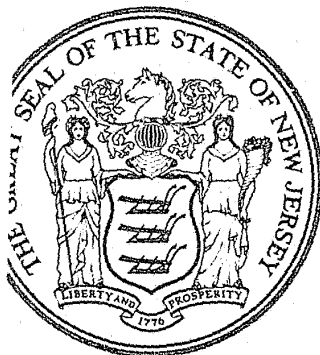


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THE PAROLE BOOK

*A Handbook On Parole Procedures
For County Inmates*

1092761



NEW JERSEY STATE PAROLE BOARD
CN 862
Trenton, New Jersey 08625

**U.S. Department of Justice
National Institute of Justice**

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New Jersey State Parole Board

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April 1, 1987

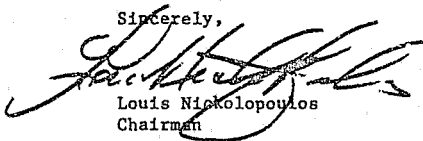
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TO: Inmates of County Corrections Facilities

This handbook is intended to help you better understand the parole process and what is expected of you to earn parole. This handbook is not the law and should not be cited or referred to as authority. We have done our best to put into this handbook, in plain and simple language, the information which you need to know about parole.

It is my hope that this handbook will give you confidence in each step that you take as you work towards parole, so that when you have earned the privilege of parole, you will successfully complete your parole status and become a productive and law-abiding citizen of your community.

Sincerely,



Louis Nickolopoulos
Chairman

LN:pt

NCJRS

FEB 23 1988

ACQUISITIONS

CONTENTS

PAGE

Questions and Answers

General Information.....	1
Parole Eligibility.....	3
Parole Release Process.....	7
Parole Rescission Process.....	12
Parole Supervision and Revocation Process.....	14

APPENDICES

One: How to compute parole eligibility.....	18
Two: How to appeal a decision.....	22

General Information

1. What is the State Parole Board?
2. What does the State Parole Board do?
3. What is the Bureau of Parole?
4. Who are parole officers?
5. What is this handbook for?

1. What is the State Parole Board?

The State Parole Board is the agency authorized by the Parole Act of 1979 to release offenders on parole status. The Board has seven members appointed by the Governor with the advice and consent of the Senate for staggered six year terms. There is a panel of two members who deal with state prison cases, a panel of two members who deal with young adult cases and a panel of two members who deal with juvenile cases. The Chairperson is the seventh member and serves as a third member of each of the three panels. Any member of the Board may be assigned to a special Board panel to review county inmates for parole release.

2. What does the State Parole Board do?

The State Parole Board members make decisions about who should be released on parole status. The Board members also set the conditions to be obeyed on parole and decide what action to take in the case of parolees who violate the conditions of parole.

3. What is the Bureau of Parole?

The Bureau of Parole is a part of the Department of Corrections and not a part of the State Parole Board. The Board decides which inmates will be paroled and under what conditions. The Bureau of Parole is in charge of seeing that the inmate complies with all the parole conditions. The Board has also delegated to the Bureau of Parole the authority to issue parole warrants on behalf of the Board and the authority to conduct probable cause hearings in the cases of parole violators. (see Question 40).

4. Who are parole officers?

Parole officers are employees of the Bureau of Parole. The parole officer's job is to make sure parolees follow the conditions of parole as established by a Board member(s) or the special Board panel (see Question 23) and to help them in other ways to adjust to life in the community.

5. What is this handbook for?

This book attempts to answer many questions about the parole process for inmates sentenced to serve terms of incarceration in county corrections facilities. It will help you understand what the rules are and what to expect. If you have other questions, a county jail staff person, who acts as liaison to the Board, should be able to help you. You may also write to the Board for information or ask questions at parole hearings.

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Parole Eligibility

6. How is my parole eligibility date computed?
7. How do I get time off (reduce) my parole eligibility date?
8. What steps are followed to compute my parole eligibility date?
9. Do I have to be paroled on my eligibility date?
10. What does "substantial likelihood" mean?
11. How important is my behavior in the county jail?
12. If I get an additional county jail sentence, what happens to my parole eligibility date?
13. What happens if an additional county jail sentence results in my total term being equal to or greater than one year?
14. Do I have to accept parole?

