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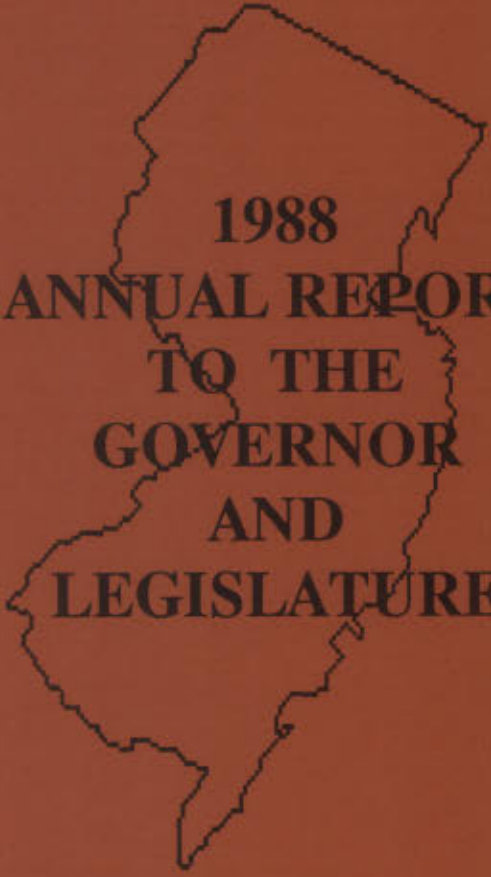
STATE OF NEW JERSEY

Criminal
Disposition
Commission

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Don M. Gottfredson
Chairman
Christine T. Whitman
Vice Chairman

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for Law and Justice
15 Washington Street
Newark, New Jersey



**1988
ANNUAL REPORT
TO THE
GOVERNOR
AND
LEGISLATURE**

CRIMINAL DISPOSITION COMMISSION

Don M. Gottfredson, Chairman
Richard J. Hughes, Professor
of Criminal Justice
School of Criminal Justice
Rutgers University
Newark
Designee of the Chief Justice
Hon. Christine Whitman, Vice Chairman/
Public Member

Members

Hon. Dominick D. Allocca
Public Member
W. Cary Edwards, Attorney General
Department of Law and Public Safety
Alfred Slocum, Commissioner
Department of The Public Advocate
Louis Nickolopoulos, Chairman
State Parole Board
William H. Fauver, Commissioner
Department of Corrections
Nicholas L. Bissell, Jr., President
N.J. Prosecutors Association
Hon. Patrick J. Roma
Assemblyman, 38th District
Hon. Ronald L. Rice
State Senator, 28th District
Hon. Joseph L. Bubba
State Senator, 34th District
Hon. Stephanie R. Bush
Assemblywoman, 27th District

Lela M. Keels,
Coordinator
(201) 648-3187



SI Newhouse
Center for Law and Justice
15 Washington Street
Newark, New Jersey 07102

November 17, 1988

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

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

The Honorable Chuck Hardwick
Speaker of the Assembly

Members of the Legislature
of the State of New Jersey

In accordance with N.J.S.A. 2C: 48-4, I am pleased to submit the seventh Annual Report of the Criminal Disposition Commission. This report details the organization and activities of the Commission and describes this year's accomplishments and highlights.

The Commission hopes that this report will prove informative and provide insight into the Commission's endeavor to augment and enhance the Criminal Justice System.

On behalf of the Commission, I respectfully request consideration of its concerns and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Don M. Gottfredson".

