

CRIMINAL DISPOSITION COMMISSION

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October 23, 1986

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Governor of the State of New Jersey

The Honorable John F. Russo
President of the Senate
of the State of New Jersey

The Honorable Chuck Hardwick
Speaker of the General Assembly

Members of the Legislature
of the State of New Jersey

The Criminal Disposition Commission was established in 1979 by the legislative enactment of Title 2C, Chapter 48 of the New Jersey Code of Criminal Justice. The Commission is charged with studying and reviewing all aspects of the criminal justice system relating to the disposition of criminal offenders. It is required to file an annual report with the Governor and the Legislature concerning its findings and recommendations.

On behalf of the Commission, I am pleased to submit its Fifth Annual Report. It describes the organization and activities of the Commission and summarizes its concerns and recommendations.

The Commission continued to concentrate much of its effort on issues of prison overcrowding, fairness in sentencing, public education on the functioning of the criminal justice system, and the information needs of criminal justice policy makers.

The Commission continues to study, via its Sentence Disparity Committee, the issues of

sentencing fairness and variability. In the Spring of 1985, the Commission began a preliminary study of the relationship of offender and offense characteristics to sentences pronounced. The study examines variables believed to impact upon the sentencing decision for burglary and assesses the extent to which they account for variation in sentencing. Data collection and preliminary analyses have been completed; further analyses are in progress.


The Commission, by means of its Data and Alternatives to Incarceration committees, has conducted analyses of the impact of proposed legislation and statute revisions on the overall criminal justice system and has disseminated these analyses periodically to the Governor, individual legislators, legislative committees and staff.

In order to serve as a resource for public and professional education in the criminal justice system, the Commission sponsored its Second Annual Criminal Justice Conference. This year's conference theme, "CDC Examines Legislative and Judicial Trends: Impact and Response", attempted to provide both the public and criminal justice professionals with an understanding and overview of the major decisions affecting offender dispositions in New Jersey.

The Commission recommends your attention to needed improvements in the statistical reporting system serving criminal justice agencies; additional programs providing alternatives to confinement; and the filling of one public member vacancy on the Commission with a member of the minority community. On pages 15-17 of the report the recommendations made last year are summarized, with partial progress toward their implementation reported.

Your consideration of the Commission's recommendations will be appreciated.

Sincerely,



Don M. Gottfredson
Chairman

DMG:cs

CRIMINAL DISPOSITION COMMISSION
1986 ANNUAL REPORT
To The
Governor and Legislature

October 23, 1986

ACKNOWLEDGEMENT

Special acknowledgement is given to former members of the Criminal Disposition Commission who have devoted many years of service and have contributed to the activities discussed in this report.

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Hon. John A. Lynch, State Senator,
17th District

Hon. Frank M. Pelly, Assemblyman,
18th District

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 - Senate Bill No. 1257

I. The Criminal Disposition Commission

Background Information

The Criminal Disposition Commission was created by the Legislature "... to study and review all aspects of the criminal justice system relating to the disposition of criminal offenders, including but not limited to terms of imprisonment, fines and other monetary punishments, parole, probation and supervisory treatment." (See N.J.S.A. 2C:48-2) Since its inception, the Commission has assumed a criminal justice system planning and coordination role. The Commission has concentrated on post-dispositional and state-level concerns and has focused on the following functions: data analysis to provide information for policy decisions, planning and coordination, and legislative reviews.

The Commission has established working relationships among the various units of the criminal justice system. This has allowed the Commission to develop detailed methods of reporting to the Governor and Legislature and the Commission has done so on numerous occasions.

II. Membership and Organization

A. Membership

In accordance with P.L. Chapter 36, 1986 which revised N.J.S.A. 2C:48-1, the Criminal Disposition Commission consists of 12 members:

Members of the Senate (2):

Members of the General Assembly (2):

The Chief Justice, or his designee:

The Attorney General, or his designee:

The Public Advocate, or his designee:

The Chairman of the Parole Board, or his designee:

The Commissioner of the Department of Corrections, or his designee:

The President of the N.J. Prosecutor's Association, or his designee:

And Public Members (2).

With the exception of one vacant public member position, all of the membership positions have been filled.

Don M. Gottfredson, Ph.D., Professor at the School of Criminal Justice, Rutgers, The State University has served as Commission Chairman and designee of the Chief Justice since June, 1984. A current listing of Commission members, staff and observers is provided at the end of this report.

B. Organization

The Commission was recently appropriated funds for several full-time staff positions. Subsequently, a full-time administrative staff consisting of a staff coordinator, secretary, and an administrative analyst has been acquired. An additional position, a data processing programmer should be filled in the near future.

Under the supervision of the Chairman of the Criminal Disposition Commission this administrative staff is responsible for the overall coordination of the Commission's activities. Responsibilities include providing assistance in research studies and the collection, analysis and interpretation of data; report preparation; writing and testing of computer programs; as well as all other administrative requirements of the Commission. The staff coordinator and secretary positions are located at the Commission's administrative office in Newark, while the administrative analyst and data processing programmer positions are located in Trenton at the Department of Corrections, Office of Policy & Planning and the State Police, Data Analysis Center, respectively.

The standing committees of the Commission are the Criminal Justice Statistics (Data) Committee, the Alternatives to Incarceration Committee, the Sentence Disparity Committee, and the Education Committee. With the staff support described above, the Commission has attempted to undertake the additional responsibilities of long-range planning as mentioned in the Governor's Management Improvement Program as well as continue to address issues of criminal justice statistics, alternatives to incarceration, sentencing disparity, and education.

Committees meet monthly to prepare reports and review issues prior to the regularly scheduled monthly meeting of the Commission. At its regularly scheduled meeting, the third

Wednesday of each month, the Commission members, observers and staff discuss Committee reports, conduct general business, and plan the future work agenda.

General goals of the Commission are to:

- . increase equity in the criminal justice system;
- . investigate disparity and discrimination and propose remedial action if necessary;
- . decrease jail and prison crowding and increase criminal justice management effectiveness;
- . provide education to the public and legislature about the criminal justice system;
- . develop long-range planning capabilities for improved criminal justice system response to problems of crime.

The Commission endeavors to enhance its ability to serve as a resource for providing long-range planning and coordination services for the State's criminal justice system and to assist policymakers in evaluating the criminal justice system and deciding future policy needs.

III. Committees

A. **Criminal Justice Statistics (Data) Committee**

i. Criminal Justice Statistics

The Criminal Disposition Commission, from its inception, has relied upon statistical reports from the diverse agencies and organizations which make up

the Criminal Justice System. Timely and accurate statistics are vital if the Commission is to fulfill its legislative mandate and if it is to continue to produce valid and reliable reports thru the year. The Administrative Office of the Courts, the Department of Corrections and the State Parole Board, among others, have made regular monthly contributions of statistical data to the Commission (see Appendix A). These contributions have made it possible for the Commission to follow a wide range of developments that are occurring in New Jersey's Criminal Justice System. These developments include, but are not limited to, the tracking of trends from arrest, indictment, conviction, sentencing, commitment and parole as well as the effects of these trends upon different component populations, i.e. county jail, prison, probation and parole populations.

Fiscal 1986 saw 20,024 offenders being sentenced in the state's Superior Courts. This figure is 720 higher than the 19,476 sentenced during fiscal 1985. Of these offenders, 48% received custodial terms in FY '85 compared to 50% in FY '86. As could be expected, increases in county jail populations and in the numbers of inmates responsible to the Department of Corrections were also evident. By the end of FY '86,

the state's county jails held 8,646 inmates compared to 7,596 the previous year. The Department of Corrections count grew by over 1,500 to a total of 14,775 inmates. As the number of inmates entering the Department of Corrections has increased, so has the number leaving by way of parole. During FY '86 there were 4,738 inmates paroled from the state system which was 437 more than the previous year. These increases swelled the number of parolees supervised by the Bureau of Parole to 15,216 (June 30, 1986) up from the previous fiscal year's count of 14,632.

As the preceding vividly portrays, the entire system continues to grow. The stresses and strains within the system and the dynamics of its growth are important elements in the Commission's ongoing studies. Continued accurate statistical input is fundamental to the Commission's purpose and daily functioning.

ii. Court Disposition Reporting (C.D.R.) System

The Commission's recommendation that the Court Disposition Reporting (CDR) System be modified has resulted in an assessment by the Division of Management Services, Office of Management and Budget (OMB) of the current criminal disposition reporting environment. In congruence with our recommendation

that modifications be made to ensure the inclusion of all relevant and necessary case information and comportment of input documents and software to the N.J. Code of Criminal Justice and statistical analysis, the OMB report indicated the need for a more complete and coherent data base. The OMB assessment, which is included in Appendix B, identified assumptions regarding the opinions of the criminal disposition user community and issues that should be addressed prior to further project development.

The Attorney General's Office is expected also to comment on the Court Disposition Reporting System and the Office of Management and Budget assessment. The Commission is appreciative to both agencies for their assistance in the pursuit of the establishment of a central state level information system.

iii. Prison Population Projections

Analyses of current and projected prison populations and the development of viable projection techniques have recently become major concerns of this Committee. The Commission, in collaboration with the Department of Corrections, has been involved actively in the development of an improved prison population projection model. This has included the assessment of various projection methods that may generate reliable

projections within tolerable ranges of accuracy.

Members of this Committee participated in training sessions on prison population projection models and methods, and the Commission retained two renowned consultants in the area of prison population projections. These consultants met with Commission staff and Department of Corrections representatives to offer technical assistance regarding the refinement of methods for projecting future prison population growth.

Provisions were made for a Commission representative to attend the National Council on Crime and Delinquency (NCCD) Correctional Population Projection Users Workshop held in San Francisco, L.A., August 7-8, 1986. This workshop represented an intensive session on NCCD's computerized simulation model. This model is used widely in other jurisdictions and has been quite accurate in making ten year projections as well as helpful in simulation studies to determine the expected effects of pending legislation and administrative policies. A promising software package named IMPACT is currently being explored.

iv. Legislative Impact Studies

The Data Committee has conducted impact analyses of

two pending legislative proposals that could substantially affect prison population growth. The Committee has completed analyses of the impact of Senate Bill No. 683 and Senate Bill No. 1661. Senate Bill No. 683 "An Act concerning the penalties for manufacturing, distributing or dispensing controlled dangerous substances and amending section 19 of P.L. 1970, C.226", would establish mandatory minimum sentences for certain drug offenses. This bill subsequently was passed in the Senate and is presently under consideration in the Assembly.

Senate Bill No. 1661 "An Act concerning the penalties for aggravated manslaughter and kidnapping and amending sections N.J.S. 2C:11-4, N.J.S. 2C:13-1, N.J.S. 2C:43-7, and N.J.S. 2C:44-1", would increase the terms of imprisonment for crimes of aggravated manslaughter and kidnapping. This bill was also recently passed in the Senate and currently is being reviewed by the Assembly.

The Commission's reports regarding the impact of these proposed legislative changes are included in Appendix C.

B. Alternatives to Incarceration Committee

i. Alternative Disposition Programs

In its May, 1985 report the Alternatives to

Incarceration Committee urged the strengthening of probation and parole and the implementation of additional dispositional options to traditional incarceration. The Commission believes that this two-fold approach to improving community corrections will enhance the effectiveness and credibility of probation and parole and will assist in the alleviation of prison overcrowding.

The Commission commends the continued utilization of Intensive Supervision Programs (ISP) in the areas of probation and parole, the recent establishment of the Intensive Supervision and Surveillance Program (ISSP) and the Essex County Local Intensive Probation Supervision Effort (ECLIPSE). With the exception of these programs, however, review of community correction programs subsequent to the Committee's report indicates minimal use of the viable disposition options recommended by the Committee. Although provisions for an increase in resources for the strengthening of parole and probation appears unlikely, at least in the near future, the Commission urges strongly that all attempts be made to maintain the current level of resources, while encouraging further developments in this area.

ii. Legislative Reviews

The Alternatives to Incarceration Committee has reviewed and evaluated several proposed policy changes initiated in the Legislature. The Commission has reported to the Governor and the Legislature on the expected impact of the legislation proposed.

