

REPORT OF THE STUDY COMMISSION ON PAROLE

DECEMBER 1996

James W. Holzapfel

Chair

Robert L. Clifford

Vice Chair



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
GOVERNOR'S STUDY COMMISSION ON PAROLE

852 HIGHWAY 70
BRICK, NJ 08724

CHRISTINE TODD WHITMAN
GOVERNOR

ASSEMBLYMAN JAMES W. HOLZAPFEL
CHAIR

ROBERT L. CLIFFORD
VICE CHAIR

December 23, 1996

Honorable Christine Todd Whitman, Governor
State House
Trenton, New Jersey 08625


Dear Governor Whitman:

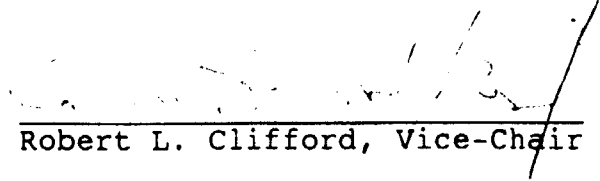
We are pleased to submit the Final Report of the Study Commission on Parole. Pursuant to Executive Order No. 39, the Commission carefully examined a wide range of issues confronting New Jersey's parole system. We solicited input from many experts and witnesses, including a number of crime victims, who recounted their personal experiences in dealing with New Jersey's parole process.

Our goal in drafting the Final Report was to compile a comprehensive set of recommendations that are specific, realistic, and balanced. The Report calls for significant reform of New Jersey's parole laws and practices. We recommend, for example, specific changes to several laws that unduly restrict the discretion of the Parole Board to deny parole and thus hamper the ability of the Board to protect the public. We also encourage the continuation of several reforms that were recently initiated by the Department of Corrections and the Parole Board, and we strongly endorse your ongoing efforts to revise the Interstate Compact for the Supervision of Parolees and Probationers.

On behalf of all of the members of the Commission, we thank you for the opportunity to report on how New Jersey can address the problems facing its parole system.

Respectfully submitted,


James W. Holzapfel, Chair


Robert L. Clifford, Vice-Chair

cc. Members of the Study Commission on Parole

Enclosure

GOVERNOR'S STUDY COMMISSION ON PAROLE

Commission Members

Chair

James W. Holzapfel, Assemblyman

Vice Chair

Robert L. Clifford, Retired Justice, New Jersey Supreme Court

William H. Fauver, Jr., Commissioner of Corrections

Robert D. Lipscher, Administrative Office of the Courts

Peter Verniero, Attorney General

Ronald S. Fava, Passaic County Prosecutor

Stephen G. Raymond, Burlington County Prosecutor

Andrew B. Consovoy, State Parole Board Member

Captain Linda W. Vestal, Crime Victim/Citizen

Mario Paparozzi, Senate Public Member

Keith Durrell Moore, Senate Public Member

M. James Maley, Jr., Esq., Senate Public Member

Karl Weidel, Assembly Public Member

Anthony Sgro, Assembly Public Member

John Arthur Thomas, Assembly Public Member

Secretary to the Commission: Ronald Susswein, Assistant Attorney General

TABLE OF CONTENTS

SUMMARY OF RECOMMENDATIONS OF THE PAROLE STUDY COMMISSION	iii
I. INTRODUCTION AND OVERVIEW	1
A. Mission Statement and General Approach of the Study Commission	1
B. Committees	3
C. Overview of Proposals	4
D. Pending Legislation	9
II. TRUTH IN SENTENCING; EARLY RELEASE	10
III. SPECIFIC RECOMMENDATIONS	15
A. Parole Release Standards and Presumptions	15
1. Standards	15
2. Presumption of Parole; Burden of Proof	19
3. New Information	21
4. Medical Parole	22
B. Removal of Credit Reduction for Future Parole Dates	24
C. Factors Relevant to the Parole Decision	27
1. Risk Assessment	28
2. Psychological Evaluation	29
3. Inmate Assessment	31
4. Parole Plans	32

5.	Pre-release Planning	34
D.	Conditions of Parole	38
1.	General and Specific Conditions	40
E.	Increased Parole Officer Involvement	41
1.	General Supervision	41
2.	Specialized Cases	42
F.	Treatment Services	44
1.	Purchase of Treatment Services	44
2.	Specialized Caseloads	46
G.	Interstate Compacts	46
H.	Data Base/Performance Management Plans	48
I.	Community Involvement	55
1.	Parole Advisory Board	55
2.	Community Assistance	56
J.	Independent Parole Authority	57
1.	Parole Board Qualifications	58
2.	Two-Member Panels	60

APPENDIX

FINAL REPORT OF THE STUDY COMMISSION ON PAROLE

I. INTRODUCTION AND OVERVIEW

A. Mission Statement and General Approach of the Study Commission

On July 25, 1995, Governor Whitman issued Executive Order 39, establishing a Study Commission on Parole. The Governor directed the Commission to "undertake a thorough study of the parole system and make recommendations on how to improve the parole system." A copy of the Governor's Executive Order appears in the Appendix (Appendix, p. 1).

Under New Jersey law, parole involves the release of offenders prior to the end of their maximum terms of imprisonment, followed by a period of supervision in the community. New Jersey parole laws are designed to serve at least three distinct functions: 1) to provide motivation and incentives for good behavior and rehabilitation in prison; 2) to authorize an appropriate authority to decide on a case-by-case basis when a prisoner can be released safely back into the community; and 3) to facilitate the successful reintegration of the offender into the community by providing supervision and support services upon release from prison.

New Jersey's parole laws are an integral part of a comprehensive and sophisticated correctional system that is designed to protect public safety by ensuring

that persons convicted of serious offenses serve a term of imprisonment that is rationally related to the nature of the offense and offender. Despite the complexities of the issues related to the parole function, in discharging its mission, the Commission has proceeded from a simple and unwavering premise: any reforms to our parole laws and practices must be designed, first and foremost, to protect public safety by reducing to the greatest extent possible the likelihood that a person released from prison will commit a new crime and injure more victims.

The Commission heard from many experts from within the state and from across the nation. We also heard from a number of crime victims, who eloquently related their personal experiences in dealing with New Jersey's criminal justice, correctional and parole systems. The views of those witnesses, and especially of the victims who testified before us, played a vital part in helping reach a consensus with respect to specific recommendations.

Soon after the Commission was established, we decided that our mission was not to abolish parole. (Some jurisdictions claim to have abolished parole, but in reality they have merely devised a new name to describe the supervision of persons released from custodial confinement.) We viewed our charge not to scrap the entire parole system, but rather to identify flaws within the current system and to propose specific remedies designed to ensure that our correctional and parole supervision resources are used as effectively as possible to promote public safety. We note in that regard that although many aspects of the current parole system are in need of reform, other aspects are working well and no intervention is currently needed.

The parole system is extremely complex, involving many different policies, legal standards, and practices. Although we studied various aspects of the parole process separately and in detail, our final recommendations for improvement, by necessity, overlap from one area to another. In other words, suggested changes in one specific area can and will have a significant impact throughout the entire correctional system. (By way of example, our proposed changes to the parole release standards, which are designed to create incentives for inmates to seek out and actively participate in rehabilitation, will serve to motivate inmates, thereby improving the chances for successful rehabilitation and eventual integration into the community on their release. Those proposed revisions, however, will also put additional resource burdens on our correctional system, which is already struggling to provide alcohol and other drug-rehabilitation services to a burgeoning inmate population.) In making our recommendations, we have tried to be practical and cost-conscious. However, in suggesting broad reform of the parole system, we were not inhibited by the fact that budgets are tight, and that new sources of funding are hard to come by.

B. Committees

The Commission divided its work among three committees, which closely examined: 1) parole release standards (when and under what circumstances should an inmate be released, and who should make that critical decision); 2) parole supervision (how do we best use our resources to supervise and monitor parolees and

to hold them accountable at all times); and 3) specialized treatment (how do we best deal with compulsive sex offenders and with the burgeoning population of inmates who abuse drugs or alcohol).

These three subject areas are not mutually exclusive. In fact, they are closely interrelated. Consider, for example, that many if not most crimes committed in New Jersey are thought to be "drug related." Therefore, concerted efforts to improve our capacity to address substance-abuse problems within the criminal justice and correctional systems will, eventually, allow the Parole Board to grant parole with greater confidence that the parolee will not be driven by an untreated addiction to return to a life of crime.

C. Overview of Proposals

Our objective in preparing this final report has been to propose a set of recommendations that are both specific and pragmatic. Too often, reports of special commissions and blue ribbon panels wind up collecting dust on library shelves. For that reason, we have focused our efforts on developing proposals that can be realistically implemented in the near future by the Legislature or by the Department of Corrections or Parole Board. Where appropriate, we have suggested specific language for statutory reform.

Although our final report includes no fewer than thirty-nine proposals, covering a wide range of subjects and addressing a myriad of problems, all of our recommendations can be said to fall into seven general categories:

Recommendations that call for specific revisions to our parole statutes as, for example, to expand the authority of the Parole Board to deny parole to inmates who cannot safely be returned to the community;

Recommendations that would make the process of predicting whether an inmate will commit a new offense more objective and reliable;

Recommendations that would make certain that the seeds of successful reintegration into society are sown early on in an inmate's term of imprisonment, so that parole supervision is not merely an afterthought to be considered only as an inmate approaches his or her parole eligibility date;

Recommendations that relate to the structure of the parole process, such as, for example, recommendations concerning the composition of the Parole Board and size of parole hearing panels;

Recommendations to automate the collection of data that will allow for better case management and make it easier for policy makers to study the effectiveness of parole programs.

Recommendations that would enlist the support of the community in improving and implementing the parole function; and

Recommendations that would facilitate the rehabilitation of inmates and parolees who are addicted to alcohol or other drugs, or who have other problems or deficits that, if left unaddressed, would make more likely their return to a life of crime.

We note, in fairness, that we are not writing on a clean slate and that many of our proposed "reforms" are already underway. With respect to the goal of improving our ability to predict inmates' future criminal behavior on their eventual release, for example, we would note that the Department of Corrections and the Parole Board are already hard at work developing objective risk assessment instruments. We strongly endorse those ongoing efforts.

With respect to problems with the Interstate Compact for the Supervision of Parolees and Probationers, Governor Whitman recently alerted all other Governors to the need to amend the compact. We applaud the Governor for taking the lead on those issues.

With respect to the problem of substance abuse and its close relationship to crime, we perceive a broad consensus about the nature and scope of the problem and the need to provide appropriate services and interventions, preferably while offenders are still in prison and before they are released into the community. Fulfillment of that need represents, in our view, a sound investment in public safety. We are especially mindful of a number of recent studies that demonstrate conclusively that drug and alcohol treatment is cost-effective. See, *e.g.*, the studies cited in "A Prosecutor's Guide to Treatment" prepared by the American Prosecutors Research Institute, the research and technical assistance affiliate of the National District Attorneys Association. Recently, the Department of Corrections significantly expanded the Mutual Assistance Program, and the Governor has dedicated funding for a new 500-bed therapeutic community drug-treatment program at South Woods State Prison. We endorse those decisions and encourage ongoing efforts to find innovative ways to fund enhanced treatment services.

We also note that in response to the State's evolving drug-abuse problem, Governor Whitman, on October 8, 1996, released a Drug Enforcement, Education and Awareness Program. In that document, the Governor recognized that many offenses are committed by persons who are under the influence of drugs or who are trying to

support a drug habit. The Governor concluded that we must, therefore, "find a way to stop the revolving door of justice which too often allows addicts to return to the streets before we have had a chance to address the underlying substance abuse problem." Governor's Drug Enforcement, Education and Awareness Program at 38. We agree completely with the Governor's conclusion.

The Governor's new drug program refers specifically to model statutes and research and reference materials developed by the National Alliance for Model State Drug Laws. The Governor has urged that those materials be reviewed by representatives from the judiciary, the county prosecutors, the Department of Health and Senior Services (which licenses drug rehabilitation programs), and treatment providers to determine whether it is necessary and appropriate to revise New Jersey's Code of Criminal Justice to provide courts and prosecutors with more options and tools with which to leverage nonviolent offenders into treatment, making use of positive incentives as well as punishments. We understand that a statewide conference will be convened early next year to consider the work of the National Alliance for Model State Drug Laws, including a recommendation that no person be allowed to leave the criminal justice system (i.e., be released from prison into the community) until his or her addiction has been identified and addressed. We believe that goal is consistent with our recommendations concerning treatment, and we urge all relevant actors to participate actively in that upcoming conference.

D. Pending Legislation

Many bills have recently been introduced that would amend New Jersey's law governing parole. In fact, to a large extent, it was the proliferation of parole-related legislation that prompted the Governor to establish this Commission to develop a means to ensure that New Jersey embarks on a coordinated and carefully conceived response to the myriad of problems that have come to light recently.

Although we have reviewed pending legislation, the Commission has decided neither to endorse nor to oppose specific bills that have been introduced and are currently awaiting action in the Legislature with the exception of the "No Early Release" bills. Rather, consistent with our perceived mission, we will recommend a series of statutory reforms, suggesting specific language that, in our view, would best serve the interest of public protection. We recognize that some of our proposals are similar, although in most instances not identical, to bills that are currently pending before the Legislature. We do feel strongly that any legislative reform should be achieved in a coherent and comprehensive fashion.

