

UNIVERSITY OF MINNESOTA

PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

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NEW JERSEY



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PROFILES IN PAROLE RELEASE AND REVOCATION:

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New Jersey

By

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In contrast to many of the parole profiles already posted, in-state experts did not review this document. We encourage readers to use this profile as an informative guide, but to exercise caution in relying solely on the description of the parole process in New Jersey without checking additional sources. We also welcome corrections to the profile.

1. Background; Sentencing System

a. Sentencing Framework

New Jersey does not have a sentencing commission or sentencing guidelines. There are four broad categories of felony crimes in the state, and judges have a great deal of discretion to select a sentence from within the range of years associated with each category.¹

The New Jersey State Parole Board, in its current form, was authorized by the Parole Act of 1979, which repealed and replaced the Parole Act of 1948.² Until that time, there were four separate paroling authorities that each had jurisdiction over different segments of the offender population.³

b. Does the State Have a Parole Board or Other Releasing Authority?

The New Jersey State Parole Board.⁴

<http://www.state.nj.us/parole/index.html>

c. Which Agencies are Responsible for the Supervision of Released Prisoners?

The New Jersey State Parole Board

<http://www.state.nj.us/parole/supervision.html>

d. Which Agency Has Authority Over Parole Revocation?

The New Jersey State Parole Board.⁵

2. Parole and Other Prison Release Decisions

a. Parole Release Eligibility Formulas: Degree of Indeterminacy in System

There are four classes of crime in New Jersey:⁷

- First-degree: a fixed term between 10 and 20 years;
- Second-degree: a fixed term between five years and 10 years;
- Third-degree: a fixed term between three years and five years;
- Fourth-degree: a fixed term of at most 18 months.

General rules of release eligibility. Most offenders are sentenced to a determined, maximum term of years. These inmates become eligible for parole when they have served one-third of that maximum sentence.⁸ However, all offenders must serve a minimum of 60 days before becoming eligible for parole.⁹

The court has the discretion to sentence offenders to a minimum term not to exceed one-half of the maximum sentence where it is "clearly convinced that the aggravating factors substantially outweigh the mitigating factors" in the case.¹⁰ Third and fourth time offenders must serve one-half, and two-thirds, respectively, of their maximum term.¹¹ The court is also required to set a minimum term between one-third and one-half of the maximum sentence for crimes involving use of a firearm, causing bodily injury while eluding arrest, and repeat convictions for drug possession with intent to sell.¹²

Some crimes have mandatory minimum terms that are not discretionary. For example, public officers or employees of the state who commit a crime that "involves or touches" their official duties have mandatory minimum terms based upon the degree of the crime and proximity to their official duty.¹³

New Jersey's parole release statute mandates that a prisoner "shall be released on parole at the time of parole eligibility," unless there is a showing by a preponderance of the evidence that the inmate has failed to participate in his or her own rehabilitation, or will violate the conditions of release.¹⁴ The sentencing judge must inform the offender of his or her minimum parole eligibility date as well as what credits can be earned to reduce the duration of the sentence.¹⁵

The Parole Board has discretion to decrease an inmate's parole eligibility period for "exceptional progress, as evidenced by documented participation and progress in institutional or community educational, training or other programs," but not below a court-ordered minimum sentence.¹⁶ The Board and the Department of Corrections may also make a parole contract with an offender which reduces the inmate's primary parole eligibility date in exchange for completion of specific programs.¹⁷

If convicted of crimes resulting in consecutive sentences, the terms are added to arrive at an aggregate term equal to the sum of the terms.¹⁸

Violent offenders. Offenders are ineligible for parole if they are sentenced to prison for a homicide where the victim was a police officer,¹⁹ where the victim was under 14 years of age,²⁰ or the homicide was aggravated.²¹ Offenders are also ineligible for parole if they have previously been paroled and have violated the terms of their release.²² The "No Early Release Act" mandates that offenders convicted of violent crimes, like carjacking, murder or "booby traps in manufacturing or distribution facilities," serve 85% of their sentence before becoming eligible for parole.²³

Sex offenders. Some sex offenders may be eligible for parole at the mandatory minimum or one-third of the sentence imposed, if they do not require sex offender treatment and their conduct is not "characterized by a pattern of repetitive, compulsive behavior."²⁴ Any other sex offender must be referred to the State Parole Board by a special classification review board after achieving satisfactory levels of progress in sex offender treatment.²⁵

Life sentences. Those sentenced to life imprisonment are eligible for parole after having served any judicial or statutory minimum term, or after 25 years where no mandatory minimum term has been imposed.²⁶

Recurring eligibility after denial. If an inmate is denied parole, a new date for future parole eligibility must be included in his statement of denial.²⁷ Future eligibility is determined according to a schedule promulgated by the Parole Board that is organized according to the original offense resulting in incarceration.²⁸

b. Good Time, Earned Time, and Other Discounts

Offenders are eligible for up to four types of credit while in prison:²⁹

- Commutation credit (i.e., good time) is earned for "continuous orderly deportment" at the rate of between seven and 16 days per month. The rate at which this type of credit is earned depends on the length of the minimum sentence. For example, if an inmate's minimum sentence is 26 years long, they are eligible for 15 days per month of credit.³⁰
- Work credit is earned for involvement in an appropriate, productive occupation at the rate of one day for every five days of work.³¹
- Inmates who remain classified as "minimum custody" (i.e., low security) earn an additional three days of credit per month during the first year and five days per month for each subsequent year.³²
- Discretionary credits can also be awarded to inmates for any educational or workforce training achievements earned during incarceration.³³

Commutation credits are not "earned" based on positive conduct of inmates, but rather applied automatically to calculate a parole eligibility date.³⁴ In these cases, the credit applies to both the minimum and maximum term.³⁵ In general, however, credits cannot be used to reduce the length of a mandatory minimum sentence (including a sentence in which one-third of the time falls before the 60-day mark); only to reduce the maximum term.³⁶ An inmate may be stripped of this type of credit for institutional misconduct.³⁷

c. Principles and Criteria for Parole Release Decisions

General statutory standard for release decisions. The Board must determine, by a preponderance of the evidence, whether an inmate has failed to cooperate in their own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole.³⁸

Statutory factors board must consider. The Board must consider the results of a risk and needs assessment before considering release.³⁹

d. Parole Release Guidelines

There are no parole release guidelines currently in place in New Jersey.

e. Risk and Needs Assessment Tools

Are they mandated by statute? Yes, and by statute, the assessment must include evaluations of the inmate's ability to function independently, the inmate's educational and employment background, the inmate's family and marital history, and "such other information and factors as the Board may deem appropriate and necessary."⁴⁰

Transparency. While publicly available Board materials mention risk assessment, it is difficult to find recent sources that discuss which tools the Board uses or how they are implemented.

