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## CRIMINAL DISPOSITION COMMISSION

ROOM 708  
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NEWARK, NEW JERSEY 07102  
(TEMPORARY ADDRESS)  
201-961-7235-36LEO YANOFF  
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CHRISTOPHER DIETZ  
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WALTER M.D. KERN, JR.  
LEE B. LASKIN  
EDWIN H. STIERFOR RELEASE: (Immediately) Feb. 13, 1981

For information, contact:

Superior Court Judge Leo Yanoff  
(retired)  
Chairman, Criminal Disposition  
Commission, (201) 961-7235

Attached is a report issued today by the New Jersey Criminal  
Disposition Commission.

Members include Superior Court Judge Leo Yanoff (retired),  
Chairman; William J. Bate, Assemblyman; John Cannel, Esq., Office  
of the Public Advocate; Christopher Dietz, Chairman, State Parole  
Board; Commissioner William H. Fauver, Department of Corrections;  
Edward Gaulkin, Esq., retired Superior Court Judge, Appellate Division,  
public member; William J. Hamilton, Jr., State Senator; Walter  
M.D. Kern, Jr., Assemblyman; Lee B. Laskin, State Senator; and  
Edwin H. Stier, Esq., Director, Division of Criminal Justice.



## REPORT OF CRIMINAL DISPOSITION COMMISSION

This first biannual report pursuant to N.J.S.A. 2C:48-3 of the New Jersey Code of Criminal Justice (hereafter "Code") is in two parts. The first part consists of some general observations regarding the Commission. The second part contains recommendations set forth hereafter.

### A.

The Criminal Disposition Commission (hereafter "Commission") includes all the major institutions of our criminal justice system in the persons of the designees of the Chief Justice of the Supreme Court, the Attorney General, the Public Advocate, the Commissioner of Corrections, and the Chairman of the Parole Board. It includes also representatives of the Legislature, two from the Senate and two from the General Assembly, as well as a member appointed by the Governor. (N.J.S.A. 2C:48-1). The Commission, therefore, constitutes an exceedingly useful, and probably unique, means for regular and systematic consultation among all important elements of the criminal justice system.

The statute provides:

It shall be the duty of the commission 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 imprisonments, fines and other monetary punishments, parole, probation and supervisory treatment. (N.J.S.A. 2C:48-2)

The statute empowers the Commission to call its assistance and avail itself of the services of employees of state agencies and

state agency facilities (N.J.S.A. 2C:48-3). It provides also that the Commission ". . . shall file biannually with the Governor and the Legislature a report containing its findings and recommendations concerning the disposition of criminal offenders." (N.J.S.A. 26:48-4) This report is made pursuant to that mandate.

Shortly after the Commission began its function in May 1980, it became apparent that a wealth of statistical data was contained within the records of state agencies which could be used for the work of the Commission. In particular, the Commission was impressed with the data accumulated in the computer files of the Division of Systems and Communications of the Department of Law and Public Safety. Contained therein is the criminal history of all persons who come within the purview of the criminal justice system since January 1972. In addition, the Administrative Office of the Courts has, through its Sentencing Research Project, beginning in 1977, maintained a department for the analysis of sentences imposed for indictable offenses, with the object of determining what kinds of sentences are imposed, their length, their impact on the various penal institutions available in the state, and also for the purpose of determining what disparity, if any, exists among sentences. The Commission has taken measures for integrating all the statistical data available in various aspects of the system, with the object of creating a statistical pool which will be useful in the handling of problems of criminality. It has also instituted

inquiry into basic questions which affect the functioning of the system. An instance, is the formation of a committee to define the term "recidivism," so that we may have accurate data on how effectively the correction system and the parole system are working. The Commission has also established, through the Administrative Office of the Courts, a means for communicating with the judges who make decisions under Code, for the purpose of locating problems which can be addressed either by legislation or in some other way under our legal system.

Thus far the Commission has performed a very important function in integrating and unifying approaches to problems involving the criminal justice system of this state. We hope and expect that in the future it will be even more useful.

#### B.

I. The prison and jail facilities of the New Jersey corrections system are now operating at very close to maximum capacity. It is apparent that the consequences of the Code, the Parole Act of 1979 ("Parole Act"), PL 1981, c 31, increasing the number of crimes for which sentences of imprisonment are mandated, and other factors, will increase the number of incarcerations well beyond the capacity of the corrections system by the middle of 1981, so that at that time there will be a great emergency. Only by taking immediate action is there a reasonable prospect of averting a prison crisis within the short term. Use of the recently approved \$67 million bond issue to construct additional facilities will

mitigate, but not solve, the problem even if construction is started at once.

The facts supporting in part this urgent recommendation are contained in the following reports:

1. Report of Sentencing Research Project of the Administrative Office of the Courts, dated February 11, 1981, showing that the impact of the Code, since its effective date on September 1, 1979, has been an increase in the percentage of incarcerations by over 50%, and an extension in the median length of prison terms. About one-third of all first and second-degree offenders, as defined in the Code, have received mandatory minimum terms. This report projects a staggering increase in prison commitments. (A copy of this report is submitted herewith.)

2. Reports of the New Jersey Department of Corrections, dated January 7 and 8, 1981, showing prison populations, and summarizing sentences under the Code to the corrections system. (Copies of these reports are submitted herewith.)

3. The 1979 Uniform Crime Report for New Jersey, and the 1980 half-year supplement thereto, showing a substantial increase in criminal arrests in 1980 over 1979, and that for the first half of 1980 "violent crime" rose by 15%, and "non-violent" 10%. These

reports have been widely circulated, and are available through the Office of Colonel Clinton L. Pagano, Superintendent, New Jersey State Police.

In addition to this data, must be considered the impact of PL 1981, c 31 , requiring specified minimum prison sentences for persons possessing guns while committing crimes, and of the speedy trial program in New Jersey.

The prison system of the Department of Corrections has a capacity of 4279 medium-maximum security places, and 2594 minimum security places, a total of 6873 places. The resident prison population in December 1980, was 6542. There are now 200 prisoners in county institutions awaiting transfer to state facilities. The system is, therefore, already operating at close to maximum capacity. The "rated capacity" of county jails is estimated at 5000. We believe this also is at or beyond the saturation level.

After the effective date of the Parole Act in September 1980, the prison population was reduced to 6199. This was a temporary diminution attributable to the initial effect of the Parole Act. The Parole Act slightly advanced the parole eligibility date of a class of offenders, delayed incarceration of parole violators in certain cases, and advanced the release of inmates "as soon as practicable" after their eligibility dates. The combined consequences of these factors was the release of a substantial number of prisoners within four to six months after the effective date of the Parole Act, thereby making available in the prison system a comparable number of cells.

The countervailing factor was the increase of incarcerations caused by the factors already noted.

The report of the Sentencing Research Project of the Administrative Office of the Courts shows that increased severity of sentencing under the Code alone will cause the number of offenders sentenced to state prison to increase from an average of 1741 per year by an additional number ranging between 2500 and 3000. To this must be added probable additional incarcerations of between 200 and 300 per year by reason of legislation requiring incarceration for possession of weapons while committing crimes and the initial effect of the speedy trial program. Thus, we can reasonably anticipate incarceration at 1 1/2 to 1 3/4 the current rate, with a strong likelihood of twice the current rate. This shortage of cell space is not something which will arise in the indefinite future. We expect it to occur soon and to get worse. There should be provision for at least 1000 more prisoners independent of the increased average length of sentence.

According to the Department of Corrections, the prison system should be operated at no more than 92% capacity to make provision for ill prisoners, disciplinary cases, and prisoners in protective custody. It is operating above that now. The prospective additional rate of incarceration forebodes serious problems for the corrections system. We cannot overlook the fact that federal courts have directed and controlled improvements in the prison system. Finney v. Arkansas Board of Corrections, 505 F. 2d 194 (8 Cir. 1974). In New York the Tombs was closed

as the result of court order. See Rhem v. Malcom, 507 F. 2d 337 (2 Cir. 1974). For a review of the extent to which a prison system may be affected by court order see "Complex Enforcement - Unconstitutional Prison Conditions", 94 Harv. L. Rev. 626 (1981).

The Commission, therefore, recommends that immediate measures be taken to provide facilities necessary for an increasing prison population.

II. A questionnaire circulated by the Administrative Office of the Courts at the request of the Commission among sentencing judges shows sharp division of opinion as to when N.J.S.A. 2C:44-1 presumptively impels a judge sentencing a defendant to impose a term of incarceration. This is an issue which may not soon be clarified by appellate decision. Only if the sentencing judge explicitly stated that he felt constrained to impose a sentence of incarceration by the cited section would the question appear on the record. Even in that case the Appellate Court might, in the light of State v. Whitaker, 79 N.J. 503 (1979), refuse to rule upon it. The problem arises because the language of N.J.S.A. 2C:44-1d, e and f is unclear. Without discussing it in detail, it uses language which may create a presumption that a defendant be imprisoned, and yet states, "when a court determines that a sentence of imprisonment be imposed it shall. . ." [emphasis supplied] N.J.S.A. 2C:44-1f(1). The Commission recommends that early consideration be given to this problem.

III. The questionnaire referred to above shows also that many judges are of the opinion that N.J.S.A. 2C:43-2 and N.J.S.A. 2C:45-1c which reads, "When the court sentences a person who has been convicted of a crime to be placed on probation, it may require him to serve a term of imprisonment not exceeding 180 days as an additional condition of its order," unduly restrict sentencing options. The Commission also recommends early consideration of these sections.

#####

ADMINISTRATIVE OFFICE OF THE COURTS

INTEROFFICE MEMO

TO: Robert D. Lipscher, Esq.

FROM: John P. McCarthy, Jr., Esq. TEL. NO.: 4-5032

SUBJECT: PROFILE OF 1980 SENTENCINGS WITH EMPHASIS ON SENTENCINGS  
UNDER THE NEW CODE OF CRIMINAL JUSTICE

DATE: February 11, 1981

The following report profiles the 1980 sentencing practice in New Jersey with particular emphasis on the impact of the new Code of Criminal Justice, effective September 1, 1979.

The data strongly support the conclusion that there has been, and likely will continue to be, a very substantial increase in the severity of sentences under Title 2C. Simply said, more offenders are being sentenced to jail, and they are going for longer periods of time. If this trend continues, and there is strong evidence that it will, the number of offenders sentenced to state prison alone will increase from a past average of 1,741 per year to between 2,500 and 3,000 per year, and will receive longer sentences than in the past causing a further cumulative increase by virtue of later release on parole. While a significant portion of present sentences (30%) are under the prior, less severe sentencing law, these cases will be mostly out of the system by this summer.

In light of the compounding impact of recently enacted minimum mandatory sentences for certain offenses committed with a firearm, the increasing crime rate, and the accelerated dispositions under the speedy trial program, the implications of both short and long term impact on correctional resources are enormous. The number of admissions may easily double, if not more, in 1982.

The impact of these increases will first evidence itself at the county jail level where prisoners will be held pending transport to overcrowded state prisons. This problem is compounded by an increase in county jail admissions on sentenced persons. These signs are already appearing, and I caution against regarding them as a temporary or "peak" phenomenon - as indicated below - there is substantial evidence that these increases are of a permanent nature.

Table A presents a summarized profile of sentence activity in 1977, 1979 and 1980. As can be seen in columns three and four, the various rates of incarceration, including percentage incarcerated at various prison institutions, were quite stable under the old law. However, the first column, presenting sentences under the new Code, show an almost 50% increase in the number of offenders receiving some custodial time (a rise from 42% in 1979 to 61% in 1980), and over a 75% increase in the proportion of offenders going to state prison (13% to 23% of all sentences).

(Con't.)

Robert D. Lipscher, Esq.

Page Two

February 11, 1981

As indicated in several earlier reports on this subject, my main question was whether these higher "system rates" would stabilize or drop to former levels. Obviously, since the Code was in effect for such a short time, it could be said that the more serious cases were processed more quickly resulting in a larger number of higher sentences. However, information such as in the second column of Table A (an ostensibly similar group as in column one in age from day of offense), as well as stability of results shown in Table E and E-2, indicates that only a small portion of the increase can be explained by a larger number of "younger" cases. The relative "stability" demonstrated by the trends presented in Table C, C-2, D, D-2 and D-3, as well as the large number of 2C cases sentenced, further support the conclusion that current rates will likely not recede significantly at all.

J.P.McC.

/dmg

Attachment

cc: Honorable Leo Yanoff  
Edwin H. Stern, Esq.