III. SPECIFIC RECOMMENDATIONS

A. Parole Release Standards and Presumptions

1. Standards

The substantive standard for determining whether to grant parole should be amended to increase the discretion of the Parole Board to deny parole when an inmate has failed to cooperate in his or her own rehabilitation or when a reasonable expectation exists that the inmate would violate conditions of parole if released.

Under present law, the substantive standard for granting or denying parole is framed in such a manner that the Parole Board has narrow discretion in making its decision to release an inmate. Review is limited to an evaluation of whether the inmate is likely to commit a crime when released on parole. Unless the Board has reason to conclude that a substantial likelihood exists that the inmate will commit a new crime if released, the Board is required by statute to grant parole.

Specifically, N.J.S.A. 30:4-123.53(a) currently provides:

An adult inmate shall be released on parole at the time of parole eligibility, unless information supplied in the report filed pursuant to section 10 of this act or developed or produced at a hearing held pursuant to section 11 of this act indicates by a preponderance of the evidence that there is a substantial likelihood that the inmate will commit a crime under the laws of this State if released on parole at such time.

A prediction that an inmate will commit a crime if released is only one factor to be weighed in determining whether to release the inmate. The Commission firmly believes that cooperation in a program of rehabilitation prior to release, as well as the likelihood that the inmate will comply with the conditions of parole, are important factors that should be considered since they will increase the chances for successful parole and will provide greater protection to communities.

The Commission therefore recommends expanding the scope of review by amending N.J.S.A. 30:4-123.53(a) as follows:

An adult inmate shall be released on parole at the time of parole eligibility unless information contained in the report filed pursuant to section 10 of this act or developed or produced at a hearing held pursuant to section 11 of this act indicates by a preponderance of the evidence that [there is a substantial likelihood] **the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation** that the inmate will [commit a crime under the laws of this state] **violate conditions of parole imposed pursuant to section 15 of this act (N.J.S. 30:4-123.59)** if released on parole at such time.

[Matter enclosed in brackets [thus] is to be deleted. Matter underlined **thus** is new matter.]

These modifications will increase the Parole Board's ability to assess the probability that an inmate will make an acceptable adjustment to life in the community, and that, in turn, will increase the integrity and effectiveness of the parole system.

This new language represents a significant change to the substantive standard for granting or denying parole. For one thing, the proposed "reasonable expectation"

standard is far less onerous than the current “substantial likelihood” formulation. The revised standard, in our view, would serve to re-affirm that parole must be earned and that protection of the public is of paramount concern. An expectation that the inmate would fail to make an acceptable adjustment to life in the community, based on a reason documented in the inmate’s file, should provide a basis to deny parole.

Pursuant to our recommendation, the Parole Board will consider the inmate’s pre-release conduct. Specifically, the Board will be required to consider whether the inmate has cooperated in his or her rehabilitation, along with various other factors that are described in the following sections. The proposed formulation would substantially broaden the type of information that the Parole Board could consider and could use to justify the denial of parole, thereby enhancing the ability of the Parole Board to protect public safety.

Our recommendation allows the Parole Board to deny parole when the inmate has failed to cooperate in his or her own rehabilitation. When rehabilitative programs are offered in prison, an inmate must be expected to take full advantage of them. When the inmate fails to do so, the Parole Board would have independent grounds to deny parole. We believe that an inmate who is not willing to participate in rehabilitative programs offered in prison is not likely to participate in such programs following release from confinement. Inmates who fail or refuse to make reasonable progress in their own rehabilitation are poor candidates for parole and pose an unacceptable risk of recidivism. Those inmates who have not demonstrated a willingness to change simply have not earned the privilege of an early release into the

community. The proposed statutory change would send a clear message to inmates and provide powerful new incentives for them to participate in prison-based rehabilitative programs.

In addition, the Board for the first time would be authorized to deny parole based on a prediction that the inmate would violate parole conditions short of committing a new crime. Many behaviors can be used to predict whether the inmate reasonably can be expected to engage in subsequent criminal activity on release. Parole conditions, after all, are designed to promote rehabilitation and to protect the public. A parolee who does not comply with the conditions of parole (*i.e.*, who begins to “backslide”) is far more likely eventually to commit an offense and represents a danger to the community. It follows that an inmate who reasonably could be expected to fail to comply with conditions of parole poses an unacceptable risk of recidivism and simply has not earned parole.

In sum, the Commission's recommended revision to the Parole Act would give the Board more flexibility to deny parole based on a reasoned prediction that the inmate would violate the terms and conditions of parole. Our recommendation will promote a parolee's participation in treatment and rehabilitative programs and will provide greater protection to the community. The Commission firmly believes that the proposed change will provide powerful incentives for inmates to demonstrate that they will comply with all parole conditions and will help to break the cycle of violations that often lead to criminal behavior.

We note, finally, that the proposed changes to N.J.S.A. 30:4-123.53(a) and N.J.S.A. 30:4-123.56(c) also address issues raised in pending legislation involving the "presumption" of parole and the "burden of production and persuasion." The Commission believes that the better course would be to modify the statutes as recommended rather than to shift the burden of persuasion to the inmate. The reasons for our recommendation to retain the current allocation of the burden of proof are set forth in the following section.

2. The Presumption of Parole; Burden of Proof

The Parole Board should retain the burden of persuasion by a preponderance of the evidence in a parole hearing.

Pursuant to existing law, if the Parole Board determines that there is a "substantial likelihood" of criminal behavior, the inmate no longer is entitled to a "presumption" of parole. The Commission has recommended that the standard be substantively altered so that parole can be denied if the inmate has not cooperated in his or her rehabilitation or if there is a reasonable expectation that the inmate would violate parole conditions. (As noted above, that would be a far less onerous standard for the Parole Board to meet than the current one that requires the Board to find that there is a "substantial likelihood" that a crime will be committed.) In light of this significant revision to the substantive standard, which would make it easier for the

Board to deny parole, we conclude that the Parole Board should retain the burden of persuasion by a preponderance of evidence.

The Commission carefully considered the overall impact of shifting the burden of persuasion to the inmate. Although shifting the burden of proof is, at first glance, an appealing idea and is consistent with the notion that inmates must earn their release, we conclude that if inmates were required to prove their eligibility for parole, the current parole hearing process would become inappropriately complicated. For example, we expect that were the burden of proof to be shifted, inmates might be entitled to demand that the Department of Corrections produce records and documents that could conceivably be relevant to the parole decision. Many of those records are now deemed to be confidential. In addition, inmates might be entitled for the first time to call witnesses and to cross-examine witnesses, including victims, who testify in opposition to inmates' early release.

We see no benefit in transforming parole hearings into mini-trials. Parole hearings are simple, fair, and timely. The Commission believes that the current informal, non-adversarial procedure benefits both the State and the inmate. In sum, the Commission finds that the legal and practical risks associated with shifting the burden of persuasion far outweigh the benefits, especially given the Commission's recommendation to modify the substantive standard so as to make it easier for the Parole Board to deny parole in appropriate cases.

3. New Information

At second and subsequent parole hearings, the Parole Board should consider all relevant information and not only "new" information. Under current law, after the first review and denial of parole, the Board panel may thereafter deny parole only if "new" information is developed in the record at the subsequent hearing.

Under current law, after the first review and denial of parole, the Board panel may thereafter deny parole only if "new" information is developed in the record at the subsequent hearing that indicates there is a substantial likelihood that the inmate will commit a crime if released on parole. N.J.S.A. 30:4-123.56(c). That is one of the most significant and inappropriate limitations that existing law places on the Board's discretion.

This restriction prevents the Board from denying parole at subsequent hearings if there have been no institutional infractions committed by the inmate since his or her last review. Under current law, the Board is effectively required to grant parole, even though the inmate may not be rehabilitated. In essence, this statute treats an initial denial of parole as a "punishment" rather than as a recognition that an inmate has not earned an early release.

The statute that permits the Parole Board to use only "new" information to deny parole at a second or subsequent hearing substantially and unnecessarily limits the Board's ability to review an inmate's rehabilitation in the context of the inmate's entire

record. Review of an inmate's entire record at second and subsequent hearings will allow the Board more accurately to predict an inmate's likelihood of committing another crime if released on parole. That is, the parole decision, regardless of when it is being made, should focus on whether the inmate has cooperated in the rehabilitation process and on whether he or she may be expected to violate the conditions of parole if released.

For those reasons, the Commission strongly recommends a change in the law that would allow a comprehensive review of all relevant information contained in an inmate's record, including an updated risk assessment. The Parole Board should have the ability to deny parole based on the entire record, and should not be limited to a consideration based solely on new information.

4. Medical Parole

The parole laws should be amended to authorize the special parole of certain inmates whose health has deteriorated to the point that they can not physically pose a threat of committing another crime if released.

The Commission recommends that N.J.S.A. 30:4-123.45 be amended to provide authority to the Parole Board to expedite the release from custody of persons whose medical deterioration is expected to result in imminent death or to render them permanently incapable of posing a threat to commit new crimes. In the interest of maintaining public confidence and out of concern for crime victims, offenders

sentenced for the following violent offenses should be excluded from eligibility for medical parole: murder, manslaughter, aggravated sexual assault, armed robbery, aggravated arson, kidnaping, and endangering the welfare of a child.

Medical costs related to the care of terminally ill inmates is a significant cost component of the Department of Corrections annual budget. The *per diem* cost of housing and routine medical expenses for those inmates currently is \$28,280, with the annual cost to the State estimated at \$10,322,200. See Phase II Draft Final Report, May 1995, submitted by MGT of America, Inc.

Despite a decrease in the incidence of HIV/AIDS in the general population of New Jersey, there has been a continuous increase in the number of AIDS cases found in New Jersey's correctional population. Data collected by the Department of Corrections show that the number of AIDS cases has continued to increase from 73 in 1992 to 103 in 1993 to 394 by the first half of 1994. During the calendar year 1994, 125 inmates died while in the custody of the Department of Corrections. Approximately 80 percent of those died of AIDS.

Lifestyles, poor nutrition, chemical addiction, alcoholism, and the lack of medical intervention and care contribute to the predisposition of the correctional population to serious and chronic illnesses. The State could therefore realize a savings of \$14.1 to \$32.2 million by enactment of legislation that would facilitate the parole of terminally ill or severely disabled inmates. See Phase II Draft Final Report, May 1995, submitted by MGT of America, Inc.

Moreover, enactment of such legislation will be beneficial to public safety. Medical parole would increase the number of prison bed spaces available for dangerous offenders. The Commission recommends that each medical parole case include extensive parole planning, treatment options (including home care, hospice, and inpatient hospital care), as well as comprehensive plans for supervision and monitoring.

B. Removal of Credit Reduction for Future Parole Dates

Good-time credits should not accelerate the future eligibility date for parole after an initial denial.

Currently, the New Jersey Department of Corrections is authorized by statute to award credits to reduce a term of imprisonment. These include commutation or good-time credits (N.J.S.A. 30:4-140) and work/minimum custody credits (N.J.S.A. 30:4-92). Commutation credits are awarded on a progressive scale based on length of term. The number of credits earned per year ranges from seventy-two days for a one-year term (six days per month), to 192 days for year thirty and beyond (sixteen days per month). Work credits are earned at the rate of one day for each five days of work. Minimum custody credits are earned at the rate of three days per month for the first year that the inmate is assigned to minimum custody, and at the rate of five days per month for second and subsequent years that the inmate is assigned to minimum custody.

For persons serving determinate sentences without parole ineligibility terms, credits generally reduce the time until first parole eligibility from one-third of the total

Moreover, enactment of such legislation will be beneficial to public safety. Medical parole would increase the number of prison bed spaces available for dangerous offenders. The Commission recommends that each medical parole case include extensive parole planning, treatment options (including home care, hospice, and inpatient hospital care), as well as comprehensive plans for supervision and monitoring.

B. Removal of Credit Reduction for Future Parole Dates

Good-time credits should not accelerate the future eligibility date for parole after an initial denial.

Currently, the New Jersey Department of Corrections is authorized by statute to award credits to reduce a term of imprisonment. These include commutation or good-time credits (N.J.S.A. 30:4-140) and work/minimum custody credits (N.J.S.A. 30:4-92). Commutation credits are awarded on a progressive scale based on length of term. The number of credits earned per year ranges from seventy-two days for a one-year term (six days per month), to 192 days for year thirty and beyond (sixteen days per month). Work credits are earned at the rate of one day for each five days of work. Minimum custody credits are earned at the rate of three days per month for the first year that the inmate is assigned to minimum custody, and at the rate of five days per month for second and subsequent years that the inmate is assigned to minimum custody.

For persons serving determinate sentences without parole ineligibility terms, credits generally reduce the time until first parole eligibility from one-third of the total

term to approximately one-fourth of the total term. For approximately one-half of our adult prison population serving terms with parole ineligibility periods, credits do not reduce time to parole eligibility. Credits for those inmates can be applied to reduce the total term but not the mandatory minimum term. In actuality, few inmates are released after serving only one-fourth of their terms. Most are released to parole supervision after serving between 33 percent and 45 percent of the total sentence. An inmate who serves a term in full ("maxes out") and who receives maximum credits with no forfeitures, will serve approximately 55 percent to 65 percent of his or her total term.

