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**CRIME
&
THE CRIMINAL JUSTICE
SYSTEM
IN NEW JERSEY:
A PUBLIC INFORMATION BOOKLET**



1992

**STATE OF NEW JERSEY
CRIMINAL DISPOSITION COMMISSION**

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Chairman

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**THE CRIME CRIMINAL JUSTICE SYSTEM
IN NEW JERSEY:**

A Public Information Booklet

**State of New Jersey
Criminal Disposition Commission
1992**

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Prior Criminal History, State Correction Inmates, October 10, 1989; Prepared by Ellen H. Osborne and Cynthia Corbo, 1990

Release Outcome in New Jersey: 1982 Release Cohort, a Three Month Follow-up Study; Prepared by Cynthia Corbo, 1988

Release Outcome—1984: A Follow-up Study; Prepared by Cynthia Corbo, 1992, (Written in Conjunction with the Department of Corrections)

CDC Criminal Justice Bulletin; Volume I Series

1. "Electronic Monitoring/Home Confinement Program—Some Preliminary Results"
2. "Criminal Disposition Commission Update"
3. "Trends in Corrections—Prison and Jail Crowding"
4. "Meeting the Challenge of Correctional Overcrowding: GMRC's Response"
5. "Strategic Planning for the Criminal Justice System"
6. "Community Service in New Jersey"
7. "New Jersey's Intensive Supervision Program—A Success Story"
8. "An Overview of Drug Offenses (1980-1990)"
9. "ISSP A Community Supervision Option for the Hard-to-Manage Offenders"
10. "Release Outcome in New Jersey"
11. "A Comprehensive Approach to Criminal Sanctioning: Intermediate Punishments and Integrated Probation"
12. "A Return to Community: Corrections for the 1990s"

PREFACE: THE NEW JERSEY CRIMINAL DISPOSITION COMMISSION

The New Jersey Criminal Disposition Commission was established in 1979 with the enactment of the New Jersey Code of Criminal Justice (*N.J.S.A. 2C:1-1 et seq.*). The Commission is charged with 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 supervisory treatment.

The goals of the Commission are to:

- advise the Governor and legislature on issues pertaining to the disposition of criminal offenders;
- promote a strategic planning and coordinating approach to rational policy and decision making in the criminal justice system;
- develop long-range planning capabilities for an improved criminal justice system response to the problem of crime;
- provide education to the public and legislature about the criminal justice system;
- promote equity in the criminal justice system; and
- conduct research to determine whether undue sentencing variation exists and propose remedial action, if necessary.

The Commission has assumed a criminal justice planning and coordination role. Much of the Commission's efforts concentrate on pre and post-dispositional issues and state-level concerns with particular emphasis on prison and jail crowding, sentencing disparity, alternatives to incarceration, criminal justice education, criminal justice information systems, and most recently, strategic planning.

Commission membership consists of 12 members appointed by the Governor including representatives from the legislature, the public and the criminal justice community. The interagency membership has served to facilitate dialogue, cooperation and coordination among and between the different components of the criminal justice system. It has also enabled the Commission to provide timely reports with a balanced perspective to the Governor and the legislature.

The Commission regularly engages in educational efforts designed to increase public awareness and general understanding of the criminal justice system and issues confronting it. This brochure provides a brief yet complete picture of crime and the criminal justice system and current correctional issues and developments in New Jersey.

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**Listing of Prior Commission Reports,
Booklet, and Bulletin Publications***

Annual Report; Prepared by Lela M. Keels (1981-1991)

Alternatives to Incarceration In New Jersey; Prepared by Edward J. Coyle; 1990

Boot Camp Prisons (Briefing Report); Prepared by Edward J. Coyle, 1990

*Available upon request.

APPENDIX

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services by using community volunteers to assess client needs, develop client plans, provide assistance and supervision to clients, and monitor and review probationer progress. Volunteers in Probation (VIP) programs are very popular in New Jersey and use volunteers to supervise and assist in the probationary process.

Conclusion

A “return to the community” is being increasingly embraced by the criminal justice system in New Jersey as it turns to community-based options as a core method of handling offenders. We can expect to see an increasing emphasis in this area in the future.

Sources

Information and data for this section were provided by the Division of Policy and Planning, Department of Corrections, the Probation Services Division, Administrative Office of the Courts, the Violent Crimes Compensation Board, and the Criminal Disposition Commission.

Judiciary

The “return to community” also plays a vital role in the court process. In many states, citizens work with judges and other court personnel on tasks ranging from recommending sentencing plans to mediating diverted cases. But few states are doing more than here in New Jersey. Some examples are as follows:

- **Juvenile Conference Committees (JCC)** are one of the Family Court’s primary ways of handling juveniles. JCC’s, which use six to nine community “volunteers” to review cases, attempt to work out suitable plans that address the problems of delinquent youth. Across the state, there are over 2,200 JCC volunteers who handle about 20 percent of all cases docketed in Family Court.
- **Dispute Resolution Program.** The (DRP) program utilizes citizen volunteers trained in mediation techniques for the purpose of mediating civil and minor criminal disputes; DRP’s are utilized throughout the state.

Besides these, many other programs are in operation or are planned to augment this court/community partnership. For example, the 1992 New Jersey Judicial Conference recommended that Community Advisory Councils be created to assist the court in reviewing dispositional practices, identifying community resources and advising the court on the feasibility of new programs. Look for this “partnership” to continue and expand in the future.

Corrections

Whether as a result of the strains of overcrowding or a recognition of the central role of the community in the correctional process, few areas have been impacted more than corrections with the “return to community” perspective. The community is now an active partner in programs involving probationers as well as inmates and parolees. Increasing reliance on community-based approaches is enabling the system to lessen its dependency on institutional confinement.

Many programs focus on probationers. The Narcotics Intervention Program (NIP) is operational in a number of locations around the state (i.e. Perth Amboy, Edison, New Brunswick, and Woodbridge), and uses citizen boards to provide supervision and support to adult probationers with dependency problems. Project CARE augments juvenile probation

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A Return to the Community

A major focus in criminal justice in recent years has been on the community. This is because the legitimacy and effectiveness of the system is premised upon a strong working relationship with the community. The causes of crime and delinquency are deeply rooted in the fabric of the community and any meaningful solutions can occur only when the community is mobilized. As we discuss below, this "return to the community" theme manifests itself in many different ways.

Law Enforcement

Law enforcement officials are among the first to recognize that effective crime control must begin with a police/community partnership. Stemming from this philosophy, many types of partnerships have been forged. Some of the more common include community policing projects, foot patrols, neighborhood watch programs, and police/community relations boards. These programs, many focusing on the war against drugs, are currently operational in many New Jersey communities. Two of the more prominent ones include:

- **The Weed and Seed Project.** Operating in targeted Trenton neighborhoods, the federally funded program utilizes a three step process. The first "weeds out" those individuals (through legal means) who pose a negative influence on the Community. The second increases police visibility and encourages the police to work directly with the community to improve the community's quality of life. This is done by engaging in such activities as cleaning up vacant housing or parks with residents. The third is setting up "safe havens" where residents can safely go for recreation or community activity.
- **The Newark Fighting Back Project.** This overall neighborhood improvement project builds on the strength of the community to combat drugs and other negative influences. One component of the project consists of the police establishing outreach offices in target neighborhood areas. This, combined with a foot patrol component where the police "walk a specific beat," allows the police and community to build a rapport that is mutually beneficial.

- 38 percent of offenders released from state prison in 1984 were convicted for offenses (indictable and non-indictable) committed within the 3 years following release compared to a reconviction rate of 49 percent for the 1982 release cohort.
- 24 percent of the offenders released in 1984 were reincarcerated, with 13 percent returned to state prison. This compared to a state prison return of 22 percent for the 1982 release cohort.
- The longer a releasee can go without arrest, the less the likelihood of arrest. In both studies, rearrest rates were highest in the first year following release from prison. Approximately four of every ten released offenders were rearrested in the first year.
- In both studies a small percentage of offenders accounted for a disproportionate amount of crime. In the recent study, half of all arrests were committed by only 23 percent of the offenders.
- Release outcome rates were inversely related to an offender's age at time of release from prison. In both studies, not only did older offenders have the lower rates for arrest, the average time to rearrest was also longer. Criminal activity subsided after age 40.
- Offenders tended to commit new offenses in the same category for which they had served time, however, releasees were most probably rearrested for the commission of property offenses.
- Offenders with lengthy criminal histories had the highest rates of rearrest.
- The younger the age at first adult arrest, the higher the rate of rearrest. In the current study, 72 percent of the offenders who were first arrested between age 18 and 19 were rearrested during the 3 year follow-up period. Only 26 percent of offenders who were first arrested at age 30 and over were rearrested.

Despite differences in methodologies and parolee characteristics, the results of both release outcome studies appear to be similar to research conducted in other jurisdictions. New Jersey's rearrest rate of 62 percent appears to be within the range of rearrest rates found in other states.

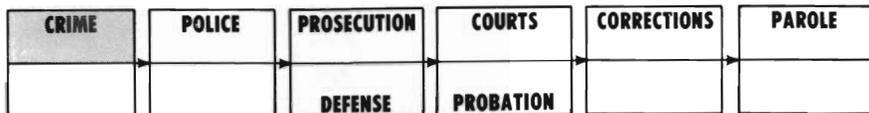
INTRODUCTION

This booklet presents information on crime and the criminal justice system in New Jersey. The focus is primarily on the adult criminal justice system, although some of the data overlaps with that of the juvenile justice system.

Section I presents information on crime in New Jersey. It describes the size and nature of the problem to which the agencies of the criminal justice system respond.

Section II deals with the different responsibilities, functions, and agencies of the criminal justice system. For each function, we describe the agencies involved and what they do. We also describe the size and nature of their workload, and their staff and budget.

Finally, Section III identifies and discusses some of the major issues, developments and trends presently confronting New Jersey's criminal justice system.



I. CRIME IN NEW JERSEY

Collection and Reporting of Crime Statistics

This section discusses general and specific statistics to show the dimensions of crime in New Jersey.

The principal source of information in this area is the annual Uniform Crime Report (UCR). This report provides the most commonly used statistics on crime. Another source of crime statistics are victimization surveys, where citizens relate their experiences with crime in response to a survey questionnaire. Data from the victimization surveys suggest that more crimes occur than are actually reported to the police and reflected in the UCR.

- The Uniform Crime Reporting system is the responsibility of the state Attorney General.
- The responsibility for receiving and reporting crime data is assigned to the New Jersey State Police.
- In 1990, arrest information and fingerprints were received from 562 law enforcement agencies throughout the state.

Table 1 shows those agencies that provided data to the Uniform Crime Reporting system.

TABLE 1
Uniform Crime Reporting Agencies
(1990)

| Agency Type | Number |
|----------------------------------------------------------|--------|
| Municipal Police Departments (Full-Time) | 486 |
| Municipal Police Departments (Part-Time) | 3 |
| N.J. State Police Department | 1 |
| Prosecutors | 21 |
| Sheriffs | 21 |
| County Police Departments | 4 |
| County Park Police | 3 |
| State Agencies (Dept. of Corrections, State Parks, etc.) | 9 |
| College Campus Police | 14 |

Some pertinent characteristics of the New Jersey capital punishment statutes (N.J.S.A. 2C:11-3) are:

- a) method of execution: Lethal injection (since July 1983);
- b) automatic Review by the state Supreme Court (since January 1986);
- c) minimum age: 18 (since January 1986); and
- d) a mandatory death penalty may not be imposed unless the aggravating factors outweigh the mitigating factors beyond any reasonable doubt (since July 1985).

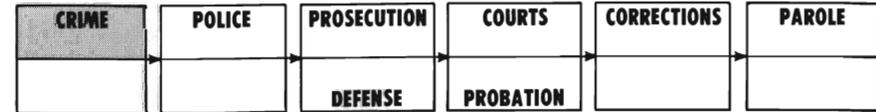
As of this writing, there were four men housed in the Capital Sentence Unit at New Jersey State Prison. This figure is down from a high of 31. Most of the removals from death row have resulted from the Automatic New Jersey Supreme Court Review of Cases as provided in the State's capital sentence statutes. They culminated in the convictions being affirmed but the capital sentence being vacated. Offenders so affected, for the most part, have been transferred to the general prison population with Life sentences.

Release Outcome in New Jersey

In 1988, a study was published by the Criminal Disposition Commission in conjunction with the Department of Corrections which examined parole outcome in New Jersey by tracking the subsequent criminal activity of a 1982 parole release cohort over a three year follow-up period. The release cohort comprised a random sample of 200 adult parolees drawn from a population of 1,926 adult releases. A recently published follow-up study examined the release outcome of all 3,634 adult offenders released from state prison in 1984. In both studies, release outcome was measured by multiple indicators, including subsequent arrest, conviction and incarceration.

Major findings of both studies are as follows:

- 38 percent of all offenders released during 1984 had no arrests during the 3 year follow-up period.
- 62 percent of all offenders released from state prison in 1984 were rearrested within the 3 year follow-up period, with an average of 2.6 arrests per offender. This is the same rearrest rate that was found for the 1982 release cohort.



Drug Education, Prevention and Enforcement Initiatives

Far-reaching initiatives have been developed by the executive and legislative branches of government to combat drug abuse throughout the state. These initiatives include the Blueprint for a Drug-Free New Jersey, and the "Comprehensive Drug Reform Act" of 1986.

The **Blueprint** presents a comprehensive strategy emphasizing prevention, effective treatment, and public education. Active community participation is encouraged through an "Alliance" structure whereby funding will be made available to municipalities to combat illicit drug use.

The **Comprehensive Drug Reform Act of 1986** transfers the provisions of Title 24 of the "New Jersey Controlled Dangerous Substances Act" into Title 2C of the New Jersey Code of Criminal Justice. This sweeping and comprehensive revision of the state's drug laws became effective July 9, 1987. The act establishes the degree and severity of every drug offense, creates several new first-degree crimes which focus on upper-echelon participants involved in drug trafficking, contains a number of provisions designed to protect juveniles from exposure to drugs, provides for mandatory financial penalties, and permits placement in residential drug treatment facilities for suitable offenders.