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TABLE A

## PROFILE OF SENTENCES RENDERED UNDER CODE OF CRIMINAL JUSTICE

|                                                                                          | 2C SENTENCES<br>DURING FIRST 16<br>MONTHS AFTER<br>EFFECTIVE DATE OF<br>NEW CODE | CASES SENTENCED<br>DURING 1977<br>WITHIN 16 MONTHS<br>FROM TIME OF<br>OFFENSE | ALL<br>1977 CASES | ALL<br>1979 CASES | CASES SENTENCED UNDER<br>TITLE 2A DURING<br>1980* |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------|-------------------|---------------------------------------------------|
| Number of cases                                                                          | 4,752                                                                            | 10,836                                                                        | 13,685            | 13,102            | 9,162                                             |
| 1. <u>Percent Non-Custodial</u>                                                          | 39%                                                                              | 58%                                                                           | 60%               | 58%               | 61%                                               |
| 2. <u>Percent Incarcerated</u>                                                           | 61%                                                                              | 42%                                                                           | 40%               | 42%               | 39%                                               |
| 3. <u>Percent of all cases<br/>Incarcerated at:</u>                                      |                                                                                  |                                                                               |                   |                   |                                                   |
| A) County Institution                                                                    | 25%                                                                              | 17%                                                                           | 17%               | 19%               | 20%                                               |
| B) Indeterminate to YRCC                                                                 | 13%                                                                              | 11%                                                                           | 10%               | 10%               | 7%                                                |
| C) State Prison                                                                          | 23%                                                                              | 14%                                                                           | 13%               | 13%               | 12%                                               |
| Total Percent Incarcerated                                                               | 61%                                                                              | 42%                                                                           | 40%               | 42%               | 39%                                               |
| 4. <u>Median of State Prison Terms</u>                                                   | 7 yrs.                                                                           | 5 yrs.                                                                        | 5 yrs.            | 6 yrs.            | 5 yrs.                                            |
| 5. <u>Percent of State Prison<br/>Terms with Minimum Parole<br/>Eligibility Sentence</u> | 21%                                                                              | N/A                                                                           | N/A               | N/A               | N/A                                               |

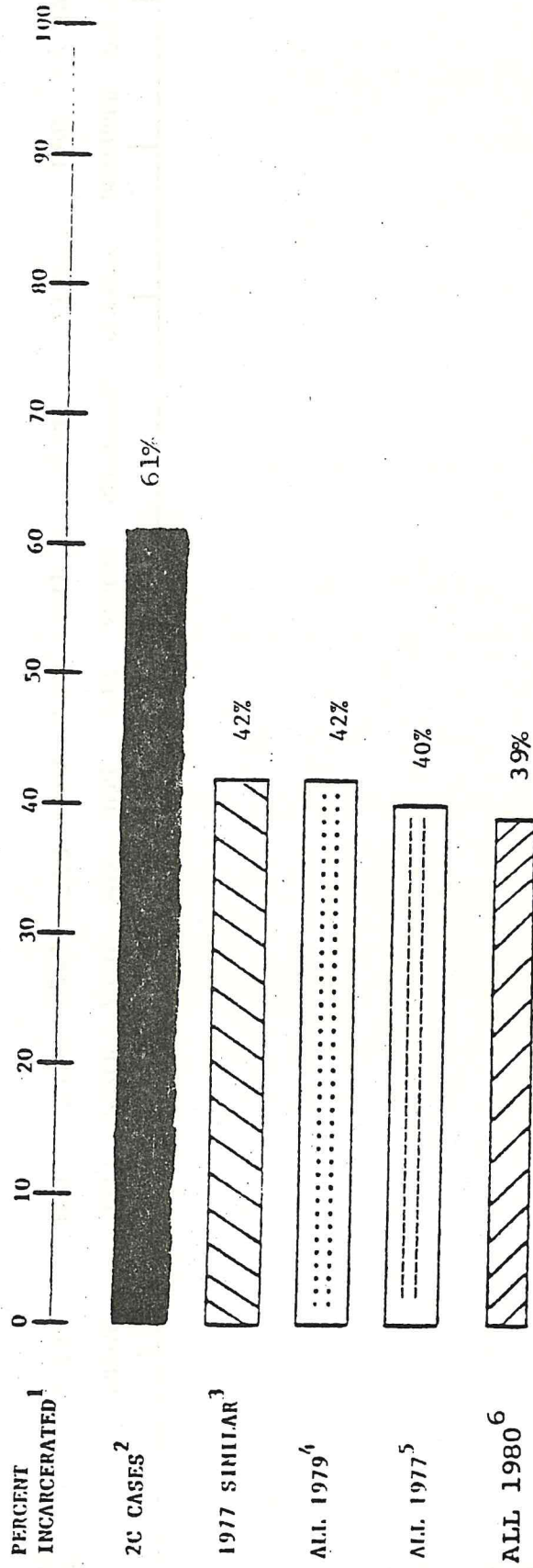
NOTE: CASES CONVICTED UNDER TITLE 2A BUT SENTENCED AS IF TITLE 2C, AND CASES WHERE THE MOST SERIOUS CHARGE FOR WHICH THE OFFENDER WAS CONVICTED WAS A TITLE 2A STATUTE, BUT WHICH ALSO CONTAINED LESS SERIOUS TITLE 2C STATUTES, WERE NOT INCLUDED. THE RATE OF INCARCERATION FOR CASES INDICTED UNDER TITLE 2A AND SENTENCED UNDER TITLE 2C IS 49%. THE RATE OF CASES INVOLVING A MORE SERIOUS TITLE 2A CHARGE IS 76%.

\*ALL CASES SENTENCED UNDER TITLE 2A DURING 1980 AND RECEIVED TO DATE.

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Sentencing Research Project

TABLE B

RATES OF INCARCERATION FOR SELECTED TIME INTERVALS



<sup>1</sup> A non-custodial sentence means the offender will not do time in any institution because of this sentence. Also included in this category are cases where the sentence issued was concurrent to a present term and the offender will do no additional time as a result of the sentence.

<sup>2</sup> 2C sentences received during first 16 months after effective date of new code. (NOTE: All judgments of convictions for December sentences have not yet been received.)

<sup>3</sup> Cases sentenced from October 1, 1976 to September 30, 1977 within 16 months from time of offense (In order to better understand the increased rate of incarceration, data has been included on a number of cases sentenced between October 1, 1976 to September 30, 1977 which were also sentenced within 16 months of date of offense, an ostensibly similar group).

<sup>4</sup> All cases sentenced during the 1979 calendar year.

<sup>5</sup> All cases sentenced between October 1, 1976 to September 30, 1977.

<sup>6</sup> Cases sentenced under Title 2A during 1980 and received to date.

TABLE C  
 RATES OF INCARCERATION FOR 2C SENTENCINGS BY MONTH

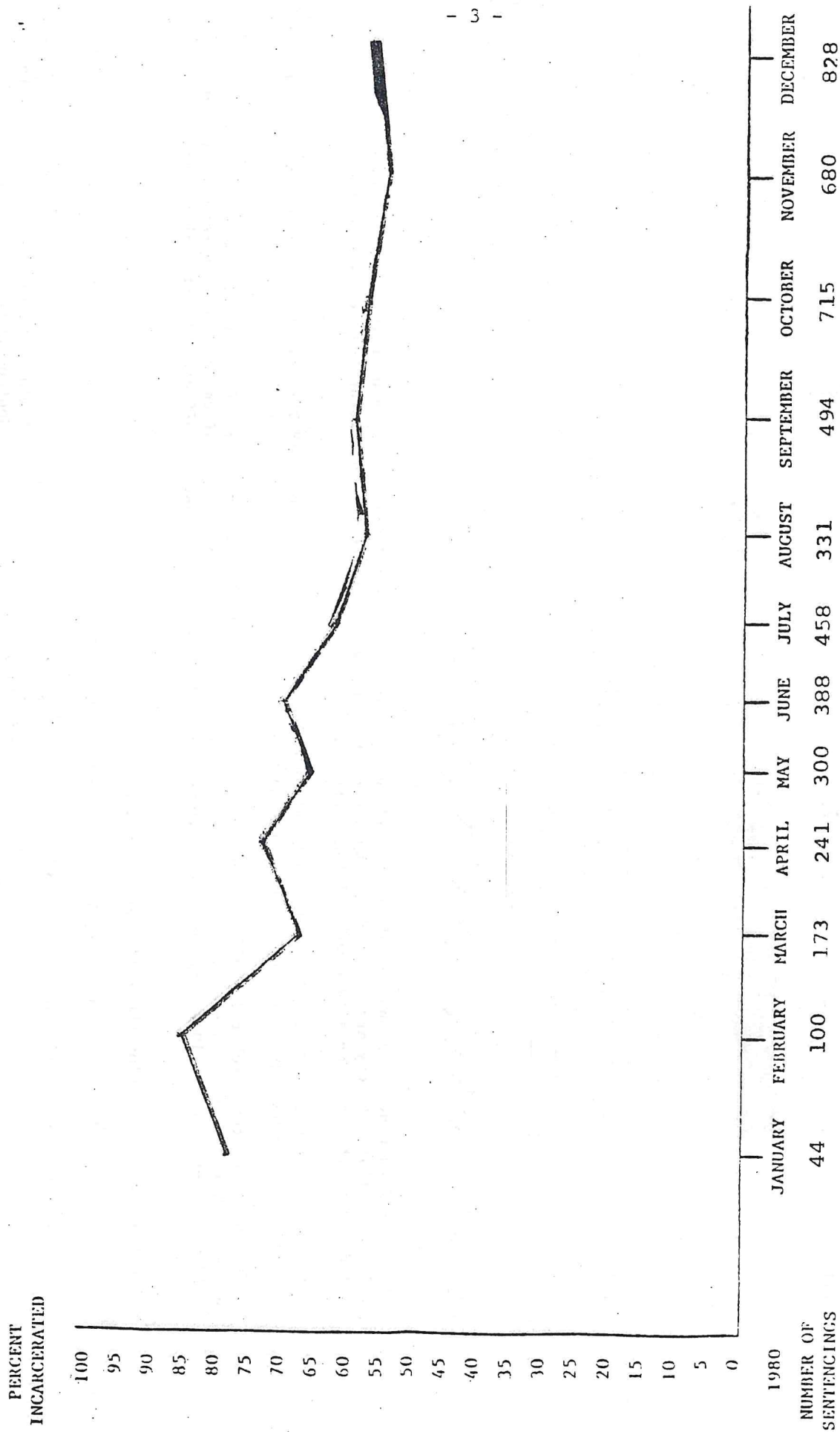
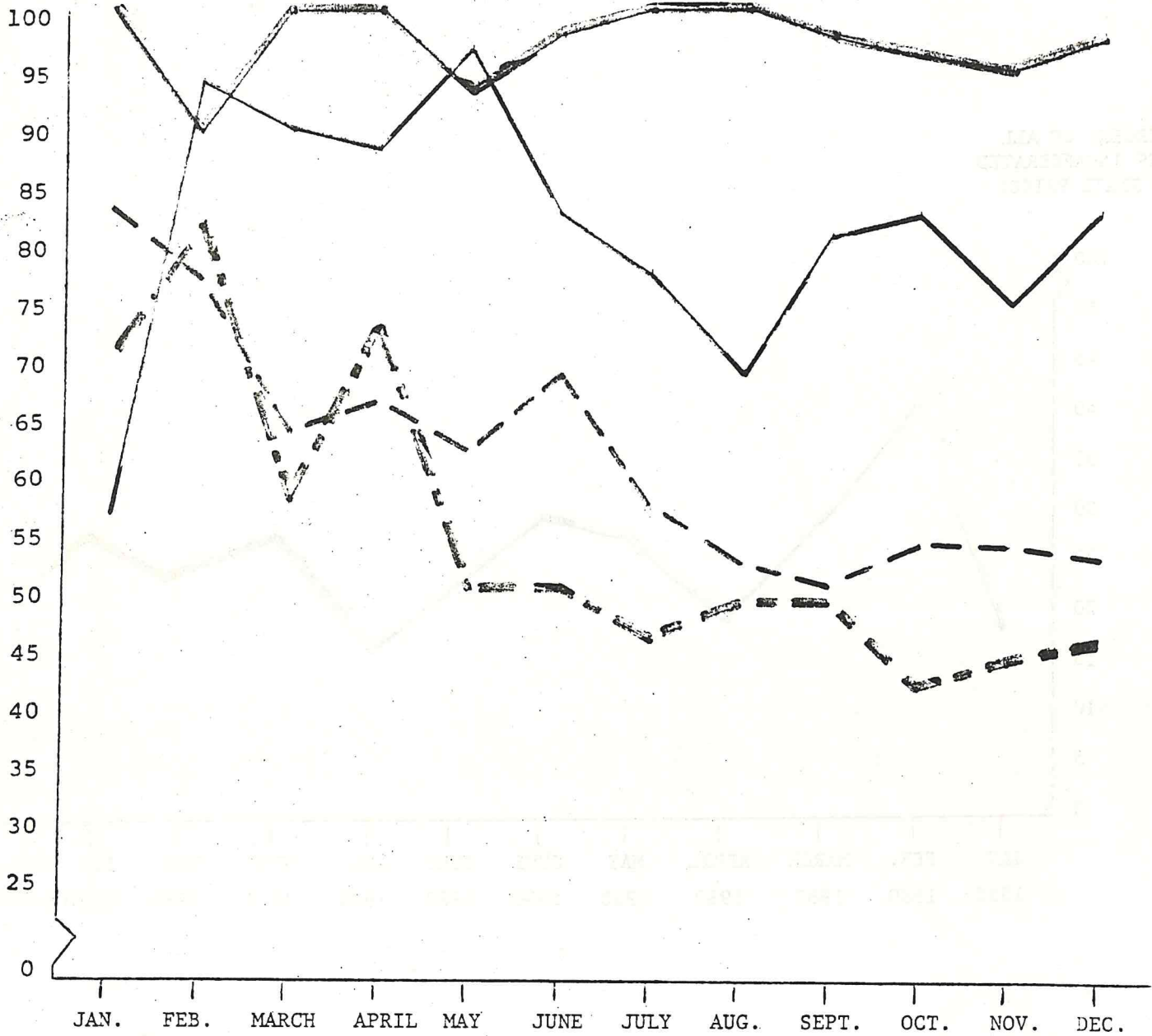