Main risk instrument. The Board must utilize an "objective risk assessment instrument" that measures the inmate's likelihood of success on parole. The risk assessment must include "both static and dynamic factors" used to determine eligibility for release and level of post-release supervision.⁴¹ As of 2007, the Board utilized the "Level of Service Inventory-Revised" or "LSI-R."⁴²

f. Medical or Compassionate Release

Any prisoner, except those serving life without parole, may be released on "medical parole" at any time. The inmate must have been diagnosed as suffering from a "terminal condition, disease or syndrome," and have been "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."⁴³ The diagnosis must be made by two licensed physicians designated by the New Jersey Department of Corrections, and must include information such as a description of the incapacitation and prognosis on likelihood of recovery. Medical release is subject to a hearing process and public notice to the same extent as traditional parole, but the statute commands that it should be carried out "expeditiously." If the parolee recovers and is no longer physically incapable of committing a crime, he or she may be returned to incarceration upon a determination by the Board.⁴⁴

g. Executive Clemency Power

The Governor may grant pardons and reprieves in all cases other than impeachment or treason.⁴⁵

h. Emergency Release for Prison Crowding

In 1986, the New Jersey Supreme Court interpreted the Civil Defense and Disaster Control Act to allow Governors to use an executive order to declare a state of emergency based on prison overcrowding in certain situations.⁴⁶ The prison crisis must constitute a crisis within the meaning of the Act and must be addressed by means authorized in the statute.⁴⁷

3. Parole Release Hearing Process

a. Format of Release Hearings

A two-member panel normally conducts a parole hearing.⁴⁸ For some inmates, a Board hearing officer may review the case administratively instead of conducting an in-person parole review. In such cases, the hearing officer will insure that the inmate's records are up-to-date for the Board panel to review at the parole hearing.⁴⁹ In the case of murder, a majority of the full board must agree that parole should be granted, before an inmate will be released.⁵⁰

b. Information Before the Board: Factors the Board May Consider

The Parole Board relies primarily on a comprehensive report prepared by the offender's incarcerating institution to guide its decision-making. The institution must submit such reports to the Board and to the inmates at least 120 days before their potential parole eligibility date.⁵¹ The report must contain information summarizing the inmate's disciplinary record, previous convictions, and "information bearing upon the likelihood that the inmate will commit a crime."⁵² Where an inmate convicted of a first- or second- degree crime has another risk factor, such as a prior diagnosis of mental illness, this report must contain a complete psychological evaluation.⁵³ The inmate may submit a written response to the report at least 105 days prior to the hearing.⁵⁴

The board member or hearing officer assigned to review the inmate's file considers a variety of factors including behavior while incarcerated, aggravating or mitigating factors of the underlying offense, and mental health concerns.⁵⁵ They may consider the pre-sentence report, the

judge's remarks at the time of sentence, the Prosecutor's comments, a victim's statement, information about what has happened during the period of incarceration, the report on an inmate's mental condition, and the parole plan. They may also consider anything an inmate wants to present for consideration.⁵⁶

c. Prisoners' Procedural Rights

Prior to parole consideration, each inmate is assigned a Parole Counselor to track parole eligibility, monitor the inmate's progress, counsel inmates about the parole process, 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.⁵⁷

After review of an inmate's file and other evidence, if a hearing officer determines that there is no basis to deny parole, he or she must recommend to the Board the offender be released within 60 days of the date of eligibility.⁵⁸ A member of the Board must then review the file to either concur with the officer or to determine that there is a basis to deny parole.⁵⁹ If there is a basis to deny parole, the Board must schedule a hearing at least 30 days prior to the inmate's parole eligibility date.⁶⁰

The inmate has a right to review evidence, to supply his own evidence or testimony to demonstrate his suitability for parole, or to rebut any evidence given against his suitability.⁶¹ This evidence typically consists of letters of reference and promises of employment upon release. The inmate may not have an attorney present at the hearing.⁶² At the conclusion of the hearing, the panel must either certify the inmate's release or deny parole.

d. Victims and Other Participants

At sentencing, the prosecutor must notify the victim of a crime that they are able to submit victim statements to be included in any parole determination.⁶³ Victims must be notified at their last known mailing address of the offender's parole eligibility at least 30 days prior to parole consideration.⁶⁴ Victim statements may be written or videotaped and can include information "concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family."⁶⁵

At least 30 days prior to any parole consideration, a public notice is sent to the prosecutor's office of each county, the sentencing court, the office of the Attorney General, and any other relevant criminal justice agencies.⁶⁶ After receiving notice, the prosecutor may request a copy of the inmate's parole report and has 10 days to notify the Board of any comments the prosecutor wishes to provide.⁶⁷ The prosecutor's comments must be submitted in writing, but there does not appear to be any limitation on the content of their comments.⁶⁸

At least 30 days prior to any parole consideration, a list of all inmates that will be considered for release shall be forwarded to all news organizations.⁶⁹ In addition, the New Jersey Parole Board publishes these lists on its website.⁷⁰

e. Burden of Proof or Standards of Persuasion

Parole release is presumptive upon first eligibility.⁷¹ For crimes committed prior to August 19, 1997, release can be denied if, by a preponderance of the evidence, there is a "substantial likelihood that the offender will commit a crime if released on parole."⁷² For crimes committed after that date, release can be denied if, by a preponderance of the evidence, "the offender failed to cooperate in [their] rehabilitation or there is a reasonable expectation that [they] will violate conditions of parole" if released.⁷³

f. Possible Outcomes at Parole Release Hearings; Form of Decisions

When a hearing is necessary, the parole release decision is made in a two-member panel. In the event that a two-member panel cannot agree on an outcome, a third board member reviews the case and casts the deciding vote.⁷⁴ In the case of murder, a majority of the full board must agree that parole should be granted, before an inmate will be released.⁷⁵ If parole is denied, the panel must serve the inmate with a "statement setting forth the decision, [and] the particular reasons" for denying release.⁷⁶ This statement must also include the inmate's next parole eligibility date.⁷⁷

g. Administrative or Judicial Review of Parole Denial

Inmates may request an administrative appeal of a hearing officer or panel's decision. Appeals can be based on allegations that significant information was not considered, or that inaccurate information was considered and it substantially affected the decision, or that the hearing officer or board member failed to comply with the Board's professional code of conduct.⁷⁸

