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New Diversion Projects Ease Courts Burden

By Carl F. Bianchi

Few today would argue that repeated trips through the criminal judicial process are helpful in either deterring or rehabilitating defendants in need of special treatment, particularly alcoholic or drug-addicted individuals. However, in most communities, there is no formal alternative to the recurring cycle of arrest, conviction and sentence.

Informal methods have long been used to deal with the neighborhood alcoholic. Police avoid formal arrest. Prosecutors exercise their discretion not to prosecute certain offenders. Officials have recognized for many years the need for a more formal alternative for offenders who have medical, mental or social problems which can better be handled outside the criminal judicial process.

In New Jersey, courts have utilized formal diversionary techniques in dealing with juvenile offenders, through formal court referrals to the many localized Juvenile Conference Committees and by utilizing a court rule which allows a judge to postpone adjudication for up to nine months and to dismiss the charge if the juvenile makes a satisfactory adjustment.

More recently, with the help of State Law Enforcement Planning Agency funds, a number of steps have been taken to establish formal, court-sponsored diversionary programs to deal with adult offenders

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Chief of court planning for the New Jersey Administrative Office of the Courts until the end of May, the author is now Administrative Director of the Courts for the State of Idaho.

ANTI-CRIME AID HIKE APPROVED FOR 1974

Correction Projects Share Record Award

State Law Enforcement Planning Agency grants totaling \$717,203 are supporting New Jersey's effort to establish a network of community treatment centers for soon-to-be-paroled residents of State correctional institutions.

The grants were part of packages totalling nearly \$6 million approved by the Agency during the late spring. They include a record \$3.3 million allocated by the Agency's Governing Board at its June meeting.

A variety of correctional institution and court improvement programs, juvenile delinquent services projects, drug treatment and enforcement projects, alcoholic treatment programs and police services projects also are among the 66 projects allocated 1972 and 1973 funds. Charts on Pages 3-4 include a brief description of all projects.

The community centers operated by the Division of Correction and Parole will allow offenders to hold jobs or attend school during their final stages of confinement. The new grants will support adult centers in Newark and the Jersey City area and juvenile centers in Paterson, Plainfield and Camden.

Division officials concede there have been difficulties in gaining community acceptance of the center concept but maintain that the centers are needed to help offenders bridge the gap between full confinement and release. "These are people who are going to be returning to these communities within a matter of weeks anyway," points out one official. "Why not

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Legislation signed August 6 by President Richard M. Nixon has assured that the Federal Safe Streets Act program will continue for at least three more years and that New Jersey will receive more anti-crime funds next year.

The extension of the Act through Fiscal 1976 authorizes appropriations by the Federal Law Enforcement Assistance Administration of \$1 billion for Fiscal 1974 and Fiscal 1975 and \$1.25 billion for Fiscal 1976. The current 1973 appropriation is \$850 million of which New Jersey is receiving \$18.6 million. The State can expect to receive about seven percent more next year, according to officials.

Major features in the Act, the product of months of work by Congress, include the "90-10" provision which re-requires subgrantees to make a cash match of 10 percent of a total Action, Planning or Part E Corrections grant. The State, however, will absorb half of the cost of the local government share through the "buy-in" procedure. It requires the State to meet 50 percent of the non-federal portion of the grant, in effect five percent of the total grant.

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AUDIT UNDERWAY

Approximately 35 local projects will be audited this month as part of the annual overall audit of State Law Enforcement Planning Agency operations.

The firm of Touche Ross and Co. is conducting the federally required audits. Project directors whose grants are to be examined as part of the random sampling are being notified in advance.

NATIONAL REPORT SUPPORTED

The New Jersey State Law Enforcement Planning Agency has formally endorsed the recently issued "State of the States" progress report on administration of the Safe Streets Act throughout the nation. John J. Mullaney, executive director of SLEPA, said the report provides tangible evidence that the anti-crime program is working effectively.

"We've become convinced that Congress acted wisely in deciding that a state directed campaign against crime provides the best means of overcoming the limitations of scarce resources and competing interests characteristic of local government response to the crime problem," Mullaney said. The coordinated federal-state partnership, Mullaney said, "has been instrumental in producing the projects that have contributed to drops in crime in 94 major U.S. cities including four in New Jersey."