TABLE C-2

RATES OF INCARCERATION FOR 2C SENTENCES BY DEGREE AND BY MONTH



LEGEND:



RATES OF INCARCERATION BY DEGREE

|                             |     |
|-----------------------------|-----|
| All First Degree Sentences  | 97% |
| All Second Degree Sentences | 82% |
| All Third Degree Sentences  | 56% |
| All Fourth Degree Sentences | 48% |

TABLE D

RATE OF STATE PRISON INCARCERATIONS BY  
MONTH FOR TITLE 2C SENTENCINGS

PERCENT OF ALL  
CASES INCARCERATED  
AT STATE PRISON

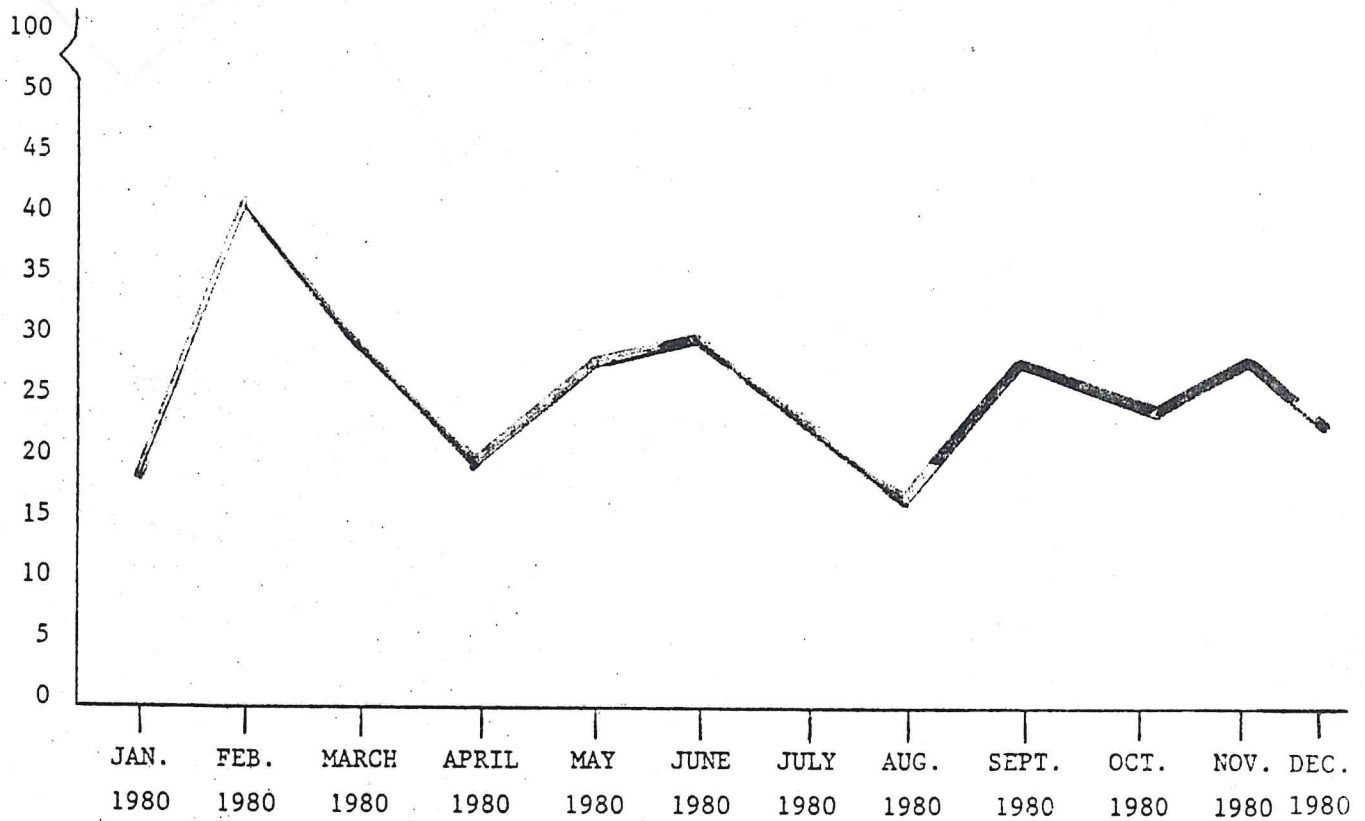


TABLE D-2

RATE OF COUNTY INSTITUTIONS INCARCERATIONS BY MONTH FOR TITLE 2C SENTENCINGS

Percent of All  
Cases Incarcerated  
in County Institutions

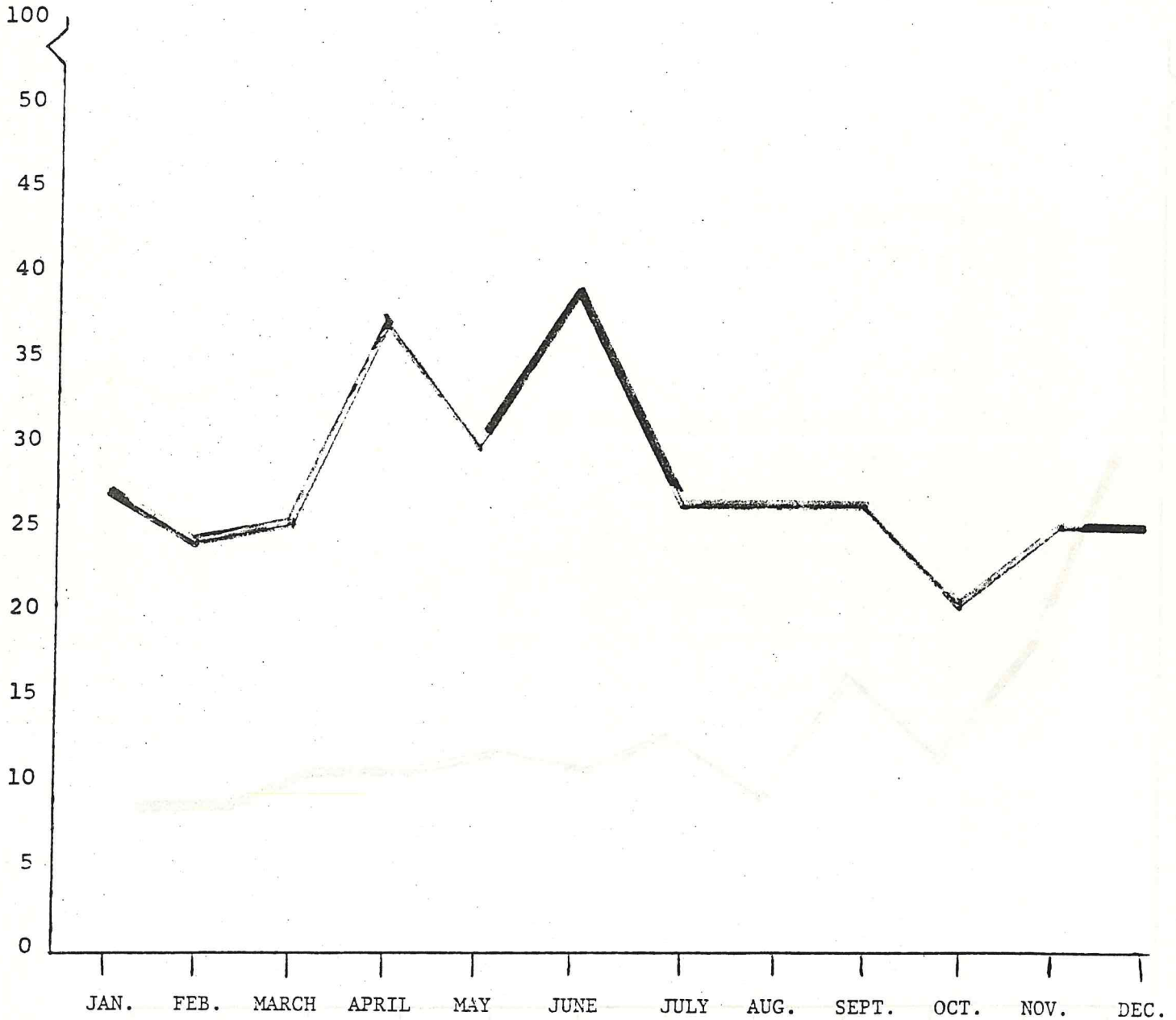


TABLE D-3

RATE OF INCARCERATION TO THE YOUTH COMPLEX BY MONTH FOR TITLE 2C SENTENCINGS

Percent of All Cases  
Incarcerated in Youth  
Complex

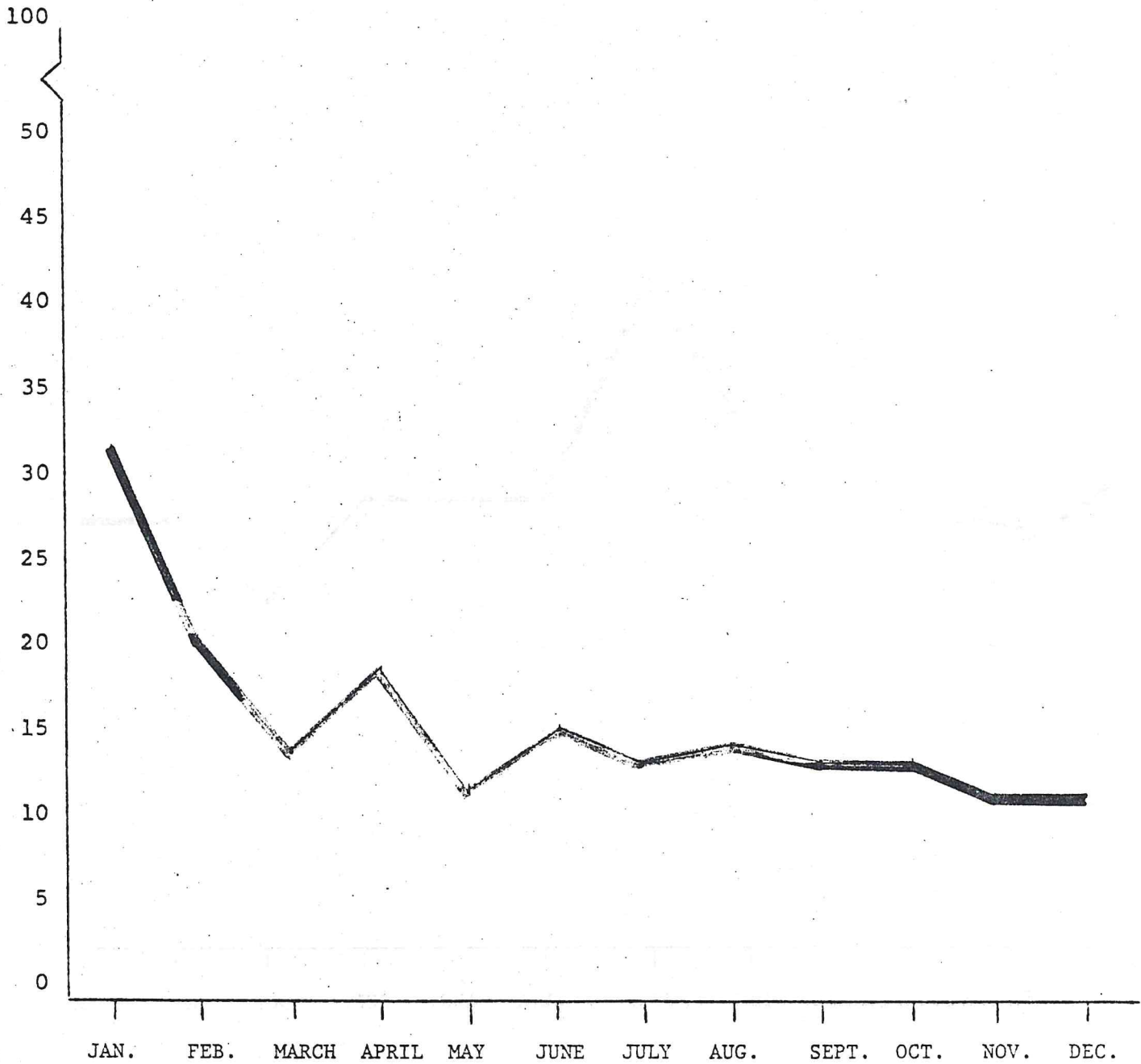
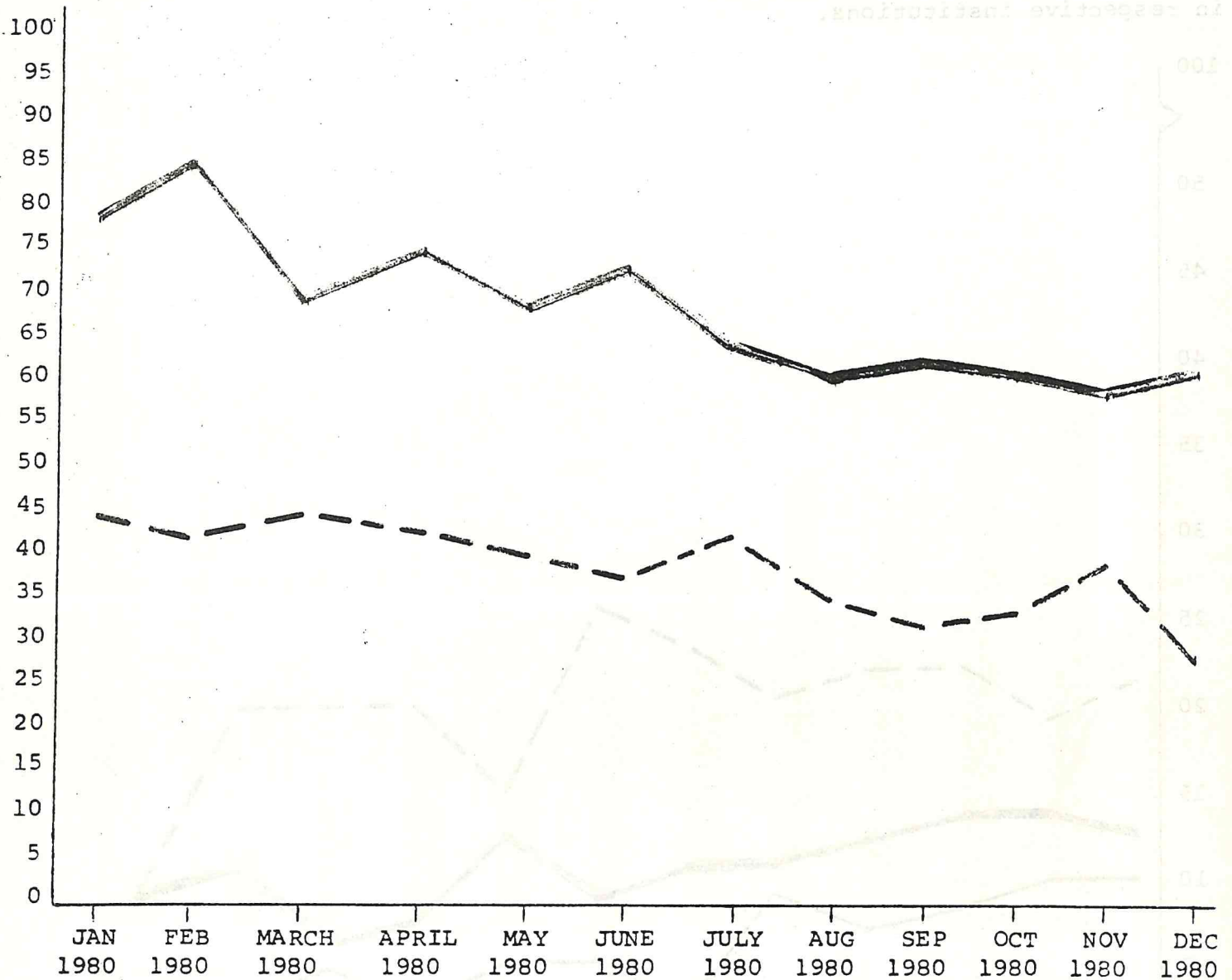


