole officer immediately after any arrest, after being served with or receiving a complaint or summons and after accepting any pre-trial release including bail;
  4. Notify the assigned parole officer immediately 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, and 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. Reside at a residence approved by the assigned parole officer;
  6. Obtain the permission of the assigned parole officer prior to any change of residence;
  7. Obtain the permission of the assigned parole officer prior to leaving the state of the approved residence for any purpose;
  8. Refrain from owning or possessing any firearm, as defined in N.J.S.A. 2C:39-1f, for any purpose;
  9. Refrain from owning or possessing any weapon enumerated in N.J.S.A. 2C:39-1r;
  10. Refrain from the purchase, use, possession, distribution or administration of any narcotic or controlled dangerous substance, controlled dangerous substance analog, imitation controlled dangerous substance or any paraphernalia related to such substances except as prescribed by a physician;
  11. Cooperate in any medical and/or psychological examination or tests as directed by the assigned parole officer;
  12. Participate in and successfully complete an appropriate community or residential counseling or treatment program as directed by the assigned parole officer;
  13. Submit to drug or alcohol testing at any time as directed by the assigned parole officer;
  14. Obtain the permission of the assigned parole officer prior to securing, accepting or engaging in any employment, business or volunteer activity and prior to a change of employment;

**APPENDIX EIGHT (continued)**

**GENERAL CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE/  
PAROLE SUPERVISION FOR LIFE**

15. Notify promptly the assigned parole officer upon becoming unemployed;
16. Refrain from any contact (verbal, written or through a third party) with the victim(s) of the offense unless contact is authorized by the assigned parole officer;
17. Comply with any curfew established by the assigned parole officer;
18. 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.;
19. Refrain from operating a motor vehicle without a valid driver's license (applicable only to Parole Supervision for Life case);
20. Refrain from any contact (written or otherwise) with any group, club, association or organization that engages in, promotes or encourages illegal or sexually deviant behavior;
21. Submit to a search conducted by a parole officer, without a warrant, of the offender's person, place of residence, vehicle or other real or personal property within the offender's control at any time a parole officer has a reasonable, articulable basis to believe that the search will produce contraband or evidence that a condition of supervision has been violated, is being violated or is about to be violated and permit the confiscation of any contraband.

**B. ADDITIONAL CONDITIONS**

1. If the victim(s) of an offense is a minor, the offender shall:
  - a. Refrain from initiating, establishing or maintaining contact with any minor;
  - b. Refrain from attempting to initiate, establish or maintain contact with any minor; and
  - c. Refrain from residing with any minor without the prior approval of the assigned parole officer;

The following circumstances are deemed exceptions to the conditions specified above:

- a. When the minor is engaged in a lawful commercial or business activity, the offender may engage in the lawful commercial or business activity, provided the activity takes place in an area open to the public view;
- b. When the minor is in the physical presence of his or her parent or legal guardian;

**APPENDIX EIGHT (continued)**

**GENERAL CONDITIONS OF COMMUNITY SUPERVISION FOR LIFE/  
PAROLE SUPERVISION FOR LIFE**

- c. When the offender is present in a public area, as long as the offender is not associating with a minor, and the public area is not one frequented mainly or exclusively by minors; or
- d. When the appropriate court may authorize contact with a minor.

2. If the sentencing court determines that the conduct of the offender was characterized by a pattern of repetitive and compulsive behavior and commits the offender to the Adult Diagnostic and Treatment Center for a program of specialized treatment, the offender shall participate in and successfully complete any program of counseling or therapy identified by the treatment staff of the Adult Diagnostic and Treatment Center.

3. If the sentencing court determines that the conduct of the offender was characterized by a pattern of repetitive and compulsive behavior and commits the offender to the Adult Diagnostic and Treatment Center and if upon release from confinement the appropriate county prosecutor determines pursuant to N.J.S.A. 2C:7-8 that the offender is a high risk to re-offend and the appropriate court affirms the determination of the county prosecutor, the offender shall submit every two years to a mental health evaluation and participate in and successfully complete any program of counseling or therapy identified by the treatment staff.

4. If the sentencing court determines that the conduct of the offender was characterized by a pattern of repetitive and compulsive behavior and if upon release from confinement the appropriate county prosecutor determines pursuant to N.J.S.A. 2C:7-8 that the offender is a high risk to re-offend and the appropriate court affirms the determination of the county prosecutor, the offender shall refrain from the use of alcohol.

