

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

**A PUBLIC INFORMATION  
BOOKLET**

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**LEGAL DISPOSITION  
COMMISSION**

**1988**

**The  
New Jersey  
Criminal Disposition  
Commission**

**S I Newhouse Center  
for Law & Justice**

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133705

# **THE CRIMINAL JUSTICE SYSTEM:**

A Public Information Booklet

**The New Jersey  
Criminal Disposition Commission  
1988**

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# 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.

### General goals of the Commission are to:

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

The Commission has assumed a planning and coordination role for the criminal justice system. Much of the Commission's recent efforts have concentrated on post-dispositional and state-level concerns with particular emphasis on prison and jail crowding, sentencing disparity, and alternatives to incarceration.

Commission membership consists of 12 members appointed by the Governor including representatives from the legislature, public and 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 the public's knowledge of the criminal justice system. This brochure provides a brief yet complete picture of crime and the criminal justice system in New Jersey.

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## ***I. Introduction***

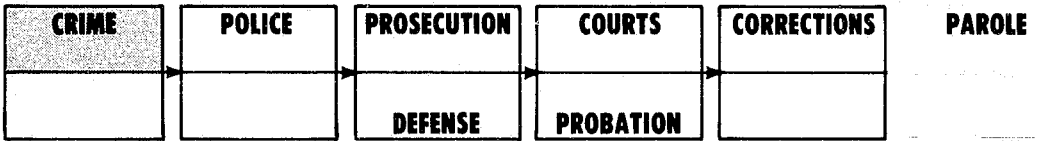
This booklet presents information on crime and criminal justice in New Jersey. The focus is primarily on the adult criminal justice system, although there is overlap on some of the data with the juvenile system.

Section II 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 III 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.

The final section (IV) identifies and discusses some of the major issues, developments and trends presently confronting New Jersey's criminal justice system.





## ***II. 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 is victimization surveys, where citizens relate their experiences with crimes in response to a survey questionnaire. The data from the victimization surveys suggest that more crimes occur than are actually reported to the police and reflected in the UCR.

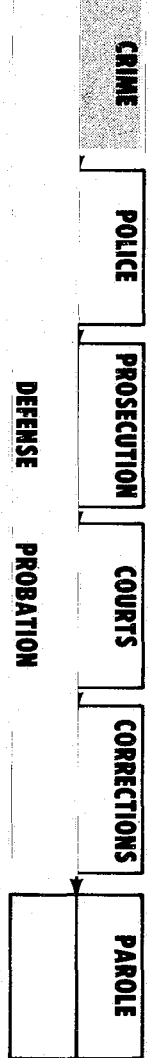
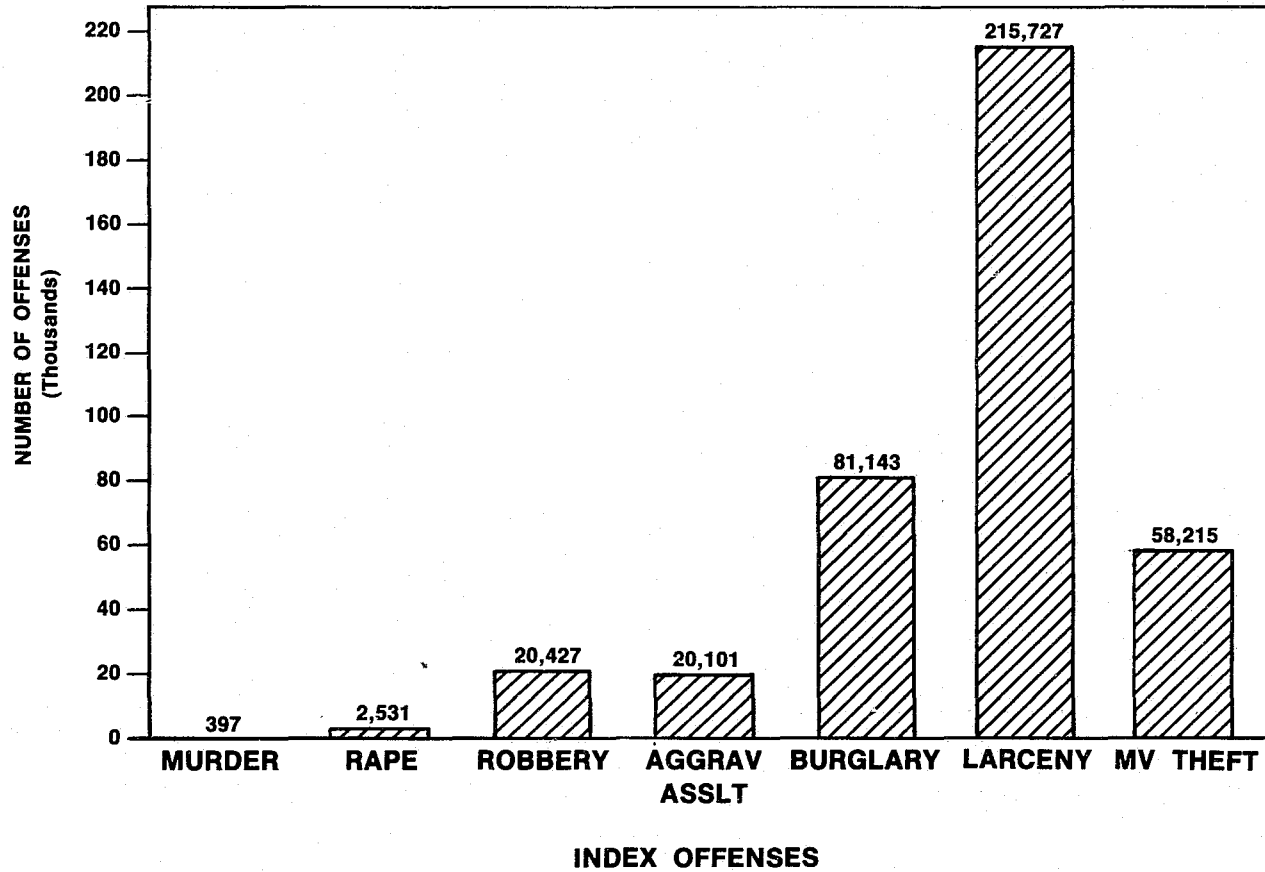
- The Uniform Crime Reporting system is the responsibility of the state Attorney General.
- The responsibility for receiving and reporting crime data is assigned to the New Jersey State Police.
- In 1986, arrest information and fingerprints were received from 572 law enforcement agencies throughout the state.