6. How is my parole eligibility date computed?

Your parole eligibility term is one-third of your sentence less jail credit and less time off for other credits (see Question 7). However, the parole law requires that a county inmate serve at least 60 days before being eligible for parole. This means that a county inmate serving a sentence of 60 days or less will never be eligible for parole. The only credit that reduces the 60 day period is jail credit awarded by the judge at the time sentence is imposed.

If you receive a mandatory-minimum term as a part of your sentence, then this is your eligibility term, less jail credit only, provided the mandatory-minimum term is greater than one-third of your maximum sentence.

If you receive a mandatory-minimum term and one-third of your sentence is greater than the mandatory-minimum term, you will have to compute your parole eligibility date based on one-third of the sentence less jail credit and less time off for other credits (see Question 7) and based on the mandatory-minimum term less jail credit only. The longer of the two dates is the controlling parole eligibility date.

Jail credit, if awarded, is included in the computation of your parole eligibility date. Jail credits are the days which you spent in custody prior to your being sentenced. The number is set by the sentencing judge and that judge must be contacted by you or your attorney if you believe there is a mistake in the number of credits.

7. How do I get time off (reduce) my parole eligibility date?

There are three other kinds of credits that will take time off (reduce) a parole eligibility date which is based on one-third of your sentence.

- (a) Commutation Credit ("Good Time"): Commutation credit is awarded on the balance of time computed by subtracting jail credit from one-third of your sentence. For every six days of the balance of time, you will receive one day commutation credit.
- (b) Work Credit: For every five days you work, you earn one day work credit.
- (c) Minimum Custody Credit: When you are classified into minimum custody, you earn one day minimum custody credit for every ten days of minimum custody status.

The computation of work and minimum custody credits is the responsibility of the county jail authorities. Consult with the county jail authorities if you believe that there is an error in your total work and/or minimum custody credits.

Commutation, work and minimum custody credits do not reduce a parole eligibility date which is based on a mandatory-minimum term. Further, in no case may the application of commutation, work and minimum custody credits reduce a parole eligibility date below the date established by adding 60 days to the date of sentence less jail credit.

8. What steps are followed to compute my parole eligibility date?

First, determine the date that you actually began to serve your sentence. This is usually the date of sentence. Second, to this date, add either your mandatory-minimum term, if you have one, one-third of your maximum sentence or 60 days, whichever is greater. From this date subtract any jail credit the judge awarded.

If your parole eligibility is based on one-third of your sentence, then determine your commutation credits (see Question 7) and subtract them. From this date subtract any work and minimum custody credits that you have earned (see Question 7).

9. Do I have to be paroled on my eligibility date?

An eligibility date is not a parole release date. It is the earliest date on which you can be paroled. No county inmate can be paroled until he has a parole release hearing. No county inmate will be released on parole if the special Board panel decides that there is a substantial likelihood that he is likely to commit another crime.

10. What does "substantial likelihood" mean?

The parole law says that the only reason you can have your parole denied is if there is a substantial likelihood that you will commit another crime if you are released from custody. "Substantial likelihood" means "good chance".

The time you serve is the time for you to show that you have worked to change yourself. If you do not show the special Board panel a change in your behavior that indicates that you are not going to commit another crime, you will not be paroled.

11. How important is my behavior in the county jail?

The parole law allows the Board to add time to your eligibility date if you commit serious or persistent institutional infractions. It is, therefore, very important for you to conduct yourself in accordance with the rules of the county jail.

Your institutional conduct will be a factor weighed by the special Board panel when your case is considered for parole. Committing infractions may indicate to the special Board panel that you may not be ready to obey the rules of parole or society's laws and you may, therefore, be denied parole release.

12. If I get an additional county jail sentence, what happens to my parole eligibility date?

An additional sentence means an additional parole eligibility term. This parole eligibility term is aggregated (combined) with your original parole eligibility term to determine your aggregate parole eligibility term. Commutation (good time) credit is applied to determine your new parole eligibility date. The new parole eligibility date may, of course, be reduced by work and minimum custody credits unless the parole eligibility date is based on a mandatory-minimum term.