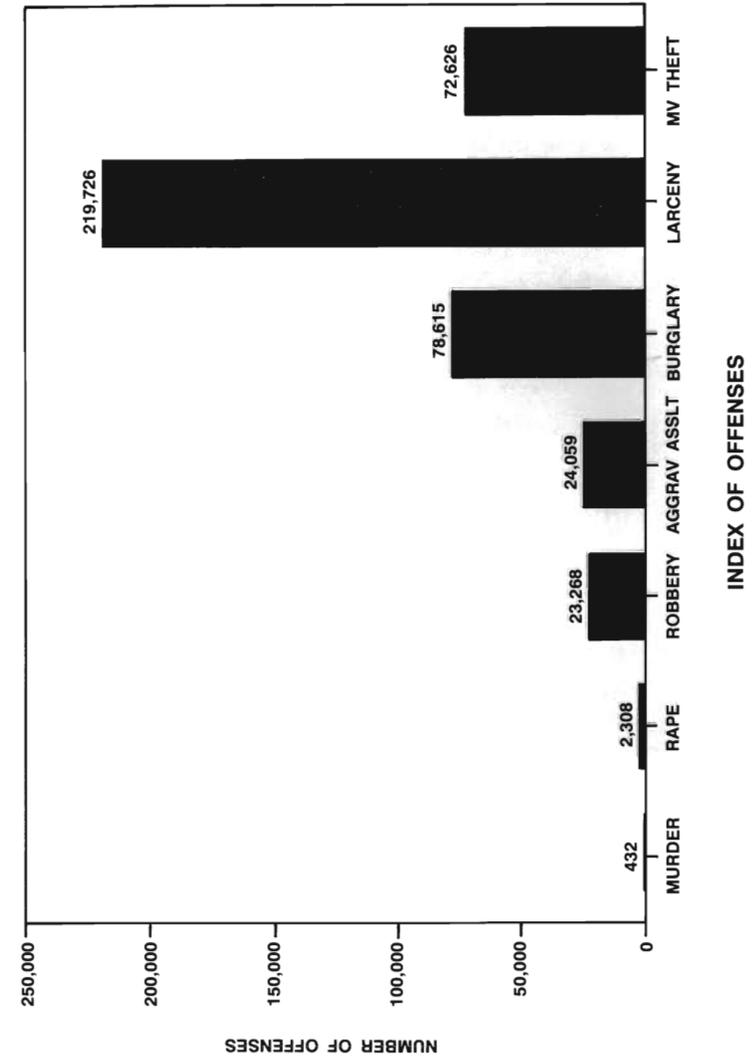
Together, these initiatives are designed to provide a long-term systemic response to the tragic and seemingly intractable problem of drug abuse.

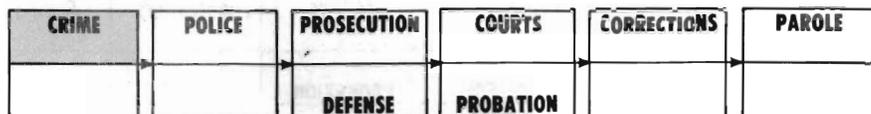
Capital Punishment

The latest execution in New Jersey occurred on January 22, 1963. In 1972, the U.S. Supreme Court struck down capital punishment laws on Eighth Amendment grounds. Subsequent opinions in 1976 established the procedural guidelines states must follow to impose the death penalty.

New Jersey's current capital punishment statute was enacted in 1982. Its constitutionality was affirmed by the state Supreme Court in 1987 in *State v. Ramseur* and *State v. Biegenwald*. **New Jersey is presently one of 36 states with new or revised capital punishment statutes.**

FIGURE 1
New Jersey Crime Index (1990)





For reporting purposes, crimes are grouped into two categories: index and non-index crimes. Index crimes are: murder, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft. All other offenses are considered non-index crimes.

In New Jersey during 1990 a total of 421,034 index offenses was reported; a 3 percent increase over the reported 1989 total. Figure 1 depicts the distribution of 1990 index offenses.

- The most frequently reported offense was larceny (219,726).
- Murder was the least frequently reported offense (432).

The occurrence of crimes varies with the season.

- The highest number of index crimes (38,924) occurred in August.
- The lowest number of index crimes (31,475) was reported in February.

Crime Rates

In order to more accurately depict the extent of crime, statistics are often stated in the form of rates. The crime rate in this case is the number of crimes per 1,000 permanent inhabitants. This permits comparison of crime statistics using a constant base.*

The 1990 crime rate in New Jersey was 54.5 crimes per 1,000 residents. The 1990 crime rate shows an increase when compared to the crime rate for 1986. With the exception of a slight decrease in 1989, since 1986, the crime rate has shown a gradual increase (Table 2.)

Over the past decade the number of reported index offenses has decreased from 470,169 in 1980 to 421,034 in 1990, an approximate 10 percent drop. Crime rates during this period decreased from 64.1 to 54.5 for every 1,000 residents. Five year trends reveal a six percent increase from 398,541 in 1986 to 421,034 in 1990 and an increase in the crime rate from 52.7 to 54.5 crimes per 1,000.

*Caution must be taken when analyzing resort areas or business centers with small permanent populations but large influxes of visitors or commuting workers.

Services to Victims

Services to victims help to clarify the process of criminal trial and minimize the physical or psychological trauma which often accompanies victimization. Services include:

- counseling;
- referrals;
- emergency food and clothing; and the
- provision of information.

Violent Crimes Compensation Board

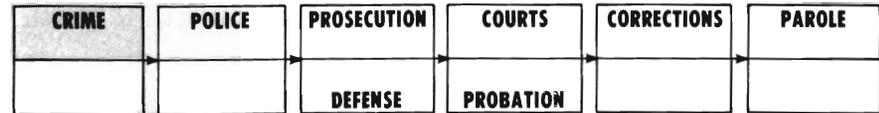
The Violent Crimes Compensation Board (VCCB) was established in 1971 to assist victims of violent crimes who have suffered personal injuries. It provides free counselling services to crime victims and provides compensation for losses in accordance with New Jersey's Criminal Injuries Compensation Act of 1971.

Within the VCCB the Victim-Witness Assistance office coordinates a statewide victim rights information program which provides victims or their representatives information concerning:

- the availability of medical services;
- possible compensation and/or restitution;
- procedures to follow to contact county victim-witness advocacy programs and the prosecutor's office;
- a 24-hour toll-free hotline telephone number; and
- a detailed description of crime victims' rights.

Restitution

In 1991 N.J.S.A. 2C:1-2 was amended to specifically include the promotion of restitution to victims as a general purpose of the law. Judges may order an offender to make financial restitution to the victim as a separate sentence or in combination with other sentence options, such as incarceration, a fine, probation, or a suspended sentence. Restitution may also be ordered as a condition of parole, intensive probation supervision, or pretrial diversion.



Victim Rights

Although victim "rights" are not actionable in a court of law, the Victim Bill of Rights mandates that victims in the criminal justice system are entitled, among other things, to be:

- treated with dignity and compassion;
- informed about the criminal justice process and advised of case progress and disposition;
- compensated for loss and to have property used in evidence returned promptly; and
- informed about financial assistance, social services or other available remedies, and to receive medical assistance.

Victim Impact Statements

Crime victims in New Jersey may provide formal input in the criminal justice process prior to formal charging, at sentencing, and at the parole hearing.

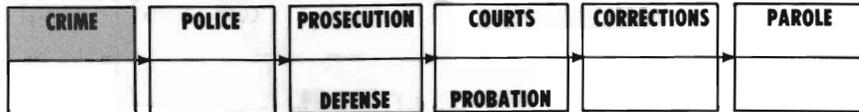
The Victim Impact Statement (VIS) is an important means by which victims of serious crime, committed by either adult or juvenile offenders, participate in the criminal justice process. The VIS presents the victim's perspective on the harm suffered by the victim and family members as a result of the offense. It is presented to the court as part of the presentence report prepared by the Probation Services Division, or can be delivered orally before the court. Under the Drunk Driving Victim's Bill of Rights, a victim who suffered bodily injury has the opportunity to consult with the prosecutor prior to dismissal or plea negotiations.

Office of Victim-Witness Advocacy

The state Office of Victim-Witness Advocacy in the Division of Criminal Justice administers monies obtained through the Federal Victims of Crime Act (VOCA) program and the Victim and Witness Advocacy Fund, and supervises activities of the counties. **County Offices of Victim-Witness Advocacy implement the provisions of victim-witness legislation and the Attorney General Standards to ensure the Rights of Crime Victims.** Each county has a victim-witness program coordinator responsible for implementing victim-witness rights and services in that county.

TABLE 2
N.J. Crime Rate for Index Offenses
(1986-1990)

| | 1986 | 1987 | 1988 | 1989 | 1990 |
|----------------------------------|------------------|------------------|------------------|------------------|------------------|
| Violent Crime Percentage (%) | 43,456 (11) | 41,293 (10) | 44,892 (11) | 47,050 (12) | 50,067 (14) |
| Non-Violent Crime Percentage (%) | 355,085 (89) | 361,517 (90) | 363,470 (89) | 360,147 (88) | 370,967 (86) |
| Total Crime Index Percentage (%) | 398,541 (100) | 402,810 (100) | 408,362 (100) | 407,197 (100) | 421,034 (100) |
| Crime Rate Per 1,000 | 52.7 | 52.9 | 53.2 | 52.7 | 54.5 |
| Percent Change | +1 | 0 | +1 | -1 | +3 |



Violent and Non-Violent Crime

Index crimes are also categorized as violent or non-violent. Non-violent crimes outnumber violent crimes by more than 8 to 1. Violent crimes are murder, rape, robbery and aggravated assault. Non-violent crimes include burglary, larceny/theft and motor vehicle theft.

- Of the total of 421,034 crimes reported in 1990, 50,067 (12%) were violent crimes.
- Non-violent offenses accounted for 370,967 (88%) of 1990 index crimes.
- After an extensive period of moderate fluctuations in the rate of crime and stable percentages of violent versus non-violent offenses, both the rate of crime and the proportion of violent crimes have increased.

Stolen Property

The total value of property stolen in 1990 amounted to \$682.2 million, up 4 percent over 1989.

- The value of property stolen as a result of violent crime was \$16.4 million, while that for non-violent crime totalled \$664.9 million.
 - Motor vehicles accounted for 66% of all stolen property.
 - 51% of property was recovered at a value of \$345.1 million.
 - Seven out of ten stolen motor vehicles were recovered and accounted for 95% of the recovered property.

National/State Crime Comparisons

Table 3 depicts the 1989-1990 Index Crime Comparison of New Jersey, the Northeast and the Nation. The state's violent crime index was equal to the Northeast and less than that of the nation as a whole. New Jersey's non-violent crime index was somewhat greater than that of both the Northeast and the nation as a whole. However, the definitions for individual offenses and base population counts often differ among all groups.

One of the longest standing programs of this type is **Volunteers in Probation and Parole**. Individual citizens are typically assigned to work one on one with a probationer or parolee, providing an adjunct to the supervision of the probation or parole officer.

This concept has been developed further in the **Intensive Supervision Program** where each applicant must have a community sponsor and team of citizens, called a network team, in place prior to their release.

Another variation of this theme is **Project CARE**, where a team of citizen volunteers work directly with a probation officer, providing close supervision to a small group of probationers. The team members take an active role in case decision-making and service delivery.

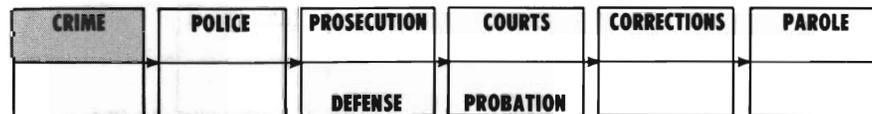
Citizens also serve in an advisory capacity for many agencies. There is a State Corrections Advisory Board which advises the Department of Corrections. There are also Institutional Boards of Trustees for the Prison Complex, the Youth Complex, the Adult Diagnostic and Treatment Center, the Correctional Institution for Women at Clinton, and the Training School for Boys and Girls at Jamesburg.

Finally, a State Advisory Board for Probation serves as an independent advisor to the Supreme Court on matters related to probation. **Local Probation Advisory Committees have been established in four counties and ultimately will be established in all 21.**

Victim Rights and Services

New Jersey's Crime Victims Bill of Rights of 1985 (N.J.S.A. 52:4B-36), was the impetus for several legislative initiatives designed to promote victim and witness needs for support, information, respect, and protection in the criminal justice system. Victims of crime or survivors of deceased victims of homicides in New Jersey are entitled to address the court on the impact of the crime, prior to formal charging and at sentencing, either orally or by means of a Victim Impact Statement. Other legislation passed in 1991, increases the amount of compensation payable to crime victims and provides funds for victim-witness service providers.

The statewide coordination of service development and delivery for crime victims and witnesses occurs through the state Office of Victim-Witness Advocacy, County Offices of Victim-Witness Advocacy, and the Violent Crimes Compensation Board.



Adults Arrested in New Jersey

Although relatively few in number, repeat offenders commit a disproportionate amount of crime.

- Of adults arrested in New Jersey, only 3.7% had a criminal history of 10 or more arrests; however, they accounted for nearly 25% of the 2,183,961 total arrests in 1990.
- Six out of ten adult offenders had only one arrest in their criminal history.
- The average is 2.4 arrests for each adult arrested in New Jersey.