The report, prepared by the National Conference of Criminal Justice Planning Administrators, outlines achievements of the Safe Streets program during its first four years; from setting standards for police, courts and corrections personnel to promoting community-based corrections programs. It also seeks to counter criticism of inequitable allocations of funds by demonstrating that the states have directed the bulk of the anti-crime funds to the highest crime areas.

Mullaney said he felt the successes of the program in New Jersey could be traced to the State's comprehensive criminal justice planning mechanism coupled with equally comprehensive efforts to support all components of the system. He noted that the State has been in the forefront of numerous program efforts including training of correctional personnel and the establishment of a youth service bureau system.

A supplemental "State of the States" report including a progress report written by Mullaney on the programs in New Jersey also has been published.

PROFILE



WILLIAM P. FINKEL
Chief—Police Programs—SLEPA

Bill Finkel has had a homing instinct about law enforcement work. He's tried working in several other related areas but keeps returning to the field he likes best. Woven into a colorful career as both a State and municipal policeman have been brief forays by Finkel into insurance investigation, sign design, college administration and teaching.

Actually, it was an errant taxi driver in his home town of Elizabeth who literally knocked Finkel onto the road that led to SLEPA and his present post as Chief, Police Programs. It was September, 1969, and Finkel was riding his Elizabeth Police Department motorcycle on routine patrol when the cab swerved out of a side street and collided with the cycle. The accident sent Finkel off duty for six months and placed him on permanent disability. It also prompted him to accept a position as assistant to the vice-president of administration and finance at Newark State College in Union where he had resumed a college education interrupted some 15 years earlier.

Finkel directed the 28-man security force at Newark State, raced through four years of college work in 2½ years and was graduated summa cum laude with a bachelor of arts degree in history in August, 1971. Some six months later he joined the SLEPA staff where he has responsibility for reviewing and coordinating some 160 state and local police projects being financed through the Agency.

Finkel's circuitous route into law enforcement work started at Rutgers where he was studying with the idea of a career in forestry. That ambition gave way to a decision in mid-1957 to enter Air Force pilot training. That didn't work out either and Finkel in 1959 joined the New Jersey State Police, although he continued serving in the Air Force Reserve through mid-1963. Four and a half years as a State trooper included duty with the N.J. Turnpike Patrol, various investigative assignments and a stint as a scuba diver with the State Police special Underwater Recovery Unit. After that came a little over a year as a bodily injury claims investigator with an insurance firm. Finkel returned to police work with the Elizabeth Department in March, 1965. He served there primarily as a planning officer.

During this time, Finkel invented and had patented a louvered, variable speed sign that he hopes will be put to general highway use. Besides his high honors at Newark State, Finkel had the distinction of finishing at the top of a 40-member class in insurance investigating and first in a class of 50 in a municipal police course at Sea Girt. He was an instructor as an undergraduate at Newark State and was conducting classes in criminal justice and police management at Essex Community College before joining SLEPA. He also has been studying for a master's degree in criminal justice at City University of New York's John Jay College of Criminal Justice.

At SLEPA, Finkel has been instrumental in the development of the "DATUM" microfilm system which is restoring identification as an effective police weapon in seven major New Jersey cities. An article on the subject was Finkel's second for "Law and Order" magazine. Finkel also prepared a paper on "DATUM" for the first International Conference on Crime Counter-Measures.