TABLE E

COMPARISON OF RATES OF INCARCERATION  
FOR TITLE 2A AND TITLE 2C SENTENCINGS

PERCENT  
INCARCERATED



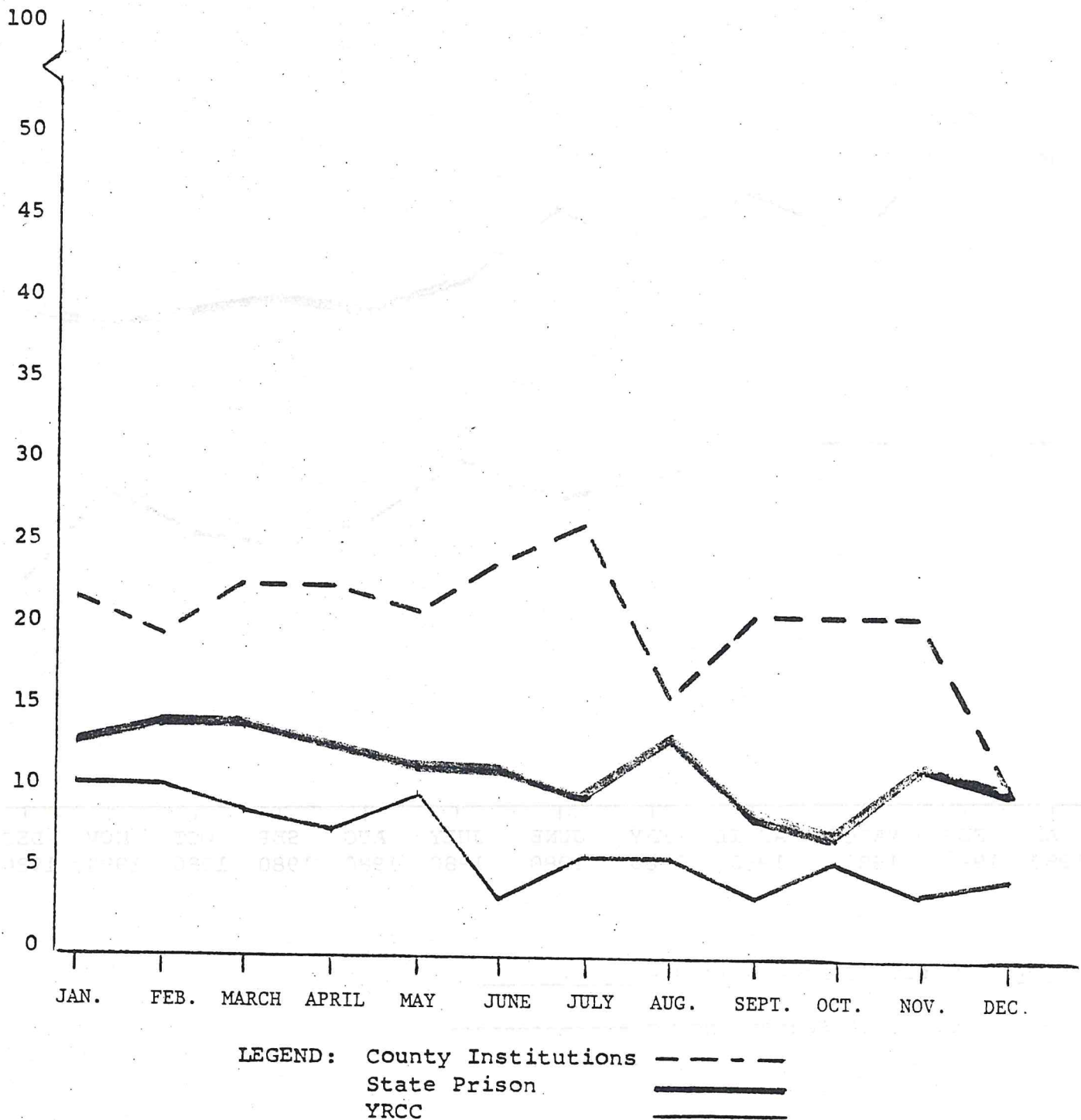
LEGEND: Title 2C Sentencings = \_\_\_\_\_  
Title 2A Sentencings = -----

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TABLE E-2

RATE OF INCARCERATIONS BY MONTH FOR TITLE 2A SENTENCINGS

Percent of all cases incarcerated  
in respective institutions.

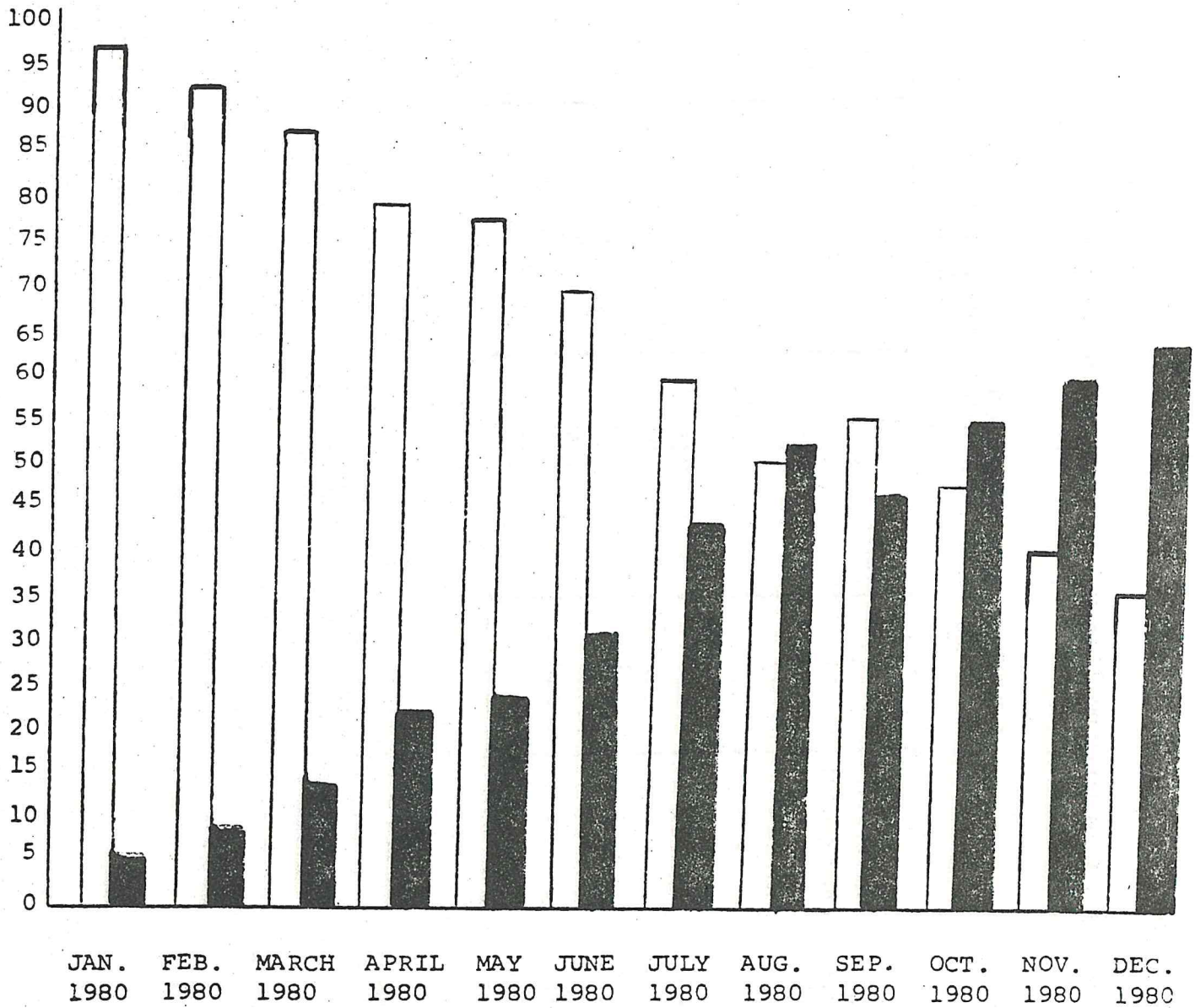


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TABLE F

PROPORTIONAL REPRESENTATION OF CRIMINAL SENTENCINGS

PERCENTAGE  
OF TOTAL  
SENTENCINGS



LEGEND: Title 2A Sentencings =   
Title 2C Sentencings = 

TABLE G

PROFILE OF FIRST AND SECOND DEGREE CASES WITH MANDATORY MINIMUM SENTENCE

| STATUTE                    | TITLE                     | # CASES | % INCARCERATED IN STATE PRISON | % OF STATE PRISON TERM WITH MINIMUM PAROLE ELIGIBILITY | % OF MAXIMUM 1 SENTENCE |
|----------------------------|---------------------------|---------|--------------------------------|--------------------------------------------------------|-------------------------|
| All First Degree Crimes    |                           | 460     | 68%                            | 50%                                                    | 45%                     |
| 2C:11-3b                   | Murder                    | 98      | 95%                            | 60%                                                    |                         |
| 2C:14-2a                   | Aggravated Sexual Assault | 43      | 74%                            | 41%                                                    |                         |
| 2C:19-1                    | Robbery                   | 292     | 56%                            | 47%                                                    |                         |
| Other First Degree Crimes  |                           | 27      | 85%                            | 48%                                                    |                         |
| All Second Degree Crimes   |                           | 571     | 42%                            | 20%                                                    | 46%                     |
| 2C:11-4                    | Manslaughter              | 48      | 75%                            | 19%                                                    |                         |
| 2C:12-1b(1)                | Aggravated Assault        | 111     | 33%                            | 24%                                                    |                         |
| 2C:14-2b                   | Sexual Assault            | 37      | 46%                            | 18%                                                    |                         |
| 2C:18-2                    | Burglary                  | 31      | 39%                            | 25%                                                    |                         |
| 2C:19-1                    | Robbery                   | 247     | 45%                            | 16%                                                    |                         |
| Other Second Degree Crimes |                           | 97      | 29%                            | 32%                                                    |                         |

This figure was calculated by dividing the aggregate of minimum parole eligibility sentences by the aggregate of their corresponding maximum sentences; it represents a percentage of the aggregate maximum sentence. A minimum parole eligibility sentence cannot exceed fifty percent (50%) of the maximum sentence as per N.J.S.A. 2C: 43-6b.