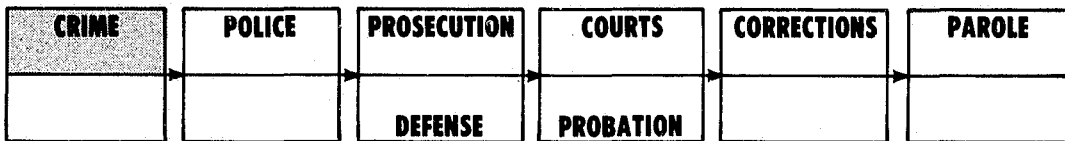
TABLE 1 shows those agencies that provided data to the Uniform Crime Reporting system.

**TABLE 1**  
**Uniform Crime Reporting Agencies**  
**(1986)**

<b>Agency Type</b>	<b>Number</b>
Municipal Police Departments (Full-Time)	484
Municipal Police Departments (Part-Time)	15
Prosecutors	21
Sheriffs	21
County Police Departments	4
County Park Police	4
State Agencies (Dept. of Corrections, State Parks, etc.)	10
College Campus Police	13

**FIGURE 1  
NEW JERSEY CRIME INDEX (1986)**





For comparative 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 in 1986 there were a total of 398,541 index offenses reported; a 3 percent increase over the reported 1985 total.**

Figure 1 depicts the distribution of 1986 index offenses.

- The *most* frequently reported index offense was larceny (215,727).
- Murder was the *least* frequently reported offense (397).

**The occurrence of crimes varies with the season.**

- The highest number of index crimes (38,004) occurred in July.
- The lowest number of index crimes (27,405) were reported in February.

## Crime Rates

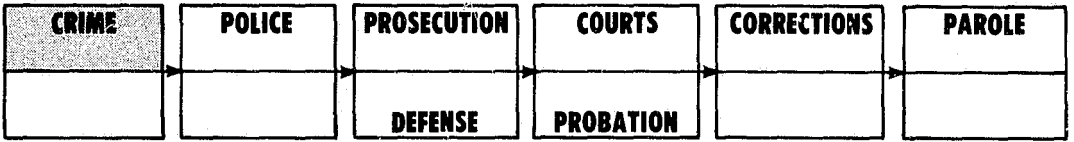
In order to more accurately depict the extent of crime, statistics are often stated in the form of rates. The crime rate in this case is the number of crimes per 1,000 permanent inhabitants. This permits comparison of crime statistics using a constant base.\*

The 1986 crime rate in New Jersey was 52.7 crimes per 1,000. The 1986 crime rate shows a decline when compared to the crime rate in 1982. Since 1984, the rate has shown a gradual increase (Table 2).

**TABLE 2  
N.J. Crime Rate for Index Offenses  
(1982-1986)**

	1982	1983	1984	1985	1986
Violent Crime	45,172	41,303	39,615	41,135	43,456
Non-Violent Crime	377,098	344,343	324,783	344,196	355,085
Total Crime Index	422,270	385,646	364,398	385,331	398,541
Crime Rate Per 1,000	57.0	51.9	48.8	51.3	52.7

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



## Violent and Non-Violent Crime

Index crimes are also categorized as violent or non-violent. Non-violent crimes outnumber violent crimes by more than 9 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 398,541 crimes reported in 1986, 43,456 (11%) were violent crimes.
- Non-violent offenses accounted for 355,085 (89%) of 1986 index crimes.
- While the rate of crime has fluctuated over the years, the percentage of violent versus non-violent index offenses has remained stable.

## Stolen Property

The total value of property stolen in 1986 amounted to \$523.7 million, up 25% over 1985.

- The value of property stolen as a result of violent crime was \$10.7 million, while non-violent crime totalled \$513.0 million.
  - Motor vehicles accounted for 63% of all stolen property.
  - 42% of property was recovered at a value of \$221.6 million.
  - Six out of ten stolen motor vehicles were recovered and accounted for 90% of the recovered property.

## National/State Crime Comparisons

Table 3 depicts the 1985-1986 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 slightly greater than that of the Northeast, and less than that of the nation as a whole. However, individual index offenses often differ among all groups.

## 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

**TABLE 3**

**Index Crime Comparison of New Jersey,  
the Northeast and the United States  
Percent Change 1985-1986**

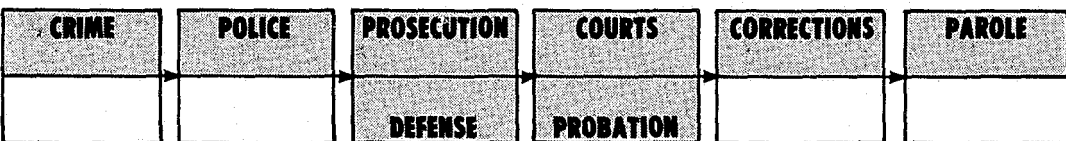
Index Offense	N.J.	Northeast	Nation
Murder	-2	11	9
Rape	4	-1	5
Robbery	6	3	9
Aggravated Assault	6	10	15
Burglary	1	.05	5
Larceny	1	2	5
Motor Vehicle Theft	16	9	11
Violent Crime	6	6	12
Non-Violent Crime	3	2	6
Total Crime Index	3	3	6

history of 10 or more arrests; however, they accounted for nearly 25% of the 1,591,854 total arrests.

- Six out of ten adult offenders had only one arrest in their criminal history.
- The average is 2.4 arrests per adult arrested in New Jersey.

**References**

The primary source of data for this section was the *Uniform Crime Reports, State of New Jersey 1986* (Division of State Police, Department of Law and Public Safety, 1987).



### ***III. 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.

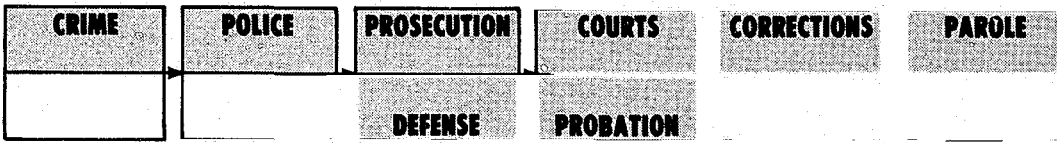
These agencies are located in different branches and levels of government. The state legislature passes the laws creating criminal offenses, while the judiciary adjudicates criminal charges, sentences guilty offenders and supervises those placed on probation. Various executive branch agencies have responsibility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

Figure 2 below illustrates which levels of government have responsibility for these criminal justice functions.



**FIGURE 2  
MAJOR CRIMINAL JUSTICE SYSTEM FUNCTIONS**

**Level of Government**

<b>FUNCTION</b>	<b>MUNICIPAL</b>	<b>COUNTY</b>	<b>STATE</b>
Police	P	S	S
Prosecution	S	P	S
Defense*			P
Courts	S		P
Probation		P	S
Corrections		S	P
Parole			P

**P = Primary**

**S = Secondary**

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

**Criminal Justice Expenditures: The Cost of Enforcing the Law**

In 1985, total criminal justice expenditures for New Jersey were approximately \$1.570 billion: \$804 million for state and local police protection; \$187 million for the courts; \$107 million for prosecution and legal services; \$38 million for public defense; \$419 million for corrections; and \$15 million for other related activities. (Figure 3)

- Per capita expenditures in 1985 were \$207.67 per resident.
- Over half of all state criminal justice system dollars are spent for police protection.