NEW JERSEY PROJECTS APPROVED FOR 1972 AND 1973 FUNDS

GRANT NO.	APPLICANT/IMPLEMENTING AGENCY	PROJECT DESCRIPTION	AMOUNT
A-186-72	N.J. Administrative Office of Courts	National College of the State Judiciary	\$ 9,505
A-187-72	N.J. Administrative Office of Courts	Court Management Residential Seminars	32,182
A-188-72	N.J. Dept. of Law & Public Safety/ Division of State Police	Statewide Organized Crime Intelligence	198,000*
A-189-72	N.J. Dept. of Law & Public Safety/ Div. of State Police	Organized Crime Investigation-Prosecution Program	345,000*
A-190-72	N.J. Dept. of Law & Public Safety/ Div. of State Police	Organized Crime Training Program	42,000*
A-191-72	Bordentown Twp./Police Department	Communications System Equipment	10,070
A-192-72	Atlantic County/Prosecutor's Office	Regional Narcotics Task Force	22,632
A-193-72	Camden County & Municipalities/ Prosecutor's Office	Regional Narcotics Enforcement Unit	85,877
A-194-72	Cape May County/Prosecutor's Office	Regional Narcotics Strike Force	69,233
A-195-72	Hanover Twp./Police Department	Regional Communications Network	37,862
A-196-72	Hudson County/Probation Department	Volunteer Services for Probationers	7,628
A-197-72	Mercer County/Juvenile Court	Professional Assistance for Court Cases	16,180
A-198-72	Mercer County/Catholic Welfare Bureau	Group Home for Adolescent Girls	30,897
A-199-72	Mercer County/Child Guidance Center	Group Home for Adolescent Boys	30,278
A-200-72	Neptune Twp./Police Dept.	Clerical Support and Recorder Equipment	11,776
A-201-72	N.J. Dept. of Law & Public Safety/ Div. of Criminal Justice	Crackdown on Illegal Dispensation of Drugs by Doctors-Druggists	37,201
A-202-72	Orange/Police Department	Community Relations Program	26,178*
A-203-72	Passaic City/Police Department	High Crime Area Street Lighting Improvements	18,750
A-204-72	Passaic County/Probation Dept. & Juvenile Court	Parole-Probation Volunteer Services	44,330
A-205-72	Plainfield/Police Department	Civilian Clerical Aides	20,801
A-206-72	Tenafly/Police Department	Phone Recorder-Time Logging Equipment	11,570
A-207-72	Union County/Two Worlds, Inc.	Group Home for Adolescent Boys	28,942
A-208-72	Wayne Twp./Police Dept. & 6 Other Local Police Departments	Regional Narcotics Enforcement Program	55,641
TOTAL			\$ 1,192,533
A-21-73	New Brunswick/Police Department	Criminal Surveillance-Apprehension Team	\$ 68,755**
A-22-73	N.J. Administrative Office of Courts	Bilingual Interpreters for City-County Courts	27,631
A-23-73	N.J. Administrative Office of Courts	Attorneys for Superior Court Appellate Div.	48,595*
A-24-73	N.J. Dept. of I & A/Office of Public Defender	Staff to Help With Court Case Backlog	755,000*
A-25-73	Atlantic County/County Jail	Comprehensive Rehabilitation Services for Inmates	47,463*
A-26-73	Atlantic County/Harborfields Juvenile Detention Center	Professional Staffing and Training	58,110*
A-27-73	Camden County/Probation Dept.	Improved Bail Program	45,024
A-28-73	Elizabeth/Police Department	Public Housing Security Force	246,369
A-29-73	Essex County/Youth House	Guidance Counseling and Diagnostic Services	78,369*
A-30-73	Essex County/Youth House	Expanded Recreational Services	79,711*
A-31-73	Hudson County/Prosecutor's Office	Organized Crime Task Force	77,547
A-32-73	Hudson County/County Courts	Automated Court Information System	73,562*
A-33-73	Long Branch/Community Development Dept.	Juvenile Delinquency Prevention Program	79,473*
A-34-73	Mercer County/Dept. of Correctional Institutions	Rehabilitation Programs for Workhouse and Detention Center	96,841
A-35-73	Middlesex County/Freeholders	Automated Court Information System	10,279*
A-36-73	Passaic County/Mt. Carmel Guild	Alcohol Detoxification Unit	70,289*
A-37-73	Passaic County/Court Administrator's Office	Automated Court Information System	93,660*
A-38-73	Paterson/Police Department	Computerized Police Manpower Deployment	96,722*
A-39-73	Plainfield/Police Department	City-wide Crime Prevention Unit	45,372*
A-40-73	South River Police Department	Juvenile Aid Bureau	12,399
A-41-73	Trenton/Police Department	Computerized Police Manpower Deployment	41,856
A-42-73	Trenton/Police Department	Crime Prevention Unit	30,149

