

Discussion Points

STATE PAROLE BOARD

1. The FY 2009 budget recommendation reduces the number of State employees through an early retirement initiative and layoffs. The governor has further proposed that the ability to hire employees to fill these positions be limited to 10 percent of the positions vacated. The impact these personnel actions may have on the Parole Board's programs and services is not clear. Budget evaluation data on Budget Page D-87 indicate that the Parole Board will see a net increase of 19 funded positions in FY 2009.

- **Question:** How many Division of Parole staff are eligible for the early retirement initiative or may be laid off? To the extent that new employees cannot be hired, what services or programs will be reduced or eliminated? How will this impact on the Parole Board's case loads and efforts to shift offenders from more expensive incarceration to the less costly parole programs?

Based on the assumptions in the budget for the projected \$135.9 million net ERI savings, 52 of agency staff will be eligible for participation. The savings assumes an overall 50% participation rate that varies by Department. The initial proposal is still under discussion and could be refined in the enabling legislation.

Regardless, the Governor has stated that the backfills of participants will be limited to 10% on a Statewide basis.

Within the Division of Parole, eleven employees are being targeted to be laid off. The State Parole Board (SPB) is eliminating book keepers at the District offices that had previously performed the function of collecting fines and payments from parolees.

Parole officers are not eligible for the early retirement initiative as proposed. Based upon information provided by the Department of Personnel, there are nine civilians that are eligible for the early retirement initiative with the Division of Parole.

For the Parole Board, there are forty-three employees that are eligible for the early retirement initiative. It is not known how many employees will take advantage of the early retirement initiative. To the extent that civilians retire, it may reduce the State Parole Board's ability to efficiently process and conduct parole hearings. Reducing the number of hearings being conducted will result in longer stays in correctional facilities and increased incarceration costs.

2. Budget evaluation data on Budget Page D-86 indicate that the Parole Board is anticipated to be supervising 15,220 parolees in FY 2009. It is anticipated that another 10,900 parolees will be released from incarceration and added to this population. Finally, it is anticipated that a total of 10,500 parolees will complete their parole supervision requirements and be released by the State Parole Board in FY 2009.

- **Question:** How many parolees have re-offended and been re-incarcerated during the last five years? What are the most common reasons that parolees re-offend? What is the average length of time that an offending parolee is returned to prison? What steps has the Parole Board taken to facilitate parolee reintroduction into the

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community? What actions do you recommend that the State Parole Board take in order to aid parolees to avoid re-offenses and re-incarceration?

How many parolees have re-offended and been re-incarcerated during the last five years?

The number of parolees that have been returned to prison as a result of parole violations during the last five years is 14,398. The number of technical parole violators during the past five years is 12,026. The number of parolees that have been returned to prison as the result of a new charge is 2,372.

A recent State Parole Board study compared re-incarceration rates for new crimes over a three-year period, after inmates' release from prison in 2004. The study found:

- Max-outs (inmates released from prison without a period of parole supervision) had a 46 percent re-incarceration rate
- Parolees released without benefit of a community-based rehabilitative program had a 39 percent re-incarceration rate
- Parolees who participated in a Day Reporting Center (DRC) had a 20 percent re-incarceration rate
- Parolees who participated in a residential Halfway Back (HWB) program had a 17 percent re-incarceration rate

What are the most common reasons that parolees re-offend?

Research indicates that the majority of parolees arrested for new crimes are charged with drug offenses. The next most common category of charges is "other offenses," which includes supervision violations. These are followed by violent offenses and weapon-related offenses.

What is the average length of time that an offending parolee is returned to prison?

The average length of incarceration for a new crime (not a technical parole violation) for a parolee is estimated at 31 months.

What steps has the Parole Board taken to facilitate parolee reintroduction into the community? / What actions do you recommend that the State Parole Board take in order to aid paroles to avoid re-offenses and re-incarceration?

The State Parole Board uses a variety of community-based rehabilitative programs, targeted to parolees according to their specific risks and needs. These include residential and day-reporting programs, as well as programs specifically tailored for mentally ill parolees, homeless parolees and those with drug addictions. The programs and parole officers work with the Department of Labor and Workforce Development to connect parolees with job training and placement opportunities, and with other government and private partners to address specific needs including education, health, family skills and other services needed to reduce the likelihood of recidivism.

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The State Parole Board uses the Evidence-Based Practices (EBP) model for supervision. Under this model, parole officers are able to triage their time to the parolees on their caseload who present the greatest risk of re-offending, as determined by various warning signs. Parole officers also hold the parolees accountable for their own successful reentry. Using a clinical assessment of the parolee's risks and needs, the parole officer creates a Case Plan Agreement the parolee must acknowledge and sign. The Case Plan Agreement includes specific short-term and long-term goals the parolee must meet. Goals may be related to employment, addiction, or other specific factors that present a risk to the offender's successful reentry. The parole officer uses targeted rewards or sanctions, as needed, to encourage the parolee to complete those goals.