The extent to which credits are awarded or forfeited affects length of stay. Any decrease in the award of credits or increase in forfeiture of credits will yield an increase in length of stay. Length of stay (LOS) is one of two factors that dictate the size of our inmate population, the other factor being admission volume. "Admissions x LOS = Inmate Population" is the formula employed to calculate inmate population. With admissions of 14,000 inmates per year, a one-day increase in average LOS would increase population (and Department of Corrections bed space needs) by approximately 38 ($14,000 \times 1 \div 365 = 38.356$). With the same admission volume, a thirty-day increase in LOS would increase population by approximately 1,150 ($14,000 \times 30 \div 365 = 1,150.7849$). Thus, even modest increases in LOS can yield considerable increases in population when admission volume is high.

After considering numerous options, the Commission believes that credits are more a component of sentencing policy than of parole decision making policy.

N.J.S.A. 2C:44c(2) specifically requires judges, when determining the appropriate term of imprisonment, to consider the defendant's eligibility for release under the law governing parole, taking into account time credits awarded pursuant to N.J.S.A. 30:4-123.51, et seq. In addition, the credit system is designed to provide incentives for inmates to behave and to participate actively in rehabilitation programs.

We note that many of the public's concerns regarding the award of credits, which significantly reduce the amount of time an inmate actually serves in prison, would be ameliorated by Senate Bills No. 338 and 855, which we support in concept. If such legislation were to be adopted, inmates subject to its provisions would be required to serve not less than 85 percent of the maximum sentence imposed by the court, and this minimum term of parole ineligibility could not be reduced through the award of credits. As to these most violent and dangerous offenders, then, the impact of credits would be greatly reduced.

In the circumstances, we see no need to recommend further major revisions to the manner in which credits are calculated, awarded, or forfeited, with one notable exception. Specifically, we recommend that credits not be used to accelerate future eligibility terms imposed by the Parole Board after a denial of parole.

Currently, N.J.S.A. 30:4-123.56(b) provides that when "release on the eligibility date is denied, the Board panel...shall...include in its statement denying parole notice of the date of future consideration." The statute further provides that "such future parole eligibility date shall take into account usual remissions of sentences for good

behavior and diligent application to work and other assignments.” (Emphasis added).

We believe that the underlined language above is confusing and counterproductive.

Future eligibility terms are imposed by the Board following the denial of parole to provide additional time for inmates to address unresolved issues, including among other things mental health and substance abuse problems. Those terms should be for specific periods as determined by the Board, to allow the inmate and the institution to deal with the inmate’s problems. The reduction of this term through the award of credits only reinforces the public perception that inmates actually serve less time than required by the original sentence, or in this instance, by the Parole Board. The Commission feels that the date of an inmate’s parole eligibility following a denial should be unambiguous, clearly stated, and easily understood by both inmates and the general public. The Commission therefore recommends that the portion of N.J.S.A. 30:4-123.56(b) underlined above be eliminated by the Legislature and that the statute be amended to make clear that the various time credits are not applicable to accelerate the parole eligibility date set by the Board following a denial.

C. Factors Relevant to the Parole Decision

Under current law, a pre-parole report must be prepared at least 120 days prior to an inmate's parole eligibility date. N.J.S.A. 30:4-123.54(a). That report must contain the pre-incarceration records of the inmate; a report on the inmate's conduct while in the institution; a report on the inmate's social, physical and mental condition; an investigation of the inmate's parole plans; and information bearing upon the

behavior and diligent application to work and other assignments.” (Emphasis added).

We believe that the underlined language above is confusing and counterproductive.

Future eligibility terms are imposed by the Board following the denial of parole to provide additional time for inmates to address unresolved issues, including among other things mental health and substance abuse problems. Those terms should be for specific periods as determined by the Board, to allow the inmate and the institution to deal with the inmate’s problems. The reduction of this term through the award of credits only reinforces the public perception that inmates actually serve less time than required by the original sentence, or in this instance, by the Parole Board. The Commission feels that the date of an inmate’s parole eligibility following a denial should be unambiguous, clearly stated, and easily understood by both inmates and the general public. The Commission therefore recommends that the portion of N.J.S.A. 30:4-123.56(b) underlined above be eliminated by the Legislature and that the statute be amended to make clear that the various time credits are not applicable to accelerate the parole eligibility date set by the Board following a denial.

C. Factors Relevant to the Parole Decision

Under current law, a pre-parole report must be prepared at least 120 days prior to an inmate's parole eligibility date. N.J.S.A. 30:4-123.54(a). That report must contain the pre-incarceration records of the inmate; a report on the inmate's conduct while in the institution; a report on the inmate's social, physical and mental condition; an investigation of the inmate's parole plans; and information bearing upon the

likelihood that the inmate will commit a crime if released on parole. N.J.S.A. 30:4-123.54(b). The Parole Board's administrative code contains a list of twenty-two factors that may be considered by a Board panel at a parole hearing. N.J.A.C. 10A:71-3.11 (see Table 3, Appendix, p. v). The Commission makes the following recommendations with respect to this process.

1. Risk Assessment

The factors considered in the parole decision process should be amended to include an objective risk assessment.

The Commission recommends a statutory provision that would allow a Board panel to complete and review a risk-assessment form prior to making a parole decision. The primary benefit of such an instrument is that it provides a more objective and reliable means of predicting risk of failure on parole and levels of supervision needed if the inmate is to be released. An objective risk-assessment instrument promotes consistency in the parole decision-making process.

Various risk-assessment instruments have been validated and used throughout the country. As of 1991, sixteen paroling authorities were using a risk-assessment instrument as an aid to making parole decisions, and four states were in the process of developing one. Currently, the New Jersey Parole Board and New Jersey Bureau of Parole, with the assistance of the Governor's Office of Policy and Planning and the National Institute of Corrections, are developing and validating a risk assessment instrument for this state's correctional population.

Over the past several months, the Parole Board and the Bureau of Parole have reached agreement on both the static and dynamic factors that should be a part of the assessment. The static factors include: the types of offenses committed in the past, the number of prior convictions, the number of serious infractions in prison or the number of technical parole violations a parolee has incurred, and the number of previous probation or parole revocations. The dynamic factors include an inmate's ability to function independently. A risk assessment can also serve to identify special conditions that should be imposed to address specific problems the parolee may have.

Two examples of risk-assessment instruments are attached to this report. Example A is used in South Carolina and contains many static factors. Example B, which was developed in Canada and is currently used in Colorado, contains a mixture of static and dynamic factors. The weight given to each question will be determined after a validation study is completed to determine statistically which factors are more likely to indicate or predict the likelihood of recidivism.

2. Psychological Evaluations

Inmates should be subject to in-depth, pre-parole psychological evaluations as often as the Parole Board may require.

All psychological evaluations and reports prepared in connection with any court proceeding should be included in the pre-parole report.

The Commission recommends that the Parole Board panels be expressly authorized by statute to require an inmate to undergo an in-depth pre-parole psychological evaluation. Pursuant to a federal district court ruling, the Board may now only "request" that an inmate undergo a psychological evaluation prior to a parole hearing. The Commission strongly recommends legislation that would authorize the Board to mandate that the inmate participate in such an evaluation, as often as may be necessary to provide the Board with accurate, up-to-date information about the inmate's suitability for parole.

N.J.S.A. 30:4-123.53(b) identifies the type of records to be included in the pre-parole report. The pre-parole report must include records obtained prior to incarceration; a statement of the conduct of the inmate during the period of incarceration; a complete report of the inmates social, physical and mental conditions; an investigation by the Bureau of Parole of the inmate's parole plans; and information regarding the likelihood that the inmate will commit a crime if released.

In many cases, psychological evaluations are prepared during the course of criminal proceedings. For example, reports may be generated to determine a defendant's fitness to stand trial, to raise and rebut a defense at trial, to support plea negotiations, or to demonstrate mitigating factors at sentencing. In addition, other psychological reports may have been made available to courts in prior or separate criminal or civil proceedings. The Commission recommends that N.J.S.A. 30:4-123.53 be amended to include in pre-parole reports all psychological reports prepared in connection with any court proceedings. Those reports will supplement any new

evaluations required by the Board, will allow the Board to evaluate the progression of a mental illness, and will enhance the Board's ability to conduct as complete a review as possible, thereby increasing the inmate's chances of successful reintegration into the community by identifying psychological barriers to successful parole. In sum, that revision will help the Parole Board to identify those cases where parole is not appropriate due to psychological factors, thus providing greater protection to the community.

3. Inmate Assessment

Corrections authorities should assess inmates at the time of their incarceration to identify and address behavioral, social, psychological, medical, and educational needs.

Corrections authorities should assess inmates soon after incarceration for the existence, extent, and etiology of drug involvement.

Virtually all prison inmates currently incarcerated will eventually be released into local communities. Most have problems or "deficits" that inhibit successful return to mainstream community life. Those who do not reintegrate successfully pose the greatest risk of recidivism. It follows, therefore, that public safety is enhanced by removing some of the barriers to reintegration into the community. Common problems include educational, emotional, and psychological deficits; medical problems; and addictions.

Removing those barriers is critical to public safety. The Commission believes that to optimize the successful return of inmates as law-abiding members of the

community, a program of remediation should begin as early as possible in an inmate's term of incarceration.

An accurate identification of an inmate's deficits is the first step. In part, that identification can be made by improved pre-sentence investigations -- more accurate criminal histories given in greater depth -- to help judges craft appropriate sentences for convicted offenders and to help corrections officials understand the extent of the risks involved. The Commission believes that corrections and parole officials need greater insights into the psychological and social dysfunctions that drive offenders to commit crimes and to engage in antisocial behavior. Assessment of an offender's educational, vocational, and psycho-biological needs will improve the ability of parole officers to manage parolees.

Assessment tools should be uniform, validated, and employed as soon as possible after commitment. Assessments during the intake procedure allow for centralized administration, which promotes cost efficiency, uniform results, and accurate placements.

4. Parole Plans

The Parole Board should work with inmates to develop parole plans, which should provide incentives for progress toward the inmates' release.

The Parole Board should conduct periodic progress reviews of the parole plans.

Once a risk assessment has been conducted, the Department of Corrections must provide the opportunity for offenders to undergo a program of correction.

Individualized plans, designed to prepare inmates for release and to ensure continued compliance with rehabilitative objectives, should be developed by the inmates and the Department. The plans should address the offenders' deficits and should integrate parole conditions based on risk assessments. Parole plans should be provided to the State Parole Board, which should then conduct periodic progress reviews and provide appropriate feedback to the inmate. The Board should encourage inmate involvement in those programs through a carefully designed schedule of incentives and sanctions, designed to promote successful release. The Board should monitor inmate progress to provide continuing information about credits gained or lost. Parole should be denied if treatment options are not exercised or progress in treatment is not shown.

In sum, we recommend that the process leading to the parole release decision should begin as soon as the inmate enters the correctional facility, and should not wait until shortly before the inmate becomes eligible for parole. Reviewing the results of the assessments will enable authorities to balance the needs of the offender against the risks that the offender would pose to the community if released. Many offenders will have multiple needs -- cognitive, educational, psychological, and physical. Addressing those needs is a difficult, complex task, where one level of competence (that is, successful completion of a stage of rehabilitation) will often have to be met before the next can be addressed. Ultimately, the goal is to modify the inmate's behavior, reducing the chance that he or she will return to a life of crime.

Inmates should actively participate in developing the plans for their return to local communities. For some offenders, the chance to be rehabilitated is sufficient

incentive. For most, however, that will not be enough. Rather, some coercion, in the form of both rewards and punishments, must be used. The Parole Board should develop positive reinforcements of offenders' participation in rehabilitation programs, such as the award of time credits for participation in treatment and educational programs and positive verbal support during and subsequent to the annual review. Conversely, the plan should also include sanctions for an inmate's failure to cooperate. As noted throughout this report, when an inmate obdurately refuses to participate in rehabilitation, he or she should simply be denied parole.

The Commission would note that an estimated 60 percent to 70 percent of inmates have drug and alcohol abuse problems. Experience has shown that compulsory treatment is at least as effective as voluntary treatment, in part because it can begin sooner and last longer. For many offenders, the deciding factor in success may be the careful and structured use of incentives designed to motivate inmates to overcome denial and to accept the benefits of treatment.

5. Pre-release Planning

Planning should precede release and should consist of (1) a parole release hearing conducted sufficiently in advance of an inmate's parole eligibility; (2) making parole contingent on successful progress during that pre-parole period; and (3) pre-parole activities focused on marshaling community support resources during the pre-parole period.

When drug and alcohol treatment is provided in prison, it should be made available sufficiently in advance of the inmate's release so that the Parole Board can determine whether the inmate has made satisfactory progress in treatment before he or she is returned to the community.

Although revocation of parole should not be automatic for drug/alcohol relapse, parolees should be held accountable for any and all violations.

The Parole Board should conduct a parole release hearing sufficiently in advance of an inmate's parole eligibility date (preferably one year prior to release). The Commission firmly believes that no inmate should be paroled without a clearly articulated parole plan that includes employment, education, housing, and, if appropriate, intensive substance abuse counseling and participation in a twelve-step recovery program with the specific requirement of sponsorship.