In its report on N.J.S. 30:4-123.51, "Eligibility for Parole Computation; Notice to Inmate; Acknowledgment of Receipt", the Commission examined the equity and practicality of this statute. The current provision of subsection(g.) of this statute provides for a nine month automatic parole disqualifier for inmates sentenced to the State Prison or the correction institution for women. Based on the results of an impact study the Commission recommended the deletion of this provision regarding the parole eligibility of offenders.

The Commission also reviewed Senate Bill #3181, "An Act Concerning the Fingerprinting and Photographing of Certain Persons and Amending R.S. 53:1-5" (1985 Legislative session). This bill proposed the fingerprinting of persons charged with or arrested for both indictable and non-indictable criminal offenses. The Commission requested that in its deliberations the Legislature give consideration to concerns of: an

individual's right to privacy, an administrative overburdening of the criminal justice system, additional processing and administrative expenses; and increased expungement requests.

The Commission also submitted to the sponsor its concerns regarding Senate Bill #1257: "An Act concerning harassment and amending N.J.S. 2C:33-4". The bill proposes an upgrade of the offense of harassment from a petty disorderly to a disorderly offense, increasing both the maximum sentence and fine from thirty days to six months and \$500.00 to \$1,000.00 respectively. Noting the potential impact of the legislation on the county jail population growth the Commission urged consideration be given also to the appropriateness of the increase in the length of sentence.

Commission reviews of each of the above legislation are presented in Appendix C of this report.

C. Sentencing Disparity Committee

i. Sentence Variability Study

In the Spring of 1985, the Commission initiated a pilot study to examine sentence variability. The study examined variables believed to impact upon the sentencing decision for the selected offense of burglary.

Our pilot study of sentences following convictions for burglary indicated that there is sufficient variance in sentences imposed to suggest the need for further examination of the factors that contribute to this judicial decision. None of the variables examined individually, however, accounted for enough of the variability to provide a basis for any conclusions concerning unwarranted disparity in the sentencing decision. Further analysis has resulted in the development of a multivariate statistical model that accounts for a significant amount of the variance in the sentencing decision as to confinement or not. Although this model identifies factors that are significant in sentencing determinations, further study will be required to permit any conclusions regarding undue disparity.

D. Education Committee

Through the efforts of the Education Committee and the assistance of various criminal justice agency representatives, the Commission sponsored its Second Annual Criminal Justice Conference. The conference theme, "CDC Examines Legislative and Judicial Trends: Impact and Response", attempted to broaden the public and criminal justice community's understanding of the Criminal Disposition Commission, key criminal justice agencies and major legal decisions affecting offender dispositions in New

Jersey.

In addition to State criminal justice representatives, the Commission was honored to have Dr. Charles Friel, of Sam Houston State University, serve as keynote speaker for the conference. Dr. Friel, a distinguished Criminal Justice consultant, has written extensively on criminal justice information systems, particularly in the areas of correctional forecasting and policy analysis. Dr. Friel's keynote address presented an enlightening overview of national sentencing trends, the cultural context in which current trends have developed, and the consequences of recent shifts to determinate sentencing legislation.

The conference provided resource materials and an opportunity for critical discussion of the major components of the New Jersey criminal justice system. The morning panel of distinguished panelists discussed current legislative initiatives, judicial decisions, and sentencing trends at the National and State Levels, while the afternoon panel addressed the impact on and response of the criminal justice system.

Public and criminal justice community participation in the conference was excellent though attendance by members of the State Legislature was less than anticipated. Comments by those attending indicated that the conference was interesting and informative, and the conference notebook presented useful information.

IV. Recommendations

In lieu of proposing additional recommendations, the Commission would like to review progress toward the implementation of previous recommendations reiterating those areas that must still be addressed.

In its fourth annual report (last year), the Commission submitted the following recommendations to the Governor and the Legislature:

- i. **Modify** the Court Disposition Reporting (C.D.R.) System to ensure that all relevant and necessary case information is contained in the system, and modify CDR input documents and software to ensure both comportment to the New Jersey Code of Criminal Justice and amenability to statistical analysis.
- ii. **Add** alternative programs to conventional corrections, such as intensive probation/parole supervision programs, community service sentences, and residential treatment programs.
- iii. **Amend** N.J.S.A. 2C:48-1 to enlarge CDC membership to include representatives from the county prosecutors office and/or local police; and
- iv. **Appoint** a member of the minority community to the one public member vacancy.

There has been substantial progress toward implementation of some of these recommendations. Others have yet to be addressed.

The Commission's recommendation that the CDR System be modified currently is being studied by the Office of Management and Budget as well as the office of the Attorney General. The Commission urges strongly that these evaluations of the CDR system should provide a basis for progress towards both short and long term improvements in the system. The goal is the provision of essential information on which to base policy decisions affecting the criminal justice system of New Jersey.

Attempts have been made to address the Commission's recommendation that alternatives to traditional correctional programs be developed. The State continues to use its Intensive Supervision Program (ISP) for probation and has recently established an Intensive Supervision and Surveillance Program (ISSP) for parolees. Essex County has established the first county ISP Program (called ECLIPSE, the Essex County Local Intensive Probation Supervision Effort). Much more must be done to strengthen traditional probation and parole programs via more resources, staffing, case management and classification although the programs discussed herein offer promising initiatives.

The Commission is pleased to report the recent adoption of Chapter 36, Laws of 1986, effective June 23, 1986. This legislation, originally introduced as Assembly Bill #1740 (1986) expanded the membership of the Commission to include the President of the New Jersey Prosecutor's Association or his designee. This expansion will enhance the Commission's ability

to better represent the overall criminal justice system.

The Commission repeatedly has urged the Governor to fill the one public member vacancy on the Commission with a member of the minority community. Noting recent judicial concerns regarding the problems experienced by racial, ethnic and cultural minorities in their relationship to the courts and the importance of the criminal justice system to the minority community in the State, the Commission believes that it is essential that minority representation be included in its membership.

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APPENDIX A
CRIMINAL JUSTICE STATISTICS REPORTS

CRIMINAL DISPOSITION COMMISSION
REPORT

SEPTEMBER, 1986

PREPARED BY
ADMINISTRATIVE OFFICE OF THE COURTS

New Jersey State Library

COMPARISON OF SENTENCING PATTERNS FROM 1984 - 1986

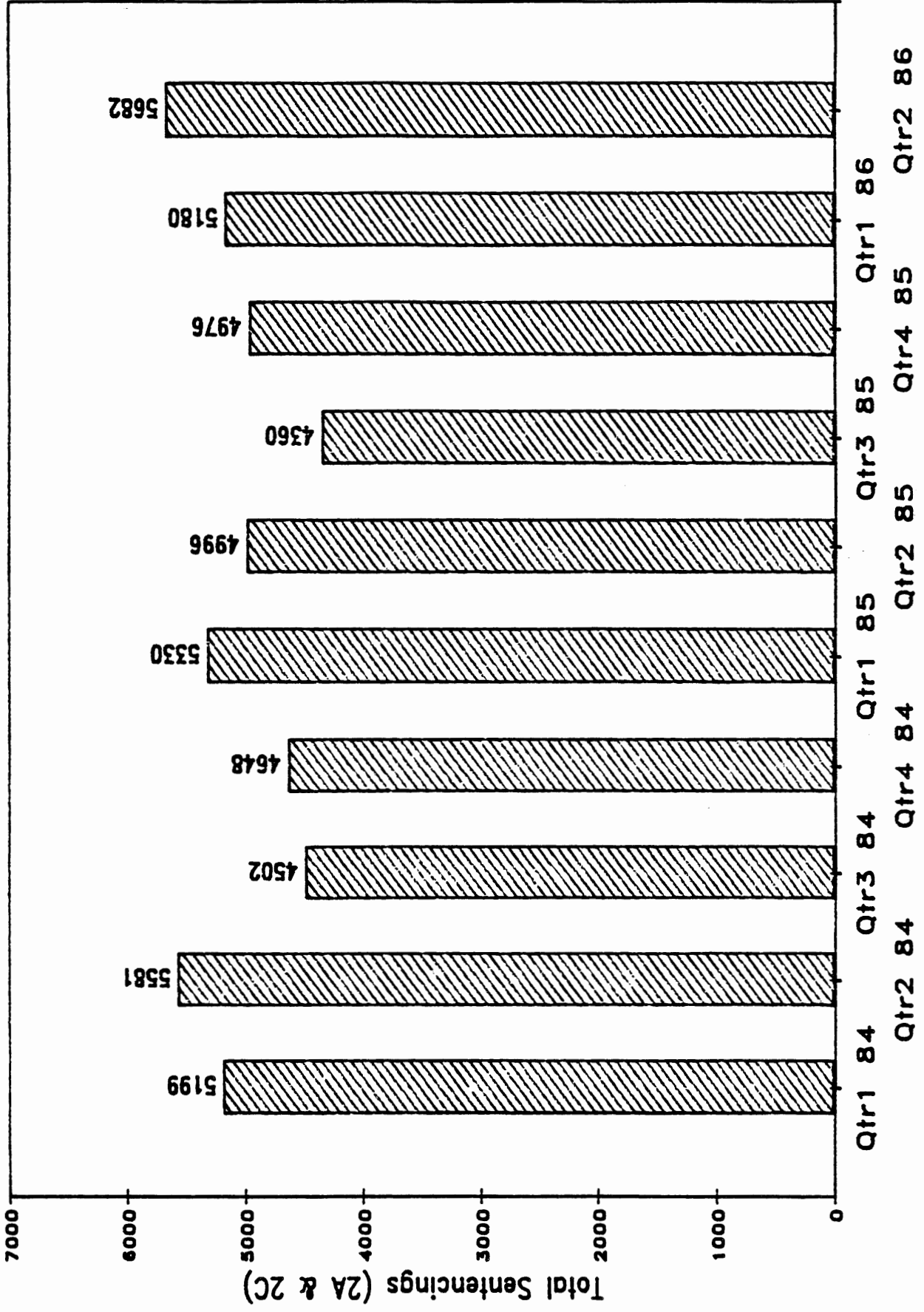
Title 2C and Title 2A Combined

	<u>1986*</u>	<u>1985</u>	<u>1984</u>
Total Sentencings	10,862	19,662	19,930
Percent Non-Custodial	52%	51%	51%
Percent Incarcerated	48%	49%	45%
Percent of Total Cases Sentenced to:			
County Institutions	22%	23%	21%
YRCC	4%	5%	6%
State Prison	22%	21%	22%
Percentage of Convictions by Degree			
1°	5%	6%	5%
2°	7%	7%	8%
3°	44%	43%	45%
4°	7%	8%	8%
All Other**	37%	36%	34%
	100%	100%	100%
Percent of State Prison Terms with Minimum Parole Eligibility Sentence	40%	43%	46%