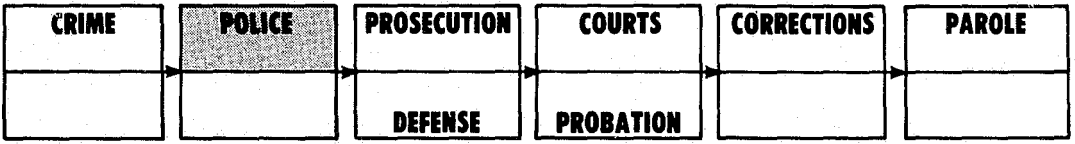
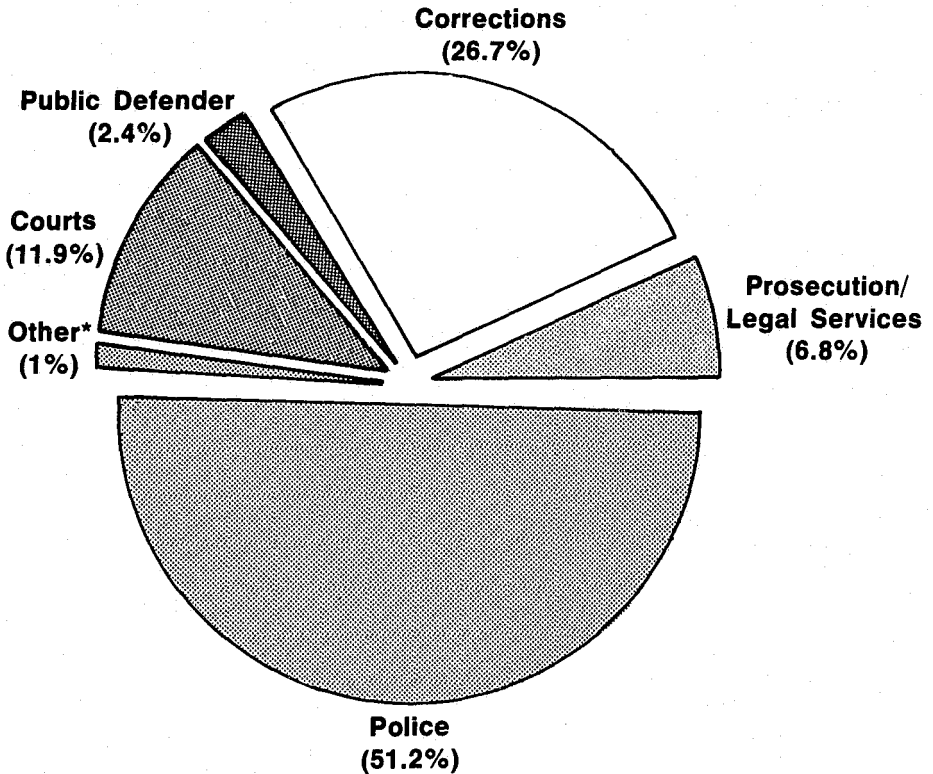


FIGURE 3

**DISTRIBUTION OF CRIMINAL JUSTICE EXPENDITURES  
IN NEW JERSEY FOR FISCAL YEAR 1985**

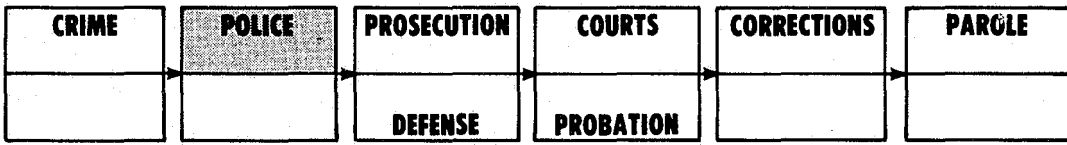


\*(State Law Enforcement Planning Agency, Training, etc.)

**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,





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:

- Provision of public service assistance, first aid and emergency assistance.
- Enforcement of criminal and traffic laws.
- Investigation of criminal incidents.
- Maintenance of order (controlling events and circumstances that disturb or threaten to disturb the peace).

Public service-related duties include responding to calls regarding fires, injured persons, family and neighborhood disputes and disturbances, runaway children, other 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.

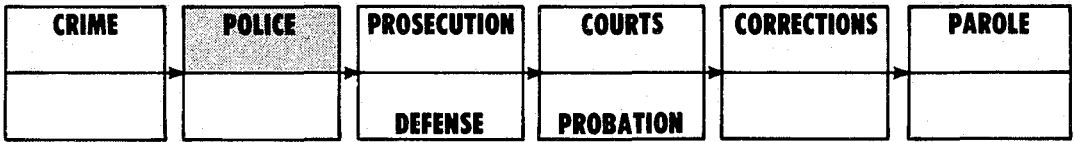
Criminal investigations conducted by police involve assisting injured victims, preserving the crime scene, gathering information and evidence, and apprehending the offender. Similarly, traffic accident investigations involve protecting the people at the scene, rendering emergency assistance and gathering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

In 1986, 85 percent of the 568 municipalities in New Jersey maintained full-time municipal police departments. These 484 police departments employed a total of 20,717 full-time police employees, including civilian personnel. There were 2.7 municipal police employees for every 1,000 inhabitants of the state.

In addition to municipal police departments, there are four county police departments and four 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.

### Division of Criminal Justice

The Division of Criminal Justice exercises the original jurisdiction

**TABLE 4**

### **N.J. FULL-TIME POLICE EMPLOYEES—1986**

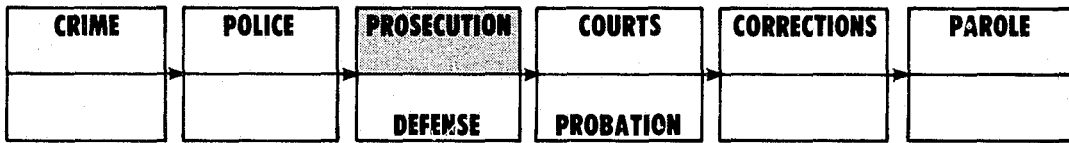
**(Police Officers, Clerks, Dispatchers, etc.)**

	<b>Police Officers</b>	<b>Civilians</b>	<b>Total</b>
Municipal Police	17,824	2,893	20,717
County Police*	4,710	1,717	6,427
State Police**	2,490	1,185	3,675
Other State Agency Police***	4,256	4,046	8,302
Universities and Colleges	313	256	569
<b>TOTAL</b>	<b>29,593</b>	<b>10,097</b>	<b>39,690</b>

\*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.



of the Attorney General in conducting investigations into criminal activity 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 4 depicts the police personnel employed by law enforcement agencies within New Jersey during 1986. In all, there were 39,690 municipal, county, and state police employees in 1986.