The Parole Board Members' commitment to reentry and public safety extends beyond their responsibility of conducting parole hearings. Several Board members have established Parole Accountability Conference Teams (PACTs). PACT meetings, held during evening hours on a monthly basis, enable parolees to discuss their successes, struggles and related reentry issues with the State Parole Board officials responsible for setting parole and reentry policy. The PACT groups also encourage positive attitudes among the parole population. Discussions held with parolees during PACT hearings have encouraged new policies. For example, these discussions helped inform the State Parole Board's decision to hold our contracted Day Reporting Center providers responsible for finding and developing employment opportunities for parolees, to aid in their successful reentry.

To enhance the State Parole Board's launch of Evidence-Based Practices (EBP) for supervision, we have committed to an enhanced use of graduated sanctions and rehabilitative community programming for technical (non-criminal) parole violations, as appropriate. We have committed to enhancing the enrollment of parolees into the Department of Labor and Workforce Development's One-Stop Operating System (OSOS), as well as the use of Case Plan Agreements holding parolees accountable for taking the steps necessary for successful reentry, and the use of LSI-R assessments of parolee risks and needs.

We have appointed the State Parole Board's "Job Czar" and Employment Resource Officers in Camden, Newark and Trenton, to increase the employment rates of parolees, cultivate relationships with potential employers, and generate job referrals for parolees. The Job Czar has identified union locals who have expressed interest in providing meaningful training and employment to parolees, through their apprenticeship programs. The Czar is working with our parole district offices in Camden, Newark and Trenton to identify parolees who meet the qualification requirements for union apprenticeships.

The above are just a few of the commitments the State Parole Board has made in support of "Another Chance," the reentry demonstration project created under Governor Corzine's Strategy for Safe Streets and Neighborhoods.

Finally, with regard to actions that the State Parole may take in order to aid paroles to avoid re-offending and re-incarceration, the agency would welcome whatever support appropriate at the state level to assist SPB as the lead re-entry agency in garnering federal funds as part as of the recently passed national re-entry demonstration project, the Second Chance Act (HR 1593. T he first of its kind measure provides about \$180 million per year nationally in 2009 and 2010 for prisoner re-entry services.

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3. The Sex Offender Management Unit is responsible for the supervision of sex offenders, including parolees, sexually violent predators released from civil commitment and offenders sentenced to Community Supervision for Life. The Satellite Based Monitoring of Sex Offenders program provides for the continuous monitoring of convicted sex offenders while on parole in the community. The Parole Board requires sex offenders to participate in regular therapy sessions and to submit to polygraph testing while serving on parole. Published reports indicate that the implementation of the polygraph testing of sex offenders began in December, 2007.

- **Question:** How effective are these programs in reducing the number of parolees who would re-offend and be returned to prison? What impact have these programs had on the recidivism of sex offender parolees?

The SPB's GPS program has monitored a total of 235 sex offenders to date. The initial data suggests the State Parole Board's GPS monitoring has contributed to a significantly lower recidivism rate than nationwide data indicates for high-risk sex offenders. No sex offenders have been convicted of a new sex crime while under GPS monitoring.

There have been several examples in which the State Parole Board's GPS monitoring has intercepted violations by sex offenders, and has helped law enforcement agencies work together to protect the public.

To list a few, in Burlington County, a sex offender's past victim reported the sex offender was stalking her. A review of GPS tracking data revealed that the sex offender had been at the former victim's place of employment and near her home. This information was turned over to the Prosecutor's Office. A case for stalking and harassment is currently pending.

In Bergen County, a Tier III juvenile sex offender under GPS monitoring was found to be in the area of a former victim's home, in violation of a probation condition that he have no contact with any prior victims. This data was provided to Bergen County Probation, and the sex offender was returned to custody pending a probation violation hearing.

In a North Jersey county, police received tips that an individual was using library computers for questionable purposes. Local police suspected the individual was a sex offender under State Parole Board GPS monitoring. Our parole officers worked with local police and prosecutor's investigators, and learned the sex offender visited the library on multiple occasions with his wife, who would access the Internet for him. GPS tracking data confirmed that the sex offender was at the library at the times in question. The sex offender is now facing a criminal charge for violating the conditions of Community Supervision for Life.

In Atlantic County, the State Parole Board received an anonymous tip that a registered sex offender was using the Internet at a library. A parole officer was dispatched to conduct surveillance. When the parole officer determined the sex offender was using social networking sites (prior to enactment of S1979), the State Parole Board enlisted the help of the Atlantic County Prosecutor's Office Cyber Crimes Unit. Through their investigation, the sex offender was arrested and charged with Endangering the Welfare of a Child, Attempting to Lure a Child, and a Violation of Community Supervision for Life.