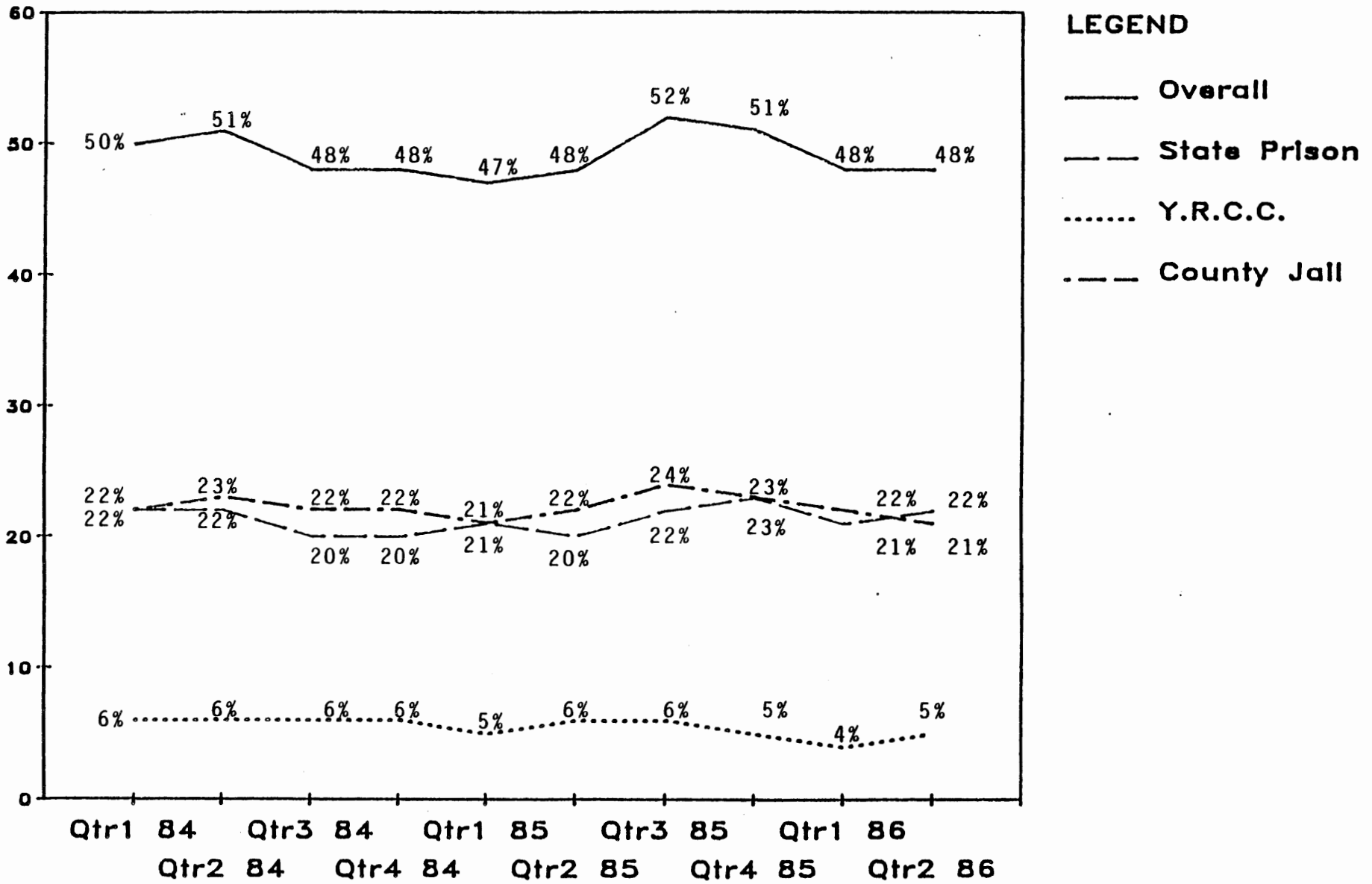
* Represents the period January 1, 1986 - June 30, 1986

** This category includes all other sentences rendered, such as sentencings under 2A, or sentences rendered pursuant to statutes not contained in Title 2C (e.g., drug offenses).