FIGURE 15
Persons Under Correctional Supervision
Per 100,000 Adults
(January 1990)

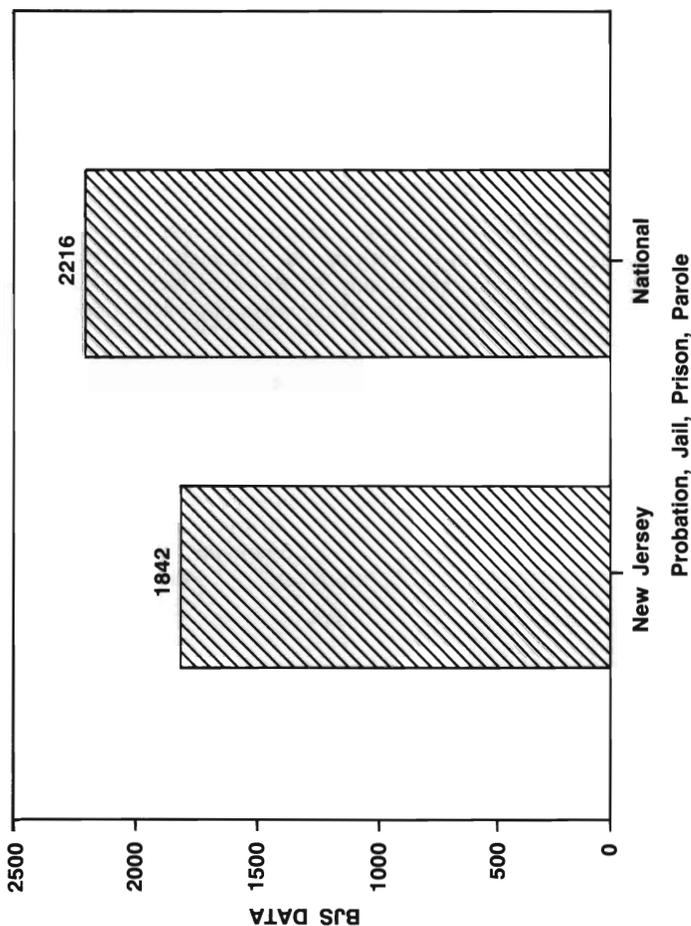


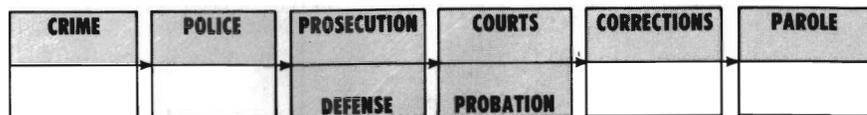
TABLE 3

Index Crime Comparison of New Jersey,
the Northeast and the United States
Percent Change 1989-1990

| Index Offense | N.J. | Northeast | Nation |
|---------------------|------|-----------|--------|
| Murder | +10 | +12 | +10 |
| Rape | -6 | +1 | +9 |
| Robbery | +10 | +9 | +11 |
| Aggravated Assault | +4 | +4 | +10 |
| Burglary | +4 | 0 | -4 |
| Larceny | +3 | -1 | 0 |
| Motor Vehicle Theft | +2 | +7 | +5 |
| Violent Crime | +6 | +6 | +10 |
| Non-Violent Crime | +3 | +1 | -1 |
| Total Crime Index | +3 | +2 | +1 |

Source

The primary source of data for this section was the *Uniform Crime Reports, State of New Jersey 1990* (Division of State Police, Department of Law and Public Safety 1991).



II. THE CRIMINAL JUSTICE SYSTEM IN NEW JERSEY

An Overview of The Criminal Justice System

The Criminal Justice System in New Jersey, as in other states, may best be described as a loose confederation of agencies that work together to apprehend, try, and sentence those persons who violate the criminal laws.

These agencies are located in different branches of government. The state legislature passes the laws creating criminal offenses, while the judiciary adjudicates criminal charges, sentences guilty offenders, and supervises those placed on probation. Various executive branch agencies have responsibility for the prosecution, defense, confinement, and eventual release on parole of criminal offenders.

The criminal justice system is characterized by the exercise of discretion at all stages of its operation, although discretion is exercised within constitutional limits, administrative rules and regulations, and agency standards and policies. The proper exercise of discretion allows decision-makers to rationally allocate agency resources in response to the requirements of law, newly enacted legislation, and the needs of the community.

Although differences may be found between counties in specific practices and procedures, the processing of an adult offender convicted of a serious crime involves a standard process which includes:

- arrest by the police;
- prosecution;
- provision of defense counsel;
- sentencing in open court;
- placement on probation or confinement in a correctional facility; and
- parole release and supervision.

Table 4 below illustrates which levels of government have responsibility for these criminal justice functions.

- 5) developing an aftercare component to assist participants upon release and an evaluation component to assess the program's effectiveness.

Persons Under Correctional Supervision in New Jersey

As indicated in Figure 15, when considering probation, jail, prison, and parole, New Jersey has fewer persons under correctional supervision per 100,000 adults than does the nation as a whole.

At the beginning of 1990, approximately 3 out of every 4 adults under some form of correctional jurisdiction in the state were supervised in the community. As shown in Table 7, New Jersey and the nation are similar in the percentages of persons under correctional supervision.

**TABLE 7
Adults Under Correctional Supervision in New Jersey
and the United States in 1990**

| | Supervised In the Community | | Total |
|---------------|-----------------------------------|--------|-------|
| | Probation | Parole | |
| New Jersey | 55% | 18% | 73% |
| United States | 64% | 11% | 75% |

| | Incarcerated | | Total |
|---------------|--------------|--------|-------|
| | Jail | Prison | |
| New Jersey | 10% | 17% | 27% |
| United States | 9% | 16% | 25% |

Note: The above data do not include persons supervised in the community under pre-trial intervention and community service.

Citizen Involvement and Criminal Justice

Throughout the justice system, several agencies utilize citizens in a variety of roles involving offender supervision and treatment.

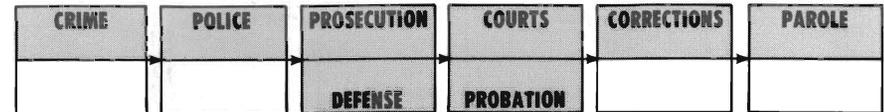


TABLE 4
Major Criminal Justice System Functions

| Function | Level of Government | | |
|-------------|---------------------|--------|-------|
| | Municipal | County | State |
| Police | P | S | S |
| Prosecution | S | P | S |
| Defense* | | | P |
| Courts | S | | P |
| Probation | | P | S |
| Corrections | | S | P |
| Parole | | | P |

P = Primary responsibility
S = Secondary responsibility

*In addition to the Office of the Public Defender, the private defense bar is heavily involved in providing legal representation.

Presently, two counties—Middlesex and Essex—operate supervised pretrial release programs. Each county has developed specific eligibility criteria for program participation. Both programs are funded by the county governments and administered by the local county probation programs. While these programs offer examples of creative and innovative program development to deal with an urgent jail overcrowding problem, careful consideration should be given to the utility of adopting this strategy and ongoing evaluation of effectiveness should be conducted.

Boot Camp Prisons

Although New Jersey does not presently have a boot camp prison program, the establishment of such a program is being considered by both the Legislature and the Department of Corrections.

Boot Camp Prisons are “shock” incarceration programs that attempt to prevent recidivism and reduce prison populations. They are generally characterized by voluntary participation of young, often first time offenders, in a military style prison.

Offenders participating in the program serve a shorter prison sentence if they successfully complete this intensive program of physical training, hard labor, and exposure to the realities of traditional state prison incarceration. Some programs provide educational, substance abuse, and vocational counselling on a limited basis. The provision of these services is strictly limited by the time frame and philosophy of each program.

Thus far, the evaluation evidence concerning the effectiveness of boot camp programs nationwide remains tentative. However, the general issues of concern about these programs involve:

- 1) directly linking program goals to program activities and tasks;
- 2) developing strategies to control program dropout and washout rates;
- 3) providing specific education, job training and substance abuse services in addition to physical training and strict discipline;
- 4) preventing discrimination in the selection and participation of participants; and

Criminal Justice Expenditures: The Cost of Enforcing the Law

In 1990, total criminal justice expenditures for New Jersey were approximately \$2.6 billion: \$1.2 billion for state and local police protection; \$272 million for the courts; \$201 million for prosecution and legal services; \$49 million for public defense; \$843 million for corrections; and \$4 million for other related activities (See Figure 2).

- Per capita expenditures in 1990 were \$331.47 per resident. This is an increase of 82.7 percent over 1988 costs of \$274.26.
- Almost half of all state criminal justice system dollars are spent for police protection.
- **Between** 1988 and 1990, expenditures for corrections increased by nearly 3 percent, from 30.2 percent to 32.9 percent of all state criminal justice system dollars.

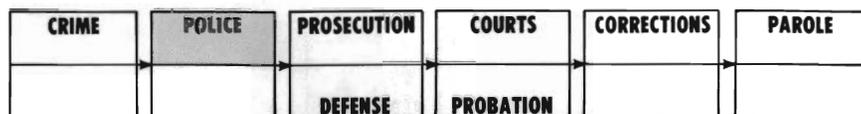
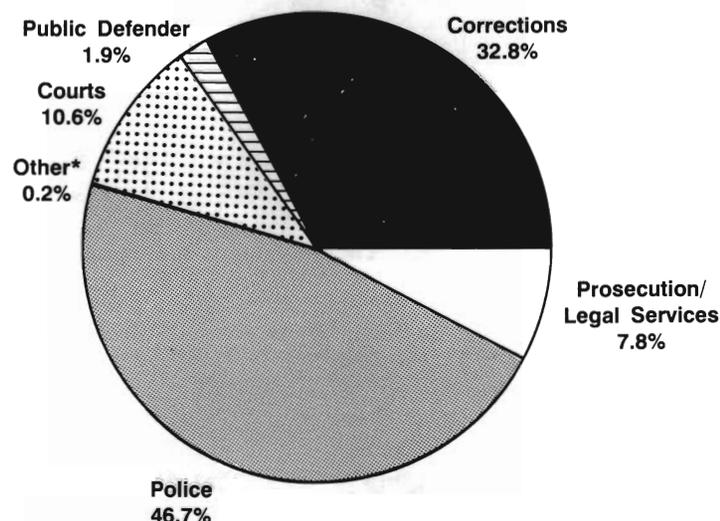


FIGURE 2
Distribution of Criminal Justice Expenditures in New Jersey for Fiscal Year 1990
Total—\$2.562 billion



*(State Law Enforcement Planning, Training, etc.)
 Source: Bureau of Justice Statistics, 2/20/92

Law Enforcement

Law enforcement is the responsibility of many agencies throughout the state, at the municipal, county, and state levels. The primary responsibility for police protection resides with police departments at the municipal level. Other law enforcement agencies include the Division of State Police, the Division of Criminal Justice, county and park police departments, prosecutors' and sheriffs' offices,

Community Supervision Programs

The last several years have witnessed an expansion of programs which provide close, rigorous supervision of offenders in the community. Spawned by chronic and severe jail and prison crowding, these programs have provided an effective alternative to traditional incarceration.

The first of these in New Jersey was the Intensive Supervision Program, operated by the Administrative Office of the Courts and targeting non-violent state prison inmates. A recent federally funded evaluation has shown the program to be a success, providing very tough supervision at roughly one-third the cost of incarceration.

Several years after ISP was established, the Essex County Probation Department started a county ISP Program. This was modeled after the state program and targets short-term sentenced inmates from the county jail. The Middlesex County Probation Department began its own county ISP in 1987.

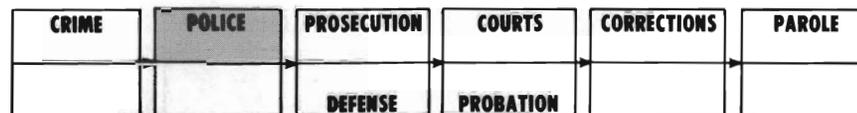
The State Bureau of Parole is also making use of this approach in its Intensive Supervision Surveillance Program (ISSP). This program targets parolees after their release from prison and subjects them to similar close scrutiny and rigorous supervision.

These efforts at the state and county level are showing the viability of highly structured, very intensive community supervision.

Supervised Pretrial Release

Supervised Pretrial Release (SPTR) programs are alternative placement options for pretrial defendants who cannot make cash bail or satisfy "release on own recognizance" (ROR) requirements. Rather, defendants, who meet program requirements, are released pretrial subject to adherence to a set of conditions and restrictions which include: scheduled contacts, curfew, urine monitoring, and rehabilitation program participation.

SPTR programs represent a viable option for county jails that are experiencing rapidly growing population and operating costs. Currently, more than half of New Jersey's county jail population consist of pretrial detainees awaiting trial in lieu of bail or release on their own recognizance. The advent of effective SPTR programs could help reduce jail overcrowding, while assuring defendants appearances at trial.



The Correctional Crisis of the 90s: Jail and Prison Overcrowding

Since the early 1980s, the inmate population in state prisons and county jails has escalated dramatically. Nationally, the prison population increased from 329,821 to 771,243, about 134 percent, from 1980 through 1990. The number of inmates in U.S. jails increased by 54 percent, from 223,551 to 343,569, between the years 1983 and 1988. State figures are even more dramatic. During the periods cited, New Jersey's prison and jail inmate populations rose by 250 percent (5,882 to 20,576) and 89 percent (6,247 to 11,770) respectively.

The need to provide additional bedspace has been met financially by public approval of bond issues for prison construction and increased budgets for corrections agencies. However, the pressure from unrelenting inmate population growth has dictated the need to convert space normally used for programs to beds. It is increasingly difficult under these circumstances to give every inmate the opportunity to engage in meaningful work, training or education.

In response to the overcrowding correctional dilemma in New Jersey, several governmental bodies have monitored, reviewed and analyzed crime, sentencing, and correctional population trends and their attendant costs. **The New Jersey County Municipal Government Study Commission, the New Jersey Criminal Disposition Commission, and the New Jersey Governor's Management Review Commission have all echoed a plea to rethink many of the current sentencing practices, treatment philosophies and legislative policies that are either directly or indirectly responsible for the current correctional crisis.**

County Assistance Program

Cooperation between county and state corrections is illustrated by the County Assistance Program. The Program, funded by bond issues in 1980, 1982, and 1987, provides state monies to 15 counties for jail renovation and construction. In return, the counties will ultimately provide beds for about 1000 state inmates at lower per diem costs than would otherwise be paid.

and university and college police. Police personnel are also employed by other state agencies such as the Departments of Corrections and Human Services.