Don M. Gottfredson
Chairman

DMG:mc

New Jersey State Library

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GOVERNOR AND LEGISLATURE**

**STATE OF NEW JERSEY
CRIMINAL DISPOSITION COMMISSION**

**Don M. Gottfredson
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Vice Chairman**

New Jersey State Library

**Prepared By:
Lela M. Keels
Coordinator**

**Criminal Disposition Commission
15 Washington Street
Newark, NJ 07102
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NEW JERSEY CRIMINAL DISPOSITION COMMISSION

CHAIRMAN

Don M. Gottfredson, Ph.D

VICE CHAIRMAN

Christine Whitman, Public Member

MEMBERS/DESIGNEES

Robert N. Wilentz - Chief Justice, **Don M. Gottfredson**, Designee
W. Cary Edwards - Attorney General, **Donald Belsole**, Designee
Alfred Slocum - Public Advocate, **Thomas S. Smith**, Designee
Louis Nickolopoulos - Chairman, Parole Board, **Richard Goldman**, Designee
William H. Fauver - Commsr, Dept. of Corrections, **Stanley Repko**, Designee
Nicholas Bissell - President, NJ Pros. Asso., **Paul T. Koenig**, Designee
Joseph L. Bubba - State Senator, 34th District, **Paul Graupe**, Designee
Ronald L. Rice - State Senator, 28th District
Patrick J. Roma - Assemblyman, 38th District
Stephanie Bush - Assemblywoman, 27th District
Dominick D. Allocca - Public Member

OBSERVERS

Donald J. Apal - State Law Enforcement Planning Agency
Joseph J. Barraco - Criminal Practice Division, Admin. Office of the Court
Ingrid M. Bey - Statistical Services Unit, Admin. Office of the Courts
William D. Burrell - Probation Services Div., Admin. Office of the Courts
Robert Carney - Statistical Services Unit, Admin. Office of the Courts
David Cole - Data Analysis Center, New Jersey State Police
Wayne Fisher - Police Bureau, Department of Law & Public Safety
Al Gray - Division of Field Services, State Parole Board
James Harris - Office of the Governor
Martin Hodanish - Juvenile Delinquency Commission
Carol Howard - County Municipal Government Study Commission
Captain Thomas Huestis - New Jersey State Police
Dale Jones - Office of the Public Defender
Stacy Kutner - Division of Criminal Justice, Dept. of Law & Public Safety
Deborah Martin - State Parole Board
Richard Mattek - Division of Planning, Department of Corrections
John P. McCarthy - Criminal Practice Division, Admin. of the Courts
Lieutenant James Petrecca - New Jersey State Police
Edward E. Rhine - Probation Services Division, Admin. of the Courts
Bruce Stout - Juvenile Delinquency Commission
Don Van Nostrand - Division of Policy & Planning, Dept. of Corrections
Meherji Wadia - Data Analysis Center, New Jersey State Police

STAFF

Lela M. Keels
Coordinator

Cynthia A. Corbo
Administrative Analyst

Ellen H. Osborne
Data Processing Programmer

Marcella A. Christie
Secretarial Assistant

ACKNOWLEDGEMENT

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

Hon. Eugene H. Thompson
Assemblyman, 29th District

Hon. Gary Stuhltrager
Assemblyman, 3rd District

Hon. Leo Yanoff, J.S.C.
Consultant, Essex County Judge

Alan A. Rockoff, President
N.J. Prosecutor's Association

NEW JERSEY CRIMINAL DISPOSITION COMMISSION
1988 ANNUAL REPORT

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HIGHLIGHTS

During the 1988 fiscal year the Criminal Disposition Commission continued to pursue its study of issues critical to the further understanding and development of the State's criminal justice system. The Commission addressed such concerns as prison population projections, prison growth and overcrowding, sentencing equity, alternatives to incarceration, criminal justice legislative impact analysis, public and criminal justice education and upgrading the various criminal justice information systems. This report summarizes the accomplishments and major highlights of the Commission's past year, in which the Commission:

- Collected and analyzed key dispositional data to include: sentencing, corrections and parole.

- Analyzed and submitted a report to the legislature on Assembly Bill #2178: "An Act Concerning Restitution".

- Completed a study on release outcome in New Jersey.

- Began initial work on demographic analysis of capital sentenced offenders in New Jersey.

- Undertook a pilot study to examine the county jail offender.

- Began studying the viability of a proposal for presumptive community service for non-custodial sentences.

- Authorized a process evaluation of two county supervised pre-trial release programs.