Note: The percentage of maximum sentence was not included for Third Degree Crimes due to the low number of minimum parole eligibility sentences involved.

TABLE E

SELECTED DATA BY DEGREE OF CRIME

| DEGREE OF CRIME | PERCENT OF TOTAL CASES | RATE OF INCARCERATION | PERCENT TO STATE PRISON | PERCENT INDETERMINATE | PERCENT TO COUNTY INSTITUTION |
|-----------------|------------------------|-----------------------|-------------------------|-----------------------|-------------------------------|
| First           | 1%                     | 97%                   | 68%                     | 25%                   | 4%                            |
| Second          | 12%                    | 82%                   | 42%                     | 25%                   | 15%                           |
| Third           | 52%                    | 56%                   | 25%                     | 14%                   | 23%                           |
| Fourth          | 26%                    | 48%                   | 3%                      | 1%                    | 43%                           |

PROFILE OF CUSTODIAL TERMS BY DEGREE OF CRIME

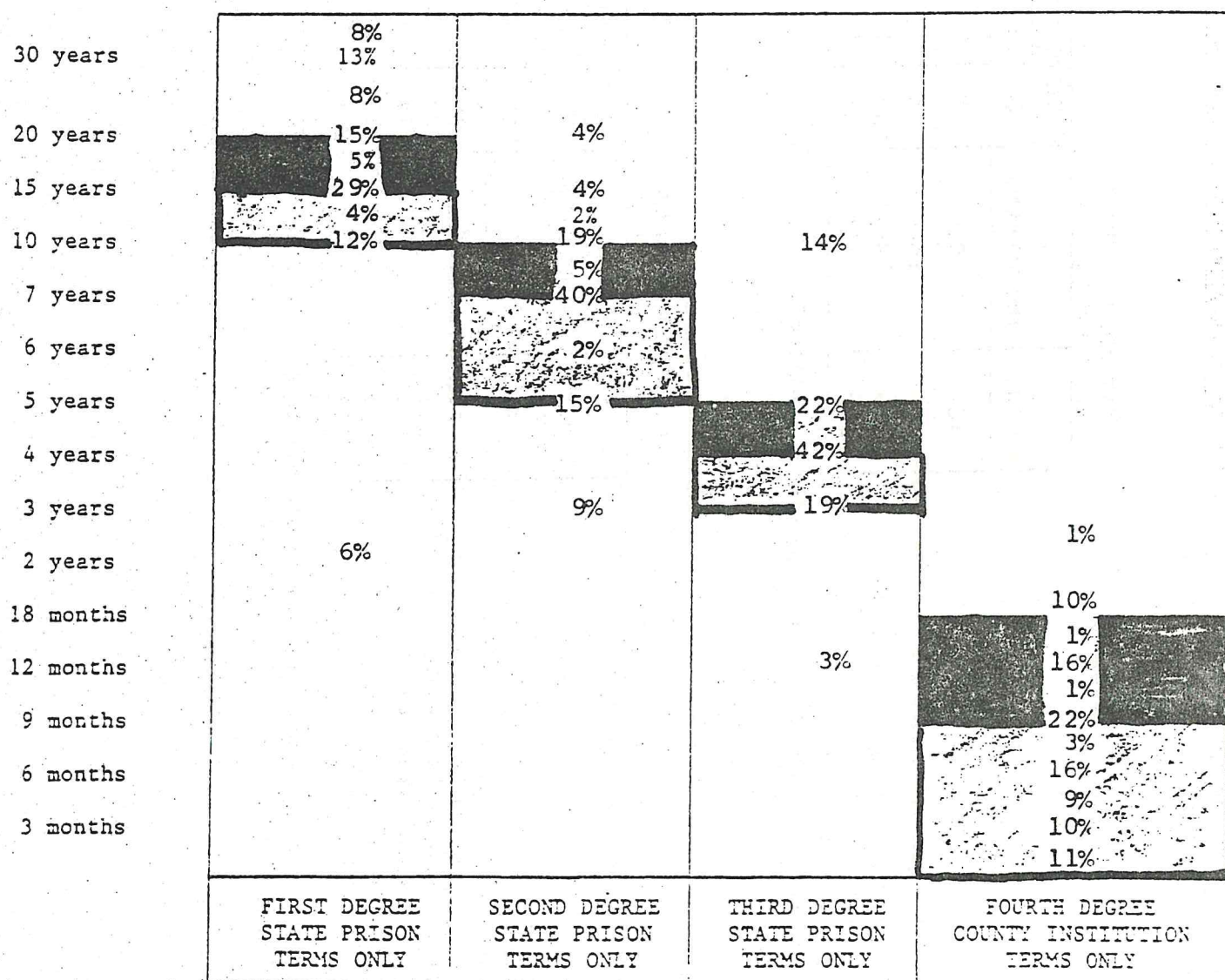


TABLE I

## RATES OF INCARCERATION AND INSTITUTIONAL BREAKDOWN BY DECREE AND FOR SELECTED STATUTES

## FIRST DEGREE CRIMES

| # CASES | % INCARCERATED | STATE PRISON |         | YRCC |         | COUNTY JAIL |        |
|---------|----------------|--------------|---------|------|---------|-------------|--------|
|         |                | #            | MEDIAN  | #    | MEDIAN  | #           | MEDIAN |
| 460     | 97%            | 312          | 15 yrs. | 116  | 15 yrs. | 17          | 5 mos. |
| 98      | 100%           | 93           | 30 yrs. | 5    | 20 yrs. | None        | N/A    |
| 43      | 95%            | 32           | 15 yrs. | 8    | 10 yrs. | 1           | 3 mos. |
| 292     | 96%            | 163          | 15 yrs. | 101  | Indet.  | 15          | 5 mos. |

## ALL FIRST DEGREE

## Selected Statutes

2C:11-3b - Murder  
 2C:14-2a - Aggravated Sexual Assault  
 2C:19-1 - Robbery

Percent of State Prison terms with minimum parole eligibility sentence: 50%

## SECOND DEGREE CRIMES

| # CASES | % INCARCERATED | STATE PRISON |         | YRCC |        | COUNTY JAIL |          |
|---------|----------------|--------------|---------|------|--------|-------------|----------|
|         |                | #            | MEDIAN  | #    | MEDIAN | #           | MEDIAN   |
| 571     | 82%            | 242          | 7 yrs.  | 140  | Indet. | 84          | 6 mos.   |
| 48      | 98%            | 36           | 7 yrs.  | 7    | 7 yrs. | 4           | 6 mos.   |
| 111     | 72%            | 37           | 7 yrs.  | 19   | 7 yrs. | 24          | 6 mos.   |
| 37      | 73%            | 17           | 7 yrs.  | 6    | 6 yrs. | 4           | 5.5 mos. |
| 31      | 77%            | 12           | 10 yrs. | 7    | 7 yrs. | 5           | 9 mos.   |
| 247     | 90%            | 111          | 7 yrs.  | 80   | Indet. | 32          | 6 mos.   |

## ALL SECOND DEGREE

## Selected Statutes

2C:11-4 - Manslaughter  
 2C:12-1b(1) - Aggravated Assault  
 2C:14-2b - Sexual Assault  
 2C:18-2 - Burglary  
 2C:19-1 - Robbery

Percent of State Prison terms with minimum parole eligibility sentence: 20%

Administrative Office of the Courts  
 Sentencing Research Project

(Con't.)

TABLE 1 (Continued)

## THIRD DEGREE CRIMES

| # CASES | % INCARCERATED | STATE PRISON |        | YRCC |        | COUNTY JAIL |        |
|---------|----------------|--------------|--------|------|--------|-------------|--------|
|         |                | #            | MEDIAN | #    | MEDIAN | #           | MEDIAN |
| 2,494   | 56%            | 470          | 4 yrs. | 360  | Indet. | 565         | 6 mos. |
| 81      | 54%            | 21           | 4 yrs. | 12   | Indet. | 11          | 4 mos. |
| 27      | 78%            | 6            | 4 yrs. | 8    | Indet. | 7           | 6 mos. |
| 805     | 72%            | 224          | 4 yrs. | 190  | Indet. | 167         | 6 mos. |
| 245     | 64%            | 42           | 4 yrs. | 55   | Indet. | 61          | 6 mos. |
| 147     | 60%            | 31           | 4 yrs. | 22   | Indet. | 35          | 4 mos. |
| 43      | 51%            | 9            | 4 yrs. | 5    | 4 yrs. | 8           | 6 mos. |
| 21      | 71%            | 5            | 3 yrs. | None | N/A    | 10          | 3 mos. |
| 299     | 42%            | 33           | 4 yrs. | 15   | Indet. | 78          | 4 mos. |

ALL THIRD DEGREE\*

Selected Statutes

- 2C:12-1b(2) - Aggravated Assault
- 2C:18-2; 2C:5-1 - Attempted Burglary
- 2C:18-2 - Burglary
- 2C:20-3 - Theft by unlawful taking
- 2C:20-7 - Receiving Stolen Property
- 2C:21-1a - Forgery
- 2C:37-2 - Promoting Gambling
- 2C:39-5a,b,c - Unlawful Possession of a Weapon; firearms

## FOURTH DEGREE CRIMES

| # CASES | % INCARCERATED | STATE PRISON |          | YRCC |          | COUNTY JAIL |          |
|---------|----------------|--------------|----------|------|----------|-------------|----------|
|         |                | #            | MEDIAN   | #    | MEDIAN   | #           | MEDIAN   |
| 1,227   | 48%            | 33           | 1.5 yrs. | 18   | Indet.   | 533         | 9 mos.   |
| 77      | 51%            | 3            | 1.5 yrs. | 5    | Indet.   | 31          | 8 mos.   |
| 20      | 40%            | None         | N/A      | 1    | 1 yr.    | 7           | 6 mos.   |
| 198     | 62%            | 7            | 1.5 yrs. | 7    | 1.5 yrs. | 108         | 9 mos.   |
| 160     | 56%            | 3            | 1.5 yrs. | 2    | 1.5 yrs. | 84          | 8.5 mos. |
| 96      | 54%            | None         | N/A      | None | N/A      | 52          | 9 mos.   |
| 68      | 54%            | 9            | 1.5 yrs. | None | N/A      | 28          | 7 mos.   |
| 36      | 36%            | None         | N/A      | None | N/A      | 13          | 6 mos.   |
| 88      | 44%            | 2            | 10.5 mos | 1    | Indet.   | 36          | 6 mos.   |

ALL FOURTH DEGREE\*

Selected Statutes

- 2C:12-1b(3,4) - Aggravated Assault
- 2C:12-1b(5) - Aggravated Assault without injury
- 2C:18-2 - Burglary
- 2C:20-3 - Theft by unlawful taking
- 2C:20-7 - Receiving Stolen Property
- 2C:21-1a - Forgery
- 2C:29-2 - Resisting Arrest
- 2C:39-5d - Possession, other Weapons

\*NOTE: CRIMES COMMITTED UNDER TITLE 24 AFTER THE EFFECTIVE DATE OF THE CODE OF CRIMINAL JUSTICE WERE TREATED AS 3rd AND 4th DEGREE OFFENSES.