Prior to parole, the Bureau should identify community resources that will allow for the continuance of successful pre-release treatment programs. If a release date is set, it should be contingent on the following: successful progress in the parole plan over the next year; no institutional infractions; and approval by the Bureau of Parole of a parole plan. As the actual parole date approaches, staff of the Board should make certain that those conditions have been satisfied.

The Department of Corrections has taken steps to expand its capacity to provide drug and alcohol treatment to substance-abusing inmates. When drug and alcohol treatment is provided in prison, it should be made available to those inmates for whom

treatment is most likely to be successful, and to those who are approaching their release from prison. Although drug and alcohol treatment should be provided toward the end of a lengthy term of incarceration, it should begin sufficiently in advance of the inmate's eventual release so that the Parole Board can determine whether the inmate has made satisfactory progress in treatment before he or she is returned to the community.

Accordingly, participation in prison based therapeutic treatment communities, which house inmates together for purposes of participation in therapeutic and twelve-step recovery programs, should be initiated as early as two years, but no later than six months, prior to the earliest parole eligibility date. If treatment is begun at least two years before parole eligibility, the Board will have an adequate record for review to determine whether the inmate has made satisfactory progress in addressing substance abuse problems.

Currently, however, hearing officers recommend a grant of parole to the Board as little as sixty days before an inmate's eligibility date. N.J.S.A. 30:4-123.55. That practice provides inadequate time for a reasoned decision whether the inmate has truly earned parole. Advancing the hearing and recommendation process to the twelve-month mark will permit the Parole Bureau sufficient time to make certain that community resources are available to make the parole plan work. If such resources will not be available, approval of the plan should be revoked. We emphasize, moreover, that our recommendation to expedite the hearing and recommendation process would in no way limit the authority of the Board to consider all relevant

information up to the moment of parole and to modify or revoke a previously approved parole plan based on the most current information.

The parole plan should also spell out specific sanctions for violations of the plan. There should be little or no tolerance for violations committed by violent or high risk offenders. It is imperative that high risk, violent offenders receive the appropriate treatment to reduce significantly any potential harm to the community. The Commission believes that for these offenders, intensive treatment must occur as early as possible during their term of incarceration, and parole should not even be considered unless and until those risks to the community have been significantly reduced. While on parole, moreover, violent offenders should be more closely monitored, and their violations met with more aggressive sanctions.

To ensure successful transition to life in the community, provisions for housing for an inmate immediately on release should be in place well before the parole date. Halfway houses with therapeutic services should be made available when appropriate. "Placement" cases, *i.e.*, those that involve parolees who do not have a home to move into prior to release, pose an unwarranted risk to local communities because they place the newly-released offender into an unfamiliar environment without a safety net necessary for support. Handling the special needs parolee (sex offenders, substance abuser, etc.) in this way is particularly inappropriate.

Relapses by the substance abuser should be expected as part of the recovery process and should be managed by parole officers knowledgeable in addiction recovery. For this reason, to adopt a rigid, automatic revocation policy for drug/alcohol

relapse would be inappropriate. At the same time, however, parolees must understand that there are consequences to violating any term or condition of parole, including a requirement that the person refrain from using alcohol or a controlled substance.

D. Conditions of Parole

The Commission believes that the Parole Board should retain the discretion to impose appropriate conditions of parole, as well as the authority to enforce those conditions. Conditions of parole are typically designed to reduce the likelihood that the inmate will commit a crime if released on parole. General conditions of parole, those applicable to all parolees, include a requirement that the parolee comply with all laws and refrain from committing a crime, a requirement that the parolee receive permission from his or her parole officer prior to changing address, and a requirement that the parolee report to his or her parole officer on a regular basis. N.J.S.A. 30:4-123.59(b). In addition, the Board frequently imposes additional special conditions designed to reduce the likelihood that the inmate will commit a crime if released on parole.

The Commission believes that the Board's authority to impose general and special conditions of parole, designed not only to reduce the likelihood that the inmate will commit a new crime but also to reduce the likelihood that the inmate will engage in behavior that could trigger criminal activity, should be continued.

The following is a list of current general conditions of parole and common special conditions of parole:

relapse would be inappropriate. At the same time, however, parolees must understand that there are consequences to violating any term or condition of parole, including a requirement that the person refrain from using alcohol or a controlled substance.

D. Conditions of Parole

The Commission believes that the Parole Board should retain the discretion to impose appropriate conditions of parole, as well as the authority to enforce those conditions. Conditions of parole are typically designed to reduce the likelihood that the inmate will commit a crime if released on parole. General conditions of parole, those applicable to all parolees, include a requirement that the parolee comply with all laws and refrain from committing a crime, a requirement that the parolee receive permission from his or her parole officer prior to changing address, and a requirement that the parolee report to his or her parole officer on a regular basis. N.J.S.A. 30:4-123.59(b). In addition, the Board frequently imposes additional special conditions designed to reduce the likelihood that the inmate will commit a crime if released on parole.

The Commission believes that the Board's authority to impose general and special conditions of parole, designed not only to reduce the likelihood that the inmate will commit a new crime but also to reduce the likelihood that the inmate will engage in behavior that could trigger criminal activity, should be continued.

The following is a list of current general conditions of parole and common special conditions of parole:

GENERAL CONDITIONS OF PAROLE

- Parolee will obey all laws
- Parolee will refrain from committing a crime
- Parolee will notify parole officer of any arrest
- Parolee will notify parole officer of any outstanding restraining orders
- Parolee will report on a regular basis to his parole officer
- Parolee will make payments on any fine, penalty, assessment, fee or restitution imposed by the court
- Parolee will not possess any weapon or controlled dangerous substance
- Parolee will obtain prior approval for a change of address or employment and before leaving the state

SPECIAL CONDITIONS OF PAROLE

- Parolee will obtain mental health counseling
- Parolee will maintain employment
- Parolee will submit to random urine monitoring
- Parolee will attend Alcoholics/Narcotics Anonymous
- Parolee will have no contact with the victim or the victim's family

1. **General and Specific Conditions**

The Parole Board should be required to consider victims' input, not only in determining whether to grant release but also in setting the conditions of release.

In recent years, the Legislature has provided to crime victims a number of rights and protections, including the right to participate in the parole process. Victims may testify personally at a parole hearing, present testimony to a hearing officer, or submit written statements. Information provided to the Parole Board by a victim or the members of the family of a murder victim is considered by the Parole Board in determining whether the inmate has accepted full responsibility for the seriousness and the consequences of the crime. In addition, the Parole Board can consider the legitimate needs of crime victims in approving a parole plan and in setting the appropriate special terms and conditions of parole.

To strengthen victims' rights, we recommend that the Parole Act be revised to direct the Board to consider victims' input not only in determining whether to grant parole but also in deciding the appropriate special terms and conditions of parole. Specifically, the Parole Board should impose a "no contact" condition of parole when the victim so requests.

Accordingly, we recommend that the second and subsequent sentences of N.J.S.A. 30:4-123.59(b) be amended as follows:

In addition, based on prior history of the parolee or information provided by a victim or member of the family of a murder victim, the member of Board panel certifying parole release pursuant to Section 11 may impose any other

specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal behavior. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the Board. In addition, the member or Board panel certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include but need not be limited to restraining the parolee from entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or victim's relatives in any way.

E. Increased Parole Officer Involvement

1. General Supervision

Parole officers should actively monitor parolees' progress in their parole plans and make adjustments in the plans as needed.

Parole officers must concentrate efforts on the parolee's progress in the parole plan, actively developing and maintaining a parolee's support network to ensure that risk to the public is minimized and that a parolee's rehabilitative needs are being met. The parolee must remain involved in the reintegration process. Noncompliance should be identified quickly and dealt with according to the plan and the conditions of parole. Questions of how best to handle parolees should always be resolved in favor of public safety.

specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal behavior. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the Board. In addition, the member or Board panel certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include but need not be limited to restraining the parolee from entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or victim's relatives in any way.

E. Increased Parole Officer Involvement

1. General Supervision

Parole officers should actively monitor parolees' progress in their parole plans and make adjustments in the plans as needed.

Parole officers must concentrate efforts on the parolee's progress in the parole plan, actively developing and maintaining a parolee's support network to ensure that risk to the public is minimized and that a parolee's rehabilitative needs are being met. The parolee must remain involved in the reintegration process. Noncompliance should be identified quickly and dealt with according to the plan and the conditions of parole. Questions of how best to handle parolees should always be resolved in favor of public safety.

The Commission believes that if parole officers become more directly involved in supervision, as we recommend, it will be necessary to reduce the number of cases assigned to each officer. The current ratio of parole officer to parolees is 1:84. This ratio must drop based on workload requirements as discussed in the following section.

2. Specialized Cases

a. Sex Offenders

Officers supervising sex offenders and other high risk parolees should have specialized caseloads.

Parole officers must actively monitor cases involving sex offenders, using the Parole Plans.

Parole officers dealing with sex offenders should be specially trained.

Parole officers managing sex offenders should: (1) actively keep track of their charges with frequent in-person meetings; (2) be available at all times to deal with emergencies; and (3) meet regularly with treatment providers and members of support networks.

The Commission reviewed reports and heard testimony from medical and psychological experts on sex-offender treatment. The Legislature, by joint resolution, created a task force to study the sentencing and treatment of sex offenders and that task force issued a detailed report in June 1995. See, Report of the Joint Task Force to Study the Adult Diagnostic and Treatment Center (June 19, 1995). Due to the complexity of the issues involved in these specialized cases, the Commission strongly

advises further empirical study of the problem. We recognize that our recommendations in this area are limited and are by no means comprehensive. However, we recommend that parole officers supervising sex offenders be assigned specialized caseloads and receive specialized training. The Commission believes that the supervision of sex offenders will be performed most effectively by parole officers with training in all aspects of the management of those cases.

Parole officers assigned special sex offender caseloads should focus on treatment, surveillance, and enforcement. Parole officers' workloads will be intensive and will require immediate action when parolees begin to miss work, therapy sessions, or otherwise to exhibit signs of possible relapse.

High-risk sex offenders pose particular dangers to the community, and noncompliance with the parole plan must be met with effective sanctions. Numerous face-to-face meetings, random visits, and mandatory counseling should all be used effectively by the parole officer.

b. Drug and Alcohol Addicted Offenders

Officers supervising drug and alcohol addicted offenders should have specialized caseloads.

Parole officers must actively monitor cases involving addicts, using the parole plans.

Parole officers dealing with alcohol and other drug-addicted offenders should be specially trained.

Parole officers managing alcohol and other drug-addicted cases should: (1) actively keep track of their charges with frequent in-person meetings; (2) obtain frequent drug and alcohol tests; (3) be available at all times to deal with emergencies; and (4) meet regularly with treatment providers and members of support networks.

Parole officers assigned special caseloads should focus on treatment, surveillance, and enforcement. Relapse prevention for those in treatment for substance abuse is of paramount importance. Parole officers' workloads will be intensive and will require immediate action when parolees begin to miss work, therapy sessions, or otherwise to exhibit signs of possible relapse.

High-risk, substance-abusing offenders pose particular dangers to the community, and noncompliance with the parole plan must be met with effective sanctions. Frequent urine checks, numerous face-to-face meetings, random visits, and mandatory counseling should all be used effectively by the parole officer.

F. Treatment Services

1. Purchase of Treatment Services

The Bureau of Parole should objectively assess the effectiveness of all purchased or provided treatment services.

The Department of Corrections Substance Abuse Program Development Unit estimates that 64 percent of prison inmates have a "significant drug problem" (Levay,

Parole officers managing alcohol and other drug-addicted cases should: (1) actively keep track of their charges with frequent in-person meetings; (2) obtain frequent drug and alcohol tests; (3) be available at all times to deal with emergencies; and (4) meet regularly with treatment providers and members of support networks.

Parole officers assigned special caseloads should focus on treatment, surveillance, and enforcement. Relapse prevention for those in treatment for substance abuse is of paramount importance. Parole officers' workloads will be intensive and will require immediate action when parolees begin to miss work, therapy sessions, or otherwise to exhibit signs of possible relapse.

High-risk, substance-abusing offenders pose particular dangers to the community, and noncompliance with the parole plan must be met with effective sanctions. Frequent urine checks, numerous face-to-face meetings, random visits, and mandatory counseling should all be used effectively by the parole officer.

F. Treatment Services

1. Purchase of Treatment Services

The Bureau of Parole should objectively assess the effectiveness of all purchased or provided treatment services.

The Department of Corrections Substance Abuse Program Development Unit estimates that 64 percent of prison inmates have a "significant drug problem" (Levay,

1995). In September 1994, the Department of Corrections, Bureau of Community and Professional Services, released a report entitled Profile of the Male Offender - Statistical Analysis. The information contained in that report was based on interviews with 5,387 inmates at the Garden State Reception and Youth Correctional Facility.

That report found that:

61.8 percent (3,328) of the offenders reported that their crimes were drug related. A drug-related crime is defined as one in which the offender was under the influence at the time of the offense or in which the offender committed the offense to raise money for drugs.

40 percent (1,321) of those drug-related offenses were CDS violations.

1,518 inmates reported alcohol as the primary drug.