In some circumstances, inmates may appeal to the full parole board after the administrative appeal has been exhausted.⁷⁹ An appeal may be made where important information was not considered, the panel failed to document by a preponderance of the evidence that the inmate did not meet the required standard for release, the decision did not follow the Board's policies or procedures, 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 a Board panel member failed to comply with the Board's code of professional conduct. All appeals must be made in writing to the Board within 90 days of the parole determination.

Board determinations must be supported by substantial evidence, and thus the Board must properly support its findings. The Board has broad but not unlimited discretionary powers, and its findings are always judicially reviewable for arbitrariness.⁸⁰

h. Rescission of Release Dates

Parolees may lose their release date if they receive a new sentence or lose commutation credit based on institutional infractions. The Board can also rescind a parole date based on an institutional infraction or receipt of important information not previously considered. Finally, if an inmate fails to fulfill a pre-release condition, the Board can reconsider a grant of parole. Initially, an administrative hold is placed on the parole date. Then, a rescission hearing is held to finalize the decision.⁸¹

4. Supervision Practices

Parole supervision rates. In 2015, New Jersey had a parole rate of 217 parolees per 100,000 adult residents, which is lower than the 50-state average of 304 parolees per 100,000 adult residents.⁸²

a. Purposes of Supervision

Parole officers, who supervise parolees, protect New Jersey's communities by working to ensure the offenders on their caseload comply with their conditions of supervision, and by assisting the offenders in making progress toward successful reentry into society as productive, law-abiding citizens. There is an emphasis on use of evidence-based practices to help achieve supervision goals.⁸³

b. Are All or Only Some Releasees Placed on Supervision?

All parolees are initially placed on supervision.⁸⁴

c. Length of Supervision Term

Maximum supervision term. The general rule is that a parolee will remain under supervision until the expiration of the maximum sentence imposed by the sentencing court.⁸⁵ Parolees may apply for discharge from supervision after one year.⁸⁶ However, for parolees convicted of a first-degree or second-degree crime, the sentencing court may impose a mandatory period of supervision of five years and three years, respectively.⁸⁷ Parolees with life sentences may apply for discharge from supervision after seven years.⁸⁸

Early termination from supervision. If a parolee applies for discharge from supervision, their case will be evaluated using a four-factor test. The Board will evaluate whether the parolee has made a satisfactory adjustment while on parole, whether continued supervision is required, whether the parolee has paid in full any court-ordered costs associated with the case, and whether in their opinion, continued supervision is not warranted or appropriate based upon review of the facts and circumstances considered pursuant to statute.⁸⁹

The Board can terminate supervision at any time if the parolee has “made a satisfactory adjustment while on parole.”⁹⁰ After each year of supervised release, the District Parole Supervisor, or designated representative must evaluate whether “good reason” exists to keep the parolee under supervision.⁹¹ If no good reason is found, the Supervisor must make a favorable recommendation to the Board, which then has discretion to permit or deny release from supervision.⁹²

Extension of supervision term. There is no mechanism by which to extend parole supervision beyond the maximum term of a sentence.

Lifetime supervision. Parolees convicted of certain sex crimes are subject to post-release supervision for the duration of their lives.⁹³ This term of supervision is mandatory unless the sentencing court makes a finding “that the special sentence is not needed to protect the community or deter the defendant from future criminal activity.”⁹⁴

Incentives. Parolees make a written agreement that grants a specified reduction in a parole term in exchange for the completion of education, training, and other activities.⁹⁵ It is unclear how common these agreements are.

d. Conditions of Supervision

The Board panel determines conditions of release and records them on the certificate of parole given to the inmate upon release.⁹⁶ There are 19 mandatory conditions of parole, including:⁹⁷

1. Obey all laws and ordinances.
2. Report in person to the District Parole Supervisor or his or her designated representative, or to the designated representative of the Commission, immediately after the offender is released on parole from the institution, unless the offender has been given other written instructions by a designated representative of the Board or Commission, and the offender is to report thereafter as instructed by the District Parole Supervisor or his or her designated representative, or the designated representative of the Commission.
3. Notify the assigned parole officer no later than the next business day 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 no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation.
5. Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court.
6. Refrain from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, N.J.S.A. 2C:14-13 et seq., or the provisions of similar Federal or state statutes.
7. Reside at a residence approved by the assigned parole officer. Absence from the approved residence overnight without the approval of the assigned parole officer shall constitute a failure to reside at the approved residence.
8. Obtain the permission of the assigned parole officer prior to any change of residence. Absence from the approved residence for 24 hours or more without the approval of the assigned parole officer shall constitute a change of residence for the purpose of this condition.
9. Obtain permission prior to leaving the state of the approved residence for any purpose. If leaving the state for a period of less than 24 hours, verbal permission by the assigned parole officer shall be required. If leaving the state for a period of greater than 24 hours, written permission by the Supervising Parole Officer, District Parole Supervisor, or designated representative shall be required.
10. Refrain from owning or possessing any firearm, as defined in N.J.S.A. 2C:39-1.f, for any purpose.
11. Refrain from owning or possessing any weapon enumerated in N.J.S.A. 2C:39-1.r.
12. Refrain from the purchase, use, possession, distribution, or administration of any narcotic drug, controlled

dangerous substance, or controlled substance analog as defined in N.J.S.A. 2C:35-2; imitation controlled dangerous substance or imitation controlled substance analog as defined in N.J.S.A. 2C:35-11; or any paraphernalia as defined in N.J.S.A. 2C:36-1 related to such substances, except as prescribed by a physician.