*Continuation Grant

**Grant No. formerly A-185-72

NEW JERSEY PROJECTS APPROVED FOR 1972 AND 1973 FUNDS

GRANT NO.	APPLICANT/IMPLEMENTING AGENCY	PROJECT DESCRIPTION	AMOUNT
A-43-73	Union County/Freeholders	Youth Service Bureau	235,385
A-44-73	Union County/Runnells Hospital	Alcohol Detoxification Center	204,620*
A-45-73	N.J. Dept. of I & A/Division of Correction and Parole	Expansion of Advisory Services to Counties	38,493*
A-46-73	William Paterson College/Administration Institute	Criminal Justice Baccalaureate Degree Program	46,875
TOTAL			\$ 2,708,549
E-14-72	N.J. Dept. of I&A/Correction & Parole	Remedial Learning Center	\$ 23,795
E-15-72	N.J. Dept. of I&A/Correction & Parole	Horticultural Program for Leesburg Farm Inmates	28,897
E-16-72	N.J. Dept. of I&A/Correction & Parole	Learning Center for New Lisbon Honor Camp	22,727
E-17-72	N.J. Dept. of I&A/Correction & Parole	Learning Center & Communications Skills Programs for Yardville Correctional Ctr.	28,117
E-18-72	N.J. Dept. of I&A/Correction & Parole	Essex County Adult Community Service Center	143,516
E-19-72	N.J. Dept. of I&A/Correction & Parole	Camden County Juvenile Community Treatment Center	111,984
E-20-72	N.J. Dept. of I&A/Correction & Parole	Drug Counseling at Clinton Correctional Institution for Women	49,586
E-21-72	N.J. Dept. of I&A/Correction & Parole	Vocational Training Program for Borden- town Youth Facility	161,702*
TOTAL			\$570,324
E-1-73	N.J. Dept. of I & A/Correction & Parole	Volunteer Services at Youth Correctional Centers	45,000*
E-2-73	N.J. Administrative Office of Courts	Probation Officer Training Section	47,100
E-3-73	N.J. Administrative Office of Courts	Development of Fuller Range of Services For Probationers	148,400*
E-4-73	N.J. Dept. of I & A/Correction & Parole	Hudson County Adult Community Service Center	160,840*
E-5-73	N.J. Dept. of I & A/Correction & Parole	Drug Rehabilitation at Bordentown & Jamesburg Youth Facilities	248,902*
E-6-73	N.J. Dept. of I & A/Correction & Parole	Passaic County Juvenile Community Treatment Center	177,675*
E-7-73	N.J. Dept. of I & A/Correction & Parole	Union County Juvenile Community Treatment Center	123,188*
E-8-73	N.J. Dept. of I & A/Correction & Parole	Correctional Information System	125,000*
E-9-73	N.J. Dept. of I & A/Correction & Parole	Training for State/County Correctional Officers	350,000*
TOTAL			\$ 1,426,105

* Continuation Grant

STANDARDS AND GOALS CONFAB SET

The interrelation of New Jersey's entire criminal justice system will be focused on this fall when some 200 delegates convene for the State's first Conference on Criminal Justice Standards and Goals.

The conference, which will take place October 17-19 at the Ramada Inn in East Brunswick, is an outgrowth of a Washington conference in January during which the National Advisory Committee on Standards and Goals released its findings. The conferees, including representatives from all sections and levels of the New Jersey criminal justice system, will review Standards and Goals recommended by the National Committee. Officials anticipate a freewheeling exchange of

ideas and hope the conference will promote greater understanding of mutual problems throughout the State.

The conference will be run by the Public Service Institute of New Jersey with the aid of a \$19,380 federal discretionary grant being provided to the State Law Enforcement Planning Agency.

WE'RE MOVING

The State Law Enforcement Planning Agency will be moving this fall from its present cramped quarters on Bellevue Avenue in Trenton to larger facilities east of the city.

The new SLEPA offices will be located at 3535 Quaker Bridge Road, (Mercer County Rte. 533). The tentative moving date is October 1. The precise date will be announced as soon as it is finalized.

John J. Mullaney, SLEPA executive director, said the new quarters will enable the Agency to move closer to its authorized staff strength of 64. The problems caused by lack of adequate space for conferences and the regular Governing Board meetings also will be alleviated, he noted.

Visitors will be able to reach the new offices via Route 1 from the north, Routes 206 and 295 from the south and Route 33 from the east.