TABLE J  
COUNTY PROFILE OF SENTENCING 1980<sup>1</sup>

|            | TOTAL SENTENCINGS | TITLE 2C                   |              |              |              |              |                           |                | TITLE 2A             |                           |                |
|------------|-------------------|----------------------------|--------------|--------------|--------------|--------------|---------------------------|----------------|----------------------|---------------------------|----------------|
|            |                   | TOTAL TITLE 2C SENTENCINGS | % 1st DEGREE | % 2nd DEGREE | % 3rd DEGREE | % 4th DEGREE | 2C % OF TOTAL SENTENCINGS | % INCARCERATED | TOTAL 2A SENTENCINGS | 2A % OF TOTAL SENTENCINGS | % INCARCERATED |
| STATEWIDE  | 13,914            | 4,752                      | 10%          | 12%          | 52%          | 26%          | 34%                       | 61%            | 9,162                | 66%                       | 39%            |
| Atlantic   | 717               | 287                        | 5%           | 12%          | 50%          | 33%          | 40%                       | 59%            | 430                  | 60%                       | 46%            |
| Bergen     | 719               | 307                        | 8%           | 11%          | 57%          | 24%          | 43%                       | 56%            | 412                  | 57%                       | 38%            |
| Burlington | 395               | 139                        | 9%           | 13%          | 47%          | 31%          | 35%                       | 70%            | 256                  | 65%                       | 46%            |
| Camden     | 1,418             | 416                        | 14%          | 14%          | 58%          | 14%          | 29%                       | 51%            | 1,002                | 71%                       | 28%            |
| Cape May   | 249               | 101                        | 5%           | 9%           | 5%           | 30%          | 41%                       | 55%            | 148                  | 59%                       | 30%            |
| Cumberland | 376               | 104                        | 0%           | 12%          | 42%          | 46%          | 28%                       | 64%            | 272                  | 72%                       | 46%            |
| Essex      | 2,346             | 838                        | 14%          | 16%          | 42%          | 28%          | 36%                       | 70%            | 1,508                | 64%                       | 46%            |
| Gloucester | 393               | 57                         | 12%          | 16%          | 44%          | 28%          | 15%                       | 42%            | 336                  | 85%                       | 17%            |
| Hudson     | 1,003             | 168                        | 11%          | 10%          | 55%          | 24%          | 17%                       | 56%            | 835                  | 83%                       | 40%            |
| Hunterdon  | 196               | 49                         | 2%           | 6%           | 63%          | 29%          | 25%                       | 61%            | 147                  | 75%                       | 37%            |
| Mercer     | 621               | 281                        | 8%           | 14%          | 46%          | 32%          | 45%                       | 57%            | 340                  | 55%                       | 41%            |
| Middlesex  | 1,218             | 247                        | 6%           | 10%          | 52%          | 32%          | 20%                       | 54%            | 971                  | 80%                       | 34%            |
| Monmouth   | 964               | 449                        | 6%           | 10%          | 59%          | 25%          | 47%                       | 62%            | 515                  | 53%                       | 52%            |
| Morris     | 305               | 112                        | 3%           | 10%          | 66%          | 21%          | 37%                       | 59%            | 193                  | 63%                       | 50%            |
| Ocean      | 565               | 183                        | 7%           | 14%          | 44%          | 35%          | 32%                       | 58%            | 382                  | 68%                       | 42%            |
| Passaic    | 835               | 403                        | 10%          | 9%           | 58%          | 23%          | 48%                       | 77%            | 432                  | 52%                       | 47%            |
| Salem      | 269               | 62                         | 8%           | 3%           | 58%          | 31%          | 23%                       | 52%            | 207                  | 77%                       | 39%            |
| Somerset   | 215               | 81                         | 6%           | 11%          | 59%          | 24%          | 38%                       | 57%            | 134                  | 62%                       | 34%            |
| Sussex     | 79                | 10                         | 20%          | 0%           | 50%          | 30%          | 13%                       | 70%            | 69                   | 87%                       | 20%            |
| Union      | 962               | 445                        | 14%          | 12%          | 62%          | 12%          | 46%                       | 54%            | 517                  | 54%                       | 35%            |
| Warren     | 69                | 13                         | 23%          | 0%           | 23%          | 54%          | 19%                       | 46%            | 56                   | 81%                       | 45%            |

<sup>1</sup> Figures do not include sentences for violations of probation, resentencings or sentences pursuant to N.J.S.A. 20:1-1c(2).

NOTE: ALL JUDGMENTS OF CONVICTION FOR DECEMBER HAVE NOT YET BEEN RECEIVED.

Administrative Office of the Courts  
Sentencing Research Project

TABLE K

## BREAKDOWN OF OFFENDERS SENTENCED UNDER THE CODE OF CRIMINAL JUSTICE

| STATUTE                                                | TITLE                        | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|--------------------------------------------------------|------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| CHAPTER 5 - INCHOATE CRIMES (GENERAL)                  |                              |        |            |                   |                   |                             |
| 2C:5-1                                                 | Criminal Attempt             | 3rd    | 10         | 7                 | 70%               |                             |
| 2C:5-1                                                 | Criminal Attempt             | 4th    | 3          | 2                 | 67%               | None                        |
| 2C:5-2                                                 | Conspiracy                   | 2nd    | 2          | 1                 | 50%               | None                        |
| 2C:5-2                                                 | Conspiracy                   | 3rd    | 1          | 1                 | 100%              | None                        |
| 2C:5-2                                                 | Conspiracy                   | 4th    | 3          | 3                 | 100%              | None                        |
| 2C:5-2                                                 | Conspiracy                   |        | 1          | 0                 | 0%                | None                        |
| CHAPTER 11 - CRIMINAL HOMICIDE                         |                              |        |            |                   |                   |                             |
| 2C:11-3b,                                              | Attempted Murder             | 2nd    | 180        | 176               | 98%               |                             |
| 2C:5-1                                                 | Conspiracy to Murder         | 2nd    | 5          | 5                 | 100%              | 10 yrs.                     |
| 2C:11-3b,                                              | Aiding and Abetting Murder   | 2nd    | 1          | 1                 | 100%              | 10 yrs.                     |
| 2C:5-2                                                 | Murder                       | 1st    | 1          | 1                 | 100%              | 15 yrs.                     |
| 2C:11-3b,                                              | Manslaughter                 | 2nd    | 98         | 98                | 100%              | 30 yrs.                     |
| 2C:11-4                                                | Death by Auto                | 4th    | 48         | 47                | 98%               | 7 yrs.                      |
| 2C:11-5                                                | Aggravated Manslaughter      | 1st    | 9          | 6                 | 67%               | None                        |
| 2C:11-4a                                               |                              |        | 18         | 18                | 100%              | 15 yrs.                     |
| CHAPTER 12 - ASSAULT; RECKLESS ENDANGERING;<br>THREATS |                              |        |            |                   |                   |                             |
| 2C:12-1b(1)                                            | Attempted Aggravated Assault | 2nd    | 350        | 203               | 58%               |                             |
| 2C:5-1                                                 | Aggravated Assault           | 2nd    | 1          | 1                 | 100%              | None                        |
| 2C:12-1b(1)                                            | Attempted Aggravated Assault | 3rd    | 111        | 80                | 72%               | 7 yrs.                      |
| 2C:5-1                                                 | Aggravated Assault           | 3rd    | 2          | 2                 | 100%              | None                        |
| 2C:12-1b(2)                                            | Aggravated Assault           | 3rd    | 81         | 44                | 54%               | 4 yrs.                      |

TABLE K (continued)

| STATUTE                                                                  | TITLE                                           | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|--------------------------------------------------------------------------|-------------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 2C:12-1b(3,4)                                                            | Aggravated Assault                              | 4th    | 77         | 39                | 50%               | 18 mo.                      |
| 2C:12-1b(5)                                                              | Aggravated Assault                              | 3rd    | 31         | 14                | 45%               | 4 yrs.                      |
| 2C:12-1b(5)                                                              | Aggravated Assault                              | 4th    | 20         | 8                 | 40%               | None                        |
| 2C:12-2(a)                                                               | Recklessly Endangering<br>Another Person        | 3rd    | 1          | 1                 | 100%              | None                        |
| 2C:12-2b(1,2)                                                            | Recklessly Endangering<br>Another Person        | 4th    | 2          | 1                 | 50%               | None                        |
| 2C:12-3                                                                  | Terroristic Threats                             | 3rd    | 24         | 13                | 54%               | 4 yrs.                      |
| CHAPTER 13 - KIDNAPPING AND RELATED OFFENSES;<br>COERCION                |                                                 |        | 12         | 12                | 100%              |                             |
| 2C:13-1                                                                  | Kidnapping                                      | 1st    | 9          | 9                 | 100%              | 30 yrs.                     |
| 2C:13-1                                                                  | Kidnapping                                      | 2nd    | 3          | 3                 | 100%              | 6 yrs.                      |
| CHAPTER 14 - SEXUAL OFFENSES                                             |                                                 |        | 121        | 88                | 73%               |                             |
| 2C:14-2c                                                                 | Attempted Aggravated<br>Sexual Assault          | 2nd    | 3          | 2                 | 67%               | 10 yrs.                     |
| 2C:14-2a                                                                 | Aggravated Sexual Assault                       | 1st    | 43         | 41                | 95%               | 15 yrs.                     |
| 2C:14-2b                                                                 | Sexual Assault                                  | 2nd    | 37         | 27                | 73%               | 7 yrs.                      |
| 2C:14-3a,<br>2C:5-1                                                      | Attempted Aggravated<br>Criminal Sexual Contact | 3rd    | 1          | 1                 | 100%              | 5 yrs.                      |
| 2C:14-3a                                                                 | Aggravated Criminal Sexual Contact              | 3rd    | 14         | 8                 | 57%               | 5 yrs.                      |
| 2C:14-3b                                                                 | Criminal Sexual Contact                         | 4th    | 23         | 9                 | 39%               | None                        |
| CHAPTER 17 - ARSON; CRIMINAL MISCHIEF; AND<br>OTHER PROPERTY DESTRUCTION |                                                 |        | 71         | 35                | 49%               |                             |
| 2C:17-1a                                                                 | Aggravated Arson                                | 2nd    | 15         | 10                | 67%               | 7 yrs.                      |

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TABLE K (continued)

| STATUTE                                            | TITLE                                     | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|----------------------------------------------------|-------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 2C:17-1b                                           | Arson                                     | 3rd    | 27         | 13                | 48%               | 3 yrs.                      |
| 2C:17-1b                                           | Conspiracy to Commit Arson                | 3rd    | 2          | 0                 | 0%                | None                        |
| 2C:5-2                                             |                                           |        |            |                   |                   |                             |
| 2C:17-1c                                           | Failure to Report Fire                    | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:17-3                                            | Criminal Mischief > \$2000                | 3rd    | 11         | 7                 | 64%               | None                        |
| 2C:17-3                                            | Criminal Mischief > \$500                 | 4th    | 15         | 5                 | 33%               | 3 yrs.                      |
| CHAPTER 18 - BURGLARY AND OTHER CRIMINAL INTRUSION |                                           |        |            |                   |                   |                             |
|                                                    |                                           |        | 1,109      | 774               | 70%               |                             |
| 2C:18-2                                            | Burglary                                  | 2nd    | 31         | 24                | 77%               | 10 yrs.                     |
| 2C:18-2                                            | Attempted Burglary                        | 2nd    | 2          | 2                 | 100%              | None                        |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Attempted Burglary                        | 3rd    | 27         | 21                | 78%               | 4 yrs.                      |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Conspiracy to Commit Burglary             | 3rd    | 4          | 3                 | 75%               | None                        |
| 2C:5-2                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Burglary                                  | 3rd    | 805        | 581               | 73%               | 4 yrs.                      |
| 2C:18-2                                            | Aiding and Abetting Burglary              | 3rd    | 4          | 3                 | 75%               | 5 yrs.                      |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Attempted Burglary                        | 4th    | 10         | 9                 | 82%               | 18 mos.                     |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Conspiracy to Commit Burglary             | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:5-2                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Aiding and Abetting Burglary              | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |
| 2C:18-2                                            | Burglary                                  | 4th    | 198        | 122               | 62%               | 18 mos.                     |
| 2C:18-3a                                           | Criminal Trespass in a Dwelling           | 4th    | 23         | 7                 | 30%               | None                        |
| 2C:18-3a                                           | Attempted Criminal Trespass in a Dwelling | 4th    | 2          | 2                 | 100%              | None                        |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |
| CHAPTER 19 - ROBBERY                               |                                           |        |            |                   |                   |                             |
|                                                    |                                           |        | 571        | 525               | 92%               | 8.5 yrs                     |
| 2C:19-1                                            | Attempted Robbery                         | 2nd    | 4          | 4                 | 100%              |                             |
| 2C:5-1                                             |                                           |        |            |                   |                   |                             |

TABLE K (continued)

| STATUTE | TITLE                        | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|---------|------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 2C:19-1 | Conspiracy to Commit Robbery | 2nd    | 4          | 2                 | 50%               | 7 yrs.                      |
| 2C:5-2  | Aiding and Abetting Robbery  | 2nd    | 3          | 3                 | 100%              | 15 yrs.                     |
| 2C:19-1 | Robbery                      | 1st    | 292        | 279               | 96%               | 15 yrs.                     |
| 2C:19-1 | Attempted Robbery            | 2nd    | 13         | 9                 | 69%               | 10 yrs.                     |
| 2C:5-1  | Conspiracy to Commit Robbery | 2nd    | 3          | 1                 | 33%               | 9 yrs.                      |
| 2C:19-1 | Aiding and Abetting Robbery  | 2nd    | 5          | 5                 | 100%              | 10 yrs.                     |
| 2C:5-1  | Robbery                      | 2nd    | 247        | 222               | 90%               | 7 yrs.                      |
| 2C:19-1 | Attempted Theft              | 3rd    | 13         | 7                 | 54%               | 4 yrs.                      |
| 2C:20-3 | Conspiracy to Commit Theft   | 3rd    | 2          | 0                 | 0%                | None                        |
| 2C:5-2  | Aiding and Abetting Theft    | 3rd    | 4          | 1                 | 25%               | 3 yrs.                      |
| 2C:20-3 | Theft                        | 3rd    | 245        | 158               | 64%               | 4 yrs.                      |
| 2C:20-3 | Attempted Theft              | 4th    | 8          | 2                 | 25%               | None                        |
| 2C:5-1  | Conspiracy to Commit Theft   | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:20-3 | Aiding and Abetting Theft    | 4th    | 6          | 3                 | 50%               | None                        |
| 2C:5-1  | Theft                        | 4th    | 160        | 89                | 56%               | 18 mos.                     |