13. What happens if an additional county sentence results in my total term being equal to or greater than one year?

If your total aggregate sentence becomes equal to or greater than one year, you are considered to be a state prison inmate and your parole eligibility is computed as a state prison inmate. If this should occur in your case, you should contact the Board about your status.

Mercer and Middlesex counties have correctional workhouses in which a county inmate may serve terms up to eighteen (18) months and still be considered a county inmate. In Mercer and Middlesex counties your total aggregate sentence must be greater than eighteen (18) months before you are considered to be a state prison inmate.

14. Do I have to accept parole?

Parole is an agreement between you and the Board. You can always decide that you do not want parole and you can complete the balance of your sentence in custody.

If you are granted parole and you accept parole, you must sign a parole certificate. Your signature on the parole certificate acknowledges that you have accepted parole and have agreed to obey the conditions of parole as outlined on the parole certificate.

Parole Release Process

15. How do I prepare for my parole hearing?
16. How do I get an approved parole plan?
17. When is my parole hearing?
18. What happens if I am serving a weekend sentence or if I am on work release?
19. What happens at my initial parole hearing?
20. Can anyone else be with me at my hearing?
21. You said I would see a hearing officer first. Do I have more than one parole hearing?
22. What if I am recommended for parole but the reviewing panel member(s) does not agree with the hearing officer's recommendation?
23. What happens at a panel hearing?
24. What are the possible results of a panel hearing?
25. Can I appeal the decision to deny me parole?
26. What if I have a detainer against me?
27. What are parole conditions?
28. What is public service?

15. How do I prepare for my parole hearing?

Try to get involved in any available programs that will help you while you are in jail. Avoid getting charges. Look into employment possibilities. Have a good parole plan. If you have a substance abuse problem, look into whether an appropriate community or residential program will accept you as a client.

16. How do I get an approved parole plan?

A parole officer will see you to get information about where you want to live and what you plan to do when you are released. A parole plan has to show that it gives you a good chance of making it without returning to crime. The parole officer will check out your plan and approve it only if it is in your best interest. You cannot be released without an approved parole plan.

17. When is my parole hearing?

The Board tries to provide you with your initial parole hearing at least 21 days before your actual parole eligibility date.

18. What happens if I am serving a weekend sentence or if I am on work release?

Your parole hearing will be held on a weekday at the county jail. The county jail staff person who acts as liaison to the Board will tell you when you are scheduled for a hearing. You should make the necessary arrangements to insure your presence at the county jail on the scheduled date.

19. What happens at my initial parole hearing?

This hearing is a preliminary review of your case conducted by a Board Hearing Officer. The purpose of the hearing is to evaluate whether you are ready to be released and whether you can avoid committing new crimes if released. Considered at your hearing is any information that deals with this question. This information may include, for example, the pre-sentence report, the judge's remarks when you were sentenced, the comments of the Prosecutor, a statement by the victim of the crime, all information about what you have done in the institution, both good and bad, and your parole plan. Also, it may include anything you want to present for consideration. Since a limited number of hearings are scheduled each day, you are given as much time as you need, within reason, to present your case.

20. Can anyone else be with me at my hearing?

No. No one is permitted in the room during your hearing except Board staff and the county jail staff person who acts as the parole liaison. But if you need an interpreter, arrangements will be made. You cannot have an attorney present, but your attorney, like anyone else, can submit a letter to the Board panel on your behalf.

21. You said I would see a hearing officer first. Do I have more than one parole hearing?

It depends on the outcome of the initial parole hearing. At the conclusion of the initial parole hearing, if the hearing officer determines that there is a good chance that you will not commit another crime, he can recommend you for parole release. This parole recommendation is reviewed by at least one Board member. If your offense is serious, i.e. a first or second degree crime, the parole recommendation is reviewed by two Board members or one Board member and one Senior Hearing Officer. If the recommendation is accepted, you will not need another hearing and you will be released on parole. You will be notified in writing by the Board of the decision to release you on parole, your release date, and any special conditions which you must comply with.

If the hearing officer determines that there is a good chance that you will commit another crime, if paroled, you will be scheduled for a hearing before a special Board panel.

