

(e) The S.C.R.B. shall meet at the Adult Diagnostic and Treatment Center (A.D.T.C.) once per month or more often as deemed necessary, on a day and at a time agreed on by S.C.R.B. members. Special meetings may be held when called by the Chairperson or Vice Chairperson. A majority of S.C.R.B. members must be present to conduct official business.

Amended by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Substantially amended (a); recodified portion of (a) as (b) and substantially amended; and recodified former (b) through (d) as (c) through (e).

#### **10A:9-8.3 Coordinator for the Special Classification Review Board (S.C.R.B.)**

(a) A staff member of the Adult Diagnostic and Treatment Center (A.D.T.C.) shall be designated by the Superintendent to serve as Coordinator for the Special Classification Review Board (S.C.R.B.).

(b) The Coordinator shall be responsible for the following duties:

1. Maintaining S.C.R.B. statistics and records;
2. Maintaining minutes of S.C.R.B. meetings;
3. Informing S.C.R.B. members and maintaining a file of all court decisions regarding the New Jersey Sex Offender Program;
4. Providing notice to each inmate scheduled for in-person review by the S.C.R.B., at least three working days in advance of the scheduled hearing date;
5. Providing each S.C.R.B. member with copies of written materials for review prior to each scheduled hearing date;
6. Notifying the Commissioner at least six months prior to the termination of a S.C.R.B. member's term to provide adequate time to review prospective applicants for possible appointment; and
7. Providing other services as requested by the Superintendent or S.C.R.B. members.

#### **10A:9-8.4 Reviews of inmates housed at the Adult Diagnostic Treatment Center (A.D.T.C.)**

(a) The Superintendent of the Adult Diagnostic and Treatment Center (A.D.T.C.) shall report in writing (Form SCR 2A) at least twice per year to the Special Classification Review Board (S.C.R.B.) concerning the physical and psychological condition of each inmate eligible for parole consideration.

(b) The Superintendent shall include in each report a recommendation as to whether the inmate should continue to be confined or should be considered for release on parole.

(c) An inmate with a judicially imposed period of parole ineligibility shall not appear before the S.C.R.B. until the inmate's period of parole ineligibility has been served, except for inmates who have made exceptional progress as determined by the mental health staff.

(d) An inmate shall receive an in-person interview with the S.C.R.B. upon completion of one-fourth of the inmate's sentence without regard to applicable credits, unless the inmate has a judicially imposed period of parole ineligibility with the exception of those inmates who have made exceptional progress as determined by the mental health staff.

(e) The Superintendent shall recommend whether an inmate other than those in (c) and (d) above shall have an in-person or non in-person review by the S.C.R.B.

(f) During in-person reviews, the inmate appears before the S.C.R.B. and shall be afforded the opportunity to present any matter which he or she believes is related to his or her possible parole. S.C.R.B. members may question the inmate regarding:

1. Criminal conduct;
2. Record of adjustment to incarceration;
3. Progress in therapy; or
4. Any matter which the S.C.R.B. members think is relevant.

(g) During non in-person reviews, the inmate does not appear before the S.C.R.B. The S.C.R.B. shall review all documents provided pursuant to (g) below.

(h) The following shall apply to all reviews:

1. The Board shall not be bound by judicial rules of evidence;
2. Attorneys shall not be permitted to appear before the S.C.R.B. at meetings;
3. Letters from attorneys, relatives or other interested persons shall be considered and, if relevant, may be made part of the record;
4. News media representatives shall be permitted to attend reviews only as authorized by N.J.A.C. 10A:19.
5. Other observers may be permitted to attend by the Chairperson, with the approval of the Superintendent.

(i) In preparation for each in-person review, the Coordinator shall provide the S.C.R.B. members with copies of the following:

1. Report of the primary therapist, which shall include a summary of the inmate's overall adjustment and progress of therapy;
2. Staff recommendations;
3. Chronological semiannual reviews;

4. Outpatient report;
5. Presentence report; and
6. Progress notes.

Amended by R.1997 d.122, effective March 17, 1997.  
See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Inserted new (c) and (d); recodified former (c) through (g) as (e) through (i); in (e), substituted "recommend whether an inmate other than those in (c) and (d) above" for "also recommend whether the inmate" and deleted provision that generally only inmates recommended for parole receive an in-person review; in (i), substituted reference to in-person review for reference to review; inserted (i)6; and deleted former (h), relating to materials to be provided for in-person reviews.

#### **10A:9-8.5 Review of inmates housed at other correctional facilities**

(a) All inmates sentenced under N.J.S.A. 2A:164 who are transferred from the Adult Diagnostic and Treatment Center (A.D.T.C.) to other correctional facilities for disciplinary or other reasons requiring temporary relocation outside of the A.D.T.C. shall be subject to review by the Special Classification Review Board (S.C.R.B.).

1. The Superintendent of a correctional facility other than the Adult Diagnostic Treatment Center (A.D.T.C.) where an inmate sentenced under N.J.S.A. 2A:164 is housed shall forward in writing (Form SCR 2A) the required semiannual reports (see N.J.A.C. 10A:9-8.4) to the Superintendent of the A.D.T.C. The report shall contain a recommendation as to the inmate's continued confinement or consideration for release on parole.

2. If the inmate is recommended for consideration for parole, the inmate shall be transported to the A.D.T.C. for the day to appear before the A.D.T.C.'s treatment staff. If the A.D.T.C. treatment staff concurs with the recommendation, the inmate shall remain at the A.D.T.C. for an in-person review before the Special Classification Review Board (S.C.R.B.).