- Published and distributed a public information booklet on crime and the criminal justice system in New Jersey.

- Established a Speakers Bureau to promote public awareness of the criminal justice system and activities of the Commission.

- Undertook initial plans to conduct a public opinion survey on crime and the criminal justice system.

The Commission urges consideration of its recommendations which include:

- Modification of the Court Reporting System.

- Expansion of the use of alternative programs to conventional corrections.

Strengthening current probation and parole; and

Adoption of the recommendations of the Governor's Task
Force on Prison Overcrowding.

Commission accomplishments and recommendations are discussed in the report. It is divided into three sections. Section I presents the background and history of the Commission and provides an overview of Commission functions and activities. Part II reviews Committee activities and accomplishments, and Part III presents Commission recommendations.

PART I: THE CRIMINAL DISPOSITION COMMISSION: BACKGROUND

POWERS AND DUTIES OF THE COMMISSION

With the enactment of the New Jersey Code of Criminal Justice (Title 2C) in 1979, the Legislature established the Criminal Disposition Commission (CDC). The Commission is responsible for studying and reviewing all aspects of the criminal justice system relating to the disposition of criminal offenders, including but not limited to terms of imprisonment, fines and other monetary punishments, parole, probation and other supervisory treatment.

The Commission is empowered to call upon the assistance and avail itself of the services of the State and its political subdivisions as required and as available. The Commission is required to file an annual report to the Governor and Legislature concerning its findings and recommendations.

Goals

The goals of the Commission are to:

- Promote equity in the criminal justice system;
- Conduct research to determine whether undue sentencing variation exists and propose remedial action, if necessary;
- Advise the Governor and Legislature on issues pertaining to the disposition of criminal offenders;
- Provide education to the public and legislature about the criminal justice system; and
- Develop long-range planning capabilities for an improved criminal justice system response to the problem of crime in New Jersey.

COMMISSION MEMBERSHIP

Commission membership is determined by statute (N.J.S.A. 2C: 48-1) and consists of twelve members including representatives from the legislature, public, and criminal justice community. Membership of the Commission is comprised of:

Members of the Senate (2), appointed by the President of the Senate;
Members of the General Assembly (2), appointed by the Speaker of the General Assembly;
The Chief Justice, or his designee;
The Attorney General, or his designee;
The Public Advocate, or his designee;
The Chairman of the Parole Board, or his designee;
The Commissioner of the Department of Corrections, or his designee;
The President of the N.J. Prosecutor's Association, or his designee; and
Public Members (2), appointed by the Governor.

COMMISSION STRUCTURE AND ORGANIZATION

The Commission has a full-time staff consisting of a Coordinator, a Data Processing Programmer, an Administrative Analyst, and a Secretary. Supplemental support services are provided by the Administrative Office of the Courts (AOC). This includes data coders and computer services to enable the Commission to collect and analyze critical sentencing data.

In addition to the contributions of members, designees and Commission staff, much of the CDC's activities and accomplishments include the direct efforts of criminal justice agency observers representing such agencies as: Administrative Office of the Courts, Department of Corrections, Department of Law and Public Safety, Department of Public Advocate, and the State Parole Board. These agencies have joined with the Commission to form a coalition committed to: (a) enhancing the Commission's ability to serve as a source for providing long-range planning and coordination services for the State's criminal justice system; and (b) assisting policymakers in evaluating the criminal justice system and deciding future policy needs and direction.

With the exception of July and August, Commission meetings are regularly scheduled for the third Wednesday of each month. At these meetings, Commission members, observers, and staff discuss committee reports, conduct general business, and plan the future work agenda.

LEGISLATIVE REVIEW FUNCTION

The Commission's role focuses on the following overall activities:

- Analyses of the impact of proposed legislation and statute revisions on the overall criminal justice system; and
- Dissemination of Commission analyses to the Governor, individual legislators, legislative committees and staff.

Specific activities include yearly reviews and analyses of proposed criminal justice legislative bills.