22. What if I am recommended for parole but the reviewing panel member(s) does not agree with the hearing officer's recommendation?

A hearing officer can only recommend you for parole. If the reviewing Board member(s) or Board member and Senior Hearing Officer feel that there is evidence indicating that there is a substantial likelihood that you would commit a crime if released on parole, then your case will be scheduled for a panel hearing.

23. What happens at a panel hearing?

You will appear before a panel of two Board members or a special panel consisting of a Board member and a Senior Hearing Officer. The hearing will usually take place within a reasonable time after your initial hearing. The panel members will review your case with you and, upon the conclusion of the hearing, they will advise you of their decision.

24. What are the possible results of a panel hearing?

After your hearing with the panel, the panel can make one of the following determinations:

- (a) Grant parole and set a parole release date:

The panel can give you a release date as soon as practicable after the parole eligibility date or, if the parole eligibility date has passed, as soon as practicable from the date of the panel hearing. The panel members may also establish appropriate pre-release conditions which you must comply with prior to your parole release or appropriate special conditions which you must comply with while on parole;

(b) Deny parole:

The panel can deny parole. Upon parole being denied, the panel will either establish a future parole eligibility date upon which you will next be eligible for parole or will direct you to serve the balance of your sentence;

(c) Defer a decision for further information:

The panel can defer (postpone) a decision because it needs more information. The deferral cannot be more than 30 days from the date of the hearing without the approval of the Board. Once the needed information is obtained, the panel will make a decision. Prior to making a decision, the panel may decide to meet with you in person to discuss the information received with you.

You will be told the panel's decision and you will receive it in writing at the end of your hearing or within 21 days of the panel hearing or within 21 days from the date the decision is made if a decision was originally deferred. If the panel decides to deny you parole, the panel will specify in its written decision its reasons for denying you parole.

25. Can I appeal the decision to deny me parole?

You can appeal a decision to deny you parole to the Board if the panel failed to document by a preponderance of the evidence that it is likely you will commit a new crime. You can also appeal if any decision was against Board policy or did not follow Board procedures, or if a panel member had a personal interest in your case and that interest may have affected the decision, or if the panel failed to consider significant facts, or if the panel considered incorrect information.

See Appendix Two for details on appeals.

26. What if I have a detainer against me?

You cannot be denied parole just because of a detainer, but the panel can note the detainer when it is considering your case. If you are paroled with a detainer, you will be paroled only to the custody of the court or agency that put the detainer on you.

27. What are parole conditions?

Being released on parole means that you have the privilege of doing the remainder of your sentence in the community under the supervision of a parole officer. Because you are still serving your sentence on parole, there are rules you must follow. These rules are printed on your parole certificate and apply to every parolee. For example, you must obey all laws, live in an approved residence and report to your parole officer. Further, the panel may impose additional special

conditions, based upon the individual circumstances of your case, which you must also follow.

28. What is public service?

The parole law authorizes the Board panel to impose as a special condition, if deemed appropriate, the performance of public service. If such a special condition is imposed in your case, you will be required to perform volunteer work at a public or private non-profit agency in the community. Depending on the work-site chosen as your community-service activity, you may be required to perform your volunteer work during the evenings and on weekends.

Parole Rescission Process

29. Can I lose my release date after I get it?
30. How does the Board panel take away (rescind) a release date?
31. What is a rescission hearing?
32. What are the possible results of a rescission hearing?

29. Can I lose my release date after I get it?

Yes. This can happen if you get an additional sentence which results in a change in your parole eligibility date. In cases involving an additional sentence, you will be relisted for a hearing when you are eligible for parole on all sentences. If you violate institutional rules or if significant information not previously considered is brought to the Board panel's attention and there is good cause for the panel to reconsider the prior decision granting you parole, your parole release date may be taken away (rescinded).

30. How does the Board panel take away (rescind) a release date?

The Board panel can take away (rescind) a release date after giving you a rescission hearing. A rescission hearing is usually held when an inmate commits a serious violation of institutional rules after reviewing a parole release date, or when new, significant information not previously considered comes to light after parole release has been granted.

If a rescission hearing is going to be conducted, the panel will advise the county jail authorities and the Bureau of Parole that you will not be released on the scheduled date. You will be given written notice that a rescission hearing will be held and you will be informed of your rights.