3. If the inmate is not recommended for parole, the S.C.R.B. shall conduct a non in-person review.

(b) Inmates sentenced under N.J.S.A. 2A:164 who are transferred permanently from the A.D.T.C. are subject to resentencing under N.J.S.A. 2C:47. These inmates are no longer subject to S.C.R.B. review.

#### **10A:9-8.6 Decisions of the Special Classification Review Board (S.C.R.B.); in-person review**

(a) After each in-person review, a vote shall be taken to determine whether the Special Classification Review Board (S.C.R.B.) will recommend parole. A tie vote shall be deemed a rejection.

(b) An inmate who has been denied a recommendation of parole shall be rescheduled for an in-person S.C.R.B. review at the discretion of the S.C.R.B., except as permitted by (c) below. In no event shall the inmate be rescheduled for another in-person S.C.R.B. review later than 36 months from the date of the decision of the S.C.R.B. to deny recommendation of parole.

(c) The S.C.R.B. may defer its decision in appropriate cases, or in those cases where additional information is requested. Such cases may be presented for in-person review in three months.

(d) SCR 2A shall be signed by each S.C.R.B. member in attendance so as to provide documentation as to its decision and the date reviewed.

(e) Within 10 working days after each in-person hearing, the S.C.R.B. shall provide the inmate with a copy of its written decision on A.D.T.C. Form 296 (R-1) and, if an inmate is denied a recommendation to the State Parole Board, a copy of the summary of reason(s) for denial shall be provided to the inmate. The form shall be signed by the S.C.R.B. chairperson or designee.

(f) The S.C.R.B. shall summarize in its written decision the reasons for its conclusion. The reasons are within the S.C.R.B.'s sole discretion, and may include therapeutic issues deemed to require additional work.

(g) The Coordinator shall prepare a summary of each inmate's presentation to the S.C.R.B. The summary shall be reviewed and signed by the Chairperson and placed in the inmate's classification and S.C.R.B. folders.

Amended by R.1997 d.122, effective March 17, 1997.  
See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Substantially amended (b); and in (e), inserted text "and, if an inmate is denied . . . provided to the inmate".

#### **10A:9-8.7 Decisions of the S.C.R.B.; non in-person review**

(a) S.C.R.B. Form 2A shall be signed by each S.C.R.B. member in attendance so as to provide documentation as to its decision and the date reviewed.

(b) Within 10 working days after each non in-person review, the S.C.R.B. shall provide the inmate with a copy of its written decision on A.D.T.C. Form 296 (R-1). The form shall be signed by the Chairperson or his or her designee.

#### **10A:9-8.8 Appeal of the Special Classification Review Board (S.C.R.B.) denial**

(a) Any inmate denied a referral to the State Parole Board by the S.C.R.B. on two consecutive occasions shall have the right to appeal to the S.C.R.B. chairperson within 30 days of the S.C.R.B.'s second denial, after the inmate consults his or her primary therapist to review any therapeutic issues.

(b) If the S.C.R.B. chairperson finds sufficient reasons exist upon review of the inmate's appeal, the chairperson may order a full S.C.R.B. in-person review for the inmate.

(c) The S.C.R.B. chairperson shall have the authority to deny an inmate's appeal.

(d) After reviewing the inmate's appeal, the S.C.R.B. chairperson shall notify the inmate in writing as to the chairperson's decision.

New Rule, R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Former section recodified to N.J.A.C. 10A:9-8.9.

#### **10A:9-8.9 Referrals to the State Parole Board**

(a) The Coordinator shall notify the State Parole Board of those inmates whom the Special Classification Review Board (S.C.R.B.) has recommended for parole, and forward the necessary documents to the State Parole Board for its use in reaching a decision as to parole.

(b) No inmate shall be referred to the State Parole Board for reconsideration within a period of less than three months following his denial of parole by the State Parole Board, except under unusual circumstances.

Recodified from 10A:9-8.8 by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Former section recodified to N.J.A.C. 10A:9-8.10.

#### **10A:9-8.10 Parole records**

(a) For all parolees who were sentenced under N.J.S.A. 2C:47 and 2A:164, the Coordinator shall receive copies of the following:

1. Parole Certificates;
2. Supervisory reports;
3. Special reports;

4. Arrest reports;

5. Termination Certificates; and

6. Notices of discharge of inmates from parole.

(b) The Coordinator shall advise the Special Classification Review Board (S.C.R.B.) of those cases in which probable cause to revoke parole has been established.

(c) The Coordinator shall also notify the Board when a parolee is returned as a violator or as a new commitment.

Amended by R.1992 d.79, effective February 18, 1992.

See: 23 N.J.R. 3721(a), 24 N.J.R. 612(a).

Revised (a).

Recodified from 10A:9-8.9 by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Former section recodified to N.J.A.C. 10A:9-8.11.

#### **10A:9-8.11 Notice of release**

A copy of the notice of release at the expiration of maximum sentence shall be forwarded by the housing correctional facility to the Coordinator, who shall so advise the Special Classification Review Board (S.C.R.B.) members.

Recodified from 10A:9-8.10 by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).

Former section recodified to N.J.A.C. 10A:9-8.12.

#### **10A:9-8.12 Confidentiality**

(a) The Special Classification Review Board (S.C.R.B.) members shall not discuss or give information to any unauthorized person regarding specific inmates reviewed.

(b) Confidentiality of inmate/parolee records shall be governed by N.J.A.C. 10A:22.

Recodified from 10A:9-8.11 by R.1997 d.122, effective March 17, 1997.

See: 29 N.J.R. 80(b), 29 N.J.R. 880(a).