Of those 4,328 inmates who reported a primary drug, more than one of every three (35.1 percent) reported alcohol as the primary drug.

Other studies confirm the magnitude of the drug and alcohol problem and its relationship to crime. Crime in New Jersey, 1995 reports that alcohol and/or drugs were involved in 37 percent (32,197) of the domestic violence offenses reported in 1995. Alcohol involvement alone accounted for 32 percent (27,512) of the total domestic violence offenses reported.

To make intelligent purchases that use public funds as efficiently and effectively as possible, the Bureau must know the quality of the services it purchases. The quality of treatment services, that is, their effectiveness in reducing recidivism rates for program participants, should be objectively assessed. An instrument like the

Correctional Program Assessment Inventory ("CPAI") could be used as the assessment tool.

2. Specialized Caseloads

The State should adopt a funding formula or other objective criteria for staffing and resources for the Bureau of Parole that takes into account the cost of supervision for specialized caseloads, general caseloads and transitional residential facilities.

We recommend the use of a formula or other objective criteria to determine appropriate funding for future parole endeavors. That is, budgeting for the Parole Board and the Bureau of Parole should take into account not only the number of cases that must be handled but also the different types of cases that must be handled. Some cases, such as the supervision of sex offenders or those involving drug or alcohol abuse rehabilitation, require more time and resources than do other cases. The budgetary process should reflect the actual work we expect the Bureau to perform.

G. Interstate Compacts

The Governor should continue to seek revisions to the Interstate Compact for the Supervision of Parolees and Probationers.

The federal Crime Control Act of 1934 authorized states to enter into the Interstate Compact for the Supervision of Parolees and Probationers. New Jersey

Correctional Program Assessment Inventory ("CPAI") could be used as the assessment tool.

2. Specialized Caseloads

The State should adopt a funding formula or other objective criteria for staffing and resources for the Bureau of Parole that takes into account the cost of supervision for specialized caseloads, general caseloads and transitional residential facilities.

We recommend the use of a formula or other objective criteria to determine appropriate funding for future parole endeavors. That is, budgeting for the Parole Board and the Bureau of Parole should take into account not only the number of cases that must be handled but also the different types of cases that must be handled. Some cases, such as the supervision of sex offenders or those involving drug or alcohol abuse rehabilitation, require more time and resources than do other cases. The budgetary process should reflect the actual work we expect the Bureau to perform.

G. Interstate Compacts

The Governor should continue to seek revisions to the Interstate Compact for the Supervision of Parolees and Probationers.

The federal Crime Control Act of 1934 authorized states to enter into the Interstate Compact for the Supervision of Parolees and Probationers. New Jersey

adopted the Compact in 1953. Once states have adopted the Interstate Compact, they may not unilaterally change the terms of the Compact.

N.J.S.A. 2A:168-14 provides for the transfer to New Jersey and the supervision of out-of-state parolees, as well as the transfer to other states of those released on parole from the New Jersey State Prison system. When a parolee from another state desires to have his or her parole supervision transferred to New Jersey, the Compact requires New Jersey officials to accept the out-of-state parolee if he or she is a former resident of New Jersey or has family residing in New Jersey, provided that the parolee can obtain employment in this state. New Jersey officials have the right to investigate the pre-parole plan. However, if that investigation confirms that the out-of-state parolee is a former resident or has family in New Jersey and has prospective employment, New Jersey cannot refuse to accept responsibility for supervising the parolee. If a parolee does not meet the prior residency or family residency requirement or the employment requirement, New Jersey has discretion to reject the transfer.

The Commissioner of the Department of Corrections is designated as the Compact Administrator. Requests from out-of-state parolees to come to New Jersey are processed by the Interstate Compact Unit, which is supervised by the Deputy Interstate Compact Administrator, who reports to the Commissioner of the Department of Corrections. The pre-parole investigations, however, are performed by various Bureau of Parole district offices.

In May 1996, a Franklin Township police sergeant was murdered during a routine motor vehicle stop by a Pennsylvania parolee who was being supervised by New Jersey authorities pursuant to the Compact. In response to this tragedy, Governor Whitman initiated an investigation and called upon Corrections Commissioner William Fauver and former Attorney General Deborah T. Poritz to recommend policy changes regarding the transfer and supervision of out-of-state parolees. Those recommendations include: transferring the Office of Interstate Services to the Bureau of Parole so as to be subject to the supervisory structure of the Bureau; developing and using a checklist of required information that must be compiled prior to beginning a pre-parole investigation; and providing written notification to local police and county prosecutors to elicit objections and comments prior to a decision to accept or reject an out-of-state parolee. Additionally, Governor Whitman initiated a dialogue with the Governors of other participating states to evaluate and implement changes to the Compact. The Commission encourages and strongly endorses continuing efforts by the Governor to revise the Compact and regulations promulgated pursuant to the Compact to provide for greater protection of the community.

H. Data Base/Performance Management Plans

The effectiveness of all parole programs should be studied to reformulate policy, programs, procedures, and budgets.

In May 1996, a Franklin Township police sergeant was murdered during a routine motor vehicle stop by a Pennsylvania parolee who was being supervised by New Jersey authorities pursuant to the Compact. In response to this tragedy, Governor Whitman initiated an investigation and called upon Corrections Commissioner William Fauver and former Attorney General Deborah T. Poritz to recommend policy changes regarding the transfer and supervision of out-of-state parolees. Those recommendations include: transferring the Office of Interstate Services to the Bureau of Parole so as to be subject to the supervisory structure of the Bureau; developing and using a checklist of required information that must be compiled prior to beginning a pre-parole investigation; and providing written notification to local police and county prosecutors to elicit objections and comments prior to a decision to accept or reject an out-of-state parolee. Additionally, Governor Whitman initiated a dialogue with the Governors of other participating states to evaluate and implement changes to the Compact. The Commission encourages and strongly endorses continuing efforts by the Governor to revise the Compact and regulations promulgated pursuant to the Compact to provide for greater protection of the community.

H. Data Base/Performance Management Plans

The effectiveness of all parole programs should be studied to reformulate policy, programs, procedures, and budgets.

The Bureau of Parole and the Parole Board should establish a data base that tracks alcohol and other drug-addicted offenders and sex offenders throughout their tenure in the criminal justice system.

The Bureau of Parole should establish an annual performance-management plan that includes the creation of a comprehensive data base and tracking system.

The Parole Board should be included as a member of the Criminal Justice Information Policy Committee.

The Commission recommends that the Parole Board develop and maintain an automated data base, which would be used as a case management system and an information source for research purposes. The data maintained in this system would facilitate research for the purposes of evaluating policy changes and predicting the effect of proposed legislative amendments. The routine availability of data would enable the State of New Jersey easily to access information necessary to inform future policy development and to understand better how parole decisions affect criminal justice policy.

The system should require all parole officers and penal institution officials to enter data in a standardized format on a regular basis. The information collected in the automated parole system should include, but not be limited to:

1. demographics of inmates (SBI, DOB, Race, Sex, Education, etc.);
2. all twenty-two factors considered at parole hearings;

3. the names of Parole Board participants (hearing officers, Board members);
4. hearing officer recommendations;
5. parole panel decisions;
6. various dates: eligibility dates, parole and revocation hearing dates, decision dates;
7. reasons for revocation proceedings;
8. various credits;
9. risk-assessment score;
10. release characteristics of inmates (promise of job, housing, contact with family, community services, etc.);
11. results of psychological or psychiatric assessments; and
12. special conditions of parole.

The collection of those data will enhance the ability of the Parole Board and Department of Corrections to evaluate the parole system. An automated data system, for example, will provide:

a detailed description of offenders released at first eligibility, including age, prior record, instant offense, previous parole experience and prison infractions. The automation should include, but not be limited to, the full range of factors considered at parole hearings;

the ability to describe offenders who are reincarcerated (or not reincarcerated) for parole violations;

an estimation of the validity of risk assessment instruments, hearing officer recommendations, and Board member decisions;

greater understanding of who does well during parole and who does not;

the ability to assess the frequency with which the decisions of the Parole Board agree with the recommendations of hearing officers; and

the ability to document the frequency with which specific reasons are relied upon by Board members to deny parole.

The Bureau of Parole should be responsible for ensuring the quality of the data entered, conducting outcome evaluations based on the data, and using those evaluations to revise programs. The ultimate goal is to reduce recidivism rates. The Parole Board and Bureau of Parole should use modern technology to help inform their decisions. In addition, other agencies involved in the criminal justice system should have access to the data base on a need-to-know basis.

During the course of its work, the Commission became aware of a lack of readily available information. The primary reason for this paucity of information is that the Parole Board lacks the resources and expertise necessary to develop automated information systems. Because the Parole Board has at its disposal more information about offenders than any other single component of the criminal justice system, this lack of technology keeps virtually inaccessible a wealth of information useful for policy, planning, evaluation, and research purposes.

Accordingly, the Commission recommends that both the Parole Bureau and the Parole Board expand their current automated information systems. The Commission is aware that the Parole Board relies almost entirely on the services of OTIS and as a result is unable to expand and modify current systems in a timely manner to meet the ever-increasing need for information. The Commission suggests, therefore, that the Parole Board be encouraged to acquire its own technological expertise. That would enable the Board to respond quickly to meet its own ever-expanding informational needs as well as those of the criminal justice system, the Legislature, and the Governor.

Although the Parole Board has made some progress toward automated systems, much information continues to be stored and retrieved by hand. For example, the Parole Board does not have an automated case-management system. A case-tracking system, similar to the Promis/Gavel System, would enable the Board more efficiently to allocate limited resources, enable personnel to schedule their time better, and allow the Board more easily to acquire the information necessary to monitor its activities and to prepare reports to the Legislature. In addition to improving case management, the electronic storage of other information maintained by the Parole Board, such as basic demographic and psychosocial information as well as psychological assessment, progress in prison programs, and basic prison records, would enable policy makers to identify or develop programs to meet the needs of parolees as well as to evaluate the success of currently-established programs and those proposed in the future.

For example, the Parole Board currently administers MAP (Mutual Assistance Program), a program that purchases inpatient drug and alcohol treatment beds. Information pertaining to that program, such as inmates admitted, facility providing service, length of inmate stay, and those inmates who successfully complete the program, is not contained in an automated system. The lack of automation makes it virtually impossible to assess how successful the MAP program is or to identify those treatment agencies that appear to produce better outcomes than other programs. An automated MAP system would also enable program administrators to track more efficiently current inmate placement and to identify empty beds. In addition, automation would increase our understanding about the type of inmate most likely to benefit so that resources are not wasted on inmates who predictably will not benefit from the treatment opportunity.

Obviously, much of the inmate-specific information would have to be treated as confidential. There are many examples in our statutes of data bases that contain confidential information. Some of that information may be made available to agencies and researchers with appropriate controls to prevent the disclosure of names and other identifiers that would comprise confidentiality.

The Commission recommends that the Parole Board be included as a member of the Criminal Justice Information Policy Committee. That committee is a vehicle for inter-departmental communication and collaboration designed to coordinate the development, redesign, and integration of criminal justice-related automated systems in New Jersey. In addition, the Commission recommends that the Parole Board

consider requesting the support of technical experts currently employed in other executive branch departments. Although those experts would not be available on a full-time basis, they might be able to assist the Parole Board in developing a needs assessment and designing a system to meet those informational needs.

The Commission also recommends that the Parole Board consider allocating money from its own budget to hire technical personnel to develop and maintain software on an ongoing basis. The Parole Board should also consider applying for grants to purchase the hardware necessary to enable staff to enter and extract information.

It is not possible to estimate accurately the costs involved in fully automating the Parole Board without conducting a full-scale needs assessment. However, gross estimates can be proposed. If the Parole Board were to purchase thirty-six laptop computers (~ \$74,000), seventy-six desktop computers with basic application software (~ \$133,000) and a file server (~ \$10,000), the estimated cost of providing hardware to all Parole Board members would be about \$217,000. The Board currently has some computer equipment. For that reason, hardware costs could be about one-half the estimated amount. Further, the Board need not provide all staff members with access to automation or provide everyone with access at the same time. The purchase of equipment could occur over a period of years. In addition, the Parole Board should hire a technical staff person able to design and develop PC based automated systems. The salary for a qualified person would be about \$60,000. Finally, the Board will need a person with sufficient technical knowledge to maintain

the system once it is up and running. An existing staff person might be trained to perform that function.

I. Community Involvement

1. Parole Advisory Board

A Parole Advisory Board should be established.

The Advisory Board should sponsor conferences with criminal justice administrators, community members, and treatment providers.

The Commission recommends legislation to establish an Advisory Board, to consist of the Chief of the Bureau of Parole and a representative from each of the following: the Parole Board, Department of Corrections, Department of Health, the Governor's Office, a member of the Senate, a member of the Assembly, the Administrative Office of the Courts, the Victims of Crime Compensation Board, the New Jersey Chapter of the American Corrections Association, the Prosecutors' Association, the Sheriffs' Association, the Wardens' Association, the Association of the Chiefs of Police, and the regional district of the American Parole and Probation Association. Membership should also include representatives of the community, treatment providers, victims' rights groups, and persons who have successfully completed parole. The Board should meet at least on a semi-annual basis to review and comment on the development and implementation of treatment programs, especially in light of the research to be conducted by the Bureau of Parole. The Bureau

the system once it is up and running. An existing staff person might be trained to perform that function.