31. What is a rescission hearing?

The rescission hearing is the procedure by which the Board panel will determine if your being found guilty of a violation of institutional rules or if any other new information is good reason for the panel to take away your release date because of the likelihood that you will commit another crime. The hearing is conducted by a hearing officer and at the hearing you will have the opportunity to fully discuss your case. Upon the conclusion of the hearing, the hearing officer will submit a summary report regarding your case to the panel members.

32. What are the possible results of a rescission hearing?

Upon reviewing the hearing officer's summary report, the panel members may either: (1) direct that you keep your release date or establish a new date if your original date has passed; (2) take away (rescind) your release date and give you a new release date; (3) take away (rescind) your release date and give you a new eligibility date; or, (4) take away (rescind) your release date and direct you to serve the balance of your sentence.

Parole Supervision and Revocation Process

33. How long will I be on parole?
34. What happens if I also received a probationary term?
35. What happens if I do not follow the parole rules?
36. What if I am charged with a crime while I am on parole?
37. When can my parole be revoked because of a pending criminal charge(s)?
38. When can my parole officer issue a warrant for my arrest?
39. What happens if I am arrested on a parole warrant?
40. What is the purpose of a probable cause hearing?
41. What if I am convicted of a new crime?
42. What is the purpose of the revocation hearing?
43. When will the revocation hearing be conducted?
44. Can I have a lawyer at the revocation hearing?
45. What happens after a revocation hearing?
46. What can the Board panel do to me after my hearing?
47. Do I lose my "street time" if my parole is revoked?

33. How long will I be on parole?

You will remain on parole status until you reach the maximum date on your custodial sentence. Your maximum date will be computed by the county jail authorities at the time of your release on parole.

34. What happens if I also received a probationary term?

You will be under the supervision of the Bureau of Parole during the service of your parole status. Once the custodial sentence expires, your case will then be transferred to the county probation department for supervision on your probationary term.

35. What happens if I do not follow the parole rules?

When you are paroled, you must sign a parole certificate and by doing so you promise to obey the parole rules. If you break the rules, your parole officer can warn you and keep working with you; or, after reviewing your case with his supervisor, your parole officer can decide the violation of the rules is of such a nature which requires an adjustment session with you; or, if the problem is serious or persistent, your parole officer can decide to implement the parole revocation process.

36. What if I am charged with a crime while I am on parole?

Contact your parole officer. Your parole cannot be revoked just because you have been arrested and charged. You can make bail or be released on your own recognizance. Your parole officer will not put a warrant on you just because of a new criminal charge except in one special case (see Question 37). It is unwise not to report to your parole officer because of a new arrest or charge.

37. When can my parole be revoked because of a pending criminal charge(s)?

If the Board receives a request from the Prosecutor to implement the revocation process, the Chairperson or his designee will decide whether a warrant will be issued to detain you and whether you will receive a revocation hearing before trial. If there is no request from the Prosecutor, the Board cannot take any action until the new criminal charge(s) is disposed of. If the Chairperson or his designee decides that a revocation hearing should be conducted upon the Prosecutor's request, a warrant will be authorized for your apprehension and detention. Upon your being placed in custody on the warrant, you will be provided with a probable cause hearing, and if probable cause is found, you will receive a revocation hearing. At the revocation hearing, there will have to be established clear and convincing evidence that you did commit a crime before your parole can be revoked.

38. When can my parole officer issue a warrant for my arrest?

In addition to the Board authorizing a warrant on the request of a Prosecutor (see Question 37), your parole officer can request that a

warrant be issued if he has probable cause to believe that you have seriously or persistently violated the parole conditions, and where evidence indicates that you are a danger to public safety, or that you will not appear for a hearing.

39. What happens if I am arrested on a parole warrant?

If you are arrested on a parole warrant, you should have a probable cause hearing within 14 days. Once you are in custody under a parole warrant, you cannot be released on bail.

40. What is the purpose of a probable cause hearing?

The purpose of the hearing is to determine if there is probable cause to believe that you have violated a parole condition and to decide if you should be detained for a revocation hearing. The hearing is conducted by a hearing officer who is usually a parole officer not previously involved in the supervision of your case. At the end of the hearing, the hearing officer will advise you of his decision. Either the warrant will be lifted and you will be released from custody, or you will be held for a revocation hearing.