SLEPA Adds Pair

Dr. John B. Wolf, a former Marine Corps officer, businessman and college educator, has joined the State Law Enforcement Planning Agency as a data processing analyst. One of two recent new appointments to the staff, Wolf is coordinating formulation of a master plan for all computer and management systems funded by the Agency.

The other new member of the professional staff is Craig P. Wille, who joined the Administration Section as an auditor.

Wolf, of Morris Plains, is a relative newcomer to the criminal justice field, having joined the State Police Training Commission a year ago after spending the previous four years as an assistant professor of history and politics at the State and City University of New York. He's also completing work on a master's degree in criminal justice at John Jay College and already holds bachelor's and master's degrees from Seton Hall University and a Ph.D. in international relations from American University.

Wolf's career also has included 4½ years as a Marine company commander and eight years as a business systems representative for a North Jersey firm. At the Police Training Commission, he served as a research associate.

Wille, of Palmyra, is a graduate of Rutgers University-Camden. He was formerly an auditor for the State Division of Taxation where he was involved in the auditing and examination of various State taxes and the training of new employees.

Award (continued from page 1)

help them to adjust under controlled conditions?"

The Public Defender's Office will use a \$755,000 grant in a continued effort to maintain its trial and appellate case backlogs at 7.7 months. At the end of Fiscal 1972, the trial backlog had risen to 8.3 months; the appellate backlog to 8.9 months. The grant will support salaries of staff members added with a previous SLEPA grant.

The State Division of Criminal Justice has earmarked a \$37,210 grant for "more sophisticated investigation" of renegade physicians and pharmacists who abuse

their licenses by providing drugs for addicts.

Regional projects include narcotics enforcement units for Camden, Atlantic and Cape May Counties and seven Passaic County communities, an organized crime task force for Hudson County and a Youth Service Bureau for Union County. Paterson's computerized police manpower deployment system (featured in the June newsletter) will be expanded to include data analysis for four neighboring communities.

Aid (continued from page 1)

All in-kind contributions are eliminated.

The bill stresses that crime is a local problem and must be dealt with by State and local governments if it is to be controlled effectively and also emphasizes that the Act is designed to address all aspects of the criminal justice system.

The new legislation supports state planning efforts to assure "allocation of adequate assistance to areas characterized by high crime incidence and high law enforcement and criminal justice activity." It also endorses regional projects by providing funding incentives for localities that coordinate criminal justice activities with other localities.

The bill requires that no more than one third of the total state award be devoted to salaries for criminal justice personnel, a provision designed to foster innovative and improved methods of crime control rather than projects which merely augment local salary outlays. It also provides cost of living boosts for LEEP students.

An amendment allows procedures for comprehensive plans for local units of government which is consistent with New Jersey's present plan development system.

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Governing Board Chairman

John J. Mullaney, Executive Director
Allan W. Drake, Editor

Diversion (continued from page 1)

who exhibit certain medical problems related to their criminal activity. These steps go beyond the ordinary methods of treatment referral and discretionary avoidance of prosecution.

An individual who commits an offense but who exhibits an obvious medical problem—such as alcoholism—may volunteer to go to a treatment center. However, the threat of civil liability has prevented this type of referral from being widely used. More likely, a police officer will formally arrest and charge an alcoholic and then seek to transport him to a detoxification center.

Courts may refer a defendant to medical treatment through release on recognizance pending arraignment or trial, with the condition of release being that the defendant report to a detoxification or counseling center. After an individual is found guilty and sentenced, treatment also may be provided through the use of probation conditions.

In the case of court referrals, however, the judicial process is continued, absent an action by the prosecutor in declining to prosecute. Once a complaint has been filed by an arresting officer, regardless of whether the particular charge (for example, assault and battery) is related to alcoholic intoxication, a judge has no present authority to suspend procedures on his own or to dismiss the complaint simply because a defendant has been referred to a rehabilitation treatment center.

The drawbacks of the voluntary, non-diversionary treatment referrals are obvious. Before conviction, only a short time is available for treatment; the defendant obtains another conviction on his record; and the courts' caseload continues to be weighed by "offenses" which are basically caused by medical problems.