Municipal Police Departments

Duties of municipal police officers include:

- enforcing criminal and traffic laws;
- investigating criminal incidents;
- maintaining order (controlling events and circumstances that disturb or threaten to disturb the peace); and
- providing public service assistance, first aid, and emergency assistance.

Public service-related duties include responding to calls regarding fires, injured persons, family and neighborhood disputes and disturbances, runaway children, emergency assistance situations, and any other incident for which no one else is available. In addition, police provide information concerning crime prevention and community services.

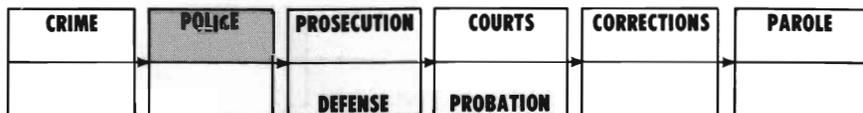
Criminal investigations conducted by police involve assisting injured victims, preserving the crime scene, gathering information and evidence, and apprehending the offender. Similarly, traffic accident investigations involve protecting the people at the scene, rendering emergency assistance and gathering information.

In 1990, 86 percent of the 568 municipalities in New Jersey maintained full-time municipal police departments. These 486 police departments employed a total of 45,935 full-time employees, including civilian personnel. There were 2.9 municipal police for every 1,000 inhabitants of the state.

In addition to municipal police departments, there are four county police departments and three county park police departments that are maintained in New Jersey. Other county law enforcement agencies include county prosecutors' offices and sheriffs' departments.

County Law Enforcement Agencies

County law enforcement agencies are primarily responsible for general law enforcement throughout county property and county park



lands. County police employees, such as investigators and detectives within the prosecutor's office, are responsible for county-wide criminal investigations and often conduct investigations in cooperation with local police departments.

Division of State Police

Statewide law enforcement is provided by the New Jersey Department of Law and Public Safety, Divisions of State Police and Criminal Justice. The state police are responsible for state highway patrol and maintain a missing persons unit, the state fugitive unit, and a fatal accident unit. In addition, this division provides technical support, including polygraphs and regional forensic laboratory work to local law enforcement agencies. The Division of State Police is also the primary law enforcement agency for those municipalities without police departments, and provides marine police services throughout the state on coastal and inland waters.

TABLE 5
N.J. Full-Time Police Employees—1990
(Police Officers, Clerks, Dispatchers, etc.)

| | Police Officers | Civilians | Total |
|------------------------------|-----------------|---------------|---------------|
| Municipal Police | 18,702 | 3,350 | 22,052 |
| County Police* | 5,798 | 2,154 | 7,952 |
| State Police** | 2,837 | 1,190 | 4,027 |
| Other State Agency Police*** | 5,620 | 5,542 | 11,162 |
| Universities and Colleges | 376 | 366 | 742 |
| TOTALS | 33,333 | 12,602 | 45,935 |

*County and Park Police, Prosecutors' and Sheriffs' Office Personnel.

**Division of State Police employees, Marine Police Enforcement Bureau, Alcoholic Beverage Control Bureau and Capital Police.

***The Department of Corrections, Division of Criminal Justice, State Parks Security Services, etc.

III. CURRENT DEVELOPMENTS, ISSUES AND TRENDS

This section highlights some of the current issues, developments and trends facing the criminal justice system in New Jersey.

Strategic Planning

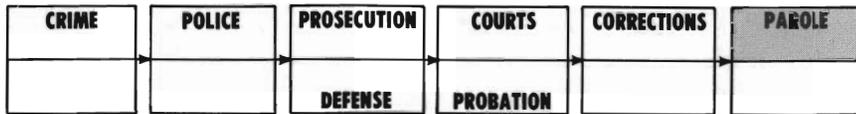
The Criminal Disposition Commission has endorsed and implemented a strategic planning agenda as a means to better address the concerns and problems of the criminal justice system. Strategic planning is a system wide consideration of alternatives and options based on sound data, research, open communication and dialogue prior to the adoption of specific legislation and the implementation of specific programs by component agencies. It must be a coordinated effort; and it requires the adoption of a "proactive" coordination and planning position and sound estimations of probable futures.

The development of strategic planning in the criminal justice system can improve the system's ability to better address two of its major and interrelated problems—unusually high correctional populations and system fragmentation.

Strategic planning provides direction and considers all components when developing policy to guide future action and decisions. It enhances the coordination of criminal justice initiatives, thereby reducing duplicative efforts and assuring efficient and effective use of limited resources. Thus, management of the criminal justice system is improved.

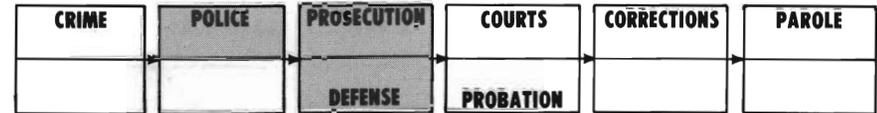
The goals of strategic planning in the criminal justice system are to:

- 1) anticipate longterm trends;
- 2) develop statewide planning and correction strategies; and
- 3) promote rational decision making in the criminal justice system.



Sources

The information in this section was provided by the State Parole Board and the Division of Policy and Planning, Department of Corrections.



Division of Criminal Justice

The Division of Criminal Justice exercises the original jurisdiction of the Attorney General in conducting investigations into criminal activities involving statewide concerns, or which require resources and expertise beyond the capacity of county and local law enforcement agencies. Investigative efforts focus on organized crime, hazardous waste offenses, official corruption, white collar crime, and antitrust matters. In addition, the Division of Criminal Justice provides advisory services and training to improve the quality of delivery of police services and law enforcement statewide.

Table 5 depicts the police personnel employed by law enforcement agencies within New Jersey during 1990. In all, there were 45,935 municipal, county, and state police employees.

Sources

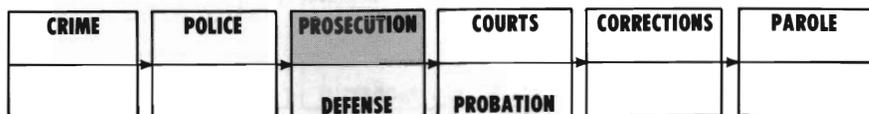
Information and data in this section were provided by the Division of Criminal Justice in the Department of Law and Public Safety; the *Uniform Crime Reports, State of New Jersey 1990* (Division of State Police, Department of Law and Public Safety, 1991); *Report to the Nation on Crime and Justice: Second edition* (U.S. Department of Justice, Bureau of Justice Statistics, 1988); and the *Sourcebook of Criminal Justice Statistics*, (1990 U.S. Department of Justice, Bureau of Justice Statistics, 1991).

Criminal Prosecution and Defense

The prosecution of crimes and the defense of persons charged with crimes are the topics of the sections that follow. Prosecution of accused persons is handled on behalf of the citizens of the State by the Attorney General and the County Prosecutors. Defense counsel represent the accused in the legal process.

Prosecution: State Attorney General/County Prosecutors

New Jersey's criminal justice system is considered unique in that it provides for a coordinated statewide system for law enforcement. The Attorney General and the County Prosecutors all work in cooperation to conduct the state's prosecution of criminal offenders.



The Attorney General is the law enforcement officer of the state.

This office is responsible for the overall supervision of activities involving the enforcement of criminal laws and the prosecution of criminal offenses statewide.

The Division of Criminal Justice carries out the Attorney General's criminal justice responsibilities. It investigates and prosecutes criminal offenses of statewide significance and provides leadership and general supervision over County Prosecutors and law enforcement agencies statewide.

It also acts as a liaison between the County Prosecutors and the Attorney General. The Division seeks to achieve uniformity in state law enforcement through centralization of all criminal appeals, a variety of training programs, research activities, and legal advisory services. Additional responsibilities include: superseding in the prosecution of those cases where a conflict of interest may exist with a prosecutor's office; coordinating matters of mutual concern with prosecutors and various state agencies; and reviewing complaints concerning the criminal justice process or some aspect of the law enforcement system.

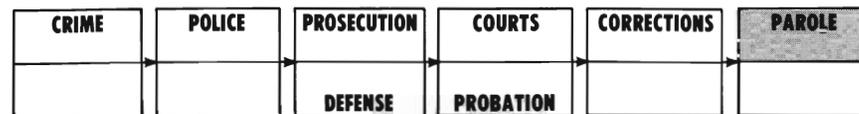
County Prosecutors are appointed by the Governor for a five year term and are generally supervised by the Attorney General. They serve as the chief law enforcement officer for their counties. The County Prosecutor represents the state in criminal prosecutions, court appearances, and other related activities.

Prosecutorial functions include:

- detection and investigation of major crimes;
- case screening to determine if the matter warrants prosecution; and
- prosecution of indictments to final disposition (pleas, trial, diversion or dismissal).

Case Processing

Statewide, a total of 50,945 defendants had indictable charges disposed of during 1990. Of these, 6,126 cases were diverted from criminal prosecution while the remaining 44,819 were disposed through guilty plea, trial, or dismissal of charges.



Discharge from Parole Supervision

Offenders released from prison by the Parole Board may serve the remainder of their sentence under parole supervision. However, parolees may be discharged from supervision by the Board prior to the expiration of their maximum sentence if it is determined that their adjustment has been satisfactory, continued supervision is not required, and all fines, penalties, and restitution have been paid.

Intensive Surveillance/Supervision Program (ISSP)

In 1986, the Bureau of Parole implemented an Intensive Surveillance/Supervision Program (ISSP) to work with hard-to-manage parolees. The Parole Board places offenders into ISSP under strict program conditions. These conditions include frequent weekly contacts with the parole officer, periodic urine monitoring and, where necessary, electronic surveillance. After six months, if progress has been satisfactory, program participants are transferred to a traditional parole supervision caseload. The program has the capacity to supervise 400 parolees at any one point in time.

Intensive Parole Drug Program (IPDP)

The Bureau of Parole operates the Intensive Parole Drug Program for selected offenders with histories of drug abuse. This program of intensive supervision is conducted under similar strict program conditions as indicated in the above mentioned ISSP program but is tailored to the special needs of drug abusers. Current program capacity is approximately 260.

Electronic Monitoring/Home Confinement Program (EM/HC)

The New Jersey Department of Corrections (NJDOC) initiated an Electronic Monitoring/Home Confinement Program (EM/HC) in September, 1989. In this program, selected inmates are released from a correctional institution to their homes and are monitored by trained staff using a state-of-the-art electronic surveillance system. On completion of the custodial portion of the sentence, EM/HC offenders are then transferred to regular parole supervision. This program is administered jointly by the Bureau of Parole, Division of Policy and Planning, in conjunction with the Division of Adult Institutions. This growing program currently serves over 500 inmates.

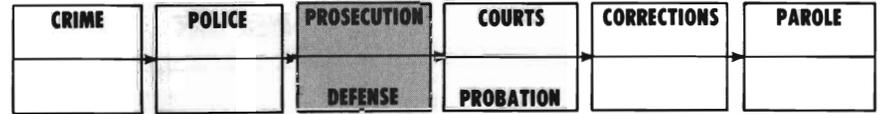
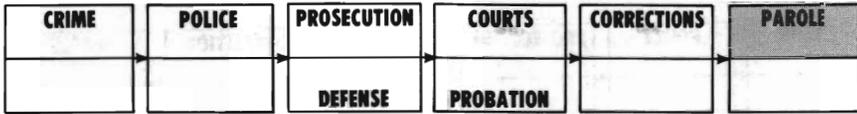
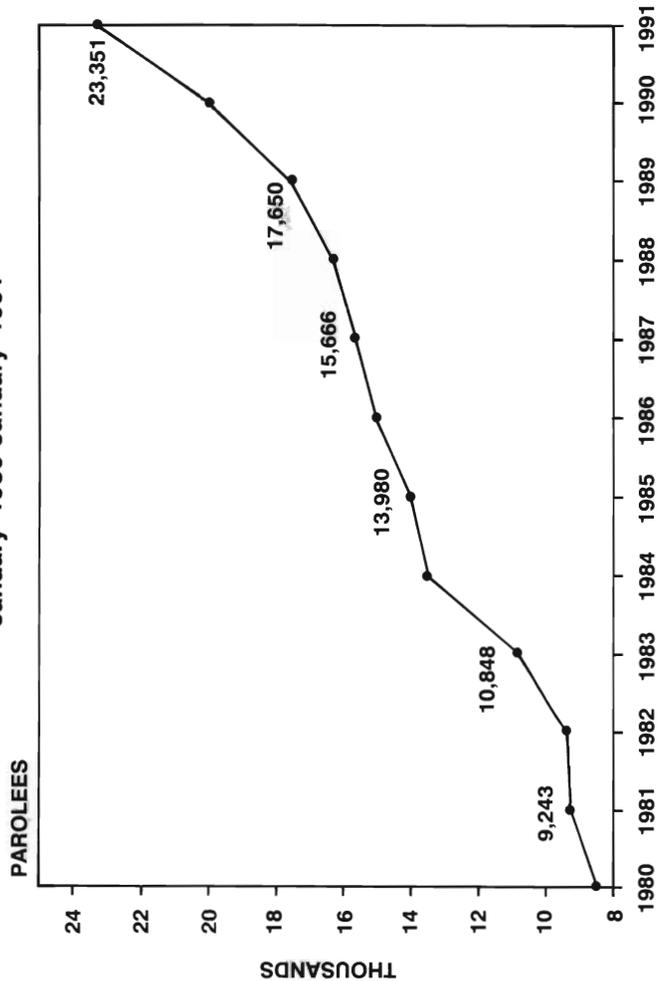


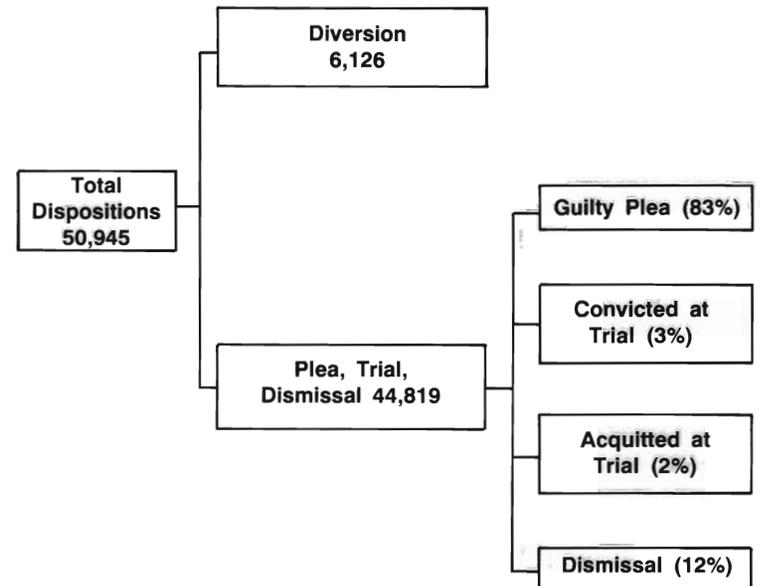
FIGURE 14
Parolee Population Growth
January 1980-January 1991



Of those 44,819 defendants reaching final disposition, 83 percent plead guilty to their charges, 5 percent had charges disposed at trial, and 12 percent were disposed through dismissal of charges.