Prior to the hearing being conducted, you will receive notification of the date of the hearing, the alleged violation(s) to be considered, and the rights that you have at your hearing. You may, if you wish, be represented by an attorney at the probable cause hearing.

41. What if I am convicted of a new crime?

If you are convicted of a crime while on parole, you will have a revocation hearing. A probable cause hearing will not be conducted.

If you receive a suspended sentence or time served, your parole officer can decide to permit you to remain in the community pending the revocation hearing. The hearing will be held in the parole office or some other convenient location. If you receive a new custodial sentence, the hearing will be conducted at the facility in which you are confined.

42. What is the purpose of the revocation hearing?

If you have not been convicted of a crime, then the purpose of the hearing is to determine if you have violated any parole condition. This hearing is conducted by a hearing officer who is an employee of the Board. The hearing officer will evaluate the evidence introduced at the hearing and will determine if you are in violation of your parole. At the hearing, you will have the opportunity to contest the alleged violation(s) and present evidence on your own behalf. If you do not contest the alleged violation(s), you can still offer any mitigating evidence or explanation that you want the Board panel to consider.

If you have been convicted of a crime committed while on parole, you have violated your parole. In this case, the hearing is to give you a

chance to explain your case and advise the Board panel through the hearing officer of anything you think the Board panel should know when it decides your case. If you can prove that there is "good cause" why your parole should not be revoked, this is your opportunity to do so.

43. When will the revocation hearing be conducted?

The hearing will usually be conducted within 60 days of your arrest on the parole warrant or the date of sentencing for a crime committed while on parole. Prior to the hearing date, you will receive notification of the time, date and location of the hearing, the alleged violation(s) to be considered and the rights that you have at the hearing.

44. Can I have a lawyer at the revocation hearing?

You are entitled to an attorney at your revocation hearing. If you cannot afford a private attorney, you can be represented by a public defender. You will be informed of your right to be represented by an attorney when you receive notification of the hearing being scheduled (see Question 43).

45. What happens after a revocation hearing?

After the hearing, the hearing officer prepares and submits a written report to the Board panel. A copy is sent to your attorney or directly to you if you were not represented by an attorney. Any objections or additions to the report which you or your attorney may have should be sent in writing to the Board panel within seven days of receiving the report. Upon submission of the summary report to the Board panel, the Board panel will review the report and render a decision. A decision will usually be made within 21 days from the date of the revocation hearing.

46. What can the Board panel do to me after my hearing?

The Board panel will determine whether to revoke your parole status or continue you on parole status. If parole is revoked, you will not be eligible for parole during the remainder of your sentence. If the Board panel decides not to revoke your parole status you will be released from custody and possibly, your parole conditions may be modified. The Board panel may also decide to continue your parole status and release you from custody without modifying the parole conditions.

47. Do I lose my "street time" if my parole is revoked?

Yes. The parole law requires that any inmate sentenced to a term of incarceration in a county penal institution who is granted parole and whose parole is revoked not be credited for any time served during that parole. Therefore, if your parole is revoked, you will have to serve in custody the time period that you were allowed to be in the community on parole status.

APPENDIX ONE - (a)

How to Compute a Parole Eligibility Date

To compute your parole eligibility date, follow these steps:

1. Determine the date on which your sentence started. The starting date usually is the date your sentence is imposed.
2. Add to this date one-third of the sentence imposed. For example, if you received a 9 month term, add 3 months to the date your sentence started. However, if you were given a mandatory-minimum term, see Step 3.
3. If you have a mandatory-minimum (parole ineligibility) term, add this to the date your sentenced started.
4. From the mandatory-minimum term or the one-third of your sentence, whichever is greater, subtract any jail credit which the sentencing judge gave you. If you are serving a mandatory-minimum term, the resulting date is your parole eligibility date.
5. Remember that there is a 60 day restriction on a county sentence.
6. The only way the 60 day restriction or a mandatory-minimum term is reduced is by the application of jail credits.
7. Subtract any commutation (good time) credit from one-third of the sentence. Remember, commutation credit is awarded on the balance of time computed by subtracting jail credit from one-third of your sentence. You receive one day credit for every six days of the balance of the time period.
8. Subtract any credit earned for work performed. Remember, you earn one day credit for every five days of work performed.
9. Subtract any credit earned for being in minimum custody status. Remember, you earn one day for every ten days you are in minimum custody.
10. Keep in mind that commutation (good time), work and minimum custody credits do not reduce the 60 day restriction term or a mandatory-minimum term.
11. The date that is reached by following the above steps is your parole eligibility date and the date on which you could be released on parole, if parole is granted.