## CHAPTER 20 - THEFT AND RELATED OFFENSES

TABLE K (cont Inued)

| STATUTE                                    | TITLE                                            | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|--------------------------------------------|--------------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 2C:20-4                                    | Conspiracy to Commit Theft                       | 3rd    | 1          | 0                 | 0%                | None                        |
| 2C:5-2                                     | Theft                                            | 3rd    | 46         | 26                | 57%               | 4 yrs.                      |
| 2C:20-4                                    | Attempted Theft                                  | 4th    | 2          | 1                 | 50%               | None                        |
| 2C:5-1                                     | Theft                                            | 4th    | 27         | 11                | 41%               | 12 mo.                      |
| 2C:20-4                                    | Theft - Extortion                                | 2nd    | 1          | 1                 | 100%              | None                        |
| 2C:20-5                                    | Theft                                            | 3rd    | 2          | 0                 | 0%                | None                        |
| 2C:20-6                                    | Theft                                            | 4th    | 2          | 0                 | 0%                | None                        |
| 2C:20-7                                    | Receiving Stolen Property                        | 3rd    | 147        | 88                | 60%               | 4 yrs.                      |
| 2C:20-7                                    | Receiving Stolen Property                        | 4th    | 96         | 52                | 54%               | None                        |
| 2C:20-8                                    | Theft of Services                                | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:20-9                                    | Theft by Failure to Make<br>Required Disposition | 3rd    | 5          | 0                 | 0%                | None                        |
| 2C:20-9                                    | Theft                                            | 4th    | 3          | 1                 | 33%               | None                        |
|                                            |                                                  |        | 140        | 75                | 54%               |                             |
| CHAPTER 21 - FORGERY AND RELATED PRACTICES |                                                  |        |            |                   |                   |                             |
| 2C:21-1a                                   | Forgery                                          | 3rd    | 43         | 22                | 51%               | 4 yrs.                      |
| 2C:21-1a                                   | Attempted Forgery                                | 4th    | 2          | 1                 | 50%               | None                        |
| 2C:5-1                                     | Forgery                                          | 4th    | 68         | 37                | 54%               | 18 mo.                      |
| 2C:21-1a                                   | Criminal Simulation                              | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:21-2                                    | Falsifying or Tampering with Records             | 4th    | 2          | 2                 | 100%              | None                        |

TABLE K (continued)

| STATUTE                                                                | TITLE                                                               | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|------------------------------------------------------------------------|---------------------------------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 2C:21-6; 2C:5-1                                                        | Attempted Credit Cards                                              | 4th    | 1          | 1                 | 100%              | None                        |
| 2C:21-6                                                                | Credit Cards                                                        | 4th    | 19         | 11                | 58%               | None                        |
| 2C:21-7f,g                                                             | Deceptive Business Practice                                         | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:21-14                                                               | Receiving Deposits in a Failing<br>Financial Institution            | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:21-15                                                               | Misapplication of Entrusted<br>Property....benefit exceeding \$1000 | 3rd    | 1          | 0                 | 0%                | None                        |
| CHAPTER 24 - OFFENSES AGAINST THE FAMILY, CHILDREN<br>AND INCOMPETENTS |                                                                     |        |            |                   |                   |                             |
| 2C:24-4a                                                               | Endangering Welfare of Children                                     | 3rd    | 17         | 7                 | 41%               | 4 Yrs.                      |
| 2C:24-4a                                                               | Endangering Welfare of Children                                     | 4th    | 14         | 7                 | 50%               | None                        |
|                                                                        |                                                                     |        | 3          | 0                 | 0%                |                             |
| CHAPTER 27 - BRIBERY AND CORRUPT INFLUENCE                             |                                                                     |        |            |                   |                   |                             |
|                                                                        |                                                                     |        | 3          | 1                 | 33%               |                             |
| 2C:27-2                                                                | Bribery in Official and Political<br>Matters                        | 2nd    | 1          | 1                 | 100%              | 20 Yrs.                     |
| 2C:27-2                                                                | Bribery in Official and Political<br>Matters                        | 3rd    | 1          | 0                 | 0%                | None                        |
| 2C:27-7                                                                | Compensating a Public Servant...in<br>Excess of \$200               | 2nd    | 1          | 0                 | 0%                | None                        |
| CHAPTER 28 - PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS       |                                                                     |        |            |                   |                   |                             |
|                                                                        |                                                                     |        | 6          | 3                 | 50%               |                             |
| 2C:28-1                                                                | Perjury                                                             | 3rd    | 1          | 0                 | 0%                | None                        |
| 2C:28-2                                                                | False Swearing                                                      | 4th    | 1          | 1                 | 100%              | None                        |

| <u>STATUTE</u>                                             | <u>TITLE</u>                                                                                    | <u>DEGREE</u> | <u>#<br/>CASES</u> | <u>#<br/>INCARCERATED</u> | <u>%<br/>INCARCERATED</u> | <u>MEDIAN STATE<br/>PRISON TERM</u> |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------|--------------------|---------------------------|---------------------------|-------------------------------------|
| 2C:28-5a                                                   | Tampering With Witness<br>By Force, Threat, Etc.                                                | 3rd           | 1                  | 0                         | 0%                        | None                                |
| 2C:28-5a                                                   | Tampering With Witness Otherwise                                                                | 4th           | 1                  | 0                         | 0%                        | None                                |
| 2C:28-6                                                    | Tampering With or Fabricating<br>Physical Evidence                                              | 4th           | 2                  | 2                         | 100%                      | None                                |
| CHAPTER 29 - OBSTRUCTING GOVERNMENTAL OPERATIONS; ESCAPE   |                                                                                                 |               |                    |                           |                           |                                     |
|                                                            |                                                                                                 |               | 91                 | 39                        | 43%                       |                                     |
| 2C:29-2                                                    | Resisting Arrest                                                                                | 4th           | 36                 | 14                        | 38%                       | None                                |
| 2C:29-3                                                    | Hindering Apprehension or<br>Prosecution of Crime Greater<br>Than 2nd Degree                    | 3rd           | 3                  | 2                         | 67%                       | 2 yrs.                              |
| 2C:29-3                                                    | Aiding and Abetting Hindering<br>Apprehension                                                   | 3rd           | 1                  | 0                         | 0%                        | None                                |
| 2C:5-1                                                     | Hindering Apprehension or<br>Prosecution of Crime Greater<br>Than 3rd Degree                    | 4th           | 1                  | 0                         | 0%                        | None                                |
| 2C:29-3                                                    | Attempted Escape                                                                                | 3rd           | 3                  | 1                         | 33%                       | 3 yrs.                              |
| 2C:29-5                                                    | Escape                                                                                          | 3rd           | 20                 | 11                        | 55%                       | 5 yrs.                              |
| 2C:29-5                                                    | Attempted Escape                                                                                | 4th           | 3                  | 1                         | 33%                       | None                                |
| 2C:5-1                                                     | Escape                                                                                          | 4th           | 21                 | 11                        | 52%                       | 18 mos.                             |
| 2C:29-5                                                    | Implements for Escape (Weapon)                                                                  | 3rd           | 2                  | 1                         | 50%                       | None                                |
| 2C:29-6a                                                   | Implements for Escape (No Weapon)                                                               | 4th           | 1                  | 1                         | 100%                      | None                                |
| 2C:29-6a                                                   | Bail Jumping; Default in Required<br>Appearance, if Original Charge is<br>3rd Degree or Greater | 3rd           | 1                  | 0                         | 0%                        | None                                |
| 2C:29-7                                                    |                                                                                                 |               |                    |                           |                           |                                     |
| CHAPTER 33 - RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES |                                                                                                 |               |                    |                           |                           |                                     |
|                                                            |                                                                                                 |               | 1                  | 0                         | 0%                        |                                     |
| 2C:33-3                                                    | False Public Alarms                                                                             | 4th           | 1                  | 0                         | 0%                        | None                                |

TABLE K (continued)

| STATUTE                                                                 | TITLE                                                              | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|-------------------------------------------------------------------------|--------------------------------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| CHAPTER 37 - GAMBLING OFFENSES                                          |                                                                    |        |            |                   |                   |                             |
| 2C:37-2                                                                 | Promoting Gambling                                                 | 3rd    | 32         | 22                | 69%               |                             |
| 2C:37-2                                                                 | Conspiracy to Promote Gambling                                     | 3rd    | 21         | 15                | 71%               | 3 yrs.                      |
| 2C:5-2                                                                  |                                                                    |        | 1          | 1                 | 100%              | 3 yrs.                      |
| 2C:37-2                                                                 | Aiding and Abetting Promoting Gambling                             | 3rd    | 1          | 1                 | 100%              | 3 yrs                       |
| 2C:5-1                                                                  | Bookmaking                                                         | 4th    | 3          | 2                 | 67%               | None                        |
| 2C:37-2                                                                 | Possession of Gambling Records                                     | 3rd    | 6          | 3                 | 50%               | None                        |
| 2C:37-3                                                                 |                                                                    |        |            |                   |                   |                             |
| CHAPTER 39 - FIREARMS, OTHER DANGEROUS WEAPONS AND INSTRUMENTS OF CRIME |                                                                    |        |            |                   |                   |                             |
| 2C:39-3                                                                 | Prohibited Weapons and Devices; Destructive Devices                | 3rd    | 2          | 2                 | 100%              | None                        |
| 2C:39-3                                                                 | Prohibited Weapons and Devices; Sawed-off Shotgun                  | 3rd    | 7          | 3                 | 43%               | None                        |
| 2C:39-3                                                                 | Prohibited Weapons and Devices; Defaced Firearm                    | 4th    | 7          | 2                 | 29%               | 18 mos.                     |
| 2C:39-3                                                                 | Prohibited Weapons and Devices; Knives, Switchblades               | 4th    | 17         | 4                 | 24%               | None                        |
| 2C:39-3                                                                 | Prohibited Weapons and Devices; Dum-Dum Bullets                    | 4th    | 4          | 2                 | 50%               | None                        |
| 2C:39-4a,b,c                                                            | Possession of Weapons for Unlawful Purposes: Firearms, etc.        | 2nd    | 31         | 15                | 48%               | 7 yrs.                      |
| 2C:39-4d                                                                | Possession of Weapons for Unlawful Purposes: Knives, other weapons | 3rd    | 29         | 17                | 59%               | 4 yrs.                      |

TABLE K (cont Inued)

| STATUTE                                                                 | TITLE                                                               | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|-------------------------------------------------------------------------|---------------------------------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 2C:39-5a,b,c                                                            | Unlawful Possession of Weapons:<br>Firearms, etc.                   | 3rd    | 299        | 126               | 42%               | 4 yrs.                      |
| 2C:39-5d                                                                | Unlawful Possession of Weapons:<br>Other                            | 4th    | 88         | 39                | 44%               | 10.5 mos.                   |
| 2C:39-7                                                                 | Certain Persons Not to Have Weapons                                 | 4th    | 11         | 7                 | 64%               | None                        |
| 2C:39-9                                                                 | Manufacture, Transport, etc.<br>Firearms                            | 3rd    | 2          | 2                 | 100%              | 7 yrs.                      |
| 2C:39-9                                                                 | Manufacture, Transport, etc.<br>Firearm Silencers and other Weapons | 4th    | 1          | 0                 | 0%                | None                        |
| 2C:39-9                                                                 | Receives, disposes, Buys or<br>Conceals a Defaced Firearm           | 4th    | 1          | 1                 | 100%              | None                        |
| 2C:39-10a                                                               | Knowing Violation of Regulatory<br>Provisions on Firearms           | 4th    | 4          | 0                 | 0%                | None                        |
| 2C:39-10c                                                               | False Information                                                   | 3rd    | 1          | 0                 | 0%                | None                        |
| TITLE 4 - AGRICULTURE AND DOMESTIC ANIMALS                              |                                                                     |        |            |                   |                   |                             |
| 4:22                                                                    | Cruelty to Animals                                                  | 4th    | 1          | 1                 | 100%              | None                        |
| TITLE 24: SUBTITLE 3 - NARCOTIC DRUGS AND OTHER DANGEROUS<br>SUBSTANCES |                                                                     |        |            |                   |                   |                             |
| 24:21-19b(1,2,3)                                                        | Manufacturing, Distributing or<br>Dispensing                        | 3rd    | 202        | 100               | 50%               | 5 yrs.                      |
|                                                                         |                                                                     |        | 760        | 260               | 34%               |                             |