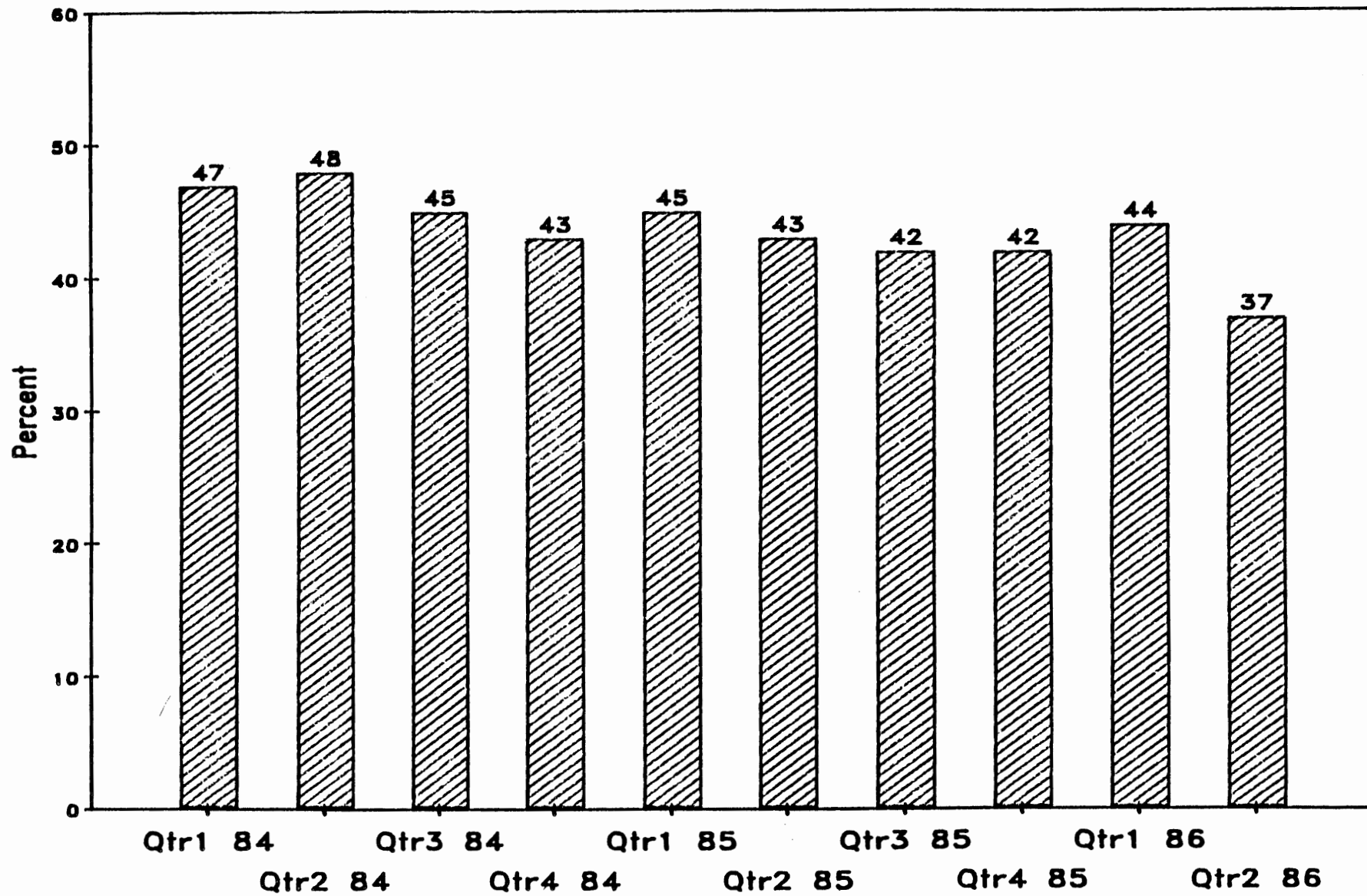
PROFILE OF SUPERIOR COURT SENTENCINGS



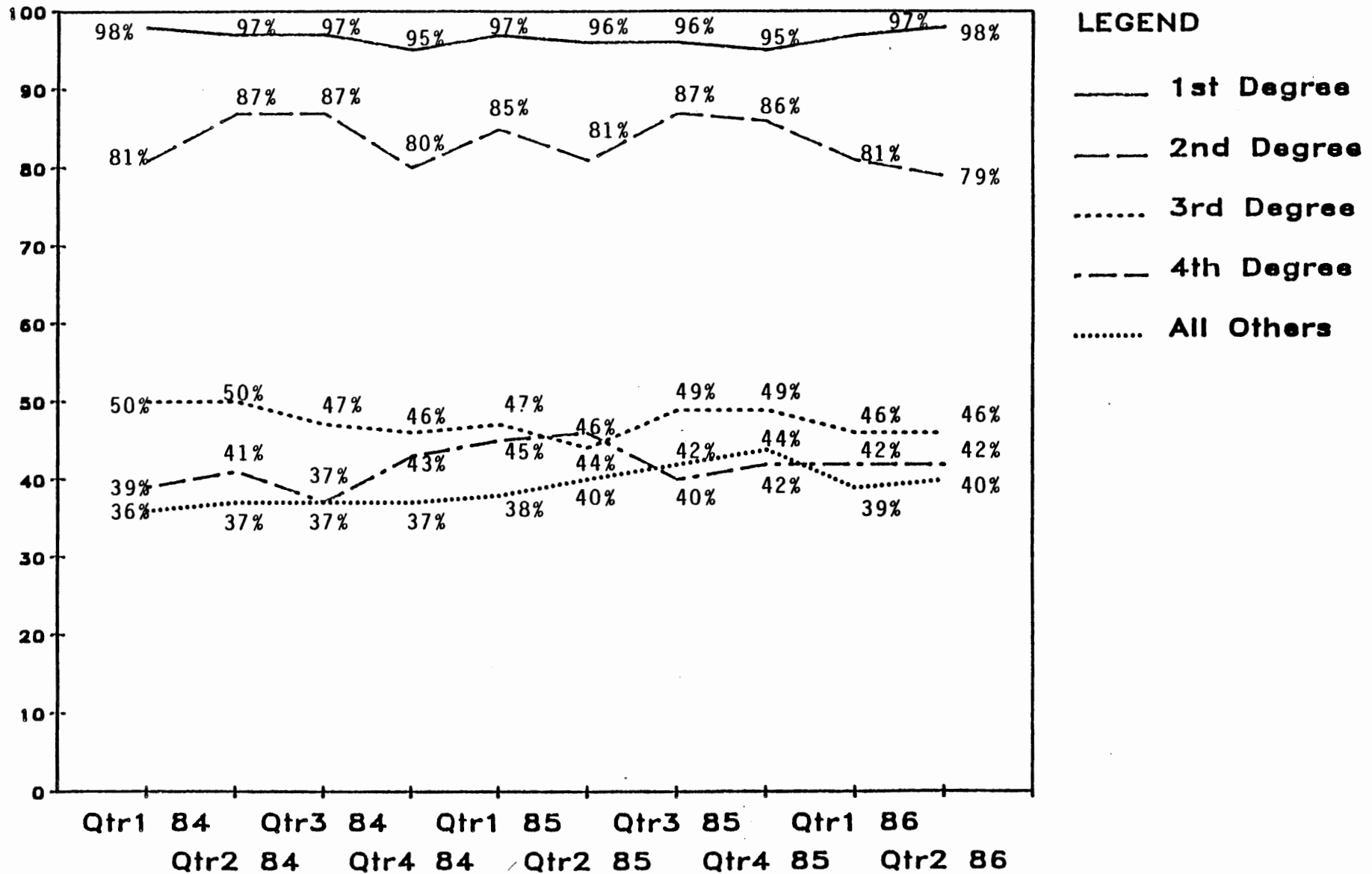
TITLE 2C RATES OF INCARCERATION OVERALL AND BY INSTITUTION



PERCENTAGE OF PERSONS
SENTENCED TO STATE PRISON
WHO RECEIVED MINIMUM PAROLE ELIGIBILITY SENTENCES



RATES OF INCARCERATION FOR ALL SENTENCINGS BY DEGREE



ADMINISTRATIVE OFFICE OF THE COURTS
COUNTY JAIL POPULATION DELINEATION

COUNTY JAIL	RATED CAPACITY	FACILITY POPULATION AS OF: 9/9/86	NEW FACILITY POPULATION AS OF: 9/16/86	PERCENT POPULATION CHANGE	PERCENT OF 9/9/86 POPULATION COMPARED TO RATED CAPACITY	PERCENT OF 9/16/86 POPULATION COMPARED TO RATED CAPACITY
ATLANTIC	304 +80min	507	523	+ 3%	132%	136%
BERGEN	347 A**+48min	628	639	+ 2%	159%	***162%
BURLINGTON	117	151	141	- 7%	129%	121%
BURL.CO. NEW LIS- BON MIN. SECURITY	92 + 8max	108	109	1* + 1%	108%	1* 109%
CAMDEN COUNTY JAIL & ANNEX	354 B**+78	473	497	+ 5%	109%	115%
CAPE MAY	132	159	169	2* + 6%	120%	2* 128%
CUMBERLAND	126	281	289	3* + 3%	223%	3* 229%
ESSEX	594	702	724	+ 3%	118%	122%
ESSEX COUNTY JAIL ANNEX	542	744	734	- 1%	137%	135%
GLOUCESTER	123	169	181	+ 7%	137%	147%
GLOU. CO. CLARKS- BORO MIN. SECURITY	40	44	40	- 9%	110%	100%
HUDSON COUNTY JAIL HUDSON CO. PENIT.	302	618	615	4* -.5%	205%	4* 204%
HUDSON COUNTY JAIL ANNEX	160	199	203	5* + 2%	124%	5* 127%
HUNTERDON	82	40	39	- 3%	49%	48%
MERCER COUNTY DETENTION CENTER	272	321	303	- 6%	118%	111%
MERCER COUNTY CORRECTION FACILITY	292	295	306	+ 4%	101%	105%
MIDDLESEX ADULT CORRECTION FACILITY	525 C**+24	750	791	6* + 5%	137%	6* 144%
MONMOUTH COUNTY CORR. INSTITUTION	395	520	531	+ 2%	132%	134%
MORRIS	140	338	343	7* + 1%	241%	7* 245%
OCEAN	200 D**+44	209	223	+ 7%	86%	91%
PASSAIC	355	927	979	+ 6%	261%	276%
SALEM	95	170	156	- 8%	179%	164%
SOMERSET	65	130	126	8* - 3%	200%	8* 194%
SUSSEX	88	151	155	9* + 3%	172%	9* 176%
UNION	259	562	575	+ 2%	217%	222%
WARREN	34	67	77	+15%	197%	226%
TOTALS	6317	9263	9468	+ 2%	147%	150%

*POPULATION FIGURES INCLUDE HIGH PERCENTAGE OF WEEKEND SENTENCES - 1(23),2(24),3(41),4(35),5(37),6(70),7(73), 8(17),9(52) & INMATES IN OTHER FACILITIES - 3(22),4(38).

49-261% Range 48-276% Range
137% Median 140% Median

A**)UTILIZED FOR WEEKEND SENTENCES & WORK RELEASE (TRAILERS)

B**)UTILIZED FOR WORK RELEASE & FEMALES

C**)EMERGENCY OVERFLOW (TRAILERS)

D**)UTILIZED FOR WEEKEND SENTENCES, WORK RELEASE & FEMALES

***POPULATION HOUSED WITHIN JAIL & ANNEX, EXCLUDING MINIMUM SECURITY TRAILER POPULATION, EQUATES TO - 150%

SOURCE: New Jersey County Jail & Correction Facilities

jb

Revised 3/18/86

POPULATION BY INMATE STATUS
(NOTE: COLUMNS 1+2+3+5A = COLUMN6)

COUNTY JAIL	1 PRETRIAL POPULATION	2 PRE- SENTENCED POPULATION	3 SENTENCED POPULATION		4 WEEKEND SENTENCED INMATES INCLUDED IN COLUMN 3	5* HOUSED FOR STATE		6 TOTAL POPULATION
ATLANTIC	263	**	119	† 50	9	91 71	523	
BERGEN	**** 268	14	197		38	160 unavail	639	
BURLINGTON	106	12	11		0	12 9	141	
BURL. CO. NEW LIS BON MIN. SECURITY	15	**	91		23	3 0	109	
CAMDEN	288	**	154		26	55 18	497	
CAPE MAY	74	**	56	† 15	24	24 12	169	
CUMBERLAND	139	17	92		41	41 37	289	
ESSEX	677	**	0		0	47 0	724	
ESSEX COUNTY JAIL ANNEX	402	**	332		40	0 0	734	
GLOUCESTER	83	10	37	† 19	0	32 30	181	
GLOU. CO. - CLARKS- BORO MIN. SECURITY	0	0	40		0	0 0	40	
HUDSON COUNTY JAIL HUDSON CO. PENIT.	473	**	105		35	37 21	615	
HUDSON COUNTY JAIL ANNEX	0	**	157		37	46 46	203	
HUNTERDON	18	**	9	† 6	2	6 6	39	
MERCER COUNTY DETENTION CENTER	239	**	7		1	57 48	303	
MERCER COUNTY CORRECTION CENTER	0	**	135	*** 68	12	103 103	306	
MIDDLESEX ADULT CORRECTION FACILITY	343	**	261	† 49	70	138 133	791	
MORMOUTH COUNTY CORR. INSTITUTION	288	**	94	† 50	0	99 92	531	
MORRIS	163	**	102	† 34	73	44 unavail	343	
OCEAN	94	6	71	† 40	10	12 9	223	
PASSAIC	469	82	114	† 50	0	264 197	979	
SALEM	87	**	38		12	31 26	156	
SOMERSET	50	8	30		17	38 25	126	
SUSSEX	34	2	78	*** 34	52	7 6	155	
UNION	245	47	147		58	136 112	575	
WARREN	38	**	31		5	8 8	77	
TOTALS	4856	198	2508	415	585	1491 1009	9468	

* # OF STATE SENTENCED INMATES A / # OF HOUSED STATE SENTENCED INMATES
HOUSED IN COUNTY JAIL B EXCEEDING 15 DAYS POST SENTENCING

** INCLUDED IN PRETRIAL POPULATION
*** HOUSED FOR STATE UNDER GOVERNOR'S EXECUTIVE ORDER
**** (2) INMATES HOUSED FOR FEDERAL GOVERNMENT, PASSAIC & ESSEX COUNTIES
† HOUSED FOR STATE UNDER CONTRACT

SPECIAL POPULATION CATEGORIES

COUNTY JAIL	7 MALE FEMALE CAPACITIES	8 MALE INMATES	9 FEMALE INMATES	10	11	12
ATLANTIC	M 360 F 24*A	476	47			
BERGEN	M 379*B F 16	580	59			
BURLINGTON	M 117	141	0			
BURL. CO. NEW LIS- BON MIN. SECURITY	M 80 F 20	84	25			
CAMDEN COUNTY JAIL & ANNEX	M 392 F 40	457	40			
CAPE MAY	M 123 F 9	160	9			
CUMBERLAND	M 115 F 11	275	14			
ESSEX	M 594	724	0			
ESSEX COUNTY JAIL ANNEX	M 440 F 102	599	135			
GLOUCESTER	M 111 F 12	167	14			
GLOU. CO. CLARKS- BORO MIN. SECURITY	M 40	40	0			
HUDSON COUNTY JAIL HUDSON CO. PENIT.	M 268 F 34	569	46			
HUDSON COUNTY JAIL ANNEX	M 160	203	0			
HUNTERDON	M 72 F 10*C	38	1			
MERCER COUNTY DETENTION CENTER	M 238 F 34	276	27			
MERCER COUNTY CORRECTION FACILITY	M 292	306	0			
MIDDLESEX ADULT CORRECTION FACILITY	M 511*D F 38	740	51			
MONMOUTH COUNTY CORR. INSTITUTION	M 355 F 40	473	58			
MORRIS	M 133 F 7	325	18			
OCEAN	M 222*E F 22	217	6			
PASSAIC	M 311 F 44	927	52			
SALEM	M 87 F 8	152	4			
SOMERSET	M 57 F 8	118	8			
SUSSEX	M 70 F 18	153	2			
UNION	M 223 F 36	537	38			
WARREN	M 32 F 2	74	3			
TOTALS	M 5782 F 535	8811	657			

*A(24)-INCLUDES DOUBLE BUNKING IN 8 FEMALE CELLS
 B(48)-BEDS:UTILIZED FOR WEEKEND SENTENCES & WORK RELEASE (TRAILERS)
 C(2)-BEDS:UTILIZED FOR MEDICAL PURPOSES AND HAVE BEEN
 INCLUDED IN FEMALE CAPACITY
 D(24)-BEDS:EMERGENCY OVERFLOW (TRAILERS)
 E(96)-BEDS:UTILIZED FOR WEEKEND SENTENCES, WORK RELEASE AND
 FEMALE INMATES (TRAILERS)