Figure 3 depicts the dispositions of cases as a result of criminal prosecutions.

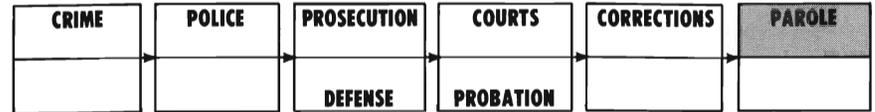
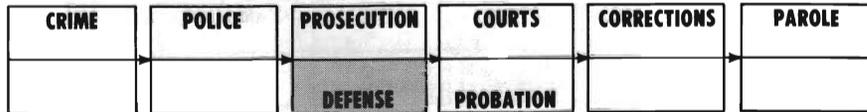
FIGURE 3
Defendant Indictment/Accusations Disposed 1990



Defense Counsel/Office of the Public Defender

The defense counsel serves to protect the defendant's rights and to act as an advocate during the legal proceedings.

- Defense counsel may be privately retained; if the defendant is indigent and cannot afford counsel, one must be provided by the court.



In 1967, New Jersey established the nation's first state-financed public defender system. The Office of the Public Defender provides for the constitutional guarantee of counsel in criminal cases.

There are 21 regional trial level offices throughout the state plus a central appellate office. The trial level offices are responsible for providing trial services and representation in ancillary legal proceedings. The appellate office handles all of the appeals filed across the state.

The office of the Public Defender, although autonomous, is incorporated into the Department of the Public Advocate. The chief officer, known as the Public Defender, is appointed by the Governor for a five-year term.

The jurisdiction of the Office of the Public Defender consists of a variety of clients, including:

- children who are subjects of abuse and neglect whose complaints are filed in the family courts;
- indigent adults and juveniles charged with crimes; and
- inmates held in state, county, and municipal facilities.

Statewide, approximately 80-85 percent of all defendants indicted for criminal offenses are represented by counsel provided by the Office of the Public Defender.

During Fiscal Year 1991, the office staff consisted of 355 trial attorneys, 41 appellate attorneys, a 190 member investigation force and numerous clerical, paralegal and other support staff.

In Fiscal Year 1991, the Office of the Public Defender was assigned 75,277 cases. Dispositions were rendered in 90 percent of the cases. Figure 4 depicts defendant dispositions for that year.

During Fiscal Year 1991, expenditures for the Public Defender's Office totalled nearly \$45 million. This cost includes legal counsel and representation in either criminal or civil proceedings as provided by the New Jersey Office of the Public Defender. The cost of services provided by the private defense bar is not included in this figure.

Sources

The information and data in this section were provided by the Division of Criminal Justice in the Department of Law and Public Safety, and the Office of the Public Defender in the Department of the Public Advocate.

The Bureau's primary goals are community protection and the successful reintegration of the parolee into the community. The Bureau maintains 13 district parole offices and services a parolee population that now exceeds 25,000.

Other significant Bureau responsibilities include:

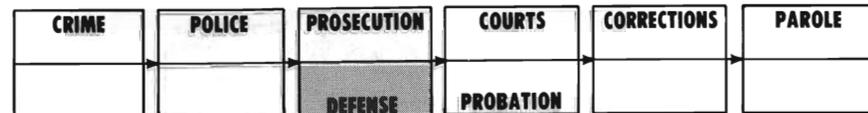
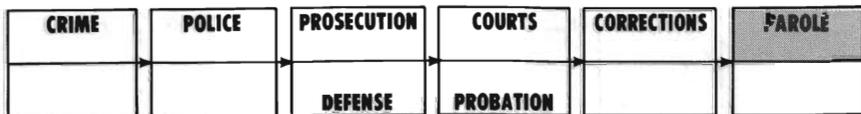
- collecting fines, restitution and penalties;
- investigating and approving pre-parole plans;
- supervising inmates in the Electronic Monitoring/Home Confinement Program;
- maintaining a 24-hour hotline number;
- coordinating and investigating work release and furlough activity;
- administering a Volunteers in Parole program; and
- providing parole/institution liaison activities.

The growth of the inmate population has been mirrored in a corresponding growth in the number of parolees. The parolee population grew by more than 152 percent between January 1981 (9,243) and January 1991 (23,351).

Figure 14 illustrates this growth.

Characteristics of the Parolee Population

- Thirty-six percent of the total parolee population consists of persons who have committed crimes of a violent nature. Of these violent offenders, 47 percent are on parole for robbery, 12 percent for homicide, 26 percent for assault, and 15 percent for sexual assault and other sex offenses.
- Ninety-five percent of the State's parolees are 21 years of age or older; including 37 percent between the ages of 21 and 29.
- Of the total parolee population, 57 percent are Black, 26 percent are White, and 17 percent are Hispanic.



Victim Input

This program, created by legislation in 1984, provides victims or family members of victims of violent crimes with an opportunity to provide a statement to the Board on the impact of the crime on their lives. The Board panel considers these statements at the time of the parole hearing.

Total Hearings Conducted

During Fiscal Year 1990, the Parole Board conducted the following hearings.

- Initial Parole Hearings**
(including juvenile quarterly and annual reviews)
19,639
- Panel Hearings**
9,417
- Revocation and Rescission Hearings**
2,860

This work load is divided among nine members of the Board (including the Chairman). Sixteen hearing officers conduct initial parole and revocation hearings. Each and every case receives Board member scrutiny.

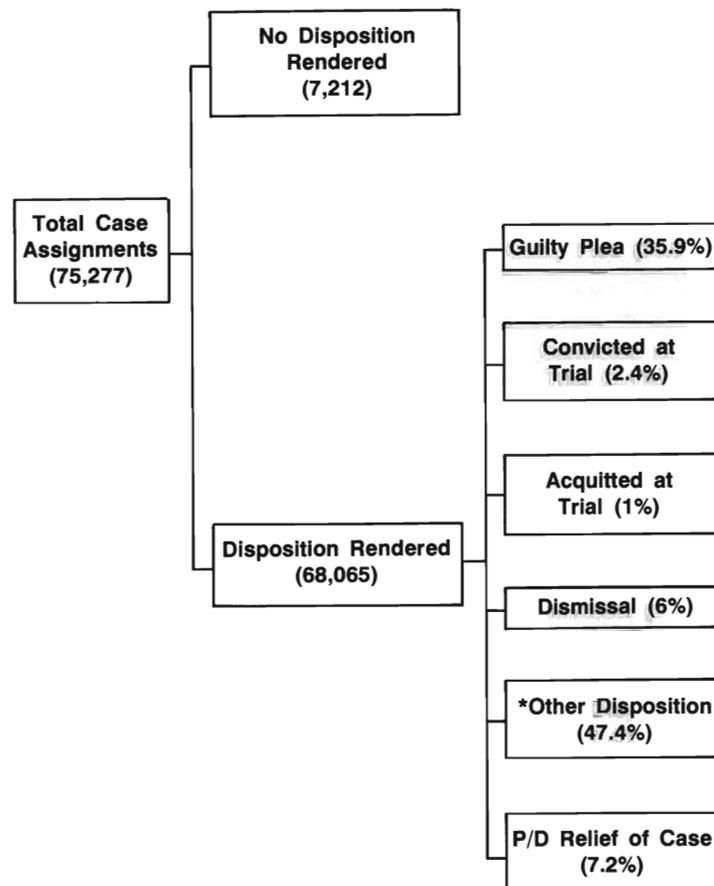
Staff and Funding

Approximately \$6.7 million was appropriated to the Board for Fiscal Year 1991. The Board 1991 staff (full-time and part-time) totaled 135.

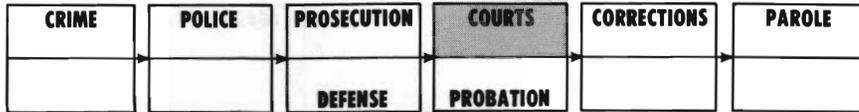
Bureau of Parole

The Bureau of Parole provides the supervision and related service for parolees released from incarceration by the Parole Board.

**FIGURE 4
FY 1991 Public Defender Dispositions**



*No Bills, Violation of Parole Hearing, Sanity Hearing, Post Conviction Relief Petition.



The Courts

The courts and their role in criminal sentencing is the subject of this section. A discussion of the sentencing provisions of the Code of Criminal Justice follows.

The Judiciary, an independent branch of government, includes the courts and their support units.

There are four levels of courts in New Jersey, each with a specific jurisdiction and unique characteristics.

Municipal Courts

There was a total of 535 Municipal Courts in 1990. It is through these courts that most New Jerseyans come into contact with the judicial system as defendants, plaintiffs, or witnesses.

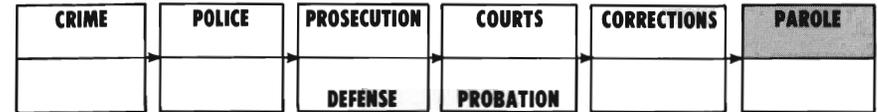
Each municipality may establish a municipal court which has jurisdiction over cases involving parking, motor vehicle and municipal ordinance violations, as well as disorderly persons and other minor offenses. These courts also conduct probable cause hearings and set bail on more serious criminal offenses.

- Municipal Court Judges are appointed by the Mayor except in joint courts where appointments are made by the Governor upon the advice and consent of the Senate. They serve 3-year terms without tenure.
- More than 6.4 million cases are handled by municipal courts each year. Criminal cases comprise about 11 percent of the municipal court caseload.
- Municipal Court decisions may be appealed to the Superior Court.

Superior Court

Superior Court is the state court of general jurisdiction. There are four functional divisions which handle trial matters—Criminal, Civil, Family, and General Equity. The Criminal Division of Superior Court is highlighted below.

- The Criminal Division hears all cases involving indictable offenses, which are the more serious crimes.



- Juvenile
- County

The type of sentence imposed and the method for computing parole eligibility are different for each group of inmate.

Parole Release

Normally, an inmate's case is reviewed for parole consideration within four to six months prior to parole eligibility.

In conducting its reviews, the Board relies on a comprehensive package of information about the inmate. This includes the offender's prior criminal history, the presentence report, institutional reports, psychological and treatment reports, evaluations, victim statements, staff recommendations and the inmate's parole plan.

An inmate is paroled only upon the recommendation of a hearing officer and the concurrence of a Board panel member, or upon referral from the hearing officer and the concurrence of the appropriate Board panel following an additional hearing. Inmates convicted of murder must appear before the full nine member Board to be certified for parole.

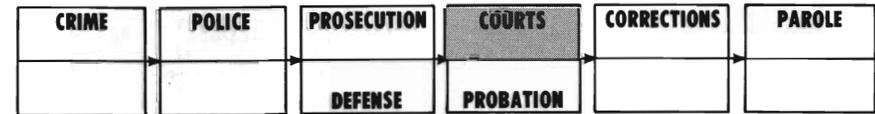
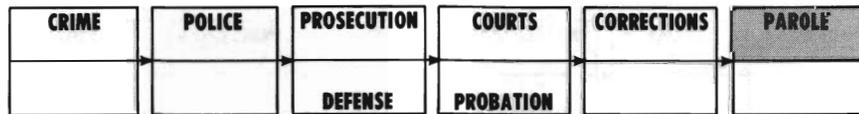
If an inmate is denied parole, a fixed amount of time according to a Board schedule is added to the eligibility term. When the inmate is within four to six months of eligibility of the new term, the process for release begins again.

If an inmate is granted parole, the inmate is released with specific conditions to be met while on parole. These conditions require certain obligations to be met, and impose restrictions on the parolee's activities. These parole conditions are monitored by the Bureau of Parole of the Department of Corrections.

Parole Revocation

If a parolee violates the conditions of parole, the Board may revoke parole. The revocation process includes several stages of review and hearings to insure that due process of law is observed.

The ultimate decision on revocation of parole rests with the appropriate panel of the Board.



Parole

Almost all inmates are eventually released from confinement. The vast majority are released through a statutory process known as parole. Parole involves the release of offenders prior to the end of their maximum term, followed by a period of supervision in the community.

Responsibility for the parole system in New Jersey is divided between two agencies, the State Parole Board and the Bureau of Parole.

- The State Parole Board is an independent agency which determines suitability for parole, and grants parole or revokes parole when appropriate.
- Parolees are supervised by the Bureau of Parole under the jurisdiction of the Department of Corrections.

State Parole Board

The State Parole Board is composed of nine members appointed by the Governor to serve staggered six-year terms. The nine members are divided into panels of two members each to consider state prison, young adult, and juvenile cases. The Chairman serves as ninth member of the Board and the third member of each panel.

