

New Jersey

In New Jersey, the parole board is appointed by the governor and approved by the state senate. State statute requires that parole board members have experience in law, sociology, criminal justice, juvenile justice, or related social sciences. Members are appointed to six-year terms and, altogether, the board consists of 13 members and two alternates. The board claims to hear over 15,000 cases per year but also reports having 15,000 individuals under parole supervision in the state, suggesting that the state is not granting parole to more individuals than it is phasing out of parole supervision in a given year. Statistics were difficult to come by, but overall, the parole rate has risen slowly over the last few years, from 34% in 2014 to 39% in 2017. There was no readily available way to distinguish what kinds of sentences are or are not being granted parole.

Parole-eligible individuals may begin applying for parole after they have served one-third of their sentence. An initial hearing is conducted by the Division of Release, which consists of a review of the individual's "appropriateness for release." Elements considered at this stage include sentencing record, details of the current offense, a report of the individual's "social, physical, educational and psychological progress," and a so-called "objective social and psychological risk and needs assessment." Little information was available about this assessment. The hearing officer creates a report out of this information and passes it on to the parole board for a panel hearing. The panel hearing is conducted by two members of the parole board; at this stage the board decides whether or not to grant parole. For first- and second-degree crimes, the state solicits victim impact statements, which may be submitted at a confidential hearing or in writing; all victim impact statements are classified confidential and the incarcerated individual is not informed as to whether or not the board receives a victim impact statement in their case. The individual seeking parole is also permitted to provide evidence and testimony in their own case.

The New Jersey State Parole Board website states, "For cases in which the crime was committed on or after August 19, 1997, the Parole Act requires that an adult inmate shall be paroled unless the Board Panel determines the inmate has failed to cooperate in his or her own rehabilitation, or that there is a reasonable expectation the inmate will violate conditions of parole if released. For cases in which the crime was committed before August 19, 1997, the Parole Act requires that an adult inmate shall be paroled unless the Board Panel determines that there is a substantial likelihood the inmate will commit a new crime if released." If the board does not grant parole, they will also establish the length of time the individual must wait before applying again for parole.

The governor is vested with full authority to grant clemency. All incarcerated individuals are eligible to apply. Clemency applications are overseen by the state parole board, which makes recommendations to the governor. In 2018, then-Governor Chris Christie granted clemency to 26 individuals, including the commutation of only one sentence. Governor Christie granted these clemencies at 9 PM on his last day in office. The sole commutation was granted to Lisa Pyatt,

who was convicted of murdering her husband in 1993. Overall, Governor Christie granted 55 clemencies over the course of his term, primarily to individuals convicted on drug and firearms charges.

New Jersey's clemency application is fairly detailed and asks about a host of issues, including several questions that are out-of-step with other states' clemency processes. The application asks about arrests and convictions; reasons for requesting clemency; extenuating circumstances the board should consider in their decision; memberships in community organizations, societies, and fraternal orders; employment records; veteran and disability status; psychological diagnoses; substance use history (including "substances of choice," "age started," "frequency of use," and "amount of money spent on use"); and institutional programming the individual has participated in.

Bonnie Kerness, of AFSC New Jersey, is particularly invested, and has expertise, in issues of women in prison; conditions of confinement; and working with interns to inspire a new generation of organizers, human rights advocates, and union leaders. Contact her at bkerness@afsc.org if you're interested in discussing these topics further.

Sources

"An Overview of the Parole Hearing Process." *State of New Jersey State Parole Board*, nd, nj.gov/parole/hearings.html.

Kerness, Bonnie. Personal Interview. 21 May 2019.