NEW JERSEY DEPARTMENT OF CORRECTIONS

WILLIAM H. FAUVER, COMMISSIONER

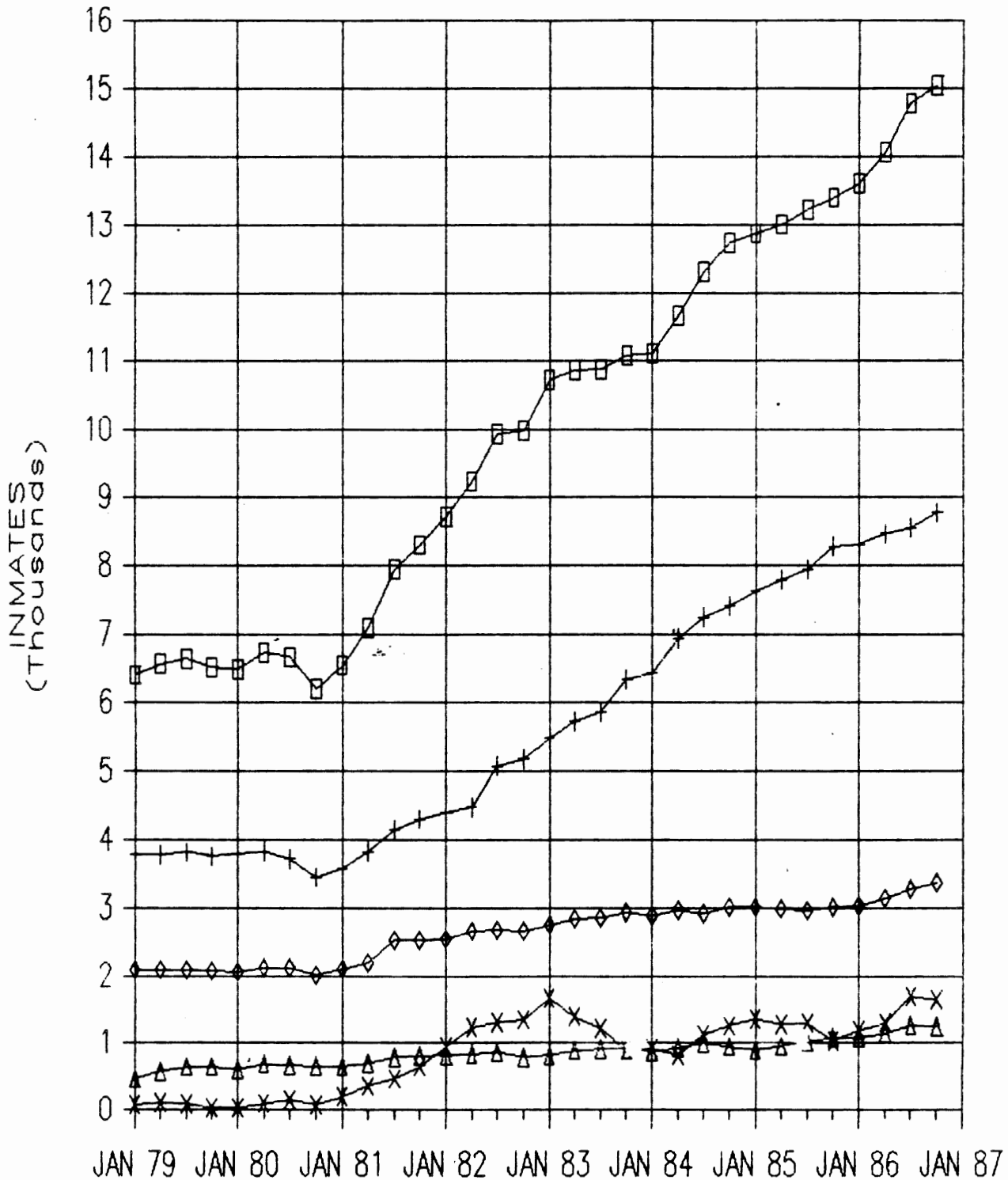
RESIDENT POPULATION COUNTS BY QUARTERS

MAJOR CORRECTIONAL INSTITUTIONS	RESIDENT LAST DAY POPULATION COUNTS: BY QUARTERS ENDING:																								
	DEC 1980	MAR 1981	JUNE 1981	SEPT 1981	DEC 1981	MAR 1982	JUNE 1982	SEPT 1982	DEC 1982	MAR 1983	JUNE 1983	SEPT 1983	DEC 1983	MAR 1984	JUNE 1984	SEPT 1984	DEC 1984	MAR 1985	JUNE 1985	SEPT 1985	DEC 1985	MAR 1986	JUN 1986	JUL 1986	AUG 1986
TOTAL JURISDICTION	6542	7065	7940	8299	8722	9230	9942	9985	10737	10869	10872	11084	11114	11654	12300	12643	12875	13008	13233	13403	13610	14071	14775	14922	15039
COUNTY JAIL WAITING LIST	200	360	470	650	945	1232	1174	1234	1584	1316	1138	887	882	762	1062	1220	1314	1218	1300	1013	1180	1236	1571	1589	1511
COUNTY CONTRACT	0	0	0	48	50	60	72	80	111	129	119	79	85	74	101	107	119	105	105	103	114	116	115	125	123
COUNTY ASSISTANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	70	103	116	139	153	192	223	253	260	207
JUVENILE WAITING LIST	0	0	0	0	0	0	136	110	83	77	87	13	33	55	71	34	40	54	0	19	10	67	120	129	137
TOTAL RESIDENT	6342	6725	7470	7601	7727	7938	8560	8561	8959	9347	9528	10105	10114	10763	11066	11212	11299	11515	11689	12115	12114	12429	12716	12819	12981
PRISON COMPLEX	3585	3827	4155	4259	4351	4427	5006	5098	5384	5609	5752	6260	6342	6852	7131	7232	7391	7565	7691	8019	8004	8129	8177	8209	8366
YOUTH ADULT CORRECTION COMPLEX	2101	2197	2528	2536	2557	2672	2692	2671	2761	2851	2861	2941	2898	2979	2932	3023	3013	2990	2970	3020	3025	3150	3271	3261	3370
JUVENILE FACILITIES RESID/TRNMT CENTERS	656	701	787	806	819	839	862	792	814	887	915	904	874	932	1003	957	895	960	1028	1076	1085	1150	1260	1269	1245

Compared to institutional counts on December 31, 1980 resident counts on August 31, 1986 increased by 6639 or 105% from 6342 to 12,981. The count in the Prison Complex increased by 4781 or 133% from 3585 to 8366. The Youth Complex experienced a 60% increase or 1269 offenders from 2101 to 3370. The County Jail Waiting List increased from 200 on December 31, 1980 to 1511 on August 31, 1986.

RESIDENT POPULATION BY QUARTERS

NEW JERSEY DEPARTMENT OF CORRECTIONS



TOTAL
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QUARTERLY RESIDENT COUNTS

MONTH/YEAR	TOTAL INMATES	PRISON COMPLEX*	YOUTH COMPLEX	JUV. COMPLEX**	COUNTY WAITING ***
JAN 79	6410	3787	2082	471	70
APR 79	6570	3787	2096	582	105
JUL 79	6643	3820	2084	646	93
OCT 79	6517	3755	2075	647	40
JAN 80	6490	3793	2058	608	31
APR 80	6746	3833	2121	692	100
JUL 80	6666	3722	2118	676	150
OCT 80	6199	3450	2014	660	75
JAN 81	6542	3585	2101	656	200
APR 81	7084	3827	2197	701	360
JUL 81	7940	4155	2528	787	470
OCT 81	8299	4307	2536	806	650
JAN 82	8722	4401	2557	819	945
APR 82	9230	4487	2672	839	1232
JUL 82	9942	5078	2692	862	1310
OCT 82	9985	5178	2671	792	1344
JAN 83	10737	5495	2761	814	1667
APR 83	10869	5738	2851	887	1393
JUL 83	10872	5871	2861	915	1225
OCT 83	11084	6339	2941	904	900
JAN 84	11114	6427	2898	874	915
APR 84	11654	6926	2979	932	817
JUL 84	12300	7232	2932	1003	1133
OCT 84	12734	7409	3023	957	1254
JAN 85	12875	7613	3013	895	1354
APR 85	13008	7786	2990	960	1272
JUL 85	13233	7935	2970	1028	1300
OCT 85	13403	8275	3020	1076	1032
JAN 86	13610	8310	3025	1085	1190
APR 86	14071	8468	3150	1150	1303
JUL 86	14775	8545	3271	1268	1691
**** SEP 86	15039	8776	3370	1245	1648

* Prison Complex includes County Contract and County Assistance

** Juvenile Complex includes community and residential programs

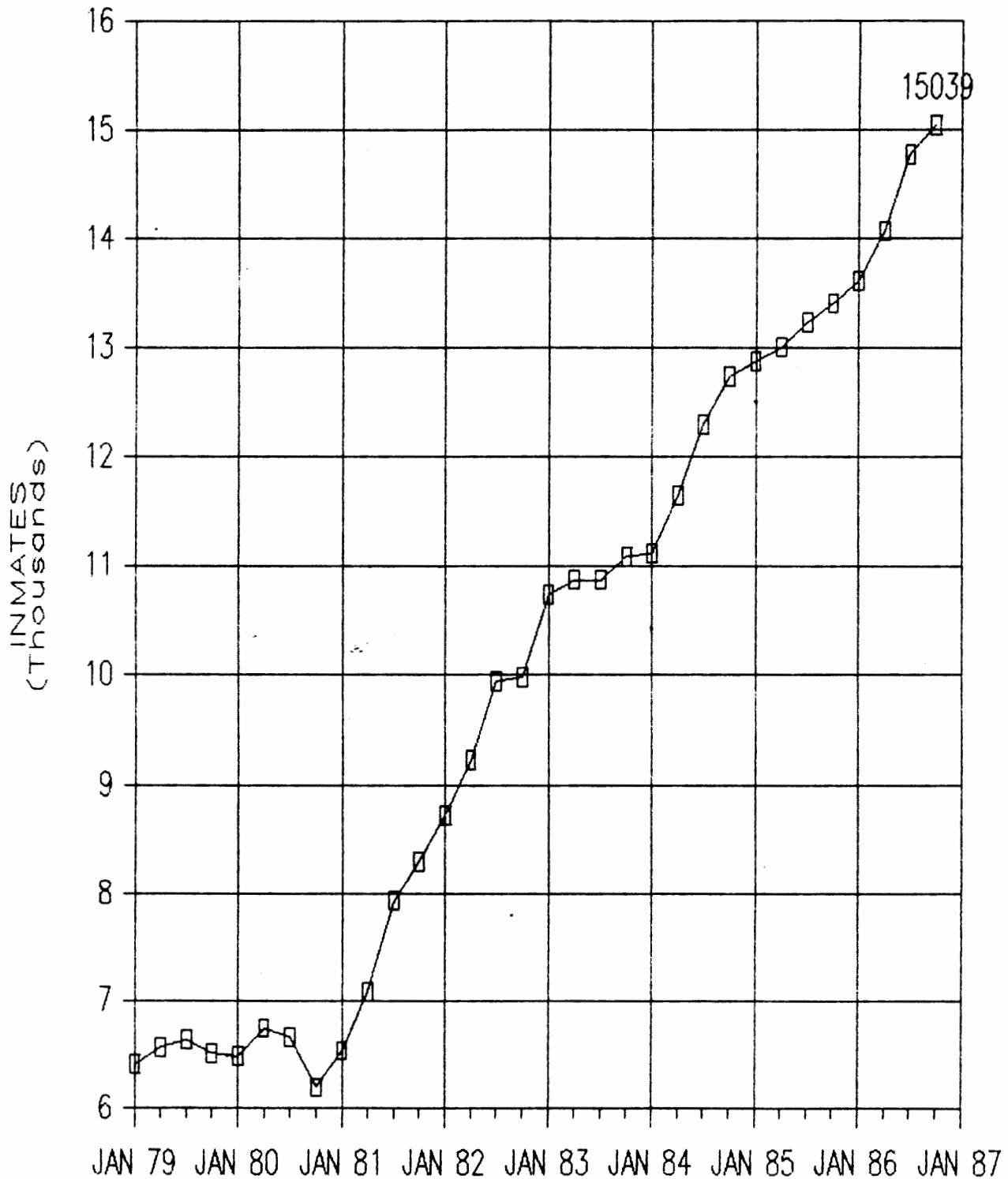
*** County Waiting includes Juvenile Waiting List

**** SEP 86 represents the first two months of the quarter

ALL FIGURES ARE FOR THE FIRST DAY OF THE MONTH DEPICTED

JURISDICTIONAL POPULATION BY QUARTERS

NEW JERSEY DEPARTMENT OF CORRECTIONS



Office of Policy Analysis & Planning

**NEW JERSEY STATE PAROLE BOARD
PAROLE RELEASE STATISTICS
APRIL, 1984 TO AUGUST, 1986**

MAJOR CORRECTIONAL INSTITUTIONS	APR 1984	MAY 1984	JUNE 1984	JULY 1984	AUG 1984	SEPT 1984	OCT 1984	NOV 1984	DEC 1984	JAN 1985	FEB 1985	MAR 1985	APR 1985	MAY 1985	JUNE 1985	JULY 1985	AUG 1985	SEPT 1985	OCT 1985	NOV 1985	DEC 1985	JAN 1986	FEB 1986	MAR 1986	APR 1986	MAY 1986	JUNE 1986	JULY 1986	AUG 1986
STATE PRISON	160	200	190	220	168	182	202	199	233	279	207	214	305	222	228	274	201	244	267	274	356	258	237	208	356	256	245	317	240
YOUNG ADULT	89	117	91	105	97	86	93	94	93	147	102	90	125	103	103	103	63	89	113	95	114	59	85	89	90	97	72	106	81
JUVENILE	62	80	43	76	71	63	69	60	111	24	60	67	64	84	64	55	60	43	59	63	49	36	46	52	33	34	43	48	35
COUNTY/COUNTY	215	218	253	248	248	186	209	206	260	207	203	212	237	300	222	251	285	221	292	235	301	253	186	266	227	215	233	219	229
TOTAL	526	615	577	649	584	517	573	559	697	657	572	583	731	709	617	689	609	597	731	667	820	606	554	615	706	602	593	690	585

New Jersey State Library

APPENDIX B

**OFFICE OF MANAGEMENT AND BUDGET: PRELIMINARY
ANALYSIS OF CRIMINAL DISPOSITION COMMISSION
PROJECT**

Feather O'Connor
STATE TREASURER

RICHARD B. STANDIFORD
DIRECTOR AND COMPTROLLER



Richard F. Keevey, Deputy Director
Division of Budget and Accounting

Harry J. Collis, Director
Division of Management Services

Robert A. Preston, Director
Division of Planning

MEMORANDUM

TO: Kenneth D. Merin, Director
Office of Policy and Planning

FROM: Harry J. Collis, Director *HJC*
Division of Management Services

DATE: February 26, 1986

The attached report, Preliminary Analysis, Criminal Disposition Reporting Project, summarizes the results of interviews throughout the criminal disposition community. The report contains preliminary assumptions we have made from synthesizing interviewee opinions. The report also contains issues to be addressed.