TABLE K (continued)

| STATUTE                                         | TITLE                                                       | DEGREE | #<br>CASES | #<br>INCARCERATED | %<br>INCARCERATED | MEDIAN STATE<br>PRISON TERM |
|-------------------------------------------------|-------------------------------------------------------------|--------|------------|-------------------|-------------------|-----------------------------|
| 24:21-19b(4)                                    | Manufacturing, Distributing,<br>Dispensing                  | 4th    | 68         | 33                | 49%               | None                        |
| 24:21-20a(1,2)                                  | Possession, use or Being Under<br>Influence                 | 3rd    | 300        | 71                | 24%               | 4 yrs.                      |
| 24:21-20a(3,4)                                  | Possession, Use or Being Under<br>Influence                 | 4th    | 155        | 41                | 26%               | None                        |
| 24:21-21                                        | Records and Order Forms of<br>Registered Manufacturers etc. | 3rd    | 1          | 0                 | 0%                | None                        |
| 24:21-22                                        | Fraud or Misrepresentation                                  | 3rd    | 18         | 9                 | 9%                | 3 yrs.                      |
| 24:21-24                                        | Attempt, Endeavor and Conspiracy                            | 3rd    | 9          | 4                 | 44%               | None                        |
| 24:21-24                                        | Attempt, Endeavor and Conspiracy                            | 4th    | 7          | 2                 | 29%               | None                        |
| TITLE 33. INTOXICATING LIQUORS                  |                                                             |        | 1          | 0                 | 0%                | None                        |
| 33:1-50                                         | Violation of Manufacture, Possession<br>Etc.                | 4th    | 1          | 0                 | 0%                | None                        |
| TITLE 39. MOTOR VEHICLES AND TRAFFIC REGULATION |                                                             |        | 1          | 1                 | 100%              | None                        |
| 39:10                                           | Purchase, Sale and Transfer of<br>Motor Vehicles Violations | 4th    | 1          | 1                 | 100%              | None                        |
| TITLE 54. TAXATION                              |                                                             |        | 2          | 0                 | 0%                | None                        |
| 54:52-1                                         | Failure to File Report or Filing<br>False Report            | 4th    | 2          | 0                 | 0%                | None                        |
| TITLE 54. SUBTITLE 7A CIGARETTE TAX ACT         |                                                             |        | 1          | 0                 | 0%                | None                        |
| 54:40A-28                                       | Selling Cigarettes not Bearing<br>Required Revenue Stamp    | 4th    | 1          | 0                 | 0%                | None                        |

NEW JERSEY DEPARTMENT OF CORRECTIONS

William H. Fauver, Commissioner

COURT COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS

UNDER TITLE 2C

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Division of Policy and Planning, Bureau of Correctional Information Systems

January 8, 1981

TABLE I

| PERCENTAGE OF NEW COMMITMENTS FROM THE COMMUNITY TO THE PRISON COMPLEX UNDER TITLE 2C |                 |              |                              |
|---------------------------------------------------------------------------------------|-----------------|--------------|------------------------------|
| MONTH                                                                                 | TOTAL OFFENDERS | 2C OFFENDERS | PERCENTAGE OF 2C COMMITMENTS |
| 1979                                                                                  |                 |              |                              |
| September                                                                             | 94              | 1            | 1.0%                         |
| October                                                                               | 91              | 5            | 5.4%                         |
| November                                                                              | 115             | 6            | 5.2%                         |
| December                                                                              | 104             | 8            | 7.6%                         |
| 1980                                                                                  |                 |              |                              |
| January                                                                               | 102             | 17           | 16.6%                        |
| February                                                                              | 122             | 22           | 18.0%                        |
| March                                                                                 | 123             | 27           | 22.0%                        |
| April                                                                                 | 113             | 39           | 34.5%                        |
| May                                                                                   | 137             | 61           | 44.5%                        |
| June                                                                                  | 156             | 83           | 53.2%                        |
| July                                                                                  | 204             | 102          | 50.0%                        |
| August                                                                                | 150             | 82           | 54.6%                        |
| September                                                                             | 118             | 74           | 62.7%                        |
| October                                                                               | 142             | 99           | 69.7%                        |
| November                                                                              | 148             | 103          | 69.6%                        |
| December                                                                              | 187             | 130          | 69.5%                        |
| TOTAL                                                                                 | 2106            | 859          | 40.7%                        |

A total of 859 New Court Commitments were received under Title 2C from September 1, 1979 through December 31, 1980. This represented approximately 40.7% of the total of 2106 New Court Commitments received to the Prison Complex during the same period.

Of the new 2C offenders received:

785 or 91% were sentenced under 2C only and

74 or 9% were sentenced under a mixed sentence (2A and 2C).

In addition, 190 or 22% were sentenced with a mandatory minimum term. Of these offenders, 133 or 15.5% received mandatory minimum terms equal to one half of the maximum sentence while 57 offenders received mandatory minimums equal to less than one half of their maximum sentence. One hundred and seventy of the offenders committed with mandatory minimum sentences were received for violent crimes such as murder, rape, robbery or assault while 20 of the offenders were received for property offenses.

TABLE II

| PERCENTAGE OF NEW COMMITMENTS TO THE PRISON COMPLEX BY TYPE OF OFFENSE |                                   |                                   |                             |
|------------------------------------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------|
| OFFENSE TYPE                                                           | 1978 PERCENTAGE<br>OF COMMITMENTS | 1979 PERCENTAGE<br>OF COMMITMENTS | PERCENTAGE OF<br>2C CASES * |
| I. <u>VIOLENT CRIMES</u>                                               | 52.0%                             | 46.3%                             | 52.9%                       |
| - Murder                                                               | 12.5%                             | 11.8%                             | 14.4%                       |
| - Rape                                                                 | 3.5%                              | 3.6%                              | 4.1%                        |
| - Assaults                                                             | 10.5%                             | 11.2%                             | 8.2%                        |
| - Robbery                                                              | 25.5%                             | 19.7%                             | 26.2%                       |
| II. <u>LESS SERIOUS OFFENSE<br/>VS. PERSON</u>                         | 6.3%                              | 6.2%                              | 6.9%                        |
| III. <u>PROPERTY OFFENSES</u>                                          | 23.6%                             | 27.7%                             | 34.2%                       |
| IV. <u>PUBLIC POLICY</u>                                               | 9.0%                              | 10.0%                             | 1.9%                        |
| V. <u>NARCOTIC VIOLATION</u>                                           | 9.1%                              | 9.8%                              | 4.1%                        |
| NOT CODED                                                              | -                                 | -                                 | -                           |

\* Percentage is based on 859 2C cases who were admitted from 9/1/79 to 12/31/80.

TABLE III

| PERCENTAGE OF NEW COMMITMENTS TO THE PRISON COMPLEX BY TOTAL TERM OF SENTENCE |                                   |                                   |                             |
|-------------------------------------------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------|
| TOTAL TERM                                                                    | 1978 PERCENTAGE<br>OF COMMITMENTS | 1979 PERCENTAGE<br>OF COMMITMENTS | PERCENTAGE OF<br>2C CASES * |
| 5 Yrs. or Less                                                                | 43.00%                            | 46.93%                            | 44.0%                       |
| 6 - 9 Yrs.                                                                    | 20.54%                            | 19.00%                            | 17.6%                       |
| 10 - 19 Yrs.                                                                  | 22.56%                            | 21.00%                            | 22.1%                       |
| 20 Yrs. or More                                                               | 9.55%                             | 9.46%                             | 14.8%                       |
| Life                                                                          | 3.45%                             | 2.75%                             | 1.5%                        |
| Not Coded                                                                     | .9 %                              | .86%                              | -                           |

\* Percentage is based on 859 cases who were admitted from 9/1/79 to 12/31/80.

It should be noted that of 859 2C cases admitted, 190 or 22% received a mandatory minimum term.

TABLE IV

| PERCENTAGE OF NEW COMMITMENTS TO YOUTH AND PRISON COMPLEX BY TYPE OF OFFENSE FOR 1978 and 1979 |                                  |       |                               |       |                                                  |
|------------------------------------------------------------------------------------------------|----------------------------------|-------|-------------------------------|-------|--------------------------------------------------|
| OFFENSE TYPE                                                                                   | YOUTH COMPLEX<br>(INDETERMINATE) |       | PRISON COMPLEX<br>(DETERMINE) |       | PRISON (DETERMINE)<br>PERCENTAGE OF<br>2C CASES* |
|                                                                                                | 1978                             | 1979  | 1978                          | 1979  |                                                  |
| I. <u>VIOLENT CRIMES</u>                                                                       | 34%                              | 40%   | 52%                           | 46.3% | 52.9%                                            |
| - MURDER                                                                                       | 2.1%                             | 1.5%  | 12.5%                         | 11.8% | 14.4%                                            |
| - RAPE                                                                                         | 2.2%                             | 1.4%  | 3.5%                          | 3.6%  | 4.1%                                             |
| - ASSAULTS                                                                                     | 8.4%                             | 11.8% | 10.5%                         | 11.2% | 8.2%                                             |
| - ROBBERY                                                                                      | 21.3%                            | 25.3% | 25.5%                         | 19.7% | 26.2%                                            |
| II. <u>LESS SERIOUS OFFENSE</u><br><u>VS. PERSON</u>                                           | 4%                               | 5.3%  | 6.3%                          | 6.2%  | 6.9%                                             |
| III. <u>PROPERTY OFFENSES</u>                                                                  | 40%                              | 38.7% | 23.6%                         | 27.7% | 34.2%                                            |
| IV. <u>PUBLIC POLICY</u>                                                                       | 14%                              | 9.5%  | 9.0%                          | 10.0% | 1.9%                                             |
| V. <u>NARCOTIC VIOLATION</u>                                                                   | 8%                               | 6.5%  | 9.1%                          | 9.8%  | 4.1%                                             |
| NOT CODED                                                                                      | -                                | -     | -                             | -     | -                                                |

Tabulations for Indeterminate Offenders admitted to the Youth Complex includes Adult and Juvenile commitments.

\* Percentage is based on 859 2C cases who were admitted from 9/1/79 to 12/31/80.

TABLE V

| NUMBER AND PERCENTAGE OF 2C COMMITMENTS WITH MANDATORY MINIMUM TERMS<br>BY THE MINIMUM TERM IMPOSED |                                               |                                                   |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------|
| MANDATORY MINIMUM<br>TERM IMPOSED                                                                   | NUMBER OF 2C CASES<br>WITH MANDATORY MINIMUMS | PERCENTAGE OF 2C CASES<br>WITH MANDATORY MINIMUMS |
| 1 YR                                                                                                | 4                                             | 2.1%                                              |
| 2 - 5 YRS                                                                                           | 82                                            | 43.2%                                             |
| 6 - 9 YRS                                                                                           | 28                                            | 14.7%                                             |
| 10 - 14 YRS                                                                                         | 38                                            | 20.0%                                             |
| 15 - 19 YRS                                                                                         | 25                                            | 13.2%                                             |
| 20 YRS OR MORE                                                                                      | 13                                            | 6.8%                                              |
| TOTAL                                                                                               | 190                                           | 100.0%                                            |

There were 190 offenders committed under Title 2C with mandatory minimum terms during September 1, 1979 and December 31, 1980. This figure represented 22% of all 2C admissions for that time period. It should be noted that these offenders will not be eligible for parole consideration until they serve their minimum sentence. One hundred and seventy of these offenders were received for violent crimes such as Murder, Rape, Assault and Robbery while 20 offenders were received for Property related offenses.

NEW JERSEY DEPARTMENT OF CORRECTIONS, WILLIAM H. FAUVER, COMMISSIONER

RESIDENT POPULATION COUNTS BY QUARTERS

| MAJOR<br>CORRECTIONAL<br>INSTITUTIONS | RESIDENT LAST DAY POPULATION COUNTS<br>BY QUARTERS ENDING: |             |              |              |             |             |              |              |             |             |              |
|---------------------------------------|------------------------------------------------------------|-------------|--------------|--------------|-------------|-------------|--------------|--------------|-------------|-------------|--------------|
|                                       | DEC<br>1978                                                | MAR<br>1979 | JUNE<br>1979 | SEPT<br>1979 | DEC<br>1979 | MAR<br>1980 | JUNE<br>1980 | SEPT<br>1980 | DEC<br>1980 | MAR<br>1981 | JUNE<br>1981 |
| TOTAL RESIDENT                        | 6410                                                       | 6570        | 6643         | 6517         | 6490        | 6746        | 6666         | 6199         | 6542        |             |              |
| PRISON COMPLEX                        | 3787                                                       | 3787        | 3820         | 3755         | 3793        | 3833        | 3722         | 3450         | 3585        |             |              |
| YOUTH ADULT<br>CORR. COMPLEX          | 2082                                                       | 2096        | 2084         | 2075         | 2058        | 2121        | 2118         | 2014         | 2101        |             |              |
| JUVENILE TRNG<br>SCHOOLS              | 339                                                        | 427         | 479          | 506          | 454         | 510         | 521          | 500          | 516         |             |              |
| JUVENILE RESID/<br>TREAT. CENTERS     | 132                                                        | 155         | 167          | 141          | 154         | 182         | 155          | 160          | 140         |             |              |
| COUNTY JAIL<br>WAITING LIST           | 70                                                         | 105         | 93           | 40           | 31          | 100         | 150          | 75           | 200         |             |              |

Correctional populations have increased by 5% from 6199 on September 30 to 6542 on December 31, 1980. Admissions continue to increase, particularly to the Prison Complex; while the effects of the new Parole Act have moderated significantly. Both the Prison and Youth correctional counts have increased by approximately 4% during the last quarter; while the county jail waiting list has more than doubled from 75 on September to 200 on December 31.

Prepared by Division of Policy and Planning, Bureau of Correctional Information Systems

January 7, 1981