13. Make payment of any assessment, fine, penalty, lab fee, or restitution imposed by the sentencing court.
14. Register with the appropriate law enforcement agency and, upon a change of address, re-register with the appropriate law enforcement agency if you are subject to the provisions of N.J.S.A. 2C:7-2.
15. Waive extradition to the State of New Jersey from any jurisdiction in which the offender is apprehended and detained for violation of parole and not to contest any effort by any jurisdiction to return the offender to the State of New Jersey.
16. Submit to drug or alcohol testing at any time as directed by the assigned parole officer.
17. Refrain from operating a motor vehicle without a valid driver's license.
18. Notify the assigned parole officer no later than the next business day of any change in employment status.
19. 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.

A number of other conditions may be imposed to reduce the likelihood of recurrence of criminal or delinquent behavior.⁹⁸ These include restrictions on internet access for sex offenders, full or partial payment of restitution, restrictions on contact between parolee and victim, and restrictions on ownership of certain animals. Conditions must be reasonable and conducive to the rehabilitation of the inmate.⁹⁹

Sex offenders. Certain sex crimes trigger additional mandatory conditions.¹⁰⁰ These include registration as a sex offender. The court can also, for example, choose to restrict internet access to parolees.¹⁰¹ Due to the high number of sex offenders on lengthy parole, there is a special sex offender management unit set up to address their needs.¹⁰²

Modifications. Those responsible for parolee supervision may alter the conditions of parole if "the circumstances of the parolee's case warrant such action," and they may impose additional conditions if "such conditions would reduce the likelihood of recurrence of criminal."¹⁰³ A modification of the conditions of parole does not require a hearing.¹⁰⁴ Any changes to the conditions of the parolee's release must be recommended to the Board, subject to a 15 day commentary period for the parolee, and if changes are made, served on the parolee within 45 days of the parole officer's application for modification.¹⁰⁵

Incentives: lighter conditions. It appears that parolees may receive reduced reporting requirements as a result of positive behavior while on parole.¹⁰⁶

e. Fees and Other Financial Sanctions

Supervision fees. There is no mention of supervision fees in the statutes or official materials.

Drug and alcohol testing fees. There is no mention of drug or alcohol testing fees in the statutes or official materials. However, a condition of parole may require the payment of any lab fees that are owed.¹⁰⁷

Restitution. The Board may require a parolee to make full or partial restitution while on parole.¹⁰⁸ Restitution can be ordered by a judge if the defendant is able to pay or, given a fair opportunity, will be able to pay. In determining the amount and method of payment of restitution, the court must take into account all financial resources of the defendant, including the defendant's likely future earnings, and shall set the amount of restitution so as to provide the victim with the fullest compensation for loss that is consistent with the defendant's ability to pay.¹⁰⁹

Child support. There is no mention of child support payment as a parole requirement in the statutes or official materials.

Other financial obligations. The parolee may need to pay other assessments, fines, or penalties owed to the court as a condition of parole.¹¹⁰ A fine must be based in part on a defendant's ability to pay, and may not be imposed by a judge if it would prevent the defendant from being able to make restitution for the offense.¹¹¹

5. Parole Revocation

Parole revocation proceedings. In 2015, 79 parolees were returned to incarceration due to a new sentence and 1,479 parolees were returned based on parole revocation.¹¹²

Absconders. In 2015, the number of absconders in New Jersey was not reported.¹¹³

a. Principles and Criteria of “When to Revoke”

Policy considerations. The Board has modified its administrative code regarding parole violations to introduce the adoption of graduated sanctions that favor using the least restrictive sanction necessary to address the violation behavior. When this program was first implemented in 2003, New Jersey’s prisons were overcrowded, particularly with parole violators. Within the first year of the program, New Jersey decreased parole revocations by 22.3%.¹¹⁴

Legal predicates. A parolee must commit a parole violation that is significant enough to trigger revocation.¹¹⁵

b. Revocation Guidelines

New Jersey employs graduated sanctions in parole supervision, assigning each type of violation a level, and matching that level with a type of sanction.¹¹⁶ For example, if a parolee fails to perform community service (a Level 1 violation), a parole officer may make a verbal or written reprimand, have the parolee write an essay, require increased reporting, or require a loss of a privilege. Persistent failure to follow the case plan agreement could lead to more intensive supervision, or a referral to specialized programs under the Board’s Division of Community Programs. When warranted, persistent failures would result in the offender’s arrest and return to incarceration.¹¹⁷

c. Risk and Needs Assessment Tools

While some assessment is used to determine levels of supervision,¹¹⁸ there is no indication that risk assessment is used in parole revocation.¹¹⁹

d. Preliminary and Final Revocation Procedures

Arrest or Summons. If a parole officer has probable cause to believe that a parolee has violated a condition of release, the parole officer may refer the parolee to the Board for a review and adjustment of conditions.¹²⁰ The parole officer may also refer the parolee to the revocation process if the violation is sufficient to justify revocation.¹²¹ If the parole officer has probable cause to believe the parolee has committed a crime, is about to commit a crime, is in danger of fleeing the jurisdiction or may not appear at the preliminary hearing, a warrant may be issued for his or her arrest.¹²² If, after reviewing the parolee’s case, the parole officer has probable cause to believe the parolee “seriously or persistently violated a condition(s) of parole and that the evidence indicates that the parolee poses a danger to public safety or poses a flight risk,” the revocation process must be initiated.¹²³

The Revocation Unit is responsible for conducting probable cause and final parole revocation hearings to determine if an offender has violated the terms and conditions of his or her parole. The Revocation Unit hearing officers make formal recommendations to members of the Board concerning parole violations. These recommendations include whether or not an offender should have their parole status revoked and be returned to prison, or if the terms and conditions of their parole should be modified in some fashion.