### References

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 1986* (Division of State Police, Department of Law and Public Safety, 1987); *Report to the Nation on Crime and Justice: The Data* (U.S. Department of Justice, Bureau of Justice Statistics, 1983); and the *Sourcebook of Criminal Justice Statistics, 1986* (U.S. Department of Justice, Bureau of Justice Statistics, 1987).

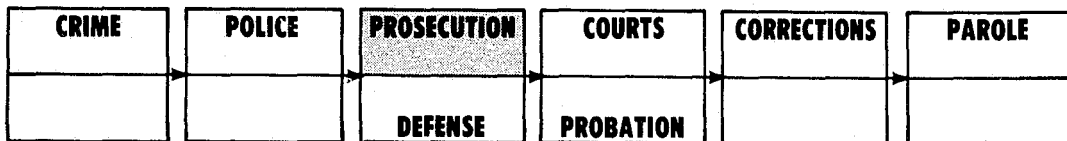
## Criminal Prosecution and Defense

The prosecution of crimes and the defense of persons charged with crimes is the subject 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 represents 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 chief 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.
- Prosecution of indictments to final disposition (plea, trial, diversion or dismissal).

### **Case Processing**

Statewide, a total of 37,711 defendants had indictable charges disposed of during 1985. Of these, 5,262 cases were diverted from criminal prosecution while the remaining 32,449 cases reached final disposition.

Of those defendants reaching final disposition, 74% pled guilty to their charges, 7% had charges disposed at trial, and 18% were dismissed.

Figure 4 depicts the dispositions of cases as a result of criminal prosecution.

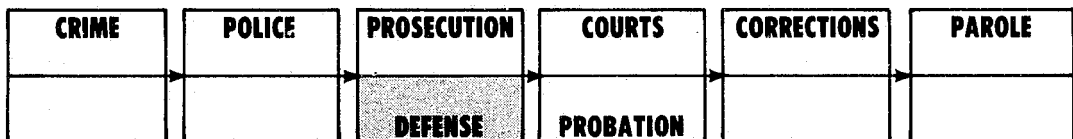
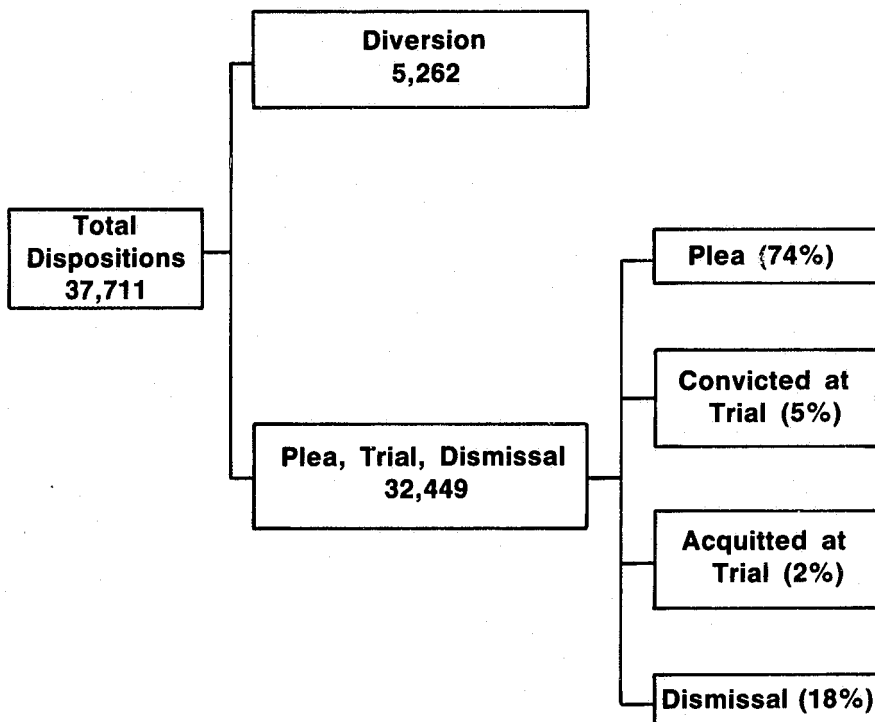


FIGURE 4

### Defendant Indictments/Accusations Disposed 1985



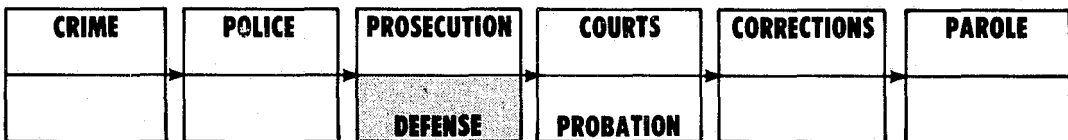
### Defense Counsel/Office of the Public Defender

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 covers a variety of clients, including:

- children who are the subjects of abuse and neglect whose complaints are filed in the family courts;
- indigent adults and juveniles charged with crimes;
- inmates held in state, county and municipal facilities; and
- parolees facing revocation or suspension of an established parole date.

**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 Calendar Year 1986, the office staff consisted of 267 trial attorneys, 46 appellate attorneys, a 170-member investigation force and numerous clerical, paralegal and other support staff.

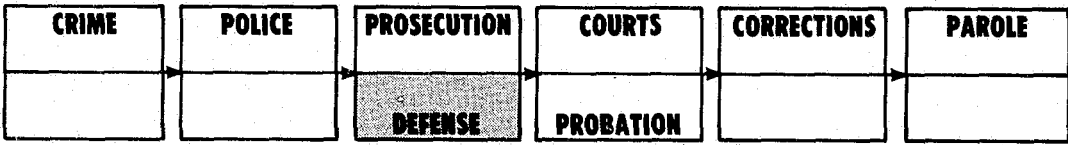
In Fiscal Year 1987, the Office of the Public Defender was assigned 66,765 cases. Dispositions were rendered in 85% of the cases.

Figure 5 depicts defendant dispositions for Fiscal Year 1987 assigned public defender cases.

During Fiscal Year 1987, expenditures for the Public Defender's Office totalled more than \$32 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.