I. Community Involvement

1. Parole Advisory Board

A Parole Advisory Board should be established.

The Advisory Board should sponsor conferences with criminal justice administrators, community members, and treatment providers.

The Commission recommends legislation to establish an Advisory Board, to consist of the Chief of the Bureau of Parole and a representative from each of the following: the Parole Board, Department of Corrections, Department of Health, the Governor's Office, a member of the Senate, a member of the Assembly, the Administrative Office of the Courts, the Victims of Crime Compensation Board, the New Jersey Chapter of the American Corrections Association, the Prosecutors' Association, the Sheriffs' Association, the Wardens' Association, the Association of the Chiefs of Police, and the regional district of the American Parole and Probation Association. Membership should also include representatives of the community, treatment providers, victims' rights groups, and persons who have successfully completed parole. The Board should meet at least on a semi-annual basis to review and comment on the development and implementation of treatment programs, especially in light of the research to be conducted by the Bureau of Parole. The Bureau

should retain responsibility for staffing and supporting the Advisory Board and should submit its annual performance plan for evaluation.

To enhance the ability to address the needs of addicted inmates and parolees, the Advisory Board should sponsor conferences with criminal justice administrators and community members, including treatment providers, to educate all interested parties about the importance of relapse prevention and treatment for specialized cases and to address such issues as lowering costs, developing protocols for confidentiality, identifying the type and amount of treatment that should be available, and promoting community involvement in the reintegration process. Community involvement is essential to the process, because community goals need to be included at all stages of policy planning and evaluation.

2. Community Assistance

Community support networks should be created to educate the community about the importance of involvement in the reintegration of parolees.

In a number of jurisdictions throughout the country, members of the community have been enlisted to help parolees make a successful transition from prison to life in the community. Community involvement augments a parole officer's task of providing parolees with the support necessary for successful reintegration. A community parole program benefits both the members of the community and parolees by addressing various issues and concerns, such as crime reduction, victim impact, community

policing, and community resources available for the promotion of successful parole and public safety.

We need to create a stronger partnership between the Bureau of Parole and the various communities it serves. That can be achieved by inviting the community to participate in the development of parole plans, involving the community in policy and program planning, seeking community assistance in educating the public about parole, and soliciting creative community ideas. To foster community participation, the Commission recommends that the Parole Bureau hold town meetings to solicit community ideas, support participation of community members in strategic planning, create community advisory boards to regional parole offices, establish community advisory committees to halfway houses, and seek neighborhood participation in a volunteer program of assisting individual parolees. Any of those activities would help to establish public trust and confidence in parole and would give the community an opportunity to work in partnership with the parole system to reduce crime and reintegrate those on parole into the community.

J. Independent Parole Authority

As shown in table 1 (Appendix, p. ii), in fifty-one out of fifty-two United States jurisdictions, the authority to release a prison inmate to parole is vested in an entity that is statutorily or constitutionally authorized. In all but four states, the paroling authority is either completely independent of the Department of Corrections or is linked to the Corrections Department only for budgetary and administrative purposes. The

policing, and community resources available for the promotion of successful parole and public safety.

We need to create a stronger partnership between the Bureau of Parole and the various communities it serves. That can be achieved by inviting the community to participate in the development of parole plans, involving the community in policy and program planning, seeking community assistance in educating the public about parole, and soliciting creative community ideas. To foster community participation, the Commission recommends that the Parole Bureau hold town meetings to solicit community ideas, support participation of community members in strategic planning, create community advisory boards to regional parole offices, establish community advisory committees to halfway houses, and seek neighborhood participation in a volunteer program of assisting individual parolees. Any of those activities would help to establish public trust and confidence in parole and would give the community an opportunity to work in partnership with the parole system to reduce crime and reintegrate those on parole into the community.

J. Independent Parole Authority

As shown in table 1 (Appendix, p. ii), in fifty-one out of fifty-two United States jurisdictions, the authority to release a prison inmate to parole is vested in an entity that is statutorily or constitutionally authorized. In all but four states, the paroling authority is either completely independent of the Department of Corrections or is linked to the Corrections Department only for budgetary and administrative purposes. The

vesting of discretionary parole release decision-making authority in an independent body is well established and should be continued.

Wherever the parole release decision resides, the focus of the decision must be public safety. To the extent the parole function is delegated to the Department of Corrections, there will inevitably be a perception that parole decisions are motivated, at least in part, by prison management considerations. Issues such as prison overcrowding and inmate morale should never enter into individual parole decisions but, rather, must be addressed by the Legislature as part of a general discussion of broader public policy issues.

1. Parole Board Qualifications

The current standards for appointment to the Parole Board, including the designation of the chair, should not be changed.

A vice-chair should be designated.

Currently, N.J.S.A. 30:4-123.47(a) provides that the "chairman and associate members [of the State Parole Board] shall be appointed by the Governor with the advice and consent of the Senate from qualified persons with training or experience in law, sociology, criminal justice, juvenile justice or related branches of the social sciences." The Commission believes the professional disciplines listed in the statute are appropriate qualifications for Board membership.

Recent legislative proposals would impose further requirements that certain seats on the Board be reserved for persons with a minimum number of years of

experience in specific positions (*e.g.*, a chief of police, county prosecutor). Although persons with such credentials may be clearly qualified candidates, the discretion of the Governor need not be limited by requiring experience in specific former positions as a prerequisite to Board membership. As far back as 1973, the National Advisory Commission on Criminal Justice Standards and Goals recommended that Parole Board members "should possess academic training in fields such as criminology, education, psychology, psychiatry, law, social work or sociology." Corrections, National Advisory Commission on Criminal Justice Standards and Goals, Washington, D.C.: U.S. Government Printing Office, 1973, p. 420. By retaining those broad criteria rather than requiring certain Board members to have held specific job titles, the Governor can provide for greater diversity on the Board.

The Commission also considered the method of designation and tenure of the Board Chair. Under current law the chairperson is not selected from among its members by the Governor but rather is nominated and confirmed as chair for a full six-year term. The Commission considered whether that form of appointment should continue or whether instead the Parole Board chairperson should be designated by the Governor from among the members of the Board. The Commission believes the existing statute, which provides that parole release decisions should be made by a citizen-oriented board appointed by the Governor with the advice and consent of the Senate, is appropriate. The Commission recommends that no revisions be made to the qualifications of candidates or the method of designating the chairperson. However,

there should be a provision for designation of a vice-chair to assume the duties of the chair when he or she is unavailable.

2. Two-Member Panels

The current Parole Board panel size of two members should be retained.

A new position of permanent, alternate Parole Board member should be created.

Currently, an adult inmate cannot be released unless parole is certified by a two-member panel. Depending on the degree and nature of the offense and the recommendation of a hearing officer after an initial hearing, the two-member panel conducts either a hearing or an administrative review of the record. A hearing is required in all cases involving first- or second-degree offenses, any offense involving physical harm or threatened physical harm to a victim, or when for whatever reason the hearing officer believes there may be a basis for a parole denial. Pursuant to legislation enacted in 1989, the parole release of inmates incarcerated for murder can be certified only by a majority vote of the full Parole Board, after a hearing.

Recent years have seen a number of proposals to change the composition of the Board panels. There have been legislative initiatives to require, in certain cases, that panels include more than two members, or even include all members of the Board. As noted above, the Legislature in 1989 mandated full Board hearings in murder cases. Other procedures currently exist whereby any case can be waived up to the full Board by any two-member panel. Parole Board representatives have informed the

Commission that considering the volume of hearings, it is not feasible to reduce the workload capacity of the Board further by increasing the number of members needed to constitute a panel. In a typical month, panels conduct approximately 950 in-person hearings. The Commission has not found any basis for requiring that more than two members participate in panel hearings, other than full-Board hearings currently mandated for murder cases.

With the increasing volume of cases in which the Parole Board must conduct hearings and render timely decisions, there is a practical need to expand the capacity of the Board without jeopardizing public safety. On occasion, a Board member is unable to discharge his or her duties for a protracted time. To permit a panel to continue hearing cases, the position of a permanent, alternate Board member should be created by the Legislature. The alternate member would be appointed by the Governor with the advice and consent of the Senate and would sit only when necessary to replace a full-time member.

The Commission also reviewed alternatives such as video teleconferencing, and a procedure whereby a single member could convene a panel hearing with a second member participating via telephone. The number of Board members and the size of a quorum for hearings varies widely among other jurisdictions. (See Table 2, Appendix, p. iii). New Jersey's current system is consistent with general practice in populous states. The Commission believes that in those cases referred to a panel by a hearing officer pursuant to N.J.S.A. 30:4-123.55(c.), two Board members should interact directly with the inmate, as opposed to a single-member hearing with an administrative

review by a second member. That approach would still permit the second member to participate via live audio or even video teleconferencing when workload, travel or logistical realities make difficult the convening of a two-person panel in the same location.

**Summary of Recommendations of
the Study Commission on Parole**

1. The substantive standard for determining whether to grant parole should be amended to increase the discretion of the Parole Board to deny parole when an inmate has failed to cooperate in his or her own rehabilitation or when a reasonable expectation exists that the inmate would violate conditions of parole if released. (page 15)
2. The Parole Board should retain the burden of persuasion by a preponderance of the evidence in a parole hearing. (page 19)
3. At second and subsequent parole hearings, the Parole Board should consider all relevant information and not only "new" information. Under current law, after the first review and denial of parole, the Board panel may thereafter deny parole only if "new" information is developed in the record at the subsequent hearing. (page 21)
4. The parole laws should be amended to authorize the special parole of certain inmates whose health has deteriorated to the point that they cannot physically pose a threat of committing another crime if released. (page 22)
5. Good-time credits should not accelerate the future eligibility date for parole after an initial denial. (page 24)
6. The factors considered in the parole decision process should be amended to include an objective risk assessment. (page 28)
7. Inmates should be subject to in-depth, pre-parole psychological evaluations as often as the Parole Board may require. (page 29)
8. All psychological evaluations and reports prepared in connection with any court proceeding should be included in the preparole report. (page 29)
9. Corrections authorities should assess inmates at the time of their incarceration to identify and address behavioral, social, psychological, medical, and educational needs. (page 31)
10. Corrections authorities should assess inmates soon after incarceration for the existence, extent, and etiology of drug involvement. (page 31)

11. The Parole Board should work with inmates to develop parole plans, which should provide incentives for progress toward the inmates' release. (page 32)
12. The Parole Board should conduct periodic progress reviews of the parole plans. (page 32)
13. Planning should precede release and should consist of (1) a parole release hearing conducted sufficiently in advance of an inmate's parole eligibility; (2) making parole contingent on successful progress during that pre-parole period; and (3) pre-parole activities focused on marshaling community support resources during the pre-parole period. (page 34)
14. When drug and alcohol treatment is provided in prison, it should be made available sufficiently in advance of the inmate's release so that the Parole Board can determine whether the inmate has made satisfactory progress in treatment before he or she is returned to the community. (page 35)
15. Although revocation of parole should not be automatic for drug/alcohol relapse, parolees should be held accountable for any and all violations. (page 35)
16. The Parole Board should be required to consider victims' input, not only in determining whether to grant release but also in setting the conditions of release. (page 40)
17. Parole officers should actively monitor parolees' progress in their parole plans and make adjustments in the plans as needed. (page 41)
18. Officers supervising sex offenders and other high risk parolees should have specialized caseloads. (page 42)
19. Parole officers must actively monitor cases involving sex offenders, using the parole plans. (page 42)
20. Parole officers dealing with sex offenders should be specially trained. (page 42)
21. Parole officers managing sex offenders should: (1) actively keep track of their charges with frequent in-person meetings; (2) be available at all times to deal with emergencies; and (3) meet regularly with treatment providers and members of support networks. (page 42)
22. Officers supervising drug and alcohol addicted offenders should have specialized caseloads. (page 43)

23. Parole officers must actively monitor cases involving addicts, using the parole plans. (page 43)
24. Parole officers dealing with alcohol and other drug-addicted offenders should be specially trained. (page 43)
25. Parole officers managing alcohol and other drug-addicted cases should: (1) actively keep track of their charges with frequent in-person meetings; (2) obtain frequent drug and alcohol tests; (3) be available at all times to deal with emergencies; and (4) meet regularly with treatment providers and members of support networks. (page 44)
26. The Bureau of Parole should objectively assess the effectiveness of all purchased or provided treatment services. (page 44)
27. The State should adopt a funding formula or other objective criteria for staffing and resources for the Bureau of Parole that takes into account the cost of supervision for specialized caseloads, general caseloads, and transitional residential facilities. (page 46)
28. The Governor should continue to seek revisions to the Interstate Compact for the Supervision of Parolees and Probationers. (page 46)
29. The effectiveness of all parole programs should be studied to reformulate policy, programs, procedures, and budgets. (page 48)
30. The Bureau of Parole and the Parole Board should establish a data base that tracks alcohol and other drug-addicted offenders and sex offenders throughout their tenure in the criminal justice system. (page 49)
31. The Bureau of Parole should establish an annual performance-management plan that includes the creation of a comprehensive data base and tracking system. (page 49)
32. The Parole Board should be included as a member of the Criminal Justice Information Policy Committee. (page 49)
33. A Parole Advisory Board should be established. (page 55)
34. The Advisory Board should sponsor conferences with criminal justice administrators, community members, and treatment providers. (page 55)

35. Community support networks should be created to educate the community about the importance of involvement in the reintegration of parolees. (page 56)
36. The current standards for appointment to the Parole Board, including the designation of the chair, should not be changed. (page 58)
37. A vice-chair should be designated. (page 58)
38. The current Parole Board panel size of two members should be retained. (page 60)
39. A new position of permanent, alternate Parole Board member should be created. (page 60)

II. TRUTH IN SENTENCING; EARLY RELEASE

Although we have generally decided not to endorse or oppose any specific bills now pending in the Legislature, we would be remiss were we not to address the larger issues presented by sweeping legislation that would require defendants convicted of certain violent crimes to serve 85 percent of their sentences before becoming eligible for parole (Senate Bill No. 855, the "No Early Release Act"), and that would require those convicted of other offenses to serve not less than 50 percent of the maximum sentence (Senate Bill No. 338). We estimate that currently such offenders serve, on average, approximately 40 percent of their total sentences before being released to parole supervision. Those bills would thus have a dramatic impact, in some cases doubling the term of actual incarceration.