Preliminary Hearing. A preliminary hearing must be held within 14 days of the parolee’s return to custody by a hearing officer not previously involved in the parolee’s case.¹²⁴ If a parolee is convicted of a crime while on parole release, he has presumptively violated the conditions of his release and has the burden to show good cause why he should not be returned to custody.¹²⁵ The purpose of the preliminary hearing is to determine whether there is probable cause to believe a violation occurred, and whether revocation is desirable.¹²⁶ If probable cause of a violation is found and revocation is desired, the parolee will be returned to custody and a revocation hearing must be held within 60 days of the parolee’s re-arrest.¹²⁷

Final Hearing. If a parolee has not been convicted of a crime, the purpose of the hearing is to determine if there has been a violation of any conditions 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 a parolee has violated parole.¹²⁸

If a parolee has been convicted of a new crime, there is a presumption that they have violated parole. In this case, a hearing provides an opportunity to explain the case and tell the Board panel (through a hearing officer) information that will help to decide the case. A parolee must show “good cause” as to why parole should not be revoked.¹²⁹ 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 parole before the pending criminal charges are disposed of in court.¹³⁰

After either type of revocation hearing, the hearing officer prepares and submits a written report to the board panel. A copy of this is sent to either the parolee or their attorney. The parolee must send any objections or additions to the report within seven days, and a decision regarding parole status will be made within 21 days of the hearing.¹³¹

e. Offenders’ Procedural Rights

Both the preliminary and revocation hearings require notice in writing to the parolee about the time, date, and place of the hearing and the parolee’s rights during that hearing.

The parolee has the right to representation by an attorney or such other qualified person as the parolee chooses, the right to confront and cross-examine witnesses and to rebut documentary evidence against him, and the right to testify, to present evidence and to subpoena witnesses in his own behalf.¹³² Parolees who admit to the alleged violation(s) can still offer any mitigating evidence or explanation to the board panel (through the hearing officer).¹³³ Though not required in the notice, parolees also have the right to remain silent, the right to waive the revocation hearing, and the right to request postponement of the hearing.¹³⁴ Offenders have a right to court-appointed counsel only in cases where there are complex issues or the case would be otherwise difficult to present.¹³⁵

f. Victims and Other Participants

There is no statutory, regulatory or other administrative procedure recognizing victim input in the revocation process, although the victim impact statements remain a part of the parolee’s file, which is reviewed in whole during the revocation process. In general, there is no requirement to notify members of the criminal justice community or the public about a revocation hearing. However, there are special reporting requirements for sexual offenders who are required to register.¹³⁶

g. Burden of Proof or Standards of Persuasion

The Board must find a violation that is sufficient to provide a basis for revocation by “clear and convincing evidence.”¹³⁷ The Board must provide a particularized rationale that presents a specific factual basis for determining that a violation not only occurred, but was either serious or persistent.¹³⁸

h. Revocation and Other Sanctions

When a violation is not sufficient to trigger revocation, the Board may either order the parolee to conform to the conditions of his release, or subject the parolee to additional conditions.¹³⁹ A modification of the conditions of parole does not require a hearing of any kind.¹⁴⁰ A parolee may also be docked commutation credits based on a violation.¹⁴¹

i. Issuing Parole Revocation Decisions

After the hearing, the parole officer will serve a final report on the parolee and forward that report to the board panel.¹⁴² This report will detail a complete record of the hearing, and a recommendation on whether clear and convincing evidence was presented that a violation of a condition occurred.¹⁴³ A two member board panel must then decide if the evidence shows that the violation was serious or constituted persistent violations and that revocation is appropriate.¹⁴⁴ If the two member panel cannot agree, a third board member will review the record and make a recommendation. The decision must be served on the parolee within 21 days of the hearing.¹⁴⁵

If the matter was heard as a parole revocation hearing, the board panel may either revoke parole and impose a future parole eligibility term or elect to continue the offender’s parole status. If the board panel chooses to continue the offender’s parole status, the board panel may impose special conditions of parole that will assist the offender in reintegrating back into society. Such special conditions may require that the offender participate in a community-based program, in either inpatient or outpatient substance abuse or alcohol drug treatment, in the electronic monitoring/home confinement program, or any other special condition that may seek to lessen the likelihood of recurrence of criminal behavior.¹⁴⁶

j. Administrative or Judicial Review of Parole Revocation

Parole revocation may be appealed to the entire board if the board panel failed to consider material facts or failed to document that clear and convincing evidence indicates that the parolee has seriously or persistently violated the conditions of parole, failed to demonstrate (in the case of a parolee revoked for other than new criminal convictions) that revocation of parole is desirable, made a decision contrary to written Board policy or procedure, or a Board member has failed to comply with the Board's professional code of conduct.¹⁴⁷ Any determination regarding the eligibility of the parolee to obtain appointed counsel is also appealable to the Board.¹⁴⁸

k. Re-release Following Revocation

Future parole eligibility is determined by the Board, but must be evaluated within one year of the violator's return to confinement, unless new criminal charges are responsible for the revocation.¹⁴⁹ The length of confinement is determined, through a fairly complex statute, by the type of parole violation and the behavior of the inmate while in custody.¹⁵⁰ When making the determination of future eligibility special consideration is given to the "severity and circumstances of a parole violation and on the characteristics of the parole violator."¹⁵¹

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction

The current State Parole Board was created by the legislature in 2001.¹⁵²

b. Location in Government

The State Parole Board is housed in the Department of Corrections, but is autonomous in its decision-making.¹⁵³

c. Purpose (Vision/Principles/Rationale)

The Board writes that it "is committed to promoting public safety and fostering the rehabilitation of offenders by implementing policies that result in effective parole case management."¹⁵⁴

The Board's vision is "to improve the safety of the public and the quality of life in New Jersey by administering an innovative parole system that addresses the needs of the community, victims, and offenders through a responsible decision-making process that provides every available opportunity for successful offender reintegration."¹⁵⁵

d. Appointment and Qualifications of Board Members

The governor appoints board members with the advice and consent of the senate.¹⁵⁶

Qualifications. Board members must have training or experience in law, sociology, criminal justice, juvenile justice or related branches of the social sciences.¹⁵⁷

e. Tenure and Number of Board Members, Ease of Removal

The Board is made up of a full-time chairperson, 14 full-time board members, and three alternates.¹⁵⁸ Upon certification of the chairman that additional parole panels are needed, up to four additional temporary board members can be appointed.¹⁵⁹ Each board member serves a six-year term, which is staggered for yearly replacement of one or two members.¹⁶⁰ Board members may only be removed for cause.¹⁶¹

f. Training and Continuing Education

There is no provision for training or continuous education of Board Members.