APPENDIX ONE - (b)

EXAMPLE I

- A. An offender is sentenced to a term of 360 days in a county jail on January 2, 1987. The first step is to start 120 days, which is one-third (1/3) of 360 days, on the date of sentence.

120 days starting on January 2, 1987 = May 1, 1987

- B. The second step is to subtract jail credit. If the sentencing judge awarded 18 days jail credit, then 18 days are subtracted from May 1, 1987.

May 1, 1987 - 18 days jail credit = April 13, 1987

- C. The third step is to calculate commutation credit and subtract them. In this example, commutation credit is based on 102 days which is the balance of time established by subtracting 18 days jail credit from 120 days (one-third of the sentence). On 102 days, 17 days commutation credit are allowed.

April 13, 1987 - 17 days commutation credit = March 27, 1987

- D. To reach an actual parole eligibility date, actual earned work and minimum custody credits must be subtracted from the date of March 27, 1987. For example, if the inmate worked a total of 50 days in January and February, 1987, the inmate earned 10 days of work credit. If the inmate was in minimum custody status from January 30 to February 28, 1987, he earned 3 days minimum custody credit. These credits are subtracted from the date of March 27, 1987.

March 27, 1987 - 13 days credit (10 days work + 3 days minimum custody) = March 14, 1987

The date of March 14, 1987 is the actual parole eligibility date based on credits earned up to the end of February, 1987.

APPENDIX ONE - (a)

How to Compute a Parole Eligibility Date

To compute your parole eligibility date, follow these steps:

1. Determine the date on which your sentence started. The starting date usually is the date your sentence is imposed.
2. Add to this date one-third of the sentence imposed. For example, if you received a 9 month term, add 3 months to the date your sentence started. However, if you were given a mandatory-minimum term, see Step 3.
3. If you have a mandatory-minimum (parole ineligibility) term, add this to the date your sentenced started.
4. From the mandatory-minimum term or the one-third of your sentence, whichever is greater, subtract any jail credit which the sentencing judge gave you. If you are serving a mandatory-minimum term, the resulting date is your parole eligibility date.
5. Remember that there is a 60 day restriction on a county sentence.
6. The only way the 60 day restriction or a mandatory-minimum term is reduced is by the application of jail credits.
7. Subtract any commutation (good time) credit from one-third of the sentence. Remember, commutation credit is awarded on the balance of time computed by subtracting jail credit from one-third of your sentence. You receive one day credit for every six days of the balance of the time period.
8. Subtract any credit earned for work performed. Remember, you earn one day credit for every five days of work performed.
9. Subtract any credit earned for being in minimum custody status. Remember, you earn one day for every ten days you are in minimum custody.
10. Keep in mind that commutation (good time), work and minimum custody credits do not reduce the 60 day restriction term or a mandatory-minimum term.
11. The date that is reached by following the above steps is your parole eligibility date and the date on which you could be released on parole, if parole is granted.

APPENDIX ONE - (b)

EXAMPLE I

- A. An offender is sentenced to a term of 360 days in a county jail on January 2, 1987. The first step is to start 120 days, which is one-third (1/3) of 360 days, on the date of sentence.

120 days starting on January 2, 1987 = May 1, 1987

- B. The second step is to subtract jail credit. If the sentencing judge awarded 18 days jail credit, then 18 days are subtracted from May 1, 1987.

May 1, 1987 - 18 days jail credit = April 13, 1987

- C. The third step is to calculate commutation credit and subtract them. In this example, commutation credit is based on 102 days which is the balance of time established by subtracting 18 days jail credit from 120 days (one-third of the sentence). On 102 days, 17 days commutation credit are allowed.