A number of witnesses, including many crime victims, testified before the Commission in strong support of that approach. Clearly, any such reform would spare victims from the stress and ordeal of having to participate in parole hearings, since such hearings would, in many cases, be rendered moot. Under such a scheme, most inmates sentenced under the 85 percent requirement would be automatically released (*i.e.*, "max out") on or shortly after the completion of the minimum fixed term of parole ineligibility prescribed by statute. The Parole Board would have neither the opportunity nor the authority to deny parole based on a prediction of future criminal behavior, the inmate's unwillingness to participate in treatment, or deficiencies in the inmate's parole plan. His or her release would be dictated by operation of law rather than by a

discretionary decision of the Parole Board. One of the witnesses before the Commission may have said it best when she observed that mandatory minimum sentencing usually means mandatory release from prison.

We note, however, that although victims and next of kin would be spared from having to relive the circumstances of the crime by participating in a parole hearing, they would not be spared the trauma that comes when an offender is released into the community. The simple truth is that even if Senate Bill No. 338 or 855 were adopted, eventually the vast majority of inmates, other than those serving true life sentences under the "three strikes and you're in" law, will be released from prison. Those bills, in other words, are not a panacea and would only postpone an inmate's inevitable release.

After careful deliberation, the Commission has decided to support the general principles embodied in the foregoing bills, even though their approach would seem at first blush to run counter to our general recommendation to enlarge the discretionary authority of the Parole Board. (Our recommendations on this score, described in detail below, are designed only to enlarge the discretion of the Board to deny parole.) We support the goal of promoting truth in sentencing, and we are mindful that states that adopt such laws may be eligible for additional federal grant funds.

In endorsing the general concept of the legislation, we recognize that it represents more of a change to New Jersey's sentencing laws than to our parole laws. It is no coincidence in that regard that the philosophy underlying the legislation is widely known as the principle of "truth in sentencing" (emphasis added). Indeed,

current sentencing law in New Jersey already authorizes, and in some instances requires, a court to set a minimum term of parole ineligibility. Currently, minimum terms are required by statute to be fixed by the court at between 33 percent to 50 percent of the total maximum sentence imposed. We thus view the proposed 85 percent and 50 percent requirements as extensions of this well-accepted general sentencing feature. Those minimum terms of parole ineligibility are designed, of course, to protect the public by incapacitating the most violent and predatory offenders - - a goal that we strongly endorse.

Although this Commission has elected to support the foregoing legislation in concept, we feel constrained to note that one of the effects of such legislation might be to undercut existing statutory features that authorize or require courts to set minimum terms. The so-called Graves' Act, for example, N.J.S.A. 2C:43-6c., currently requires a court to impose a minimum term of between one-third to one-half of the sentence imposed if a firearm was used in the course of committing the offense. If, however, an offense currently qualifying for the Graves' Act would also be subject to the provisions of the proposed "no early release" bill, the defendant would be required to serve 85 percent of his or her sentence whether or not a firearm was used. (S-338 would raise the mandatory minimum term from 50 percent to 60 percent in Graves' Act and certain other cases.) The court apparently would have no opportunity to impose enhanced punishment on the defendant for having used a firearm. That consequence raises an important policy question, that is, whether the

Legislature should abandon the current practice of providing enhanced punishment when a firearm is used in the course of committing the crime.

As noted above, the "no early release" legislation, if adopted, will have an impact on the prison population. However, that impact must be weighed against the impact to society as a whole if an offender is released early and commits another offense. Careful consideration should be given to the statutory definition of what constitutes a "crime involving violence" that would be subject to the 85 percent minimum term of parole ineligibility. The term should be drawn narrowly to reflect the most dangerous criminal conduct. See, *e.g.*, N.J.S.A. 2C:44-3g, which permits the imposition of an extended term on an offender who commits a sexual assault or criminal sexual contact that involves violence or the threat of violence. As used in that statute, "a crime involves violence or the threat of violence if the victim sustains serious bodily injury as defined in subsection b. of N.J.S. 2C:11-1, or the actor is armed with and uses a deadly weapon or threatens by word or gesture to use a deadly weapon as defined in subsection c. of N.J.S. 2C:11-1 or threatens to inflict serious bodily injury."

We think it is also necessary and appropriate to offer several specific recommendations with regard to how such legislation would affect the eventual release and post-incarceration supervision of persons convicted of serious crimes. Notably, we strongly believe that if any such legislation is to be adopted, it should provide for a period of post-release supervision and control that is sufficient in duration to ensure the inmate's successful transition into the community and to make certain

that the person does not return to a life of crime and violence. (The 15 percent remainder of the original sentence may not be adequate for that purpose, especially when various prison credits are taken into account.) During the period of post-release supervision, the offender must be subject to monitoring and must be required to abide by general and special conditions of release.

Furthermore, and of special importance to our work, any such sentencing law must be structured so that if the person violates a condition of supervision following release from prison, he or she would be subject to administrative revocation of parole and return to prison. It is not acceptable to provide that prosecution for a new crime will be the only remedy for a violation of a condition of post-release supervision. *Cf.* N.J.S.A. 2C:43-6.4d.

The current system for administratively revoking parole is far more efficient and effective than one that would require a prosecutor to commence a new, full blown criminal prosecution - - a proceeding in which the alleged violator would be entitled to bail, a presumption of innocence, the right to require the State to prove its case beyond a reasonable doubt (as opposed to the lesser preponderance of the evidence standard used in administrative parole revocation proceedings), and all of the other substantive and procedural rights associated with a jury trial. The Legislature must not make it more difficult for the Parole Board and Bureau of Parole to hold violent offenders accountable for violating the terms and conditions of parole supervision following their eventual and inevitable release.

APPENDIX

APPENDIX

Executive Order 39 i

Witnesses ii

Table 1 - U.S. Jurisdictions - Parole Authority iii

Table 2 - U.S. Jurisdictions - Board Members iv

Table 3 - Factors at Parole Hearing v

Example A - South Carolina Risk Assessment vi

Example B - Canada Risk Assessment vii

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 39

WHEREAS, there are several bills currently pending before the Legislature seeking to reform different aspects of the present parole system; and

WHEREAS, the problems of the parole system command that they be addressed in a comprehensive and uniform manner; and

WHEREAS, in consultation with the Senate President and the Speaker of the General Assembly, I conclude that the parole system must be thoroughly reviewed before legislation is enacted to reform it;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT as follows:

1. There is hereby established a commission to be known as the Study Commission on Parole (hereby referred to as the "Commission"). The Commission shall consist of 15 members to be appointed as follows: three public members appointed by the President of the Senate, no more than two of whom shall be of the same political party; three public members appointed by the Speaker of the General Assembly, no more than two of whom shall be of the same political party; nine members to be appointed by the Governor including as follows: the Commissioner of the Department of Corrections, the Attorney General, two County Prosecutors, the Director of the Administrative Office of the Courts, one member of the State Parole Board, and one crime victim or concerned citizen. The chairperson and vice-chairperson of the Commission shall also be appointed by the Governor. The Commission shall undertake a thorough study of the parole system and shall make recommendations on how to improve the parole system.

by order 39

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

The Commission shall meet as soon as practicable after the appointment of its members. Vacancies in the membership shall be filled in the same manner as the original appointments were made.

2. The Commission shall organize as soon as possible after the appointment of its members. The chairperson shall appoint a secretary who need not be a member of the commission.

3. The Commission is authorized to call upon any department, offices or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

4. The Commission shall file a report with the Governor and the Legislature with recommendations for any legislative bills within one year after the first meeting of the Commission.

5. This Order shall take effect immediately.

GIVEN, under my hand and seal, this
25th day of *July*,
in the Year of Our ~~1995~~ Lord, one
thousand nine hundred and
ninety-five, and of the
Independence of the United
States, the two hundred and
nineteenth.

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

s Margaret M. Foti

Chief Counsel to the Governor

GOVERNOR'S STUDY COMMISSION ON PAROLE

The Commission wishes to express its gratitude to the following persons who provided testimony:

Diane R. Allen, Assemblywoman
John O. Bennett, Senator
Dr. Fred Berlin, Sexual Disorders Clinic
Peggy Burke, Center for Effective Public Policy
Rachel Chowaniec, Parole Board Member
George P. Christie, Probation Association of New Jersey
Todd Clear, Rutgers University
Rosemarie D'Alessandro, Crime Victim
Kathy Garcia, Crime Victim
Gary Hilton, Department of Corrections
Bill Hinkes, Justice Fellowship
Dr. Robert M. Hooper, Substance Abuse Treatment
William Kane, Lawyers Assistance Program
Maureen Kanka, Crime Victim
Louis F. Kosco, Senator
Dr. Douglas Lipton, National Development & Research Institute
Mark Mauer, The Sentencing Project
Howard McCoach, Department of Law & Public Safety
Patricia G. Miller, Crime Victim
Terrence O'Conner, Department of Health
Barbara Russell, Crime Victim
Dr. Barbara Schwartz, Justice Resource Institute
Karen Spinner, Association on Corrections
Edwin Stern, Judge of the Appellate Division
Richard Talty, Intensive Supervision Program
William Thomas, Crime Victim
Karen Wengert, Crime Victim

Table 1. Authority for and Autonomy of Paroling Authority

	Authorization for Paroling Entity			Relation of Paroling Entity to DOC		
	Constitutional	Statutory	Regulatory	Independent agency	Linked for budget/administration	Functional component
Alabama		✓		✓		
Alaska	✓	✓	✓		✓	
Arizona		✓		✓		
Arkansas		✓		✓		
California		✓			✓	
Colorado		✓			✓	
Connecticut		✓		✓		
Delaware		✓		✓		
D.C.		✓		✓		
Florida	✓	✓		✓		
Georgia	✓			✓		
Hawaii		✓			✓	
Idaho		✓			✓	
Illinois		✓		✓		
Indiana		✓			✓	
Iowa		✓			✓	
Kansas		✓		✓		
Kentucky		✓		✓		
Louisiana		✓			✓	
Maine		✓			✓	
Maryland		✓		✓		
Massachusetts		✓			✓	
Michigan		✓				✓
Minnesota	None: Office of Adult Release					✓
Mississippi		✓			✓	
Missouri		✓				✓
Montana		✓			✓	
Nebraska	✓	✓			✓	
Nevada		✓		✓		
New Hampshire		✓			✓	
New Jersey	✓	✓			✓	
New Mexico		✓		✓		
New York		✓		✓		
North Carolina		✓			✓	
North Dakota		✓			✓	
Ohio		✓				✓
Oklahoma	✓			✓		
Oregon		✓		✓		
Pennsylvania		✓		✓		
Rhode Island		✓			✓	
South Carolina		✓		✓		
South Dakota		✓			✓	
Tennessee		✓		✓		
Texas	✓	✓		✓		
Utah	✓	✓		✓		
Vermont		✓			✓	
Virginia		✓		✓		
Washington		✓		✓		
West Virginia		✓		✓		
Wisconsin		✓			✓	
Wyoming		✓			✓	
U.S. Parole		✓		✓		