The release decision-making process is governed by the concept of “presumptive parole.” This means that unless the Board finds that a “substantial likelihood” exists that an inmate may commit a new crime if released, there is a presumption that parole will ordinarily be granted. The Board may revoke parole if a parolee commits a new crime or does not follow parole conditions established at the time of release.

Parole Eligibility

Parole eligibility is the point at which an inmate may be considered by the Board for parole release. Guidelines for determining when an inmate is eligible are established by statute and administrative policy.

The State Parole Board reviews the cases of four types of inmates:

- State Prison
- Young Adults

- There are over 300 trial court judges in the Superior Court assigned throughout the state.
- Superior Court judges are appointed by the Governor for an initial 7-year term. On reappointment, judges are granted tenure to the mandatory judicial retirement age of 70.
- Criminal cases filed in court year 1990 totaled 57,495, representing 5 percent of all cases filed in the trial courts.

Appellate Division

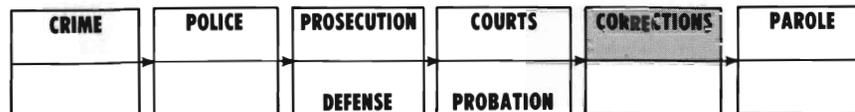
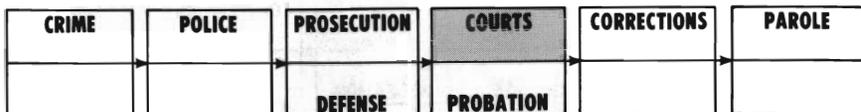
The Appellate Division of Superior court is the court of general appellate jurisdiction. It hears appeals from the Superior Court and the Tax Court, and from administrative decisions of executive branch agencies.

- The Appellate Division consists of 28 judges who sit in panels of 4 to hear appeals. Appellate Division judges, including the Presiding Judge for Administration, are selected from Superior Court and assigned to the division by the Chief Justice.
- The Appellate Division handles more than 6,500 cases a year. Of these, approximately 75 percent of the appeals come from the criminal and civil divisions of the trial courts.

Supreme Court

The New Jersey Supreme Court is the highest court in the state. It hears appeals of decisions of other courts and interprets the law and the Constitution.

- There is a right to appeal to the Supreme Court if a constitutional issue is involved, if there is a split decision in the Appellate Division of the Superior Court, or in any capital (death penalty) case. The court may also hear other appeals.
- The Chief Justice and six Associate Justices of the Supreme Court are appointed by the Governor for an initial 7-year term. On reappointment, justices are granted tenure to the mandatory judicial retirement age of 70.
- The Chief Justice is the head of the judicial system and oversees all matters pertaining to the administration of justice at the state, county and municipal levels.



- The Supreme Court is responsible for the rules governing the operation of the courts and the regulation of the practice of law in the state.
- Overall dispositions for the Supreme Court in court year 1991 totalled nearly 3,400.

Sentencing and the Criminal Code

The New Jersey Code of Criminal Justice, *N.J.S.A. 2C:1-1 et seq.*, became effective on September 1, 1979. Known as Title 2C, the Code represented the first classification, reorganization and modernization of New Jersey's criminal laws.

The code significantly departs from the prior law known as Title 2A. Philosophically, the Code reflects a model of sentencing based on notions of just desserts and proportionality. Under principles of *just desserts*, persons are to be punished no more than is deserved for the crime committed. *Proportionality* demands that crimes be punished in proportion to the seriousness of the offense. It also requires that similarly situated offenders be treated in similar fashion.

Under Title 2A, the rehabilitation of offenders was a major goal of criminal sentencing. The current criminal code, as interpreted by the New Jersey Supreme Court, has shifted the focus primarily to punishment based on the gravity of the offense.

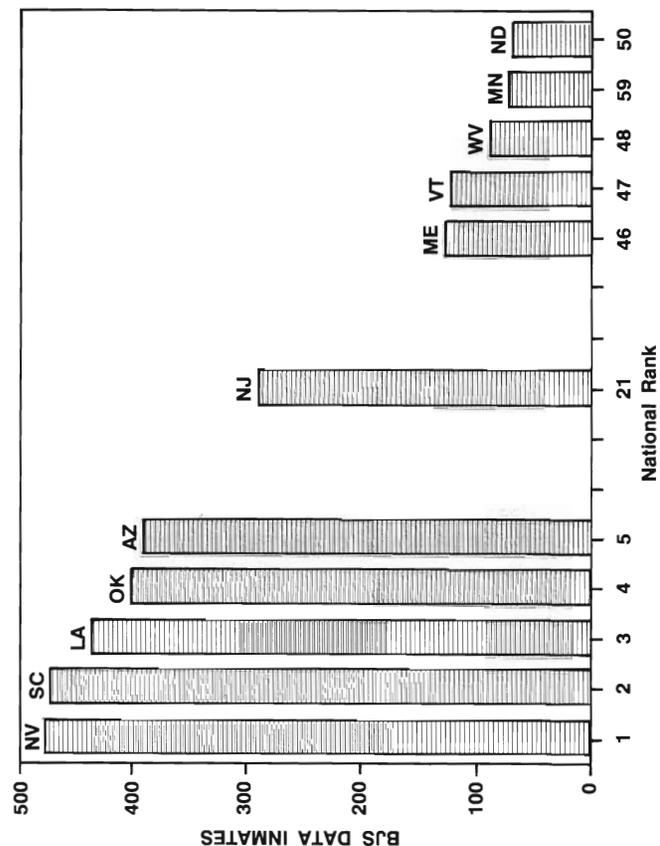
Title 2C classifies violations of the law into four degrees of crime and two grades of offense.

Persons charged with crimes have a right to indictment by a grand jury and a right to trial by a jury of their peers. By contrast, persons charged with lesser offenses e.g., disorderly persons offenses and petty disorderly persons offenses, do not have the right to indictment or jury trial.

For each degree of crime, the Code establishes a sentencing range within which judges must sentence, unless specifically allowed to deviate under the Code. It also creates a presumptive term within each range, i.e. a normally expected term unless particular case characteristics show the need for a different term.

The provisions governing sentencing under the Code are shown in Table 6.

FIGURE 13
Prison Inmates Per 100,000 Population
Mid 1991
By State



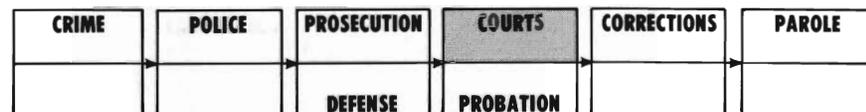
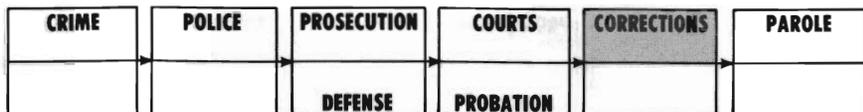


TABLE 6

Sentencing Provisions Under the New Jersey Code of Criminal Justice

| Degree of Crime | Sentence Range | Presumptive Term | Fines |
|--------------------|-----------------------|------------------|-----------|
| First | 10-20 yrs. | 15 yrs. | \$100,000 |
| Second | 5-10 yrs. | 7 yrs. | \$100,000 |
| Third | 3-5 yrs. | 4 yrs. | \$ 7,500 |
| Fourth | Not more than 18 mos. | 9 mos. | \$ 7,500 |
| Disorderly Persons | 6 mos. | N/A | \$ 1,000 |
| Petty Disorderly | 30 days | N/A | \$ 500 |

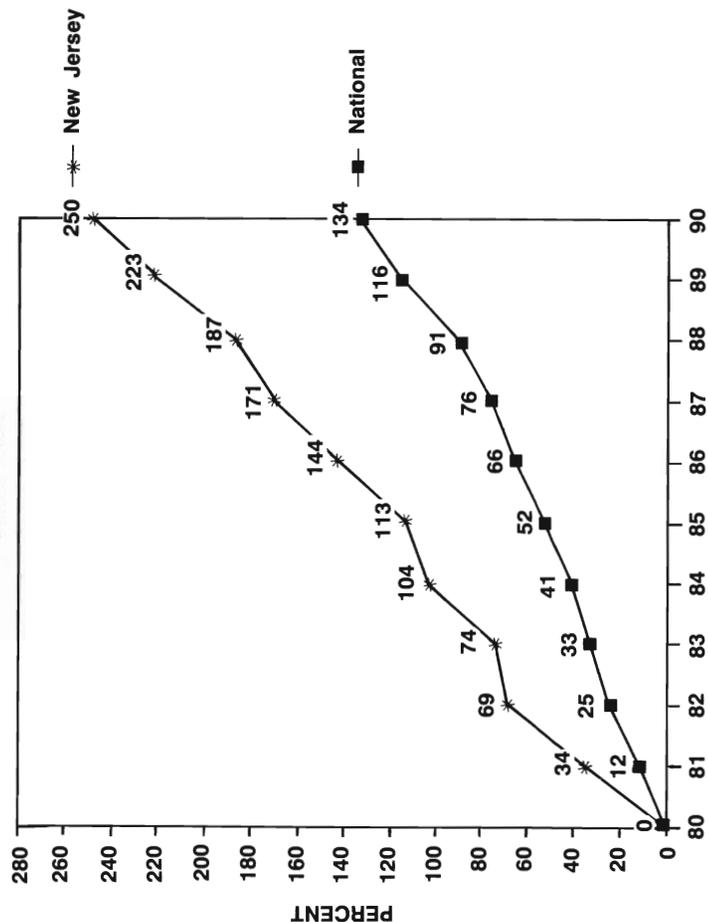
There is a presumption of incarceration for offenders convicted of first or second-degree crimes. Where the court decides to incarcerate the offender, it may, if it is clearly convinced that the mitigating factors listed in the Code substantially outweigh the aggravating factors and that the interest of justice so demands, sentence to a term appropriate to a crime of one degree lower than that of the crime for which the defendant is convicted.

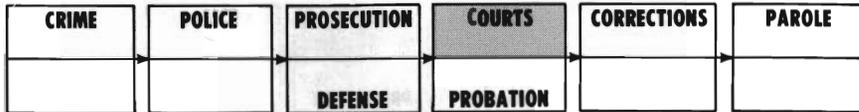
The court can only sentence an offender convicted of a first- or second-degree crime to a non-incarcerative sentence if it is of the opinion, having regard to the character and condition of the defendant, that imprisonment would be a serious injustice which overrides the need to deter others from such conduct.

For persons convicted of crimes less serious than the first- or second-degree, there is no presumption for or against incarceration unless the offender is a first offender. In such cases, there is a presumption against incarceration.

In order for a judge to raise or lower the presumptive term, the Code requires a preponderance of aggravating and mitigating factors which are set forth in *N.J.S.A. 2C:44-1*. The Code also allows the judge to set a minimum term of imprisonment which must be served before a defendant is eligible for parole. However, the Code only permits the

FIGURE 12
Cumulative Percent Increase in Prisoners
1980-1990





court to impose a minimum term when it is clearly convinced that the aggravating factors substantially outweigh the mitigating factors.

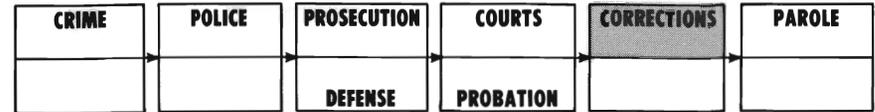
The Code provides for mandatory terms of imprisonment for the violation of certain provisions. The Graves Act (N.J.S.A. 2C:43-6 (c)) provides for a mandatory term if a firearm was carried during the commission of a crime. The Comprehensive Drug Reform Act provides for mandatory terms for the following offenses: leader of narcotics trafficking network; maintaining or operating a Controlled Dangerous Substance (CDS) production facility; manufacturing, distributing, or dispensing five ounces or more of a CDS, a CDS analog, or counterfeit CDS where the drug is heroin or cocaine or their compounds or derivatives in a quantity of 5 ounces or more, or where the drug is LSD or its compounds or derivatives and the quantity is 100 milligrams or more, or the drug is phencyclidine or its compounds or derivatives and the quantity is 10 grams or more; employing a juvenile in a drug distribution scheme; and possession with intent to distribute near or on school property.

The Code also provides for other dispositions, including:

- payment of a fine or restitution;
- placement on probation and/or a term of imprisonment for up to 364 days in a county facility;
- performance of community service;
- placement in a halfway house or other residential facility in the community;
- imprisonment at night or on the weekends; and
- imposition of the death penalty under the state's revised capital punishment statute.

The court is required to impose a mandatory Violent Crimes Compensation Board assessment on each defendant of \$50 for each non-violent crime and \$100 for each violent crime for which he or she was convicted. If an injury is inflicted on the victim, the assessment may be up to \$10,000 (P.L. 1991, c. 329).

The court also has the authority to impose civil penalties, including the power to revoke driving privileges, decree forfeitures and remove office holders.



In December 1990, the total county jail population was composed of the following:

- 56 percent pretrial and presentence inmates;
- 18 percent county sentenced inmates; and
- 26 percent inmates housed for the state (either under contract or awaiting space in state facilities).

Characteristics of Adult Inmates in New Jersey State Correctional Facilities:

- Approximately half (52 percent) of all state inmates are committed for violent offenses (such as murder, sexual assault, robbery, and assault).
- Nearly one-third (31 percent) of the inmates are incarcerated for drug offenses. This figure is up from a level of 11 percent recorded just four years earlier on January 1, 1987.
- Nearly 80 percent of the inmates have histories of involvement in violent offenses.
- Adult inmates have a long history of involvement with the criminal justice system. They average nine prior arrests and six prior convictions.
- Of the total inmate population 63 percent are Black, 21 percent are White and 16 percent are Hispanic.

Figure 12 shows the percentage increase in prisoners in New Jersey compared to the increase in the prison population nationwide for 1980-1990.