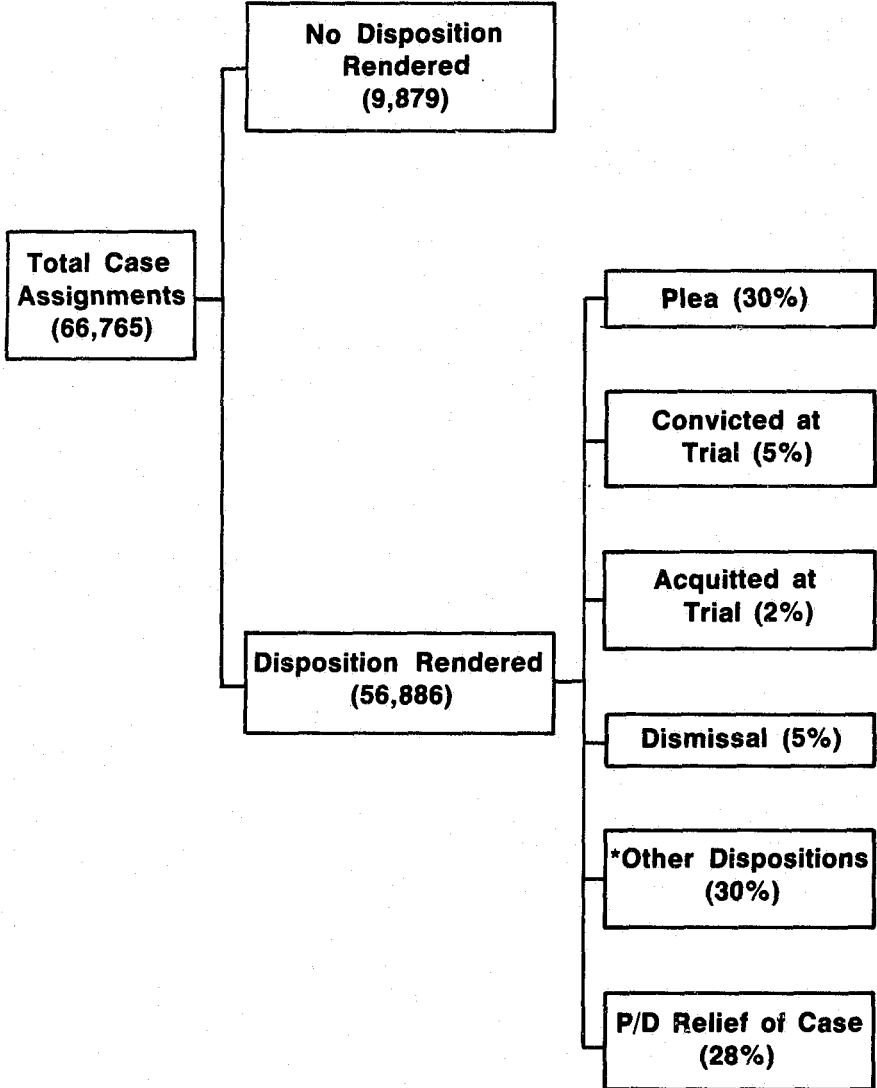
## References

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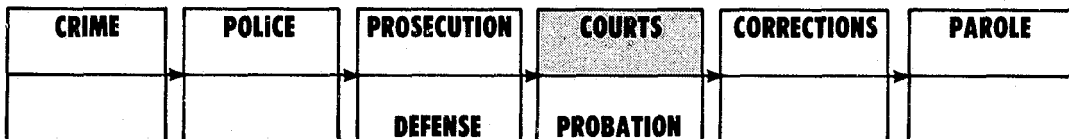


**FIGURE 5**

**FY 1987 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 specific jurisdiction and unique characteristics.

### Municipal Courts

**Municipal Courts presently total 531. 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.

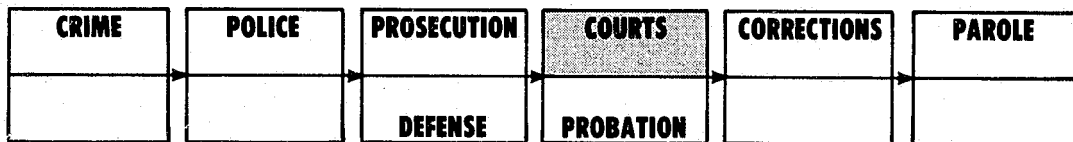
- Municipal Court judges are appointed by the Mayor except in joint courts where appointments are made by the Governor with the advice and consent of the Senate. They serve 3-year terms. There is no tenure.
- More than 5 million cases are handled by municipal courts each year. Criminal cases comprise 8% 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.





- There are nearly 300 trial court judges in the Superior Court assigned throughout the state.
- The state is divided into 15 regions called vicinages, some of which include more than one county. An Assignment Judge is appointed by the Chief Justice to manage each vicinage.
- 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 1986 totaled 38,443, representing 5% of all cases filed in the trial courts.

## Appellate Division

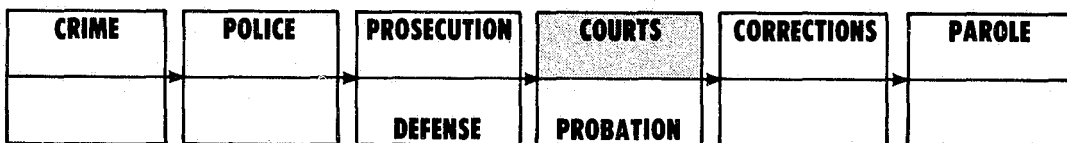
**The Appellate Division of Superior Court is the court of general appellate jurisdiction. It hears appeals from the Superior Court and the Tax Court, and from administrative decisions of executive branch agencies.**

- 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 6,000 cases a year. Of these, approximately 75% 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 Superior Court, or in any capital (death penalty) case. The court may also choose to 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 the law in the state.
- Overall dispositions for the Supreme Court in 1986 totalled nearly 3,000.

## 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 prior law known as Title 2A. Philosophically, the Code reflects a model of sentencing based on notions of just deserts and proportionality. Under *just deserts* 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.

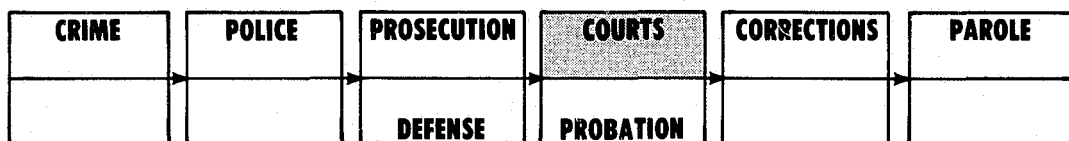
Under prior law, the rehabilitation of offenders was a major goal of criminal sentencing. The current criminal code, as interpreted by the New Jersey Supreme Court, has shifted the focus primarily to punishment based on the gravity of the offense.

**Title 2C classifies violations of the law into four degrees of crimes and two grades of offenses.**

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 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.