Resolution of these issues will affect the scope, size, complexity and character of subsequent analysis. These issues should be resolved before any project can proceed, whether using the support of the Division of Management Services or any other agency or vendor.

We urge that these issues be addressed in a timely manner. We will delay the preparation of a proposal or a recommendation that an outside vendor be used until, upon resolution of these issues, a meaningful analysis of required resources and project schedule can be prepared.

Thank you for letting us help you. We are looking forward to providing further assistance when appropriate.

PRELIMINARY ANALYSIS
CRIMINAL DISPOSITION REPORTING PROJECT

Prepared for:

Kenneth D. Merin, Director
Office of Policy and Planning
Office of the Governor

Prepared By:

Division of Management Services
Office of Management and Budget
Department of the Treasury

SYSTEM MODIFICATIONS RECOMMENDED BY

THE DATA COMMITTEE

CRIMINAL DISPOSITION COMMISSION

- I. Ensuring that all relevant necessary case information be contained in the system, this requires:
- A. increase in timeliness and compliance in reporting Criminal Disposition Report (CDR) data by the Courts, Prosecutor, Parole and Corrections;
 - B. greater use of automated information systems such as PROMIS/GAVEL and OBCIS to directly update CCH files;
 - C. resolving the current situation where many unfingerprinted defendants escape inclusion in the data base - e.g., cases where only summonses were issued;
 - D. including a provision in the computer file for key parole decisions on each case, as well as a capacity for a county jail file and some key offender background;
 - E. sufficient resources must be given to the State Police to input and audit the completeness of the data base.
- II. Modification to the input documents and software to ensure that:
- A. the system comports to the New Jersey Code of Criminal Justice respecting such data as degree of crime, proper designation of minimum parole ineligibility sentence, etc.; and
 - B. revision of data elements to maximize amenability to statistical analysis. Since the software was written some time ago, it should be reviewed in terms of modern technology.

PRELIMINARY ASSUMPTIONS

The following preliminary assumptions have been synthesized from several interview sources including the Administrative Office of the Courts, Division of Criminal Justice, Department of Corrections, Public Defender's Office, Parole Board, and State Police. Some interviewees may disagree on some details, since there was no unanimous opinion on some problem areas. These preliminary assumptions are our best opinions on the current criminal disposition reporting environment.

1. The original design of the Computerized Criminal History System (CCH) was sound; however, both environmental change and technology improvements may have made it obsolete. The original design could not have anticipated speedy trial, the 1979 code revisions, and the relative ease, security, and cost effectiveness of current on-line system technology. The system probably poorly supports recently identified management information needs of the entire criminal disposition user community. Multiple systems currently in place or planned must be interfaced to produce a more complete and coherent data base (e.g. CCH, PROMIS/GAVEL, Parole, County Jail, Corrections, AFIS).
2. The bulk of missing and inaccurate data problems originate in the local police and court systems. County courts appear to have fewer problems. State agencies are likely supplying fairly complete and accurate data.
3. The "state rap sheet" from the CCH files is not trusted for accuracy or completeness by users at the local, county, and state level. Consequently, duplicate files are frequently maintained and data is verified by users. Wasted resources in all parts and levels of government are valued at \$5 million to \$10 million per year in readily identified areas. A system which is highly accurate would gradually eliminate the lack of trust and duplicated effort.
4. This project and previous information systems efforts are very difficult because of the separation of powers among government branches and municipal, county and state levels. The Criminal Disposition Commission will help. Strong project leadership is essential to help overcome the diversity of interests and authority associated with this project.

ISSUES

The issues to be addressed at this time drastically affect the scope, size, complexity, and character of any subsequent project. These issues should be addressed before the Division of Management Services or any other team attempts to define the project scope, resource needs, or schedule.

1. Local Court Management

Initial interviews indicate that the major source of problems of incomplete or inaccurate data is the local courts and police departments. In August, 1985, the Governor returned Senate Bill Number 2250 (OCR) without his signature. The bill could have potentially assured more accurate and timely criminal disposition reporting by the courts.

If any version of Bill 2250 is apt to be reconsidered, an opportunity to impose reporting performance standards should be considered.

If no version of Bill 2250 is apt to be considered, any proposed project should place greater emphasis on using State Police resources to audit and if necessary submit missing criminal disposition reporting data.

Guidance on this issue is requested.

2. Fingerprinting Requirements (Reference I.C. Data Committee Recommendations)

The recommendation of the Data Committee regarding unfingerprinted defendants in cases where only summonses are issued is considered a policy question outside of the scope of the project.

3. Project Alternatives

Selection of project alternatives affects the size, cost, and schedule of the project. They also affect the areas in which the project will concentrate. These alternatives determine the evaluation of State Police audit staff levels and the scope of CCH system changes. The "ultimate" CCH system involves on-line transaction entry at all major police, court, and correction facilities. The system would include on-line facsimile transmission of fingerprints and an automated fingerprint identification system (AFIS) for the State Police. Preliminary analysis indicates that an on-line transaction system has highly compromised effectiveness without on-line fingerprint transmission, since the transactions cannot be applied or

retrieved without a positive identification through fingerprints. Very preliminary estimates of costs for AFIS, facsimile transmission, and CCH system changes is \$30 million, of which the \$14 million AFIS system was considered but postponed as premature during the budget process for FY'87. Law and Public Safety may resubmit the AFIS budget item for FY'88.

The type of system affects State Police audit staffing levels. A State takeover of the costs of the courts is also significant. An on-line system and court cost takeover would significantly improve the timeliness, accuracy, and completeness of data. The great improvement of data will minimize the required audit effort.

If this "ultimate" CCH system and the state court cost takeover are rejected, the audit staff of the State Police would have to be increased to achieve any improvement in data quality.

Opinions on these issues must be defined before the project begins.

4. Computerized Criminal History (CCH) System Changes

Revisions to the CCH system are needed to incorporate changes resulting from the 1979 Criminal Code revisions. The State Police have little use for these changes, but secondary users such as police, prosecutors, courts, and parole all have need of system revisions, particularly those relating to seriousness of crime. Turf, funding, and interest conflicts must be resolved to decide if these CCH changes are part of this project.

Opinions were also expressed that local court clerks are currently not capable of supplying meaningful data for the seriousness of crimes. This lack of capability may obviate consideration of these CCH system changes.

5. Sponsorship and Project Management

Effectiveness of the methods proposed for this project depends upon an Executive Sponsor and a User Project Manager. Any systems development project requires these two individuals.

The Executive Sponsor approves plans and schedules, assures user cooperation, and authorizes further action. He also resolves issues and sets direction. Normally, the sponsor is the lowest level of manager who still supervises all functional areas that will be affected by the project.

The User Project Manager acts as a liaison to affected users, arranges cooperation, releases required documentation, and consults on the quality of deliverables. The User Project Manager is normally familiar with all areas affected by the project.

Filling these two roles is difficult for this project. Multiple branches of government, multiple executive branch departments and agencies, and multiple levels of government are intimately involved in criminal disposition reporting.

These two roles must be filled before the project can begin. They cannot be filled by consultants.

We recommend the naming of the Chairman of the Criminal Disposition Commission as Executive Sponsor.

We further recommend that the Executive Sponsor name the User Project Manager.

APPENDIX C
CRIMINAL DISPOSITION COMMISSION
LEGISLATIVE REVIEWS

**SENATE BILL NO. 683: "An Act concerning
the penalties for manufacturing, distributing
or dispensing controlled dangerous substances
and amending section 19 of P.L. 1970, C. 226".**

CRIMINAL DISPOSITION COMMISSION

Don M. Gottfredson, Chairman
Dean, School of Criminal Justice
Rutgers University
Newark



SI Newhouse
Center for Law and Justice
15 Washington Street
Newark, New Jersey 07102
201-648-5870

Donald R. Belsole, Director,
Division of Criminal Justice
John Cannel, Assistant Public
Defender, Office of the
Public Defender
Christopher Dietz, Chairman
State Parole Board
William H. Fauver, Commissioner
Department of Corrections
Hon. Walter M.D. Kern,
Assemblyman, 40th District
Hon. Lee Laskin,
State Senator, 6th District
Hon. John A. Lynch,
State Senator, 17th District
Hon. Frank M. Pelly,
Assemblyman, 18th District
Hon. Christine Whitman,
Public Member

April 10, 1986

The Honorable Frank X. Graves, Jr.
Senator
The State of New Jersey

Dear Sir:

The Criminal Disposition Commission would like to submit for your review and consideration the results of its impact study concerning the effects of Senate Bill #683: "An Act concerning the penalties for manufacturing, distributing or dispensing controlled dangerous substances and amending section 19 of P.L. 1970, c.226.".

The Commission respectfully requests that the results of this study be given consideration during your deliberations on this legislation. The Commission would be pleased to render any further assistance it may provide in this matter.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don M. Gottfredson".

Don M. Gottfredson
Chairman

Enclosure

cc: Senate Law, Public Safety & Defense Committee
Assembly Judiciary Committee
Steven Carnes
Geraldine Weltman
Steven McGettigan
Dave O'Brien
Randy Corman
Carol Ann Short
Peter Guzzo

Hon. Leo Yanoff, J.S.C., Ret., /a
Consultant

IMPACT OF S-683

Summary:

It is estimated that enactment of this bill could result in the need for 420-470 medium security bedspaces within the Department of Corrections. Based on current construction costs at Newark, construction of these beds would cost \$33.6 million to \$37.6 million. At a current average cost of \$15,000 per inmate per year, these beds would require \$6.3 million to \$7.05 million in annual operating costs.

Discussion:

The Criminal Disposition Commission Data Committee has reviewed and analyzed data regarding impact of implementation of S-683 (Graves). The data used for impact analysis was manually collected, a very time-consuming endeavor. For this reason the cohort was limited to a three month period (i.e. third quarter 1985 dispositions). All data in the sample was multiplied by a factor of four in order to estimate annual volume.

S-683 will result in an increase in the number of defendants sentenced to custodial terms with the Department of Corrections. In addition to the increased commitment volume, others who would normally be sentenced to the Department of Corrections will spend more time in custody than under the current sentencing statutes (i.e. length of stay will increase).

There are three groups that will contribute to a need for increased bedspace to house persons sentenced under the provisions of S-683:

- Those who currently are placed on probation. Minimum length of stay for these people will be 36 months or 12 months, according to the type of drug involved. Current length of stay is "0".
- Those who currently are sentenced to county jail terms. Minimum length of stay for these people will also be 36 months or 12 months, according to the drug type. Current length of stay with the Department of Corrections is "0".
- Those who currently are sentenced to the Department of Corrections for possession of more than one ounce of Heroin or Cocaine with sentences that render them eligible for parole sooner than the three year mandatory minimum term that S-683 would require. Minimum length of stay for these people will be 36 months. Current time to parole eligibility is estimated at 1 year or 2 years, depending on total term imposed.

The table that follows summarizes the projected impact of S-683 in terms of need for additional Department of Corrections' capacity. The data presented here estimates bedspaces currently required and projected to be required only for those whose current sentences would be affected by the bill. This bill would

require incarceration of various defendants for 1 to 3 years. In all there would be 732 bedspaces required to house persons sentenced under this bill's provisions three years following implementation. DOC currently requires 108 bedspaces for persons sentenced under the present statutes. In all, 624 additional bedspaces would be required.