RESEARCH AND EVALUATION FUNCTION

The Commission will augment its present undertaking of this role with focus on the following activities:

- Providing research capability and data as requested by the full Commission and its committees, as well as the executive, judicial, and legislative branches of government;
- Proposing appropriate programs, implementation strategies, and assessments of available alternatives to incarceration; and

- Conducting research and disseminating information to enhance knowledge of critical issues, current research findings and state-of-the-art programs in sentencing and corrections.

Specific activities in this area will include:

- Completion of studies of proposed or actual policy changes as might be requested by the legislature, the executive or the judiciary or as otherwise deemed appropriate by the Commission;
- Conducting or providing for assessment/evaluation of current and proposed pre and post dispositional release programs;
- Developing and administering a statewide public opinion survey on sentencing and corrections ; and
- Reviewing and analyzing criminal justice information systems and exploring integration among them.

These activities will enhance the Commission's ability to serve as a resource for providing long-range planning and coordination services for the State's criminal justice system. They will also assist policymakers in their evaluation of the criminal justice system and determination of future policy needs.

PART II: COMMITTEE ACTIVITIES AND ACCOMPLISHMENTS

Criminal Justice Statistics (Data) Committee

The Data Committee traditionally has provided the technical and statistical means required to pursue Commission goals and objectives. The Committee's contributors have assisted the Commission in its study of criminal dispositions and have provided essential statistics and reports concerning criminal justice issues and developments.

The Data Committee efforts and activities are primarily concerned with:

- Monitoring and refining sentencing, prison and parole data;
- Developing long-range planning capability;
- Reviewing and analyzing criminal justice information systems and exploring integration among them;
- Providing research capability and data as requested by the Commission, as well as the executive, judicial and legislative branches of government; and
- Improving impact analysis capabilities.

Criminal Justice Statistics

The Data Committee has collected and analyzed key disposition data at various decision points in the criminal justice system. Primary focus has been on sentencing trends, correctional populations and parole. Data are compiled monthly and distributed to the Commission.

Sentencing Trends

During FY 1988, there were a total of 20,470 offenders sentenced in the State's Superior Courts. This represents a decrease of 623 offenders over FY 1987's figure of 21,093. The number of offenders receiving custodial terms also decreased slightly, falling from 51 percent in FY 1987 to 49 percent in FY 1988. Analysis of the sentencing trend data from FY 1984

through FY 1988 reveals a slight decrease in the number of sentences in FY 1985; a slow gradual increase in sentences through FY 1987; then a slight decrease in sentences through FY 1988. The rate of incarceration rose gradually during FY 1984 through FY 1987, then slightly decreased in FY 1988 (see Figure 1).