April 13, 1987 - 17 days commutation credit = March 27, 1987

- D. To reach an actual parole eligibility date, actual earned work and minimum custody credits must be subtracted from the date of March 27, 1987. For example, if the inmate worked a total of 50 days in January and February, 1987, the inmate earned 10 days of work credit. If the inmate was in minimum custody status from January 30 to February 28, 1987, he earned 3 days minimum custody credit. These credits are subtracted from the date of March 27, 1987.

March 27, 1987 - 13 days credit (10 days work + 3 days minimum custody) = March 14, 1987

The date of March 14, 1987 is the actual parole eligibility date based on credits earned up to the end of February, 1987.

APPENDIX ONE - (c)

EXAMPLE II

- A. An offender is sentenced to a term of 360 days in a county jail on January 2, 1987. The term includes a mandatory-minimum term of 180 days. Since the mandatory-minimum term is greater than 120 days (1/3 of the sentence), the mandatory-minimum term is the eligibility term. The first step is, therefore, to start the mandatory-minimum on the date of sentence.

180 days starting on January 2, 1987 = June 30, 1987

- B. The second step is to subtract jail credit. If the sentencing judge awarded 18 days jail credit, then 18 days are subtracted from June 30, 1987.

June 30, 1987 - 18 days jail credit = June 12, 1987

- C. Remember that commutation, work and minimum custody credits do not reduce a mandatory-minimum term. Therefore, the actual parole eligibility date is June 12, 1987.
- D. In situations where one-third of a sentence is greater than the mandatory-minimum term imposed, you will have to compute the parole eligibility date based on one-third of the sentence less jail, commutation, work and minimum custody credits and based on the mandatory-minimum term less jail credit only. The longer of the two dates is the controlling parole eligibility date.
- E. In no case may a county inmate be released on parole prior to the expiration date of a mandatory-minimum term.

APPENDIX ONE - (d)

EXAMPLE III

- A. An offender is sentenced to a term of 120 days in a county jail on January 2, 1987. Since one-third of the sentence or 40 days is less than the mandatory restriction term of 60 days, the 60 day restriction term is the eligibility term. The first step is, therefore, to start the 60 day restriction term on the date of sentence.

60 days starting on January 2, 1987 = March 2, 1987

- B. The second step is to subtract jail credit. If the sentencing judge awarded 18 days jail credit, then 18 days are subtracted from March 2, 1987.

March 2, 1987 - 18 days = February 12, 1987

- C. Remember that commutation, work and minimum custody credits do not reduce the 60 day restriction term. Therefore, the actual parole eligibility date is February 12, 1987.
- D. In no case may a county inmate be released on parole prior to the expiration date of the 60 day restriction. In cases where the application of commutation, work and minimum custody credits on one-third of the sentence would reduce the eligibility date below the expiration date of the 60 day restriction term, the expiration date of the 60 day restriction term is the controlling parole eligibility date.

APPENDIX TWO

The following is a short explanation of how an inmate can request reconsideration of or appeal from a decision of a Board hearing officer or the Board panel:

- A. You can request reconsideration of any decision of a hearing officer or the Board panel for the following reasons:
1. Significant information was not considered; or
 2. Inaccurate information was considered and it affected the decision.
- B. You can appeal to the full Board a decision of the Board panel denying you parole if:
1. Important information was not considered, or the panel failed to document that a preponderance of the evidence shows that there is a substantial likelihood that you would commit a crime if released; or
 2. The decision did not follow the Board's policies or procedures; or
 3. A Board panel member or hearing officer had a personal interest in your case and this affected the decision.
- C. You can appeal to the full Board a decision of the Board Panel revoking your parole if:
1. The Board panel failed to consider material facts or failed to document that you seriously or persistently violated conditions of parole; or
 2. The Board panel failed to show, other than when revocation is for a new criminal conviction, that revocation is desirable; or
 3. The decision is contrary to Board policy or procedure.

Appeals should be sent in writing to the Board as soon as possible after a decision and should include reference to the date of the decision being appealed as well as the reason(s) for the appeal.