After our initial assessment of the impact of S-683, the Senate made several amendments to the bill that will significantly alter the number of beds required. These amendments permit:

- Placement under supervisory treatment for first time convictions under this bill whenever the defendant is a user of the specified controlled dangerous substance. It is estimated that this provision could have applied to 30 to 40 percent of those in our sample who are not currently sentenced to the Department of Corrections. This could reduce the need for additional beds from 624 to a level of 420-470.
- Waiver of the mandatory minimum term for defendants who cooperate with law enforcement officials in their investigations. We have not been able to estimate the impact of this amendment to the bill.

IMPACT SUMMARY S-693

Additional Beds Required For Affected Sentences

(a) Current Offense and Sentence Type	(b) Current # (3rd Qtr 1985)	(c) Annualized # (b x 4)	(d) Projected Eligibility	(e) Projected Beds Req'd (c x d)	(f) Current Eligibility	(g) Current Beds Req'd (c x f)	(h) Additional Beds Req'd (e - g)
Cocaine/Heroin-Probation	8	32	3	96			96
Cocaine/Heroin-County	25	100	3	300			300
Cocaine/Heroin-D.O.C.	13	52	3	156	1	52	104
Cocaine/Heroin-D.O.C.	7	28	3	84	2	56	28
P.C.P. / L.S.D.-Probation	12	48	1	48			48
P.C.P. / L.S.D.-County	12	48	1	48			48
TOTAL BEDS:				732		108	624

SENATE BILL NO. 1661: "An Act concerning
the penalties for aggravated manslaughter and
kidnapping and amending sections N.J.S. 2C:11-4,
N.J.S. 2C:13-1, N.J.S. 2C:43-7, and N.J.S. 2C:44-1".

CRIMINAL DISPOSITION COMMISSION

DON M. GOTTFREDSON, CHAIRMAN
SCHOOL OF CRIMINAL JUSTICE
RUTGERS UNIVERSITY
NEWARK

DONALD R. BELSOLE, FIRST ASSISTANT ATTORNEY
GENERAL, DIVISION OF CRIMINAL JUSTICE

JOHN CANNEL, ASSISTANT PUBLIC
DEFENDER, OFFICE OF THE
PUBLIC DEFENDER

LOUIS NICKOLOPOULOS, CHAIRMAN
STATE PAROLE BOARD

WILLIAM H. FAUVER, COMMISSIONER

DEPARTMENT OF CORRECTIONS

STEPHEN G. RAYMOND, PRESIDENT

N.J. PROSECUTORS ASSOCIATION

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ASSEMBLYMAN, 3RD DISTRICT

HON. LEE LASKIN,

STATE SENATOR, 6TH DISTRICT

HON. RICHARD D. VAN WAGNER,

STATE SENATOR, 13TH DISTRICT

HON. EUGENE H. THOMPSON,

ASSEMBLYMAN, 29TH DISTRICT

HON. CHRISTINE WHITMAN,

PUBLIC MEMBER

HON. LEO YANOFF, J.S.C., RET., *vis*
CONSULTANT



SI Newhouse
Center for Law and Justice
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Newark, New Jersey 07102
(201) 648-3187

September 24, 1986

The Honorable John F. Russo
Senator, District 10
917 N. Main Street
Toms River, N.J. 08753

Dear Sir:

The Criminal Disposition Commission would like to submit for your review and consideration the results of its impact analysis concerning the effects of Senate Bill #1661: "An Act concerning the penalties for aggravated manslaughter and kidnapping and amending sections N.J.S. 2C:11-4, N.J.S. 2C:13-1, N.J.S. 2C:43-7, and N.J.S. 2C:44-1."

The Commission respectfully requests that the results of this analysis be given consideration during your deliberations on this legislation. The Commission would be pleased to render any further assistance it may provide in this matter.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Don M. Gottfredson'.

Don M. Gottfredson
Chairman

Enclosure

cc: Senate Judiciary Committee
Assembly Judiciary Committee
Barbara Greer
John Tumulty
Gary Furnari
Steven Sack-Wilner
Steven McGettigan
Carol Ann Short
Peter Guzzo

IMPACT ANALYSIS - S# 1661

SUMMARY:

Senate Bill #1661 proposes increases in terms of imprisonment for the crimes of aggravated manslaughter and kidnapping. Given the bill's application guidelines for the offense of kidnapping, the impact on kidnapping sentence provisions will be negligible. However, this bill would alter current sentencing provisions pertaining to the offense of aggravated manslaughter. As a result of enactment of this bill, it is projected that a minimum of 213 additional bedspaces would be required within the Department of Corrections. As illustrated in Table 1, the need for these additional bedspaces would occur over time, with heaviest impact accruing approximately 9-15 years after implementation. Based on current construction costs at Newark, the cost for these additional beds would be \$17 million. These beds would require \$20,000 per inmate in current average annual operating costs or a total of \$4.26 million annually.

REVIEW:

Data used for this Impact Analysis were 1985 Department of Corrections' adult aggravated manslaughter admissions. The following bedspace estimations were formulated under the assumption that future sentencing and admission patterns will remain consistent with the 1985 data. For each sentencing group admitted during 1985, we had projected future bedspace needs based upon current sentencing provisions versus the proposed provisions. As Table 2 illustrates, the additional bedspace required is a result of longer length of stay for those sentenced to the Department of Corrections under the proposed sentencing structure.

Based on 1985 Department of Corrections' admissions, it is estimated that 472 beds will be required to house persons currently sentenced for aggravated manslaughter. Thirty-one percent of those admitted have received presumptive terms without mandatory/minimums and will be eligible for parole after approximately 3 years. Under the provisions of S# 1661, minimum length of stay for those serving presumptive terms would increase to 4 years. Projected impact would be an additional 20 bedspaces. Twenty-three percent of those admitted received 7 1/2 year mandatory/minimum sentences. Under S# 1661, minimum length of stay would increase to 10 years and would require an additional 38 bedspaces to facilitate longer time spent in custody.

Additionally, 42% of those admitted received maximum terms with 10 year mandatory/minimum sentences. For these same offenders, minimum length of stay would increase to 15 years under S# 1661 and would necessitate an additional 135 bedspaces. Currently, 3% of those admitted receive extended terms with 15 year mandatory/minimum sentences. Under the provision of S# 1661 minimum length of stay for those serving extended terms would increase to 25 years and would result in an additional 20 bedspaces required. In total, projected impact of S# 1661 is 213 additional bedspaces.

YEARLY IMPACT FOLLOWING IMPLEMENTATION OF SF 1661 TABLE 1

YEAR #	ADDITIONAL BEDS REQUIRED (CUMULATIVE)
1	0
2	0
3	20
4	20
5	20
6	20
7	20
8	35
9	50
10	77
11	104
12	131
13	158
14	185
15	187

S# 1661 IMPACT ANALYSIS
 ADDITIONAL BEDS FOR AGGRAVATED MANSLAUGHTER SENTENCES

Table 2

	CURRENTLY SERVING PRESUMPTIVE	CURRENTLY SERVING 7 1/2 YR MAND/MIN	CURRENTLY SERVING 10 YR MAND/MIN	CURRENTLY SERVING 15 YR MAND/MIN	TOTAL BEDS REQUIRED
PROJECTED:					
Projected # Sentences	20	15	27	2	
Projected Parole Eligibility (yrs)	4	10	15	25	
Projected Beds Required	80	150	405	50	685
CURRENT:					
Current # Sentences	20	15	27	2	
Current Parole Eligibility (yrs)	3	7.5	10	15	
Current Beds Required	60	112.5	270	30	472.5
ADDITIONAL BEDS REQUIRED					
	20	37.5	135	20	212.5

EXECUTIVE SUMMARY

In 1983, at the suggestion of the Governor, the Criminal Disposition Commission evaluated its potential role in long-term criminal justice planning.

The Data Committee of the Commission recommended changes in current systems to improve data completeness and accuracy, to allow better integration of available data, and to allow more flexibility in the reporting and use of summary data. The report of the Data Committee was sent to the Governor on April 1, 1985. (Excerpt on next page)

On November 1, 1985, the Director of the Office of Policy and Planning requested the review of the Commission's recommendation and the preparation of a proposal for analysis by the Division of Management Services.

Several meetings were held with representatives of the Office of the Governor and Department of Law and Public Safety. A preliminary investigation of major agencies was conducted by the staff of the Division of Management Services to determine the scope of a proposed project at the macro level.

Major preliminary assumptions and issues that should be addressed at this time are identified in this report. These issues are summarized below:

1. The status of Bill 2250 and the effects if the bill will be reconsidered versus those if it will not be reconsidered.
2. Resolution of the policy issues concerning unfingerprinted criminals not being included in the data base.
3. Resolution of project alternatives which affect project size, scope, costs, and schedule.
4. Potential changes to the Computerized Criminal History System and the effects of these changes across the broad user community.
5. Definition of project sponsorship and project management to take specific action.

**N.J.S. 30:4-123.51: "Eligibility for
Parole Computation; Notice to Inmate;
Acknowledgment of Receipt".**

November 5, 1985

The Honorable Thomas H. Kean
Governor
of the State of New Jersey

The Honorable Carmen A. Orechio
President of the Senate
of the State of New Jersey

The Honorable Alan Karcher
Speaker of the Assembly
of the State of New Jersey

The Honorable Chuck Hardwick
Ranking Minority Leader
of the Assembly
of the State of New Jersey

The Honorable Richard Codey
Chairman, Senate Committee
on Institutions,
Health and Welfare

The Honorable George Otlowski
Chairman, Assembly Committee
on Corrections Health
and Human Services

The Honorable Chuck Haytaian
Member, Assembly Committee
on Corrections Health and
Human Services

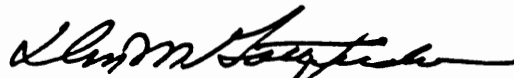
On behalf of the Criminal Disposition
Commission, I am pleased to submit for your
review and consideration a report of the
Commission's Alternatives to Incarceration
Committee proposing revisions to
NJS 30:4-123.51, "Eligibility for Parole
Computation; Notice to Inmate;
Acknowledgement of Receipt."

Consistently with the Commission's legislative mandate to study all aspects of the criminal justice system relating to the disposition of criminal offenders, this report examines the equity and practicality of the proposed change. The Commission's recommendation to delete this provision is supported by an impact study, conducted by the Commission, of the proposed amendment.

Although the proposed revision was not approved unanimously by the Commission, the majority agree that this amendment will provide a more equitable parole eligibility rule and help reduce currently overcrowded conditions in both jails and state prisons without placing an undue burden on the State Parole Board.

Thank you for your consideration.

Sincerely,



Don M. Gottfredson
Chairman

enclosure
/s

cc: Commission Members
The Honorable Chief Justice
Robert N. Wilentz
The Honorable Robert Lipscher
Director,
Administrative Office of the Courts

Report of the
Alternatives to Incarceration Committee
Revision of N.J.S. 30:4-123.51

Honorable Christine Whitman, Chairman
October 17, 1985

The Commission has considered whether N.J.S. 30:4-123.51 should be amended to delete a provision of subsection g. regarding parole eligibility of offenders. This provision provides that:

"No inmate sentenced to a specific term of years at the State Prison or the correction institution for women shall be primarily eligible for parole until service of a full nine months of this aggregate term."

This provision of subsection g. has led to disparity in the amount of time persons sentenced to state institutions are serving before parole eligibility in comparison with other state inmates and county sentenced inmates. In accordance with the current statutory provision, a person sentenced to four years in the State Prison is eligible at roughly the same nine months as a person sentenced to one year in the State Prison. Also, depending on the place of incarceration, the length of sentence can result in disparity of parole eligibility. For example, a person sentenced to 364 days in a county jail is eligible for parole at four months while a person sentenced to state prison for one year (365 days) is not eligible for parole until five months later (at 9 months). Hence, one additional day of sentence results in five additional months of confinement and more than double the length of time to be served before parole eligibility. The Commission proposes the deletion of the above quoted provision of subsection g.