## **APPENDIX NINE**

### **MEDICAL PAROLE**

(a) The appropriate Board panel may release on medical parole any inmate, except as provided in (b) below, serving any sentence of imprisonment who has been diagnosed as suffering from a terminal condition, disease or syndrome and is found by the appropriate Board panel to be so debilitated or incapacitated by the terminal condition, disease or syndrome as to be permanently physically incapable of committing a crime if released on parole.

(b) No inmate serving any sentence for a violation of N.J.S.A. 2C:11-3 (murder); N.J.S.A. 2C:11-4 (manslaughter); N.J.S.A. 2C:13-1 (kidnapping); N.J.S.A. 2C:14-2(a) (aggravated sexual assault); N.J.S.A. 2C:15-1 (robbery) in which the inmate, while in the course of committing the theft, attempted to kill another or purposely inflicted or attempted to inflict serious bodily injury, or was armed with or used or threatened the immediate use of a deadly weapon; N.J.S.A. 2C:17-1(a) (aggravated arson); N.J.S.A. 2C:24-4 (endangering the welfare of a child); or an attempt to commit any of these offenses shall be eligible for medical parole.

(c) "Terminal condition, disease or syndrome" means a prognosis by the licensed physicians designated by the Commissioner of the Department of Corrections that an inmate has six months or less to live.

(d) A medical diagnosis that an inmate is suffering from a terminal condition, disease or syndrome shall be made by two licensed physicians designated by the Commissioner. The diagnosis shall include, but not be limited to:

1. A description of the terminal condition, disease or syndrome;
2. A prognosis concerning the likelihood of recovery from the terminal condition, disease or syndrome;
3. A description of the inmate's physical incapacity; and
4. A description of the type of ongoing treatment that would be required if the inmate was released on medical parole.

(e) A request for a medical diagnosis to determine whether an inmate is eligible for a medical parole may be submitted to the appropriate Board panel by the Commissioner, the administrator of a correctional facility; the inmate; a member of the family of the inmate; or the attorney for the inmate.

(f) The request shall be in writing and in a format prescribed by the Board.

**APPENDIX TEN**  
**WHO TO CONTACT**

If the Parole Book does not answer your questions, use this chart to find out whom to contact.

<b>SUBJECT</b>	<b>CONTACT PAROLE COUNSELOR</b>	<b>CONTACT PAROLE BOARD</b>	<b>CONTACT CLASSIFICATION DEPARTMENT</b>	<b>CONTACT PAROLE OFFICER</b>
APPEAL OF PAROLE DECISION		X		
CERTIFICATE OF GOOD CONDUCT		X		X
COMMUTATION CREDIT FOR PAROLE ELIGIBILITY	X			
COMMUTATION CREDIT, LOST/RESTORE			X	
COMMUTATION OF SENTENCE		X		
CONDITIONS OF PAROLE		X		X
CREDITS, WORK AND MINIMUM CUSTODY			X	
CUSTODY STATUS			X	
DECISION OF HEARING OFFICER, BOARD PANEL, BOARD	X	X		
DETAINER(S)			X	
ELIGIBILITY, COMMUNITY RELEASE			X	
ELIGIBILITY DATE	X			
EXTENSION OF PAROLE ELIGIBILITY	X			
EXECUTIVE CLEMENCY		X		
FINE, PAYMENT OF *				X
HEARING(S), RESULT OF	X	X		
HEARING, SCHEDULE OF	X			
JAIL CREDIT			X	
MANDATORY-MINIMUM TERM	X		X	
MAXIMUM DATE			X	
MEDICAL - COMMUTATION OF SENTENCE		X	X	
MEDICAL PAROLE		X		
MONETARY OBLIGATIONS, PAYMENT OF *				X



**APPENDIX TEN (continued)**

**WHO TO CONTACT**

<b>SUBJECT</b>	<b>CONTACT PAROLE COUNSELOR</b>	<b>CONTACT PAROLE BOARD</b>	<b>CONTACT CLASSIFICATION DEPARTMENT</b>	<b>CONTACT PAROLE OFFICER</b>
PAROLE PLAN	X			
RECORDS			X	
RESCISSION, GRANT OF PAROLE	X	X		
RESIDENCE, CHANGE OF				X
RESTITUTION, PAYMENT OF *				X
REVOCAION OF PAROLE STATUS		X		
SENTENCES			X	
SPECIAL CONDITIONS	X	X		X
TRANSFER, INSTITUTIONAL			X	
TRANSFER OF PAROLE SUPERVISION				X
WARRANTS			X	

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