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



**FIGURE 6**

**SENTENCING PROVISIONS UNDER THE NEW JERSEY  
CODE OF CRIMINAL JUSTICE**

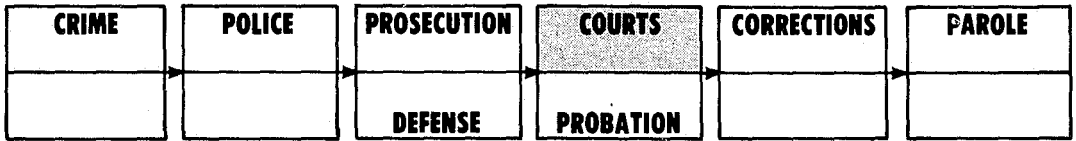
DEGREE OF CRIME	SENTENCE RANGE	PRESUMPTIVE TERM	FINES
First	10-20 yrs.	15 yrs.	\$100,000
Second	5-10 yrs.	7 yrs.	\$100,000
Third	3-5 yrs.	4 yrs.	\$ 7,500
Fourth	Not more than 18 mos.	9 mos.	\$ 7,500
Disorderly Persons	6 mos.	N/A	\$ 1,000
Petty Disorderly Persons	30 days	N/A	\$ 500

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 of 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 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 most common such provision is for carrying a firearm during the commission of a crime. This provision is known as the *Graves Act*.

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 penalty of \$30 on each defendant for each crime for which he or she was convicted. If an injury is inflicted on the victim the penalty may be up to \$10,000.

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

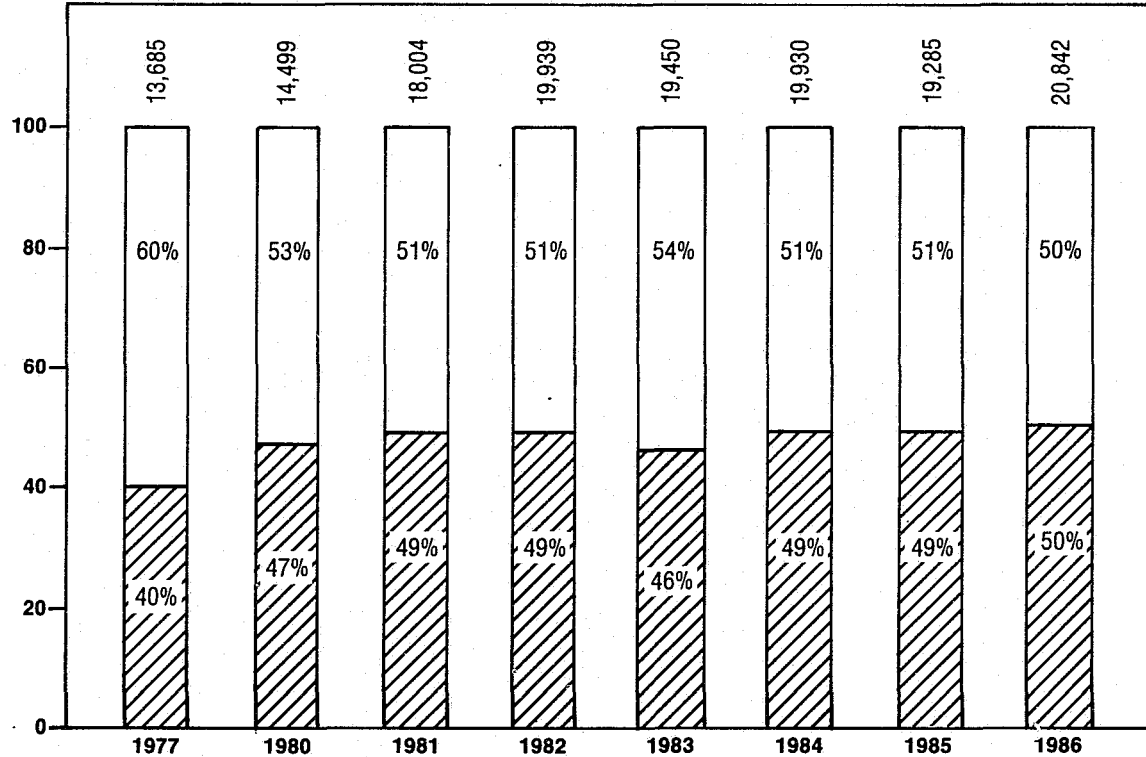
Table 5 compares the total dispositions imposed in Superior Court, along with the percentage of cases given a custodial versus a noncustodial term.

### **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.

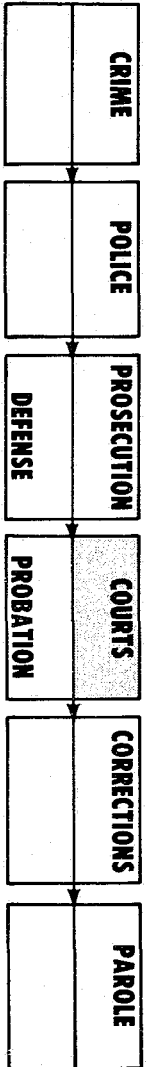
**TABLE 5**  
**Comparison of Sentencing Patterns**  
**1977-1986**