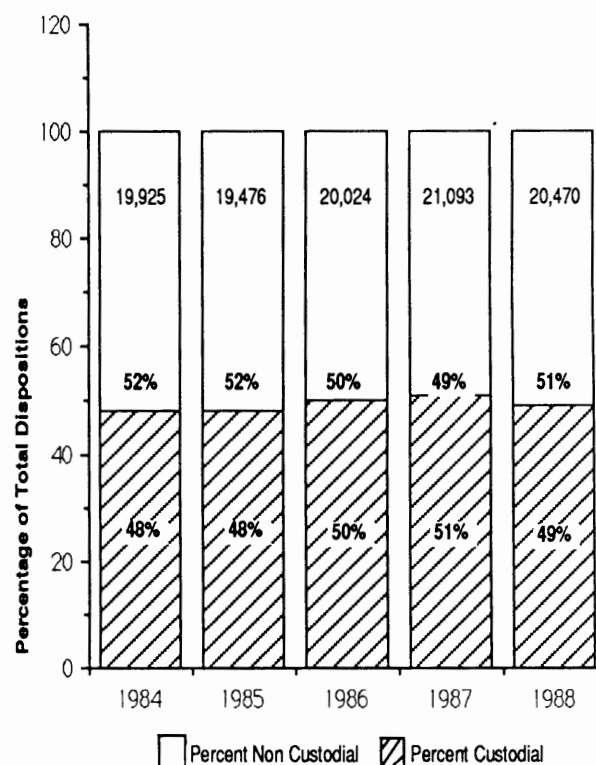


Figure 1

Comparison of Sentencing Patterns

FY 1984-1988
Total Dispositions

Correctional Populations

Manifestation of the increase in sentencing is evident in the continued swelling of the county jail and state correctional populations. Presumably at its peak, the correctional population of local jails and state facilities has reached an unprecedented high of 11,365 and 17,934 inmates respectively, for the 1988 fiscal year. This represents more than a 15 percent (15.9%) increase in the county jail inmate population and more than a seven percent (7.2%) increase in the state inmate population.

subsequent passage of additional 2C enhancements designed to increase time served, it is expected that the rate at which the state inmate population increases should begin to moderate at that time.

Data from the Offender Based Correctional Information System (OBCIS) have been transmitted from correctional files to the Commission's micro computer. This allows for efficient review and analysis of length of incarceration data, a key element for developing improved long-term inmate population projections.

Court Disposition Reporting (CDR) System

One of the Committee's initial undertakings towards augmenting the Commission's long range planning was development of an integrated criminal justice database system consisting of complete, accurate information. The development of an integrated data system is a prerequisite to accurate population projections, informed policy analyses and practical planning. Hence, the Commission has recommended and suggested modification of the Court Disposition Reporting System (CDR) to assure completeness of information, statute compatibility and amenability to statistical analysis.

Through a collaborative effort with the New Jersey State Police, the Division of Criminal Justice and the Department of Corrections, promising results towards CDR modification have been obtained:

- A procedure has been developed for on-line processing of court disposition CDR-3 and CDR-4 forms. This procedure has been implemented in the prosecutor's office of two counties and has been explored in one probation department.
- Cross training between the State Police and one county prosecutor's office on the Computerized Criminal History (CCH) System and the Promis/Gavel System (automated information and case management systems) has been provided.

The achievements of the various CDR projects should result eventually in improvements in the volume of data and their quality. This should enhance the Commission database and ability to provide more accurate offender processing data.

Legislative Analysis

The Commission continues to analyze and report on legislative proposals that may impact the criminal justice system substantially. Past efforts of the Data Committee have focused on issues of jail and prison overcrowding. Concentration has been on proposals that may result in substantial increases in the inmate population and resulting bedspace requirements.

Most recently the Commission considered Assembly Bill No. 2178, "An Act Concerning Restitution." The Commission is generally supportive of legislation that promotes alternative sanctions and that enhances probational sentences. It is concerned, however, about the legislation's proposal for mandatory restitution in all cases. The Commission believes that presumptive sentences are preferable to mandatory sentencing when imposing financial penalties.

The Commission has kept abreast of the recently enacted Comprehensive Drug Reform Act of 1986. Designed to provide a long-term systematic response to the problems of drug abuse, this legislation has the potential to exacerbate prison and jail overcrowding problems. Monitoring of the now emerging effects of this legislation is essential for ascertaining its effects on inmate population and planning appropriate sentencing options.

Research Projects

RELEASE OUTCOME IN NEW JERSEY: A THREE YEAR FOLLOW-UP STUDY

A comprehensive study was undertaken by the Data Committee of the Criminal Disposition Commission to determine parole outcome by various indicators for offenders paroled from the New Jersey state correctional system. The study examined a random sample of 200 parole releases during 1982 and recorded subsequent arrest, conviction and incarceration over a three year follow-up period. Major findings of the study corroborate research conducted in other jurisdictions. Study findings are listed below:

- 62 percent of the parolees were arrested within three years following release from state prison.
- 49 percent were convicted.

A more detailed program evaluation, consisting of program outcome analyses, program impact and comparisons of program client data with those released on their own recognizance (ROR) or bail currently is under consideration.

Presumptive Community Service

The Committee is considering the viability of a proposal of presumptive community service for non-custodial sentences. The objectives of the proposal are to: (1) increase the punitive aspects of non-custodial sentences; (2) provide an alternative to monetary sanctions for indigent defendants; (3) provide an effective method by which defendants can balance their social debt; and (4) promote rehabilitation by involving defendants in a work environment.