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The treatment component of the Boards sex offender supervision program is an integral part in the goal of reducing recidivism. Correctional-based research clearly indicates that offender management strategies that include a rehabilitative focus have much better outcomes than a punishment - surveillance orientation. Research indicates an 18% recidivism rate for new sex crimes for untreated sex offenders versus a 12% rate for treated offenders over a 15 year period.

Due to methodological problems an analysis of the effectiveness of the current treatment program could not be conducted until the program has had time to become established. The Board is in the process of designing a study to closely examine the impact of the counseling component. Anecdotal and observational evidence lends itself to the belief that the counseling component is achieving the desired result of reducing the recidivism of sex offenders.

- **Question:** How does the use of polygraph testing affect the Parole Board's ability to monitor sex offenders? What is the reason for the delay in the implementation of polygraph testing of sex offenders when the practice was mandated in FY 2006 (P.L.2005, c.189)?

The Sex Offender Monitoring Pilot Project Act authorized the State Parole Board to begin conducting polygraph tests of sex offenders, and mandated that sex offenders under our supervision submit to such testing when required by the State Parole Board.

Polygraph testing is a nationally recognized and effective tool for sex offender supervision. It is also a complex scientific instrument, and requires specialized training and knowledge for effective use – especially when it is used to verify the statements of a population of sex offenders who have often based their lives on deception and manipulation.

The State Parole Board required a significant amount of time to pursue Federal funds to purchase polygraph equipment, and to send parole officers for training at the American Polygraph Institute in Philadelphia, where each officer must spend approximately nine weeks learning basic polygraph testing and sex offender-specific polygraph testing skills. The agency also required sufficient time to develop its policies and procedures for the use of polygraph as a supervision tool.

Over 4500 sex offenders are under the supervision of the State Parole Board. The ability to monitor daily activities of sex offenders is limited by the resource of officers available for monitoring and supervision. Polygraph testing is an alternate tool that assists parole officers in obtaining truthful information regarding past and present behaviors, information not readily available without the use of polygraph. There are three types of polygraph examinations. The first, instant offense examinations are administered when a sex offender denies guilt regarding the commitment offense. Polygraph in this instance allows for the truth to be revealed so that the issue of treatment and case planning can be addressed. It is impossible to formulate a treatment plan with an offender who has not yet acknowledged his role in the offense. Other types of polygraph testing, maintenance examinations and sexual history examinations, help to verify specific activities and behaviors in which the sex offender is engaging. The maintenance examinations allow for a determination that the sex offender is complying with conditions of supervision (e.g. no unsupervised contact with a minor, viewing pornography, etc.). Prior to polygraph the State Parole Board was forced to rely on the self-reporting of sex offenders who have been determined to be deceptive and manipulative in character. Sexual history

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examinations further overall knowledge of sex offending behavior by revealing sex offender's predilections and to assist in case planning/treatment objectives. Polygraph testing allows for more communication between the parole officer, the sex offender and the treatment provider as concerns and behaviors that are revealed are further tested for validity.

Prior to implementing a polygraph program, the State Parole Board convened a working group of varied disciplines in the area of sex offender treatment and supervision to first review and analyze best practices in the field of polygraph testing. Following this review, a polygraph procedural guideline was formulated to provide guidance for the testing. In addition to the time needed to review best practices models and formulating a procedural guideline, polygraph testing could not be implemented until staff received the necessary polygraph training from an accredited polygraph school. We were subject to the training schedules of the polygraph school.

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4. The new Parole Violator Assessment and Treatment Program provides is anticipated to provide a structured alternative to re-incarceration for technical parole violators who were temporarily returned to custody for violations that did not lead to new criminal charges. Budget evaluation data indicate that the program will serve 145 parolees in FY 2009 (Budget Page D-86)

- **Question:** How many parolees have been returned to prison as a result of parole violations during the past five years? How many of these violators are returned as a result of "technical" violations as opposed to new offenses? What are the estimated savings to be generated by this program in FY 2009 and FY 2010? Where are these savings reflected in the FY 2009 Budget?

The number of parolees that have been returned to prison as a result of parole violations during the last five years is 14,398. The number of technical parole violators during the past five years is 12,026. The number of parolees that have been returned to prison as the result of a new charge is 2,372. The estimated savings that will be generated by this program in FY 2009 is projected at \$1.1 million in FY 2009, net of State Parole Board program costs, and \$12 million in FY 2010. The savings is reflected in the FY 2009 Budget through a reduction to the Purchase of Service for Inmates Incarcerated in County Penal Facilities account in the Department of Corrections on page D-85 in the FY 2009 Budget.