g. Workload

In 2017, there were 5,767 initial parole hearings conducted involving state prison inmates. From those hearings, 5,697 inmates were referred to parole panels, and 2,740 inmates were released. There were 1,624 panel hearings involving county jail inmates in which a decision was made, and parole was granted in 972 cases. There were also 2,021 revocation decisions; in 480 cases parole was continued, in all others, parole was revoked. There were 949 full board appeals and 648 other administrative appeals.¹⁶²

h. Reporting and Accountability of Parole Board

The Board must provide an annual report to the governor, the legislature, and to the Juvenile Justice Committee¹⁶³ and has also produced a Parole Handbook.¹⁶⁴

Some of the Board's records are public; however, "No information, files, documents, reports, records or other written material deemed confidential pertaining to inmates or parolees shall be reviewed by any person except a Board member or employee or individual or law enforcement agency authorized by the Board or by the Chairperson."¹⁶⁵ In addition, excluded from public disclosure are:

- Information, files, documents, reports, records or other written materials concerning an offender's medical, psychiatric or psychological history, diagnosis, treatment or evaluation;
- Information, files, documents, reports, records or other written materials concerning an offender's alcohol, drug or other substance abuse evaluation, history and/or treatment;
- Information, files, documents, reports, records or other written materials that, if disclosed, would infringe or jeopardize privacy rights of the offender or others or endanger the life or physical safety of any person;
- Investigative reports or information, including those from informants that, if disclosed, would impede ongoing investigations, create a risk of reprisal, or interfere with the security or orderly operation of an institution or a community program;
- Investigative reports or information compiled or intended for law enforcement purposes that, if disclosed, would impede ongoing investigations, interfere with law enforcement proceedings, constitute an unwarranted infringement of personal privacy, reveal the identity of a confidential source or confidential information furnished only by a confidential source, reveal investigative techniques and procedures or endanger the life or physical safety of law enforcement personnel, confidential informants, victims or witnesses;
- Information, files, documents, reports, records or other written materials that, if disclosed, would impede Board functions by discouraging persons from providing information to the Board;
- An electronic recording or a transcript, if prepared, of any proceeding of the Board;
- Such other information, files, documents, reports, records or other written materials as the Board may deem confidential to insure the integrity of the parole and parole supervision processes; and
- A record that consists of information, statement or testimony in written, audio or video form provided by a victim or, if the victim is deceased, the nearest relative of the victim.¹⁶⁶