In addition to concepts of fairness and equity, there are more practical grounds that argue against the nine month automatic parole disqualifier.

New Jersey's state and county correctional facilities are overcrowded and have been for a number of years. In spite of additional capacity - both added and planned - overcrowding is likely to continue for the foreseeable future. This bill could offer some relief to overcrowding.

All persons sentenced to state prison for less than four years would be eligible for parole consideration in less time than is currently the case. While they will serve less time than at present, they will serve the same percentage of their terms as those with lengthier sentences. (Example: Inmate A with a 4 year maximum sentence will become eligible for parole consideration after serving approximately 1/5 or 9.6 months of his sentence. Due to the 9 month parole disqualifier, inmate B - sentenced to 1 year - will serve 9 months to parole consideration. Under this proposal, inmate B will then serve a minimum of 1/5 or 2.4 months to parole eligibility, a saving of up to 200 bed days.)

In examining Department of Corrections admissions data from 1982 through September 1985 (see Appendix A) we find that over 4,200 inmates were received with sentences of 4 years or less (the group upon which this proposal will impact). If all those inmates were released at initial parole eligibility, the Department's average daily bedspace deficit would have been reduced by an average of 280 beds (approximate). Since the Department's deficit population is housed in the county jails as the "county jail back-up", this means that the county jails would have housed 280 less state inmates on a daily basis. Since the Department reimburses the counties for housing of state inmates, expenditures could have been reduced by approximately \$4.6 million annually (\$45.00 per day x 280 inmates x 365 days per year).

Even if all inmates to whom this bill might apply are not released at initial parole eligibility, or if they were sentenced to longer terms, cost savings are still likely to be considerable. If the Department's average daily bedspace deficit is reduced even by 140 beds rather than 280 beds, cost savings of \$2.3 million annually could be achieved. The cost reduction could be reflected in reduced growth of correctional expenditures.

RECOMMENDATION

Therefore, the Commission recommends the following amendment to N.J.S. 30:4-123.51 to provide for greater equity in the parole laws:

30:4-123.51 Eligibility for parole; computation; notice to inmate; acknowledgement of receipt

Subsections a. through f. should remain as is.

Delete bracketed [] sentence in subsection g.

g. Each adult inmate of a county jail, workhouse or penitentiary shall become primarily eligible for parole upon service of 60 days of his aggregate sentence or as provided for in subsection a. of this section, whichever is greater. Whenever any such inmate's parole eligibility is within six months of the date of such sentence, the judge shall state such eligibility on the record which shall satisfy all public and inmate notice requirements. The chief executive officer of the institution in which county inmates are held shall generate all reports pursuant to subsection (d) of section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board shall have the authority to promulgate time periods applicable to the parole processing of inmates of county penal institutions, except that no inmate may be released prior to the primary eligibility date established by this subsection, unless consented to by the sentencing judge. [No inmate sentenced to a specific term of years at the State Prison or the Correctional Institution become primarily eligible for parole until service of a full nine months of his aggregate sentence.] Subsections h. through j. as is.

Appendix A

Impact of eliminating the nine month parole disqualifier for persons sentenced to State Prison was determined in the following manner:

- A. Identifying, by length of sentence, all admissions to State Prison whose parole eligibility would be less than nine months were it not for the disqualifier.
- B. Approximating time to parole eligibility based on elimination of the nine month disqualifier.
- C. Calculating reduction in time to parole eligibility for each sentence length.
- D. Multiplying reduction in time to parole eligibility by total inmates admitted in order to calculate.
- E. Total reduction in months.

Impact of Elimination of 9 Month Parole Disqualifier
for Persons Sentenced to State Prison
(Based on State Prison Admissions - over 44 month period - 1/82-8/85)

		A	-	B	=	C	X	D	=	E		
Term	Mean	Current Eligibility		Amended Eligibility		Reduction (Months)		No. of Inmates		Total Reduction (mos)		
1 yr.	---	9 mos.		2.4 mos.		6.6 mos.		644		4250		
13-18 mos.	15.5 mos.	9 mos.		3.1 mos.		5.9 mos.		460		2714		
19-24 mos.	21.5 mos.	9 mos.		4.3 mos.		4.7 mos.		123		578		
25-36 mos.	30.5 mos.	9 mos.		6.1 mos.		2.9 mos.		1406		4077		
37-48 mos.	42.5 mos.	9 mos.		8.5 mos.		.5 mos.		1587		794		
								Totals		4220		12413

Maximum Mean Time Reduction Per Affected Inmate

12413 total mos. reduction ÷ 4220 total inmates = 2.94 mos.

Mean Admissions Per Year:

4220 inmates ÷ 44 mos. (Jan. 1982-Aug. 1985) = 96 admissions/mo. X 12 = 1150/yr.

Maximum Bedspace Reduction:

1150 admissions/year X 2.94 mos. reduction = 3381 mos. ÷ 12 = 280 beds (rounded)

**SENATE BILL NO. 3181: "An Act concerning
the fingerprinting and photographing of
certain persons and amending R.S. 53:1-5".**

CRIMINAL DISPOSITION COMMISSION

Don M. Gottfredson, Chairman
Dean, School of Criminal Justice
Rutgers University
Newark

Donald R. Belsole, Director,
Division of Criminal Justice
John Cannel, Assistant Public
Defender, Office of the
Public Defender
Christopher Dietz, Chairman
State Parole Board
William H. Fauver, Commissioner
Department of Corrections
Hon. Walter M.D. Kern,
Assemblyman, 40th District
Hon. Lee Laskin,
State Senator, 6th District
Hon. John A. Lynch,
State Senator, 17th District
Hon. Frank M. Pelly,
Assemblyman, 18th District
Hon. Christine Whitman,
Public Member

Hon. Leo Yanoff, J.S.C., Ret., t/a
Consultant



SI Newhouse
Center for Law and Justice
15 Washington Street
Newark, New Jersey 07102
201-648-5870

March 4, 1986

The Honorable John A. Lynch
Senator
The State of New Jersey

Dear Sir:

Should Senate Bill #3181: "An Act Concerning the Fingerprinting and Photographing of Certain Persons and Amending R.S. 53:1-5." be re-introduced for the 1986 legislative session, the Criminal Disposition Commission would like to submit for your review and consideration its concerns regarding this bill.

The adoption of Senate Bill #3181 would permit the fingerprinting of persons charged with or arrested for both indictable and nonindictable criminal offenses. This represents an expansion in the range of offenses for which a person arrested or charged may be fingerprinted i.e., the inclusion of disorderly and petty disorderly offenses.

This legislation would assist in meeting some of the information needs of criminal justice decision makers. The expanded use of fingerprinting for both indictable and nonindictable offenses would result in more complete rap sheets, thereby providing municipal and superior court judges with more complete criminal histories of offenders.

A review of recent municipal court statistics indicates that the number of cases for which fingerprinting will be required will increase dramatically. During the period of July, 1983 through June, 1984, there were approximately 73,365 indictable offenses for which fingerprinting was required. The advent of this legislation would mean an addition of at least 215,490 disorderly and petty disorderly offenses.

The Honorable John A. Lynch
March 4, 1986
Page 2

This projected increase of required fingerprint records resulting from this legislation could overload the State Police reporting system and jeopardize much of the advances thus far achieved.

Presently, the Commission is collaborating with the State Police in an effort to modify the Criminal Disposition Reporting System (CDR) to ensure that all relevant and necessary case information is contained in the system. Upon completion of these modifications, more complete and updated fingerprint records will be readily available for criminal justice decision makers.

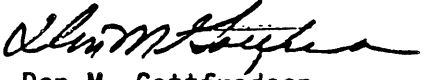
The Commission is concerned:

- ° whether the act poses a threat to an individual's right to privacy i.e., is this appropriate information to be collecting on individuals arrested for nonindictable offenses;
- ° whether the addition of cases/offenses will pose an administrative overburden to the criminal justice system;
- ° whether the intent of the act outweighs additional processing and administrative expenses; and
- ° whether the act will result in an increase in requests for expungements?

The Commission respectfully requests that the concerns expressed herein be considered should this proposed legislation be re-introduced. The Commission would be pleased to be of any further assistance it may provide in this matter.

Thank you for your consideration.

Sincerely,


Don M. Gottfredson
Chairman

DMG:cs

**SENATE BILL #1257: "An Act concerning
harassment and amending N.J.S. 2C:33-4".**

CRIMINAL DISPOSITION COMMISSION

Don M. Gottfredson, Chairman
Dean, School of Criminal Justice
Rutgers University
Newark

Donald R. Belsole, Director,
Division of Criminal Justice
John Cannel, Assistant Public
Defender, Office of the
Public Defender
Christopher Dietz, Chairman
State Parole Board
William H. Fauver, Commissioner
Department of Corrections
Hon. Walter M.D. Kern,
Assemblyman, 40th District
Hon. Lee Laskin,
State Senator, 6th District
Hon. John A. Lynch,
State Senator, 17th District
Hon. Frank M. Pelly,
Assemblyman, 18th District
Hon. Christine Whitman,
Public Member

Hon. Leo Yanoff, J.S.C., Ret., t/a
Consultant



SI Newhouse
Center for Law and Justice
15 Washington Street
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201-648-5870

April 10, 1986

The Honorable Richard J. Codey
Senator
The State of New Jersey

Dear Sir:

The Criminal Disposition Commission would like to submit for your review and consideration its concerns regarding Senate Bill #1257: "An Act concerning harassment and amending N.J.S. 2C:33-4".

Senate Bill #1257 proposes an upgrade of harassment from a petty disorderly offense to a disorderly offense. This legislation would increase both the maximum length of imprisonment and fine from thirty days to six months and \$500.00 to \$1,000.00, respectively.

Analysis of harassment arrest data for the years 1983 through 1985 obtained from the Criminal Disposition Reporting System (CDR) of the State Police indicates a gradual annual increase of twelve percent in the number of arrests. The arrests for harassment for 1983, 1984 and 1985 have been 647, 738 and 842, respectively. The advent of this legislation would require that cases, presently classified as petty disorderly offenses and punishable by up to thirty days imprisonment and/or a \$500.00 fine, be subject to a term of imprisonment six times the present term. However, these figures are incomplete as the CDR system does not capture information on non-indictable cases where an offender was not arrested. Since many of the offenders charged with harassment are never arrested, the data most likely greatly underestimate the impact of the legislation. The Commission has recommended modifications to the CDR system which attempts to address the problem in the complete compilation of data.

This legislation has the potential to have a great impact on the county jail population growth. Not only are the number of arrests for harassment increasing, offenders incarcerated for harassment would be likely to serve longer jail terms, thereby necessitating additional jail bedspace.

In addition to the above concerns, the Commission urges that much consideration be given to the appropriateness of an upgrade of the harassment offense. An upgrade of this offense imposes up to six months imprisonment for "engaging in conduct, with the purpose to harass another, in a manner likely to cause annoyance or alarm". The punishment of six months imprisonment and/or a \$1,000.00 fine may be considered disproportionately harsh given the actual behavior which may have resulted in a harassment charge. Consequently, the intent of the legislation may be rendered ineffective due to difficulty in enforcement and/or hesitancy to impose the maximum penalties.

The Commission respectfully requests that the concerns expressed herein be given consideration. The Commission would be pleased to render any further assistance it may provide in this matter.

Thank you for your cooperation.

Sincerely,



Don M. Gottfredson
Chairman

DMG:cs

cc: Senate Judiciary Committee
John Tumulty
Steven Carnes
Gary Furnari
Steven Sack-Wilner