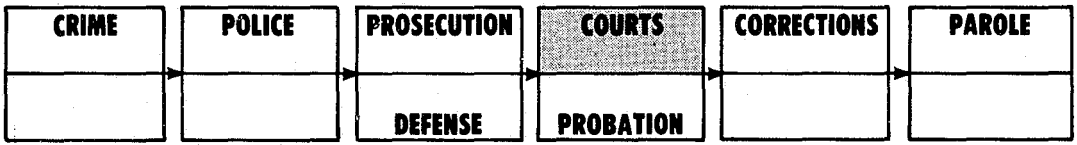
**Total Sentencing**



**LEGEND**

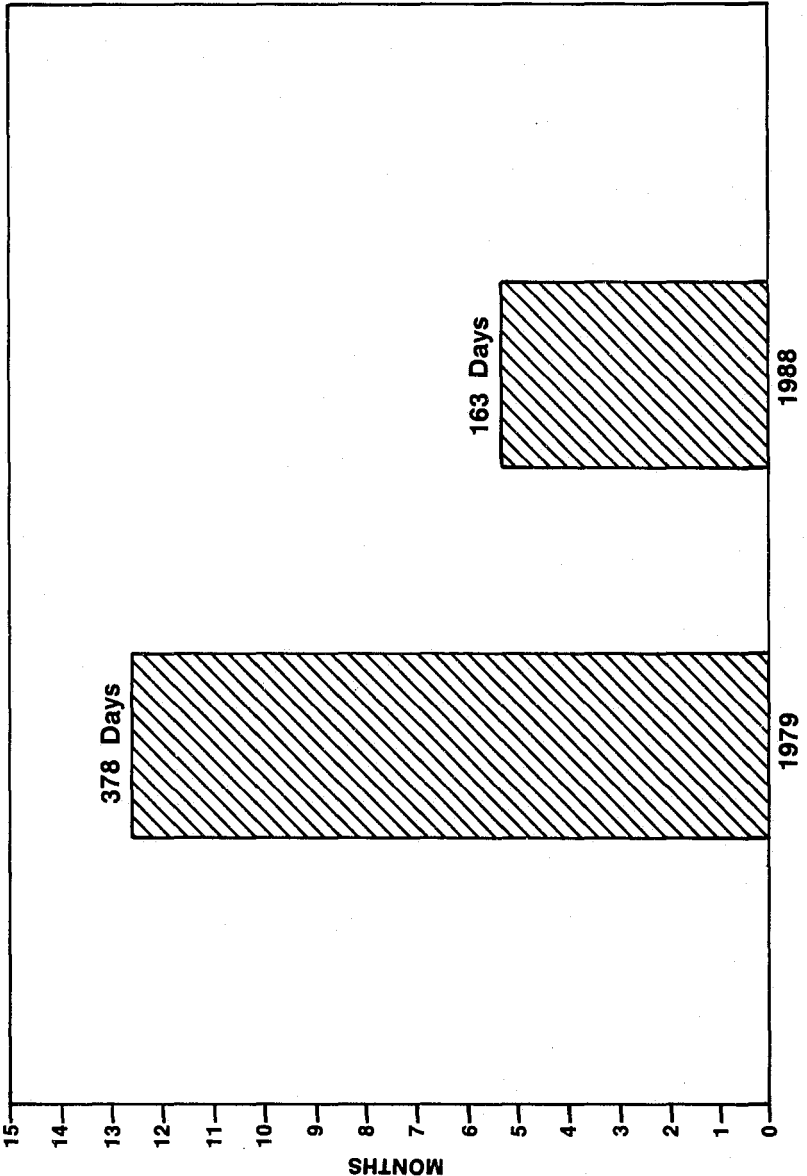
- % NON-CUSTODIAL
- % CUSTODIAL

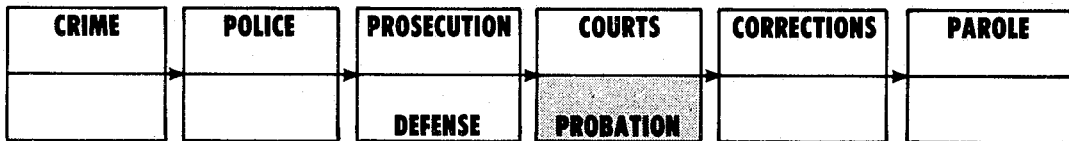




As shown by Table 6, since the inception of speedy trial, there has been a significant reduction in the time required to process a case from arrest to disposition. In 1979, prior to speedy trial, the average (median) criminal case took 378 days between arrest and disposition by plea; 421 days from arrest to trial. The median for all convictions was cut by more than 50% to 163 days in 1986.

**TABLE 6**  
**STATEWIDE MEDIAN TIME FROM ARREST**  
**TO DISPOSITION OF INDICTMENTS**  
**1979-1986**





## Criminal Case Management

The Criminal Case Management Office is responsible for managing indictable criminal cases from arrest through final disposition. In 1985, there were 31,744 defendants that 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 also responsible for scheduling all judicial events and monitoring the status of each case.

### References

The information and data in this section were provided by the Criminal Practice Division, Administrative Office of the Courts and the *Annual Report of the New Jersey Judiciary, 1986* (Administrative Office of the Courts). Statutory citations are drawn from the *New Jersey Code of Criminal Justice* (St. Paul, Minn.: West, 1987).

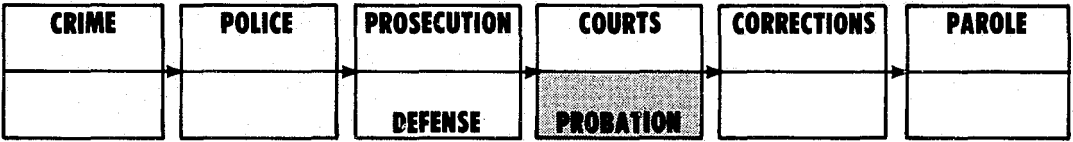
## Probation

**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.

- 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 1986 exceeded \$60 million. Appropriations for probation include both state and county level operations. At the state level, budgetary appropriations (FY '86) for Probation Services totaled \$2.9 million. County level appropriations (FY '86) for probation exceeded \$58 million.

**Probation is traditionally known for supervising adult and ju-**



**venile offenders.** In New Jersey, probation also supervises a variety of other persons.

- persons diverted from prosecution and placed into rehabilitative 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 performing community service, paying fines or restitution and participating in counseling.

Probationers are assigned to caseloads supervised by probation officers who regularly meet with the probationer 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 1987, there were 62,125 persons under probation 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 160 per probation officer, up from 110 in 1980.