New Jersey falls in the mid-point in the range when compared to other states' rates of incarceration. As of July 1, 1991, New Jersey incarcerated 287 persons per 100,000 population as compared to 282 for all states (Figure 13).

Sources

The information and data in this section were provided by the Division of Policy and Planning, Department of Corrections, and the County Municipal Government Study Commission.

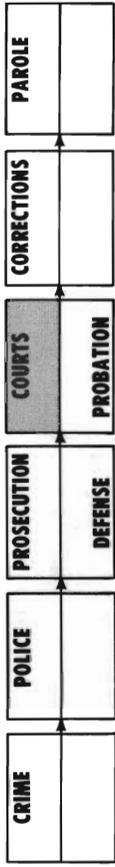


Figure 5 compares the total dispositions imposed in Superior Court, along with the percentage of cases given custodial versus noncustodial terms for the years 1977 to 1990.

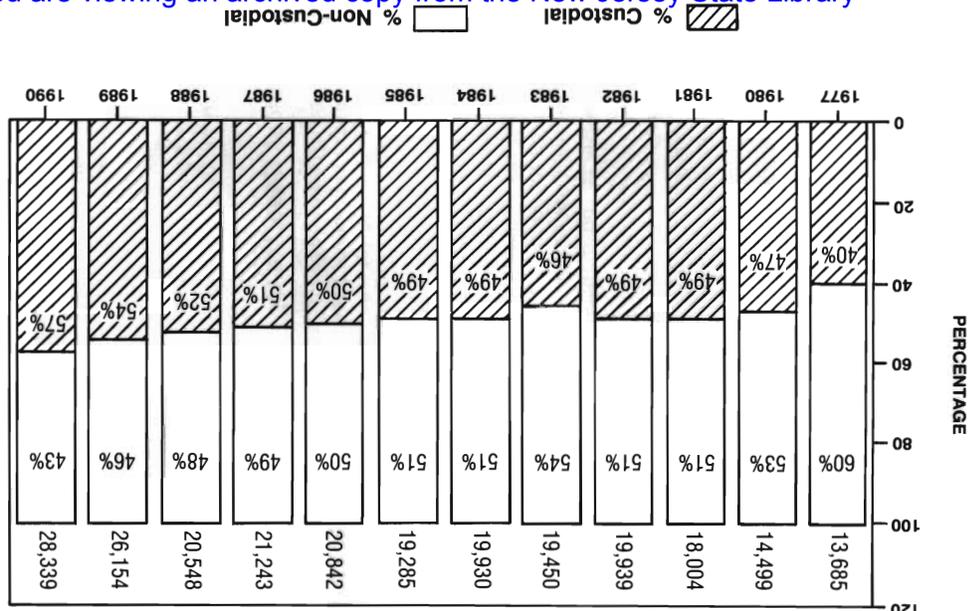
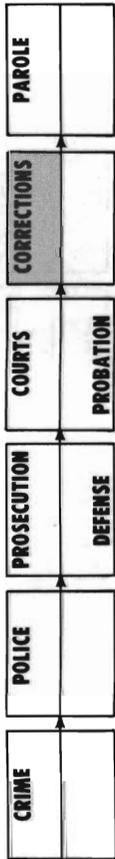


FIGURE 5
Comparison of Sentencing Patterns
1977-1990
Total Sentencing



County jail populations have also grown. Between December 1982 and December 1990, the county jail population grew from 6,554 to 13,541, an increase of 107 percent (Figure 11).

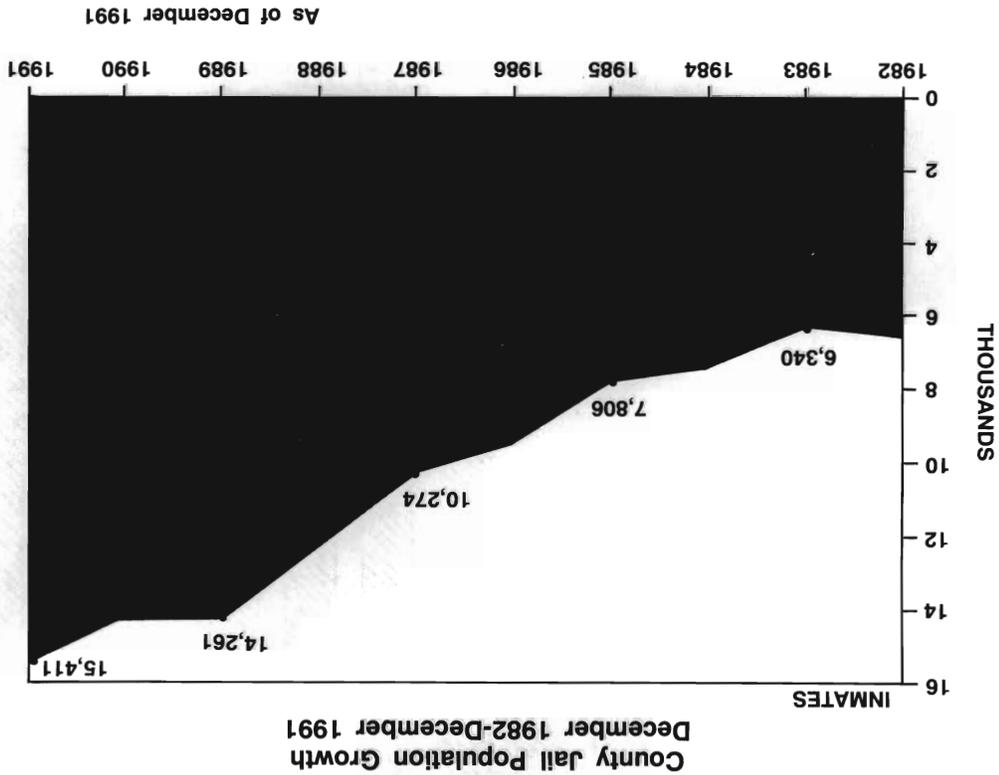
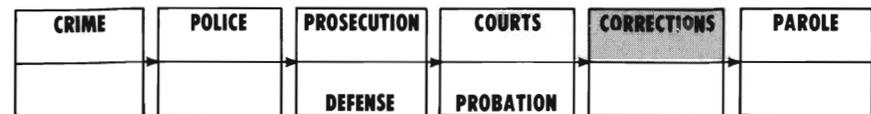
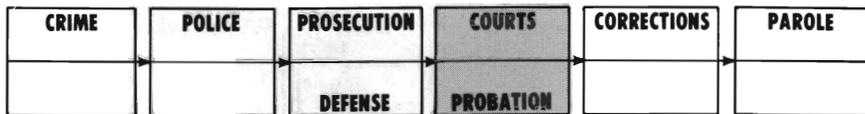


FIGURE 11
County Jail Population Growth
December 1982-December 1991
As of December 1991



Speedy Trial Program

In 1980, criminal cases in New Jersey faced a delay of a year or more before trial. In response to this and other problems, the Supreme Court initiated a speedy trial program and announced time goals for the disposition of criminal cases. The purpose of the program was to promote the fair and expeditious disposition of all criminal cases.

As shown in Figure 6, since the inception of speedy trial, there has been a significant reduction in the time required to process a case from arrest to disposition. In 1979, prior to speedy trial, the average (median) criminal case took 378 days between arrest and disposition by plea; 421 days from arrest to trial. The median for all convictions was 257 days in 1990.

Criminal Case Management

The Criminal Case Management Office is responsible for managing indictable criminal cases from arrest to final disposition. In 1990, 54,624 defendants had indictable charges disposed throughout the state.

The responsibilities of the Criminal Case Management Office focus on a variety of investigative duties to support court decision-making. These include bail investigations for release screening of defendants for the Pretrial Intervention program and writing presentence investigation reports to aid judges in making sentencing decisions. In addition, the Criminal Case Management Office is responsible for scheduling all judicial events and monitoring the status of each case.

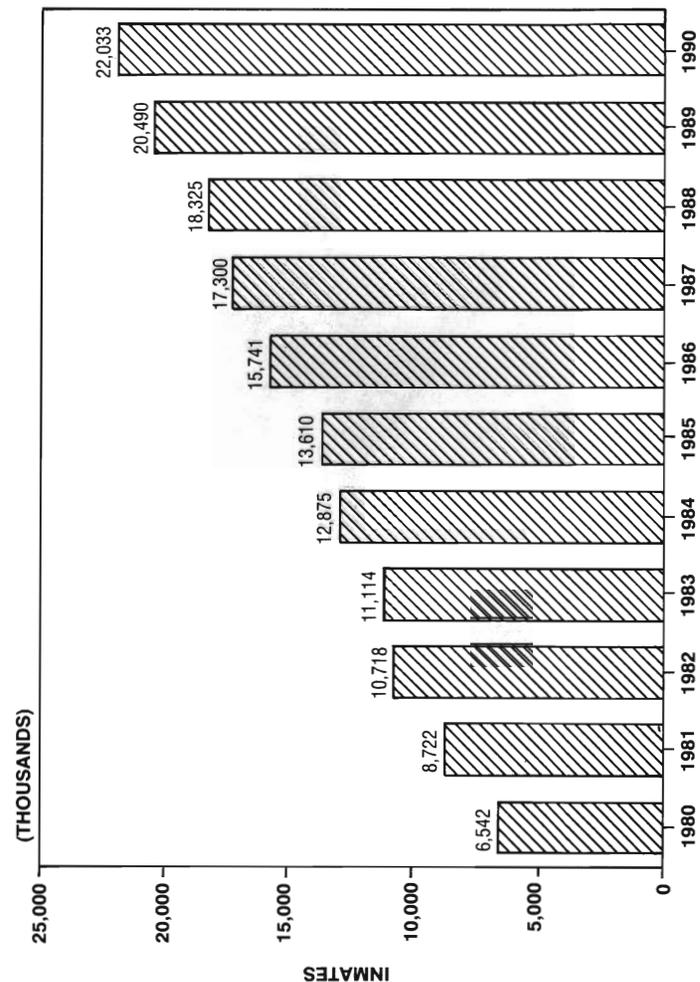
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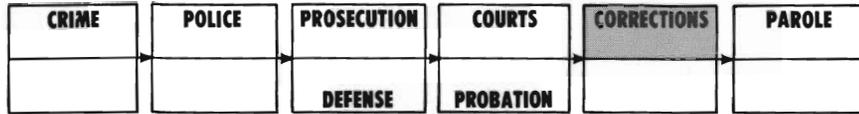
The information and data in this section were obtained from the Criminal Practice Division, Administrative Office of the Courts, and the *Annual Report of the New Jersey Judiciary*, 1991 (Administrative Office of the Courts). Statutory citations are drawn from the *New Jersey Code of Criminal Justice* (St. Paul, Minn.: West, 1991).

Probation

Probation is a judicial function established by statute as a disposition for both adults and juveniles. Where appropriate, it may be imposed as an alternative to confinement in a state or county facility.

FIGURE 10
State Correctional Population
1980-1990





County operated facilities are used for housing pretrial and presentence detainees, inmates serving terms of less than one year, and inmates awaiting transfer to state institutions.

The state's 21 counties maintain 26 correctional facilities known as jails, workhouses, penitentiaries and correction centers.

In 1991, it cost approximately \$208 million to operate the county jails.

There are also over 300 municipal detention facilities in the state. These facilities are utilized for the short-term detention of persons awaiting court action or transfer to county jails subsequent to arrest.

Private corrections facilities in New Jersey are currently limited to non-profit halfway houses which service Department of Corrections inmates as a transition to parole release. There are currently eleven halfway houses under contract with the Department of Corrections.

Inmate Population Growth

Since 1980, there has been an unprecedented increase in the state and county jail populations.

The state correctional population has risen from 6,542 in 1980 to 22,033 in 1990 an increase of 237 percent. Figure 10 depicts the phenomenal growth from 1980 through 1990.

This increase in the inmate population can be attributed to a variety of factors which include:

- the passage of the New Jersey Code of Criminal Justice (Title 2C) in 1979;
- the Parole Act of 1979;
- the Speedy Trial program;
- the Graves Firearms Act of 1982;
- the Comprehensive Drug Reform Act of 1986;
- other amendments to the Code of Criminal Justice;
- more commitments to the system;
- the imposition of mandatory minimum terms as part of the sentence; and
- increasing lengths of stay for those committed.