END NOTES

- ¹ See N.J. Comm'n to Review Criminal Sentencing, *Statutory Changes to Sentencing Under the NJ Code of Criminal Justice: 1979 to Present* at 8-9 (2007).
- ² N.J. State Parole Bd., *A Brief Overview of the Parole Process in New Jersey* (2002), <http://nj.gov/parole/docs/ParoleProcess.pdf>.
- ³ *The New Jersey Parole Board: A Case Study*, Encyclopedia of Prisons and Correctional Facilities (Mary Bosworth, ed., 2004).
- ⁴ N.J. State Parole Bd., *State Parole Board*, <http://www.nj.gov/parole/> (last visited Aug. 29, 2016); See also N.J. Admin. Code § 10A:72-1.1 (2015); N.J. Parole Board, *The Parole Book* (5th ed. 2012), <http://www.state.nj.us/parole/docs/AdultParoleHandbook.pdf>.
- ⁵ *Id.* See also State Parole Bd., *Supervision* (2007), <http://www.nj.gov/parole/supervision.html>.
- ⁶ See, e.g., N.J. Rev. Stat. § 30:4-123.60.
- ⁷ N.J. Rev. Stat. § 2C:43-6.
- ⁸ See N.J. Stat. § Ann. 30:4-123.51(a).
- ⁹ *Id.*
- ¹⁰ See N.J. Rev. Stat. § 2C:43-6(b).
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ See N.J. Rev. Stat. § 2C:43-6.5. As inmates, they are ineligible to participate in the state's Intensive Supervision Program during any period of parole ineligibility.
- ¹⁴ See N.J. Rev. Stat. § 30:4-123.53. A bill was introduced in the New Jersey Assembly on January 16, 2014 that would change this mandatory language to permissive. The bill aimed to change "shall" to "may," in order to "give the parole board discretion in determining whether an inmate is ready to be released back into society." A.888, 216th Legis. (N.J. 2014).
- ¹⁵ See N.J. Rev. Stat. § 2C:43-2f.
- ¹⁶ N.J. Rev. Stat. § 30:4-123.52.
- ¹⁷ N.J. Rev. Stat. § 30:4-123.67.
- ¹⁸ N.J. Rev. Stat. § 2C:44-5.
- ¹⁹ N.J. Rev. Stat. § 2c:11-3.
- ²⁰ *Id.*
- ²¹ *Id.*
- ²² N.J. Rev. Stat. § 30:4-123.51(a); See also *The Parole Book*, *supra* note 4, at 17.
- ²³ N.J. Rev. Stat. § 2C:43-7.2.
- ²⁴ N.J. Rev. Stat. § 30:4-123.51.
- ²⁵ N.J. Rev. Stat. § 2C:47-5.
- ²⁶ N.J. Rev. Stat. § 30:4-123.51.
- ²⁷ N.J. Rev. Stat. § 30:4-123.56. Future eligibility dates do not take into account credits for good behavior, work or education. The Board also has broad discretion to impose a different term, but must give a "particular reason" for their departure in the inmate's notice of denial.
- ²⁸ *Id.* For example, an inmate convicted of murder is presumptively ineligible for parole for 27 Months (+/- 9 months) while an inmate convicted of bribery is presumptively ineligible for parole for 17 months (+/- 9 months).
- ²⁹ Where a minimum sentence was imposed, offenders can earn credits but cannot reduce their sentence to below the minimum. See, e.g., *State v. Hernandez*, 26 A.3d 376 (N.J. 2011).
- ³⁰ N.J. Rev. Stat. § 30:4-140.
- ³¹ N.J. Rev. Stat. § 30:4-92.
- ³² *Id.*
- ³³ See N.J. Rev. Stat. § 30:4-92a.
- ³⁴ *Statutory Changes*, *supra* note 1, at 19.
- ³⁵ N.J. Rev. Stat. § 30:4-140.
- ³⁶ See, e.g., N.J. State Parole Bd., *Parole Matters* at 3 (2002), <http://nj.gov/parole/docs/ParoleMatters.pdf>.
- ³⁷ N.J. Rev. Stat. § 30:4-140.
- ³⁸ N.J. Rev. Stat. § 30:4-123.53. Mentally ill inmates who fail to cooperate with and participate in treatment offered during incarceration have not met this standard.
- ³⁹ N.J. Rev. Stat. § 30:4-123.52.
- ⁴⁰ *Id.*
- ⁴¹ *Id.*
- ⁴² Bernard E. Harcourt, *Against Prediction: Profiling, Policing, and Punishing in an Actuarial Age* 79 (2007).
- ⁴³ *Id.*
- ⁴⁴ N.J. Rev. Stat. § 30:4-123.51c.
- ⁴⁵ N.J. Const. art. 5, § 2, ¶ 1.
- ⁴⁶ *Worthington v. Fauver*, 88 N.J. 183, 440 A.2d (N.J. 1982). N.J. Rev. Stat. App.A:9-30 - 9:63 (West 2015).
- ⁴⁷ *Id.*
- ⁴⁸ *Id.*
- ⁴⁹ *The Parole Book*, *supra* note 4, at 14.
- ⁵⁰ N.J. Rev. Stat. § 30:4-123.55(1)(f).
- ⁵¹ See N.J. Rev. Stat. § 30:4-123.54(a).
- ⁵² *Id.*
- ⁵³ *Id.*
- ⁵⁴ *Id.*
- ⁵⁵ See *The Parole Book*, *supra* note 4, at 46, Appendix J.
- ⁵⁶ *Id.*
- ⁵⁷ *Id.* at 3.
- ⁵⁸ *Id.*
- ⁵⁹ N.J. Rev. Stat. § 30:4-123.55.
- ⁶⁰ *Id.*
- ⁶¹ *Id.*
- ⁶² *The Parole Book*, *supra* note 4, at 15. An attorney may write a letter of reference, but the inmate has no right to counsel during the parole release process.
- ⁶³ N.J. Rev. Stat. § 30:4-123.54(b)(2). In murder cases, the victim's closest relation.
- ⁶⁴ *Id.*; See also N.J. Rev. Stat. § 30:4-123.45(b)(5). For certain crimes, like homicides, sexual and violent crimes, or kidnapping, the County Prosecutor or Attorney General has a duty to inform the Office of Victim Advocacy that an offender is eligible for parole "immediately upon receipt" of notice. See N.J. Rev. Stat. § 30:4-91.8(2). That office, in turn, must notify victims "by any reasonable means available" within 10 days, provided that victim requested to be notified.
- ⁶⁵ N.J. Rev. Stat. § 30:4-123.54.
- ⁶⁶ N.J. Rev. Stat. § 30:4-123.45(b)(5).
- ⁶⁷ N.J. Rev. Stat. § 30:4-123.54(b)(2)(d).
- ⁶⁸ *Id.*
- ⁶⁹ N.J. Rev. Stat. § 30:4-123.54(b)(2)(d).
- ⁷⁰ State Parole Bd., *Parole Eligibility Notices* (2016), <http://www.nj.gov/parole/publication.htm>. The lists are published weekly, and can be easily sorted by jurisdiction and date of release.
- ⁷¹ N.J. Rev. Stat. § 30:4-123.53(a).
- ⁷² *The Parole Book*, *supra* note 4, at 15.
- ⁷³ *Id.*
- ⁷⁴ *Id.* at 16.
- ⁷⁵ N.J. Rev. Stat. § 30:4-123.55(1)(f).
- ⁷⁶ N.J. Rev. Stat. § 30:4-123.55(1)(c).
- ⁷⁷ *Id.*
- ⁷⁸ N.J. Admin. Code § 10A:71-4.2 (2015). See also *The Parole Book*, *supra* note 4, at 18.
- ⁷⁹ N.J. Admin. Code § 10A:72-4.1.
- ⁸⁰ *Trantino v. New Jersey State Parole Bd.*, 764 A.2d 940 at 976 (N.J. 2001), citing *Monks v. N.J. State Parole Bd.*, 277 A.2d 193 (N.J. 1971).
- ⁸¹ *The Parole Book*, *supra* note 4, at 20.
- ⁸² Danielle Kaebler & Thomas P. Bonzcar, Bureau of Justice Statistics, Probation and Parole in the United States, 2015 at 20 (Appendix Table 4) (Dec. 2016), <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>.
- ⁸³ *Id.*
- ⁸⁴ N.J. Admin. Code § 10A:71-6.9.
- ⁸⁵ *Id.*
- ⁸⁶ *Id.*
- ⁸⁷ N.J. Rev. Stat. § 2C:43-7.2.
- ⁸⁸ N.J. Admin. Code § 10A:71-6.9. Any parolee under supervision for life can also petition the Superior Court for release from supervision upon clear and convincing evidence that they have not committed a crime for 15 years, and are not likely to "pose a threat to the safety of others." N.J. Rev. Stat. § 2C:43-6.4.
- ⁸⁹ N.J. Admin. Code § 10A:71-6.9.
- ⁹⁰ N.J. Rev. Stat. § 30:4-123.66.
- ⁹¹ N.J. Admin. Code § 10A:71-6.9.
- ⁹² *Id.*

END NOTES

⁹³ N.J. Admin. Code § 10A:71-6.4.

⁹⁴ *Id.*

⁹⁵ N.J. Rev. Stat. § 30:4-123.67.

⁹⁶ N.J. Rev. Stat. § 30:4-123.59(b).

⁹⁷ N.J. Admin. Code § 10A:71-6.4.

⁹⁸ *Id.*

⁹⁹ Application of Trantino, 89 N.J. 347, 357 (N.J.1982).

¹⁰⁰ N.J. Rev. Stat. § 2C:7-2.

¹⁰¹ N.J. Rev. Stat. § 2C:43-6.6.

¹⁰² Supervision, *supra* note 2.

¹⁰³ N.J. Admin. Code § 10A:71-6.4.

¹⁰⁴ N.J. Rev. Stat. § 30:4-123.61.

¹⁰⁵ N.J. Admin. Code § 10A:71-6.6.

¹⁰⁶ Interstate Comm'n for Adult Offender Supervision, *N.J. Adult Supervision Continuum of Graduated Sanctions Guide*, https://www.interstatecompact.org/sites/interstatecompact.org/files/pdf/states/NJ/NJ_Probation_Sanctions_Guide.pdf (last visited Jun. 4, 2018).