One provision of the 20-month old "New Jersey Controlled Dangerous Substances Act" is an attempt to provide a formal alternative to the court process for drug addicted defendants. N.J.S.A. 24:21-27 provides statutory authority for suspending the normal court proceedings for referral of defendants to supervisory treatment, including residential treatment facilities. If such treatment is effective, the statute further authorizes a

dismissal of charges against the defendant. There is little knowledge yet as to the effectiveness of the statutory procedure, but two limitations in the law are apparent: the statute does not cover drug-related offenses, but only the possession and use of drugs itself; and the statute does not apply to persons with a previous drug-related conviction.

While legislation has been introduced to provide for similar handling of alcoholic intoxication offenses, no specific legislation has yet been enacted which would provide this type of authority to trial judges.

Court Sponsored Diversion

Unlike the proposed federal legislation, which would place the discretionary mechanism to divert offenders in the hands of prosecuting attorneys, New Jersey has moved in the direction of placing diversion program referral units in the courts themselves. Many municipalities do not have prosecuting attorneys, and the county prosecutor cannot be expected to handle diversionary duties in all of the municipal courts—the courts most likely to handle less serious, drug or alcoholic-related offenses which would be eligible for diversionary treatment. Perhaps most important, the prosecutor has an advocate role in the criminal justice process, while the courts are in a neutral position.

New Jersey Court Rule 3:28 allows a postponement of the judicial process for periods of from three to six months for special treatment in certain cases, with the approval of the defendant, the prosecuting attorney and the court. The Rule further allows a dismissal of charges if the postponement and treatment make rehabilitation appear likely. Thus, an offender could be referred to a treatment clinic or center shortly after arrest and eventually be discharged from the treatment and the judicial process without a conviction.

There are several advantages to a court-sponsored diversion program that non-diversionary referral methods cannot match. With the judicial process postponed for from three to six months, there is more time for treatment of individual defendants before a court resolution of the defendant's case. The possibility of a dismissal provides an incentive to the defendant to cooperate with the treatment program. And, successful treatment followed by a dismissal lessens the burdens on police, prosecutors, public defenders, the courts and probation departments, especially when a repeat offender is involved.

Because the first diversionary programs to be developed in New Jersey were designed to deal with defendants whose offense might have stemmed from employment-related problems, Court Rule 3:28 mentions only "Defendant's Employment Programs." However, the New Jersey Supreme Court has recently relaxed the Rule and approved two programs which would divert and treat alcoholics. And, the Supreme Court's Criminal Procedure Committee has recommended that Rule 3:28 be amended formally to authorize the operation of alcoholic and drug diversion programs.

The first diversionary program approved for operation under Rule 3:28 was the Newark Defendant's Employment Project (NDEP) which began in 1970. This SLEPA-funded project diverts offenders from courts to specialized job counseling and job placement services within the program.

Modelled after the Newark program, the Hudson County Pre-Trial Intervention Project diverts defendants from the Hudson county and municipal courts and provides job counseling, psychiatric evaluation and employment referrals. The Hudson program is also funded by SLEPA.

The two alcoholic diversion pro-

grams recently approved by the New Jersey Supreme Court will receive Agency grants to support staff and facilities. The Union County Diversionary Alcoholic Detoxification Program will accept county-wide referrals of alcoholics from the municipal and county courts for detoxification followed by individualized treatment over periods of from three to six months. Diversion program staff will then make recommendations to the prosecutors and the courts as to whether the original charges should be dismissed based on treatment results.

In Jersey City, alcoholic diversion staff will operate as a part of a larger pre-trial services unit. Program staff will screen all offenders coming into the court process and recommend certain alcoholic-dependent defendants for diversion to volunteer treatment services.

While the true worth of diversionary programs remains to be evaluated, the nature of the program operations offers great hopes for success. If defendants with problems such as alcoholic addiction can be diverted from the court process to long-term medical treatment programs, the workload of the courts and criminal justice personnel can be diverted from the court process to long-term medical treatment programs, the workload of the courts and criminal justice personnel can be significantly decreased, and time and efforts can be re-allocated to criminal activities which are better addressed by the court process. The promise of a possible dismissal of charges can be used to enhance the chances of cooperation from addicted defendants entering treatment programs. And, from the perspective of the benefits to the individual defendant, diversion to medical treatment seems to be a better alternative to the present "revolving door" criminal prosecution system, which we know is not working.

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