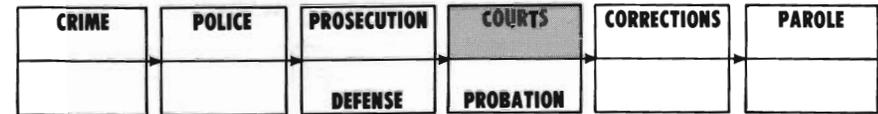
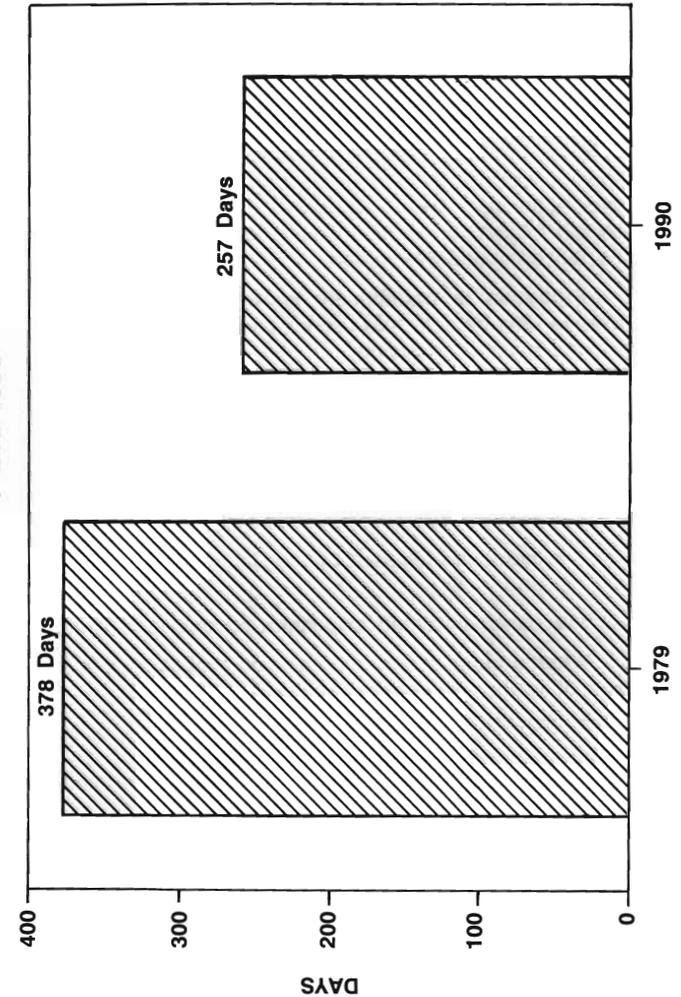
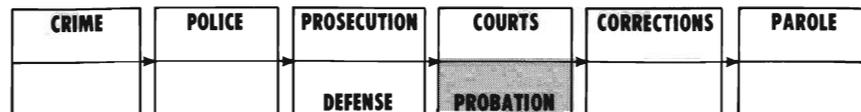
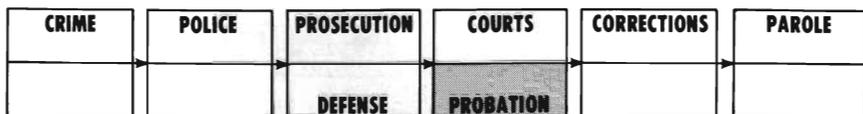


FIGURE 6
Statewide Median Time From Arrest
To Disposition of Indictments
1979 and 1990





- Since probation is a judicial function, the state Supreme Court has supervisory responsibility. This responsibility is carried out by the Probation Services Division of the Administrative Office of the Courts.
- At the local level, there are 21 county probation departments headed by a Chief Probation Officer who reports to the Assignment Judge.

Probation appropriations for Fiscal Year 1990 exceeded \$76 million. Appropriations for probation include both state and county level operations. At the state level, budgetary appropriations for Probation Services (FY 90) totaled \$5.1 million. County level appropriations for probation (FY 90) exceeded \$71 million.

Probation is traditionally known for supervising adult and juvenile offenders. In New Jersey, probation also supervises a variety of other persons, including:

- persons diverted from prosecution and placed into rehabilitation programs, such as Pretrial Intervention and Conditional Discharge Supervision;
- motor vehicle offenders;
- persons delinquent in paying child support;
- individuals released by the Courts from psychiatric hospitals; and
- persons ordered to perform community service.

When a judge places a person on probation, it is for a specific term of years (1-5 years).

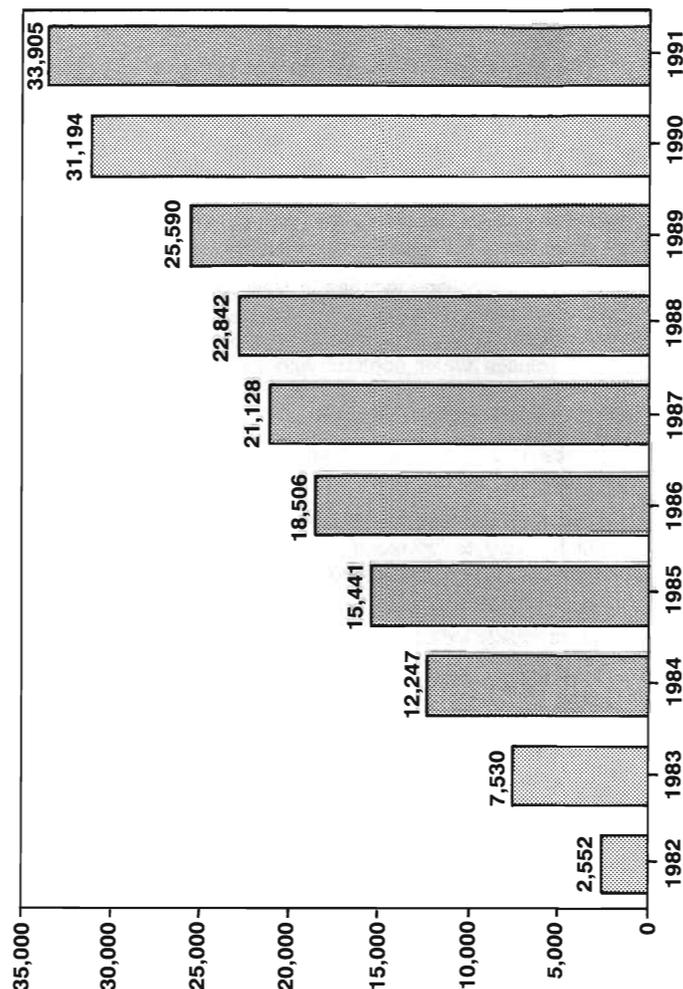
Probationers are required to comply with probation conditions which place restrictions on their activities and impose obligations such as the performance of community service, the payment of fines or restitution and participation in counseling.

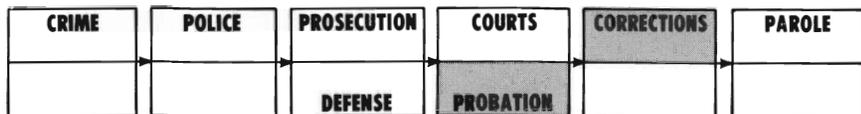
Probationers are assigned to caseloads supervised by probation officers who regularly meet with probationers to enforce the court order and assist them in living up to the requirements of probation.

Persons Under Probation Supervision

Probation is the most commonly used sentencing disposition in the state. As of June 1991, there were 81,173 persons under probation

FIGURE 9
Community Service Programs
Enrollment 1982-1991





doing unpaid work for a government agency or private, non-profit organization. More than 3,700 agencies and organizations are participating as placement sites statewide.

Community service can be assigned as a condition of probation or as a sentencing alternative for adult and juvenile offenders, pretrial intervention participants, and persons convicted under the drunk driving statutes.

New Jersey is one of only very few states with the capacity to service courts statewide with community service.

As shown by Figure 9, since its inception in 1982, community service has grown from 2,500 offenders to over 33,900. Each year, over 1.5 million hours of community service are performed statewide.

Sources

The information and data for this section were provided by the Probation Services Division and the Intensive Supervision Program, Administrative Office of the Courts.

Corrections

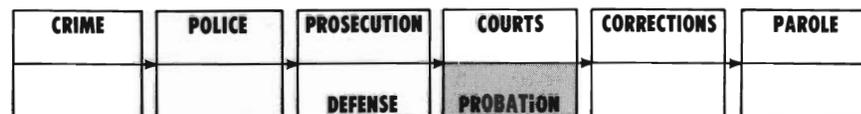
Persons sentenced by the courts to a term of incarceration are confined in either state or county correctional facilities. In addition, persons awaiting trial, sentencing or transfer to a state correctional facility are held in county jails.

Correctional Facilities

State correctional facilities provide for the custody and care of offenders committed to the Department of Corrections for terms of one year or more.

The correctional system includes 15 major institutions and their satellite units, as well as more than 40 adult and juvenile community-based facilities.

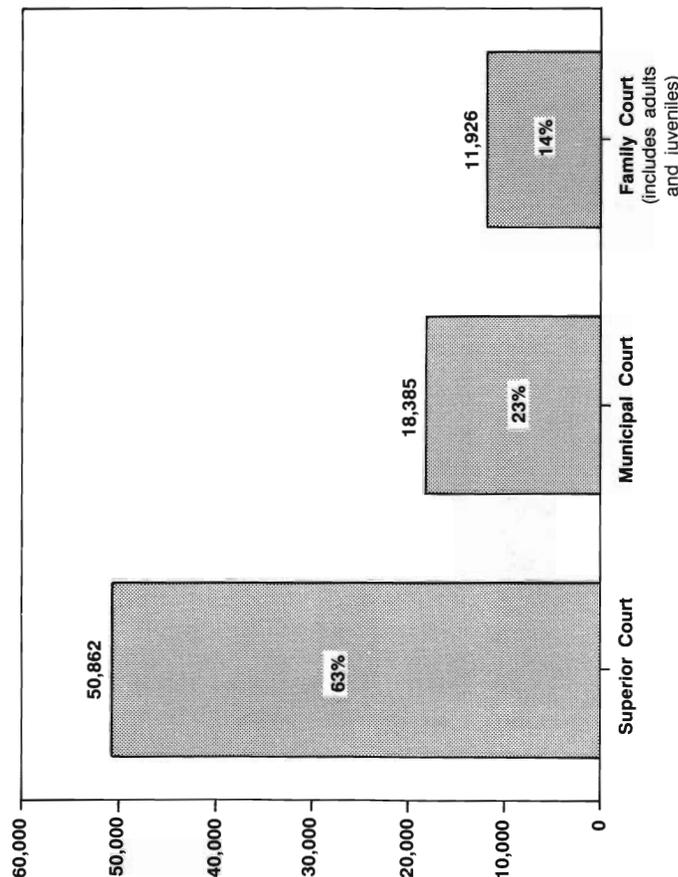
The Department of Corrections expenditures for Fiscal Year 1991 totalled approximately \$500 million. The Department employs over 10,000 people statewide in order to provide the services mandated by state law.

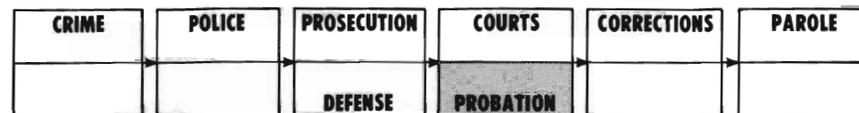
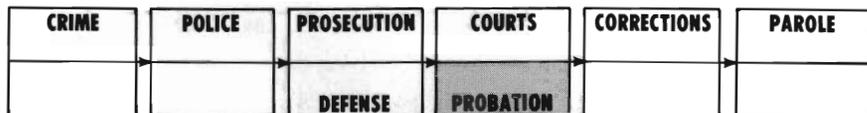


supervision. Figure 7 provides a breakdown of those under probation supervision by the type of sentencing court.

Probation caseloads have increased significantly. Adult probation caseloads across the state currently approach 162 per probation officer, up from 110 in 1980.

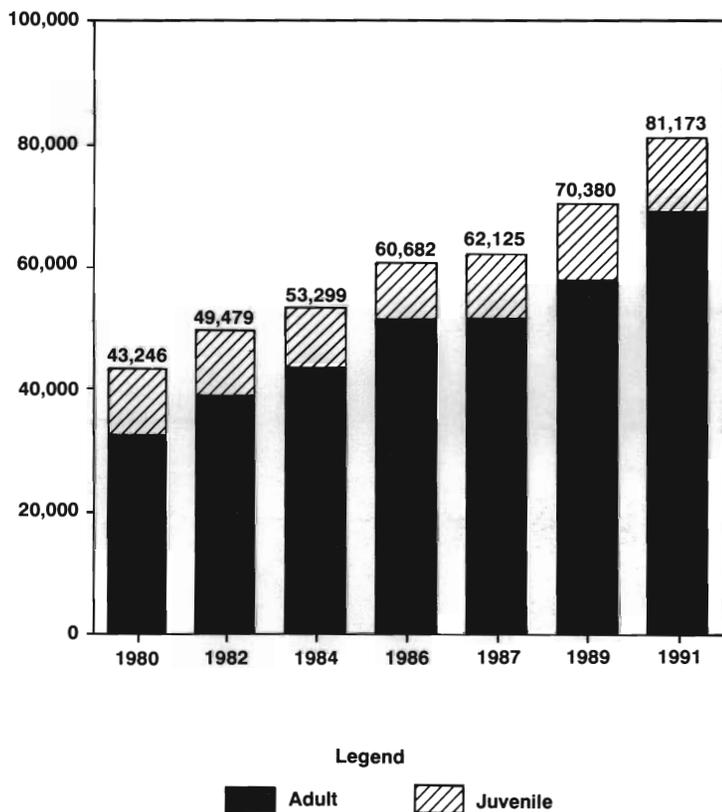
FIGURE 7
A Summary of Persons Under Probation Supervision
June 1991





The total number of persons under probation supervision has grown from 43,000 in 1980 to over 81,000 in 1991, an increase of 85 percent. Figure 8 illustrates the rate of growth from 1980-1991.

FIGURE 8
Persons Under Probation Supervision
1980-1991



Intensive Supervision Program (ISP)

Operated by the Probation Services Division of the Administrative Office of the Courts, New Jersey's Intensive Supervision Program (ISP) is one of the most structured intensive supervision programs in the country. It is designed as an intermediate punishment option between probation and incarceration for a carefully screened group of non-violent state prison inmates.

The program began in 1983 and is currently functioning at close to full capacity with 592 participants. Since its inception, approximately 2,540 persons have been released into the program, thus freeing up valuable prison bedspace for more serious offenders. ISP is far less costly than incarceration. In FY 1986, ISP cost \$5,731 per participant versus \$25,000 for incarceration.

ISP places offenders in the community under close supervision in caseloads no larger than 20. The ISP officer has frequent contact with each participant, averaging 27 contacts each month, many at night and/or on weekends. Participants are required to be employed, perform 16 hours of community service each month, pay all court-ordered financial obligations and submit to frequent random drug testing.

ISP has been very successful:

- Only 4 percent of those participants who have successfully completed the program have been convicted of new offenses.
- The employment rate for program participants has always been above 95 percent.
- Over three million dollars in financial and court-ordered obligations have been paid, including state and federal income taxes, child support, cost of supervision, fines, restitution and Violent Crimes Compensation Board penalties.

The success of the state ISP has spawned expansion of the concept to the county level to relieve jail overcrowding. A county ISP known as ECLIPSE has been operating successfully in Essex County since November 1985. The model has been replicated in Middlesex, Union, and Atlantic Counties.

Community Service Programs

Community Service Programs are operated by each of the state's 21 county probation departments. Community service entails