¹⁰⁷ N.J. Admin. Code § 10A:71-6.4.

¹⁰⁸ N.J. Rev. Stat. § 10A:71-6.5.

¹⁰⁹ N.J. Rev. Stat. § 2C:44-2.

¹¹⁰ N.J. Admin. Code § 10A:71-6.4.

¹¹¹ N.J. Rev. Stat. § 2C:44-2.

¹¹² Kaebler & Bonzcar, *supra* note 79 at 24 (Appendix Table 6).

¹¹³ *Id.*

¹¹⁴ Justice Policy Institute, *Finding Direction: Expanding Criminal Justice Options by Considering Policies of Other Nations – Fact-sheet: Parole and Reentry* at 4 (Apr. 2011), http://www.justice-policy.org/uploads/justicepolicy/documents/parole_and_reentry.pdf.

¹¹⁵ N.J. Rev. Stat. § 30:4-123.63.

¹¹⁶ Finding Direction, *supra* note 114; See also Sanctions Guide, *supra* note 106. It is unclear from our research whether this sanctions guide is the most current or the most applicable to current parolees.

¹¹⁷ Supervision, *supra* note 5.

¹¹⁸ See, e.g. N.J. Admin. Code § 10A:72-2.2.

¹¹⁹ However, in 2014, Senate Bill 1827 was introduced to create a progressive, graduated system of parole violation sanctions. See N.J. S.1827 (NS), 216th Legis. (2014).

¹²⁰ N.J. Rev. Stat. § 30:4-123.61. See also N.J. Courts, *Parole Revocation* (2015), <https://www.judiciary.state.nj.us/probono/parole-revocation.pdf>.

¹²¹ N.J. Rev. Stat. § 30:4-123.62. A parolee who “seriously or persistently violated the conditions of his parole” has created a basis for referral to the revocation process. See N.J. Rev. Stat. § 30:4-123.60.

¹²² N.J. Rev. Stat. § 30:4-123.62. If there is an “immediate emergency,” the parole officer may take the parolee into custody immediately without a warrant.

¹²³ N.J. Admin. Code § 10A:72-2.4.

¹²⁴ N.J. Rev. Stat. § 30:4-123.63. The parolee, hearing officer or parole officer may each request a postponement.

¹²⁵ N.J. Rev. Stat. § 30:4-123.60.

¹²⁶ *Id.*

¹²⁷ N.J. Rev. Stat. § 30:4-123.63.

¹²⁸ The Parole Book, *supra* note 4 at 22. See also N.J. Admin. Code § 10A:71-7.12.

¹²⁹ *Id.*

¹³⁰ The Parole Book, *supra* note 4 at 21.

¹³¹ *Id.* at 23.

¹³² N.J. Admin. Code § 10A:71-7.14. Provided there is a prima facie showing that the testimony will be relevant.

¹³³ The Parole Book, *supra* note 4 at 22. See also N.J. Admin. Code § 10A:71-7.12.

¹³⁴ *Id.*

¹³⁵ See *Bolyard v. Berman*, 644 A.2d 1122, 1126-1127 (N.J. App. 1994).

¹³⁶ N.J. Rev. Stat. § 2C:43-6.4.

¹³⁷ N.J. Rev. Stat. § 30:4-123.63.

¹³⁸ See, e.g., *Hobson v. New Jersey State Parole Bd.*, 89 A.3d 208, 216 (N.J. App 2014).

¹³⁹ N.J. Rev. Stat. § 30:4-123.60.

¹⁴⁰ N.J. Rev. Stat. § 30:4-123.61.

¹⁴¹ N.J. Rev. Stat. § 30:4-123.60.

¹⁴² N.J. Rev. Stat. § 30:4-123.63.

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ N.J. Courts, *Parole Revocation Hearing* at 2 (2015), <https://www.judiciary.state.nj.us/probono/parole-revocation.pdf>.

¹⁴⁷ N.J. Admin. Code § 10A:71-4.1.

¹⁴⁸ *Id.*

¹⁴⁹ N.J. Admin. Code § 10A:71-7.17B.

¹⁵⁰ *Id.*

¹⁵¹ N.J. Rev. Stat. § 30:4-123.64.

¹⁵² N.J. Rev. Stat. § 30:4-123.47.3(a). Until 2001, the State Parole Board was an autonomous state agency responsible for making release determinations. The Bureau of Parole was housed in the Department of Corrections and was responsible for supervising an inmate following his or her release. Numerous pieces of legislation have been introduced seeking to reestablish the two-agency model, but none have been successful. N.J. S.B. 676, 215th Legis. (2012).

¹⁵³ N.J. Rev. Stat. § 30:4-123.47.3(a).

¹⁵⁴ N.J. State Parole Bd., *2016 Annual Report* (2017), <http://www.state.nj.us/parole/docs/reports/AnnualReport2016.pdf>.

¹⁵⁵ *Id.*

¹⁵⁶ N.J. Rev. Stat. § 30:4-123.47.3(a).

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² N.J. State Parole Bd., *2017 Annual Report* (2018), <http://www.state.nj.us/parole/docs/reports/AnnualReport2017.pdf>.

¹⁶³ *Id.*; See also N.J. Rev. Stat. § 30:4-123.48 (“The board shall transmit a report of its work for the preceding fiscal year, including information on the causes and extent of parole recidivism, to the Governor, the Legislature and the Juvenile Justice Commission annually. The report also may include relevant information on compliance with established time frames in the processing of parole eligibility determinations, the effectiveness of any pertinent legislative or administrative measures, and any recommendations to enhance board operations or to effectuate the purposes of the “Parole Act of 1979,” P.L. 1979, c. 441”).

¹⁶⁴ The Parole Book, *supra* note 4.

¹⁶⁵ N.J. Rev. Stat. § 10A:71-2.2(b).

¹⁶⁶ N.J. Rev. Stat. § 10A:71-2.2 (a). This includes any information obtained under the victim input statute, victim registration, the continuing notice and the extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim, the continuing effect of the crime upon the victim’s family, personal information pertaining to the victim or victim’s family such as the victim’s home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information unless the requested information, statement or testimony in written, audio or video form was given at a public proceeding.