Study of this proposal is currently in progress. Once the Committee has assessed its viability, a recommendation shall be made to the Commission.

Education Committee

The Commission established the Education Committee to serve as a conduit for educational exchange on selected criminal justice issues. It is the mission of the Education Committee to share information and expertise with citizens, legislators, policymakers and justice system professionals to raise the level of understanding and awareness about the sentencing and correctional processes.

The primary goals of the Education Committee are to:

- Increase public awareness about the functions, policies and mandates of the agencies of the criminal justice system.
- Increase knowledge of public opinion and priorities on the part of legislators, policymakers, and system professionals; and
- Increase knowledge of critical issues, current research and state of the art programs in sentencing and corrections.

Criminal Justice Information Brochure

During Spring, 1988, the Commission published Crime and the Criminal Justice System in New Jersey: A Public Information Booklet. The booklet was conceptualized and drafted by the Education Committee with data contributions from various criminal justice agencies and organizations. It presents a systematic description of the adult criminal justice system from arrest through parole supervision. It describes the size and nature of the problems to which agencies of the criminal justice system respond, and the various responsibilities, functions and agencies of the criminal justice system. The booklet also identifies and discusses some of the major issues, developments and trends confronting the state's criminal justice system.

Much of the booklet's initial distribution was to members of the criminal justice community and decision makers. Copies also were made available to the state's local daily newspapers. Responses to the brochure have been very complimentary and there have been many requests for additional copies. The Commission also has received requests from other states and it has been incorporated into the reference collection at major national criminal justice and corrections clearinghouses and libraries.

The initial printing of 5,000 copies was soon exhausted. In light of the demand for the booklet and the Committee's plan to utilize it as a guide for the Speaker's Bureau, the Commission ordered a second printing of the booklet. Copies can be obtained from the Commission's Office.

Speakers Bureau

In conjunction with the release of the public information booklet, the Commission recently announced the establishment of the Criminal Disposition Commission Speaker's Bureau. The Commission has provided the public with an opportunity to have representatives of State's criminal justice agencies address local organizations, civic groups or schools.

PART III - COMMISSION RECOMMENDATIONS

The Commission submits the following recommendations for consideration by the Governor and the Legislature:

- i. **Modify** the Court Disposition Reporting (CDR) System to ensure that all relevant and necessary case information is contained in the system, and modify CDR input documents and software to ensure both comportment to the New Jersey Code of Criminal Justice and amenability to statistical analysis.
- ii. **Expand** the use of alternative programs to conventional corrections, such as county and state intensive probation/parole supervision programs, supervised group community service and residential drug and alcohol treatment programs.
- iii. **Strengthen** the current probation and parole systems, making all attempts to maintain and eventually to increase their current level of resources.
- iv. **Adopt** the recommendations of the Governor's Task Force on Prison Overcrowding, as indicated in the Governor's Office of Policy and Planning report entitled Briefing on Prison Overcrowding. The Task Force's recommendations include:
 - Using both alternative and conventional bedspace options to accommodate projected increases in the prison inmate population i.e. pre-fabricated steel facilities, renovation of existing buildings, funding provisions for the County Assistance Program;
 - Using alternative correctional programs to include pre-trial release, supervised group community service, county intensive supervision, residential drug and alcohol treatment, intensive supervision and surveillance.
 - Addressing, by a legislative initiative, the issue of disparity in county and state inmate parole eligibility criteria.
 - Re-enacting the emergency release programs, which would allow accelerated parole dates for non-violent prisoners.
 - Adopting an expanded integrated offender database in order to plan more accurately for future inmate population growth.
 - Requiring the Office of Legislative Services to prepare an impact statement for each bill affecting the criminal justice system; and
 - Undertaking a study on the imposition of mandatory minimum sentences and the impact of mandatory minimum terms on parole release.

Criminal Disposition Commission
Table of Organization