Table 2 Board Membership

	Number of Board Members			Term of Appointment	Size of Quorum for Hearings	Board Member Continuity	
	Total members	Full-time members	Part-time members			Staggered terms	Coterminous terms
Alabama	3	3	0	6 years	Variable	✓	
Alaska	5	0	5	5 years	3	✓	
Arizona	7	7	0	5 years	3	✓	
Arkansas	7	5	2	7 years	4	✓	
California	9	9	0	4 years	Variable	✓	
Colorado	7	7	0	3 years	1	✓	
Connecticut	13	1	12	4 years	2	✓	
Delaware	5	1	4	4 years	3	✓	
D.C.	5	5	0	5 years	1	✓	
Florida	7	7	0	6 years	Variable	✓	
Georgia	5	5	0	7 years	3	✓	
Hawaii	3	1	2	4 years	2	✓	
Idaho	5	0	5	5 years	3	✓	
Illinois	12	12	0	6 years	7	✓	
Indiana	5	5	0	4 years	3	✓	
Iowa	5	1	4	4 years	Variable	✓	
Kansas	5	5	0	4 years	1	✓	
Kentucky	7	7	0	4 years	3	✓	
Louisiana	7	7	0	Variable	3		✓
Maine	5	0	5	4 years	3	✓	
Maryland	8	8	0	6 years	1	✓	
Massachusetts	7	7	0	5 years	4	✓	
Michigan	10	10	0	4 years	Variable	✓	
Minnesota	4	4	0	Not applic.	1	Not applicable	
Mississippi	3	3	0	4 years	Variable		✓
Missouri	5	5	0	6 years	1	✓	
Montana	4	0	4	4 years	2	✓	
Nebraska	5	5	0	6 years	3	✓	
Nevada	7	7	0	Variable	4	✓	
New Hampshire	7	0	7	5 years	3	✓	
New Jersey	9	9	0	6 years	Variable	✓	
New Mexico	4	4	0	3 years	3		✓
New York	19	19	0	6 years	Variable	✓	
North Carolina	5	5	0	4 years	2	✓	
North Dakota	3	0	3	3 years	2	✓	
Ohio	11	11	0	undeterm.	1	Not applicable	
Oklahoma	5	0	5	4 years	3		✓
Oregon	3	3	0	4 years	Variable	✓	
Pennsylvania	5	5	0	6 years	Variable	✓	
Rhode Island	7	1	6	3 years	3	✓	
South Carolina	7	0	7	6 years	Variable	✓	
South Dakota	6	0	6	4 years	Majority	✓	
Tennessee	7	7	0	6 years	1	✓	
Texas	18	18	0	6 years	3	✓	
Utah	8	5	3	Variable	3	✓	
Vermont	5	0	5	5 years	2	✓	
Virginia	5	5	0	4 years	Not applic.	✓	
Washington	3	3	0	5 years	Variable	✓	
West Virginia	5	5	0	5 years	3	✓	
Wisconsin	5	5	0	Variable	1	✓	
Wyoming	7	0	7	6 years	3	✓	
U.S. Parole	6	5	0	6 years	Varies	✓	

Table 3

FACTORS CONSIDERED AT PAROLE HEARINGS

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

1. Commission of a crime while incarcerated.
2. Commission of serious disciplinary infractions.
3. Nature and pattern of previous convictions.
4. Adjustment to previous probation, parole and incarceration.
5. Facts and circumstances of the offense.
6. Aggravating and mitigating factors surrounding the offense.
7. Pattern of less serious disciplinary infractions.
8. Participation in institutional programs which could have led to the improvement of problems diagnosed at admission or during incarceration. This includes, but is not limited to, participation in substance abuse programs, academic or vocational education programs, work assignments that provide on-the-job training and individual or group counseling.
9. Statements by institutional staff, with supporting documentation, that the inmate is likely to commit a crime if released.
10. Documented pattern of relationships with institutional staff or inmates.
11. Documented changes in attitude toward self or others.
12. Documentation reflecting personal goals, personal strengths or motivation for law-abiding behavior.
13. Mental and emotional health.
14. Parole plans and the investigation thereof.
15. Status of family or marital relationships at the time of eligibility.
16. Availability of community resources or support services for inmates who have a demonstrated need for same.
17. Statements by the inmate reflecting on the likelihood that he or she will commit another crime.
18. History of employment, education and military service.
19. Family and marital history.
20. Statement by the court reflecting the reasons for the sentence imposed.
21. Statements or evidence presented by the appropriate prosecutor's office, the Office of the Attorney General, or any other criminal justice agency.
22. Statement or testimony of any victim or the nearest relative(s) of a murder victim.

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

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES

Parole Risk Assessment

Name	First	Last	MI	Inmate ID Number	Race W B O	Sex F M
------	-------	------	----	------------------	---------------	------------

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

					<u>Score</u>
Commitment Offense:	5	Homicide (all levels), Criminal Sexual Conduct, Arson, Kidnapping, Serious Assault, Robbery,	3	Burglary, B&E, Grand Larceny, Serious Drug Offenses, Sexual Offenses (Other than CSC), Firearms	_____
	1	All Other Offenses			_____
2. Most Serious Prior:	5	Homicide (all levels), Criminal Sexual Conduct, Arson, Kidnapping, Serious Assault, Robbery	3	Burglary, B&E, Grand Larceny, Serious Drug Offenses, Sexual Offenses (other than CSC), Firearms	_____
	1	All Other Offenses			_____
	0	None			_____
3. Number of Prior Adult Convictions:	5	Four or More	3	One to Three	_____
	0	None			_____
4. Number of Serious Institutional Infractions: ... (in last three years)	5	Two or More	2	One	_____
	0	None			_____
5. Prior Adult Convictions:..... (Select applicable & add for score. Do not exceed total of six)	2	Fraud/Worthless Checks	4	Serious Drug Offenses/Sexual Offenses (other than CSC)	_____
6. Age at First Adult Conviction:	0	24 or older	2	20 to 23	_____
	4	19 or younger			_____
7. Number of Prior Periods of Probation/Parole Supervision:.. (Adult)	0	None	4	One or more	_____
8. Number of Prior Revocations:	0	None	4	One or more	_____
9. Employment Status: (In the 12 months preceeding incarceration)	0	Satisfactory/Secure Full Time Employment (include homemakers, students and retired individuals)	2	Unemployed	_____
	5	Unemployed and virtually unemployable, needs training			_____
				SURTOTAL	_____
10. Current Age:	3	35 or older	1	26 to 34	_____
				TOTAL	=====

Completed by: _____
 First MI Last Badge # MO DAY YR

OFF SCORES	Success Rate	Failure Rate	Violent Failure Rate
8 or less = Low Risk	92.4	7.6	0.0
9 - 19 = Moderate Risk	77.4	22.6	4.6
20 Or more = High Risk	55.3	44.7	9.3

Name: _____ Identifying Number: _____
 Date of Birth: _____ Sex: M F Date: ____/____/____
 Referral Source: _____ Reason for Referral: _____
 Disposition: _____ Present Offences: _____

The LSI-R is a quantitative survey of attributes of offenders and their situations relevant to their decisions regarding level of service. The LSI-R is composed of 54 items. Items are either in a "yes-no" format, or in a "0-3" rating format, based on the following scale:

- 3: A satisfactory situation with no need for improvement
- 2: A relatively satisfactory situation, with some room for improvement evident
- 1: A relatively unsatisfactory situation with a need for improvement
- 0: A very unsatisfactory situation with a very clear and strong need for improvement

Place an "X" over the appropriate response for each question, whether it be a simple "yes" or "no", or a rating number. The answers will transfer through to the scoring sheet beneath for quick tallying of the LSI-R score. Be sure to see the manual for guidelines on rating and scoring. For missing information, circle the question number.



by D. A. Andrews, Ph.D., and James L. Bonta, Ph.D.

Criminal History

No	Yes	1.	Any prior adult convictions? Number: _____
No	Yes	2.	Two or more prior convictions?
No	Yes	3.	Three or more prior convictions?
No	Yes	4.	Three or more present offenses? Number: _____
No	Yes	5.	Arrested under age 16?
No	Yes	6.	Ever incarcerated upon conviction?
No	Yes	7.	Escape history from a correctional facility?
No	Yes	8.	Ever punished for institutional misconduct? Number: _____
No	Yes	9.	Charge laid or probation/parole suspended during prior community supervision?
No	Yes	10.	Official record of assault/violence?

Education/Employment

When in labour market:

No	Yes	11.	Currently unemployed?
No	Yes	12.	Frequently unemployed?
No	Yes	13.	Never employed for a full year?
No	Yes	14.	Ever fired?

School or when in school:

No	Yes	15.	Less than regular grade 10?
No	Yes	16.	Less than regular grade 12?
No	Yes	17.	Suspended or expelled at least once?

For the next three questions, if the offender is a homemaker or pensioner, complete #18 only. If the offender is in school, working, or unemployed, complete #18, #19 and #20. If the offender is unemployed, rate 0.

3	2	1	0	18.	Participation/performance?
3	2	1	0	19.	Peer interactions
3	2	1	0	20.	Authority interactions

Financial

3	2	1	0	21.	Problems
No	Yes	22.	Reliance upon social assistance		

Remember, the rating scale is as follows

- 3: A satisfactory situation with no need for improvement
- 2: A relatively satisfactory situation, with some room for improvement evident
- 1: A relatively unsatisfactory situation with a need for improvement
- 0: A very unsatisfactory situation with a very clear and strong need for improvement

Question
Numbers

Family/Marital

Dissatisfaction with marital or equivalent situation	3	2	1	0	23.
Non-rewarding, parental	3	2	1	0	24.
Non-rewarding, other relatives	3	2	1	0	25.
Criminal-Family/Spouse	No	Yes			26.

Accommodation

Unsatisfactory	3	2	1	0	27.
3 or more address changes last year	No	Yes			28.
High crime neighbourhood	No	Yes			29.

Leisure/Recreation

Absence of recent participation in an organized activity	No	Yes			30.
Could make better use of time	3	2	1	0	31.

Companions

A social isolate	No	Yes			32.
Some criminal acquaintances	No	Yes			33.
Some criminal friends	No	Yes			34.
Absence of anti-criminal acquaintances	No	Yes			35.
Absence of anti-criminal friends	No	Yes			36.

Alcohol/Drug Problem

Alcohol problem, ever	No	Yes			37.
Drug problem, ever	No	Yes			38.
Alcohol problem, currently	3	2	1	0	39.
Drug problem, currently Specify type of drug: _____	3	2	1	0	40.
Law violations	No	Yes			41.
Marital Family	No	Yes			42.
School/Work	No	Yes			43.
Medical	No	Yes			44.
Other indicators Specify: _____	No	Yes			45.

Emotional/Personal

Moderate interference	No	Yes			46.
Severe interference, active psychosis	No	Yes			47.
Mental health treatment, past	No	Yes			48.
Mental health treatment, present	No	Yes			49.
Psychological assessment indicated Area: _____	No	Yes			50.

Attitudes/Orientation

Supportive of crime	3	2	1	0	51.
Unfavorable toward convention	3	2	1	0	52.
Poor, toward sentence	No	Yes			53.
Poor, toward supervision	No	Yes			54.

by D. A. Andrews, Ph.D., and James L. Bonta, Ph.D.

Name: _____ Identifying Number: _____
 Date of Birth: _____ Sex: M F Date: ____/____/____
 Referral Source: _____ Reason for Referral: _____
 Disposition: _____ Present Offences: _____

Column B

Instructions: Add up the number of X's in column A and record the number in the appropriate box. Do the same for column B. Add the totals for columns A and B for the total LSI-R score. Refer to the Male or Female Profile Sheet for charts of the LSI-R total score. Note: X's that fall in the blackened areas are not counted. Circled numbers represent missed questions.

Column A

1. [Blacked out]

2. [Blacked out]

3. [Blacked out]

4. [Blacked out]

5. [Blacked out]

6. [Blacked out]

7. [Blacked out]

8. [Blacked out]

9. [Blacked out]

10. [Blacked out]

11. [Blacked out]

12. [Blacked out]

13. [Blacked out]

14. [Blacked out]

15. [Blacked out]

16. [Blacked out]

17. [Blacked out]

18. [Blacked out]

19. [Blacked out]

20. [Blacked out]

21. [Blacked out]

22. [Blacked out]

1. Number of prior convictions

2.

3.

4. Number of present offences

5.

6.

7. Number of times punished for institutional misconduct

8.

9.

10.

11. Type of drug associated with current drug problem (if any)

12.

13.

14.

15. Other indicators of drug problem

16.

17.

18. Area of psychological assessment indicated

19.

20.

21. Total from Column A and Column B is:

22.

23. Family/Marital

24.

25.

26.

27. Accommodation

28.

29.

30. Leisure

31.

32.

33. Companions

34.

35.

36.

37.

38. Alcohol/Drug Problem

39.

40.

41.

42.

43.

44.

45.

46. Personal

47.

48.

49. Functional

50.

51. Motivation

52.

53.

54.

by D. A. Andrews, Ph.D. and James L. Bonta, Ph.D.

Total number of X's in column A

TOTAL LSI-R SCORE






Total number of X's in column B

Interviewer: _____ Date: _____

Raw Score Percentile for Prison Inmates Name: _____
 Date: ____/____/____

Red = High risk/needs, intensive levels of service in secure setting or close supervision, probation maximum
Blue = Low risk/needs, services not required, if in community, minimal supervision required, probation minimum

33	80.5
32	76.8
31	72.8
30	68.4
29	63.4
28	59.7
27	56.1
26	52.6
25	48.6
24	43.9

-  High Risk/Needs
Appx. 76.0% chance of recidivism
-  Medium High Risk/Needs
Appx. 57.3% chance of recidivism
-  Moderate Risk/Needs
Appx. 48.1% chance of recidivism
-  Low Moderate Risk/Needs
Appx. 31.1% chance of recidivism
-  Low Risk/Needs
Appx. 11.7% chance of recidivism

If inmate, halfway house recommended for LSI-R scores less than or equal to 14

N = 956
 Male Inmates from
 4 months to 2 years



by D. A. Andrews, Ph.D., and James L. Bonta, Ph.D.