

12. Medical condition; and

13. Other professional and/or administrative reports.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), substituted "facilities" for "facility" and "another" for "other" in the introductory paragraph, substituted "Substance" for "Drug" in 10. Recodified from N.J.A.C. 10A:9-7.6 and amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Rewrote the introductory paragraph of (a); in (a)11, deleted "and" from the end; in (a)12, inserted "; and" at the end; and added (a)13.

Former N.J.A.C. 10A:9-7.4, Procedure for reviewing nonemergency transfer funds, recodified to N.J.A.C. 10A:9-7.2.

10A:9-7.5 Procedures for transfers

Upon approval of a requested transfer by the Administrator, Assistant Commissioner or Director or, the sending correctional facility shall arrange and then coordinate the date and time of the transfer of the inmate, along with his or her records and property, with the receiving correctional facility.

Recodified from N.J.A.C. 10A:9-7.7 and amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Rewrote the section.

Former N.J.A.C. 10A:9-7.5, Procedure for reviewing emergency transfer requests, recodified to N.J.A.C. 10A:9-7.3.

10A:9-7.6 (Reserved)

Recodified to N.J.A.C. 10A:9-7.4 by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Criteria for reviewing transfer requests".

10A:9-7.7 (Reserved)

Recodified to N.J.A.C. 10A:9-7.5 by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

Section was "Procedures for transfers".

SUBCHAPTER 8. SPECIAL CLASSIFICATION REVIEW BOARD (S.C.R.B.)

10A:9-8.1 Responsibilities

Inmates committed to the Adult Diagnostic and Treatment Center (A.D.T.C.) shall be eligible for parole consideration only upon recommendation by the S.C.R.B. pursuant to N.J.S.A. 2C:47-5 except that in no case shall an inmate committed to the A.D.T.C. become eligible for parole prior to the expiration of any mandatory minimum term imposed.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Rewrote the section.

10A:9-8.2 Composition of the Special Classification Review Board (S.C.R.B.)

(a) The Commissioner shall appoint at least six members to serve on the S.C.R.B., two of whom may be Department of Corrections employees. The S.C.R.B. panels, which conduct in-person interviews, shall be composed of no fewer than two S.C.R.B. members.

(b) Each S.C.R.B. panel shall be composed of the following:

1. A representative from an administrative unit within the Department of Corrections; and

2. Up to three persons from outside of the Department of Corrections, one of whom must have a master's degree in psychology and one of whom must have a professional background, such as a master's degree in any field.

(c) Terms of membership shall be three years and shall be staggered so that no more than four members are replaced or reappointed in any one year.

(d) Members shall elect a Chairperson and Vice Chairperson annually at the S.C.R.B.'s July meeting. These offices shall be rotated among members, when practicable.

(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).

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

In (a), deleted "Special Classification Review Board" preceding "S.C.R.B.", substituted "fewer" for "less" preceding "than two" and deleted "and no more than four S.C.R.B. members" following "two S.C.R.B. members".

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In (a), substituted "six" for "eight"; in (c), substituted "four" for "two".

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 Administrator to serve as Coordinator for the 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 business days in advance of the scheduled review date;

5. Providing each S.C.R.B. member with copies of written materials for review prior to each scheduled review 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;

7. Tracking the transfer of an inmate sentenced to the A.D.T.C. or to another facility in accordance with N.J.S.A. 2C:47-3, 4.1 and/or 4.2; and

8. Providing other services as requested by the Administrator or S.C.R.B. members.

Amended by R.2002 d.190, effective June 17, 2002.

See: 34 N.J.R. 1082(a), 34 N.J.R. 2030(a).

Substituted "Administrator" for "Superintendent" throughout; in (a), deleted "Special Classification Review Board" preceding "S.C.R.B."; in (b), substituted "business" for "working" following "three" in 4 and "review" for "hearing" following "scheduled" in 4 and 5.

Amended by R.2007 d.379, effective December 17, 2007.

See: 39 N.J.R. 2445(a), 39 N.J.R. 5340(b).

In (b)6, deleted "and" from the end; added new (b)7; and recodified former (b)7 as (b)8.

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

(a) The Administrator or designee of the A.D.T.C. shall ensure a report is submitted in writing 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 Administrator or designee shall ensure the report includes 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 Administrator 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 appearing before the S.C.R.B. 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 (i) 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. Other observers may be permitted by the Chairperson to attend, with the approval of the Administrator.

(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 in 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.

Administrative correction.

See: 31 N.J.R. 4268(b).

Amended by R.2002 d.190, effective June 17, 2002.