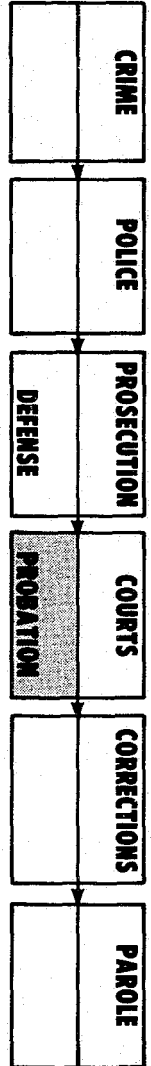
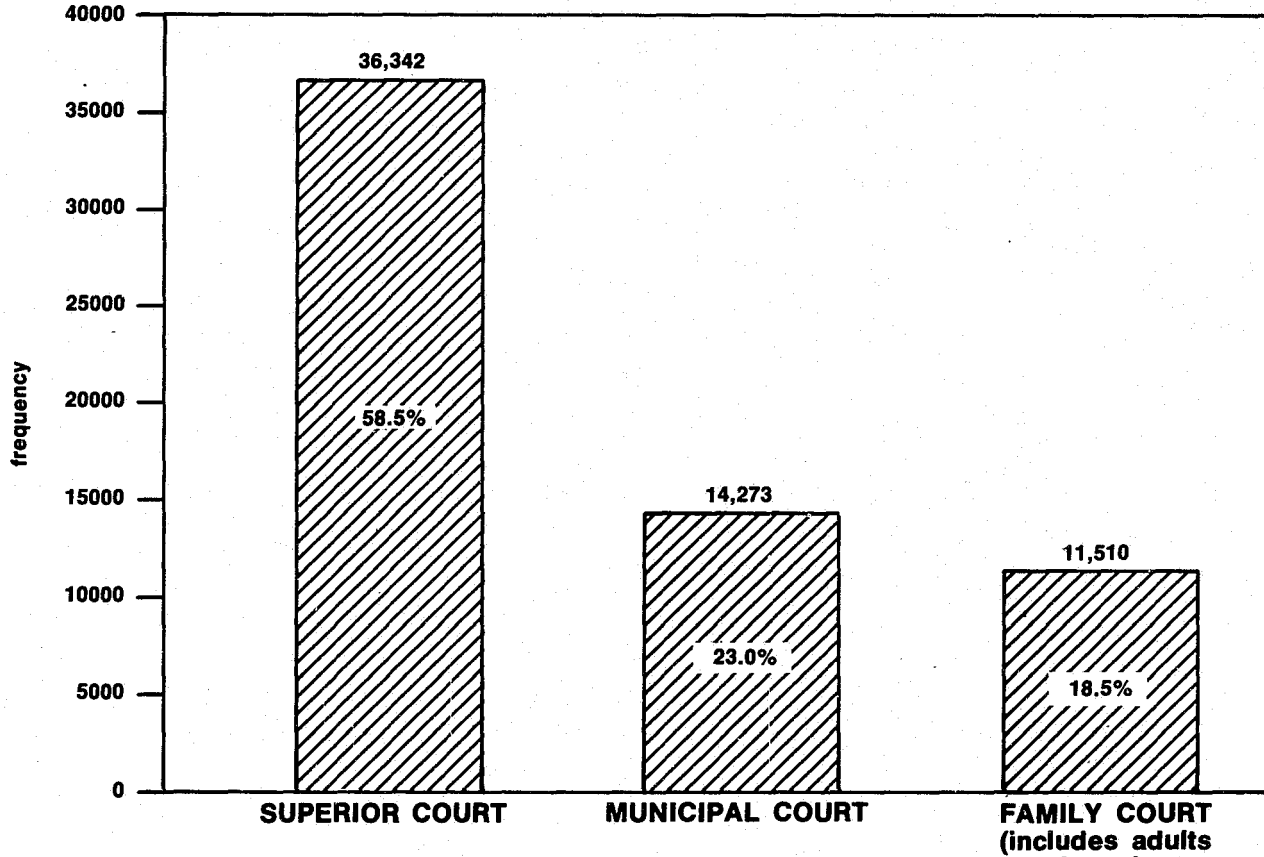
The total number of persons under probation supervision has grown from 43,000 in 1980 to over 62,000 in 1987, an increase of 44%. Figure 8 illustrates the rate of growth from 1980-87.

### **Intensive Supervision Program (ISP)**

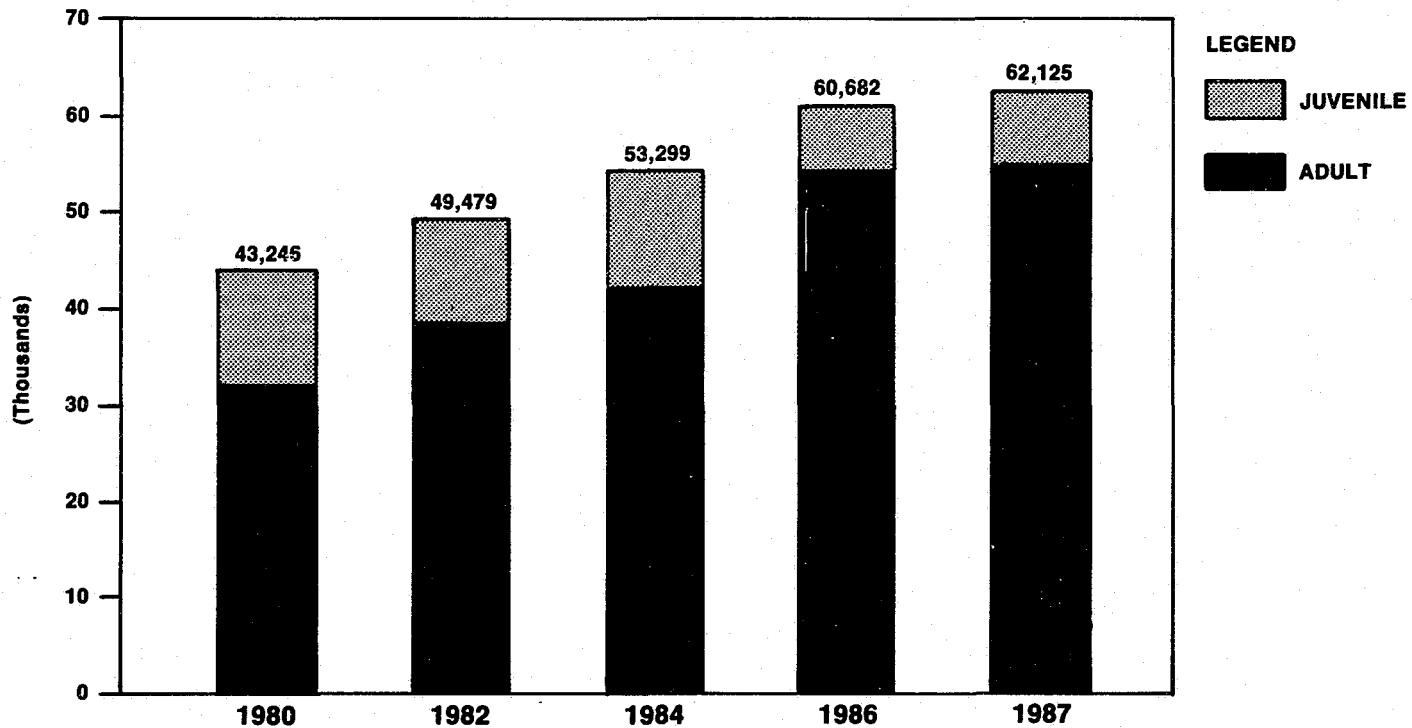
**Operated by the Probation Services Division of the Administrative Office of the Courts, New Jersey's Intensive Supervision Program (ISP) is one of the most structured intensive supervision**

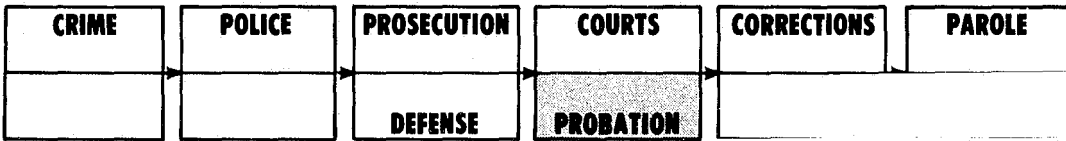


**FIGURE 7**  
**A SUMMARY OF PERSONS UNDER PROBATION SUPERVISION**  
**JUNE 1987**



**FIGURE 8**  
**PERSONS UNDER PROBATION SUPERVISION**  
**1980-1987**





**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 387 participants. Since its inception, approximately 1,106 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 \$5,671 per participant versus \$22,000 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 testing to detect drug use.

**ISP has been very successful:**

- Only 4% 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 96%.
- Over two 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.

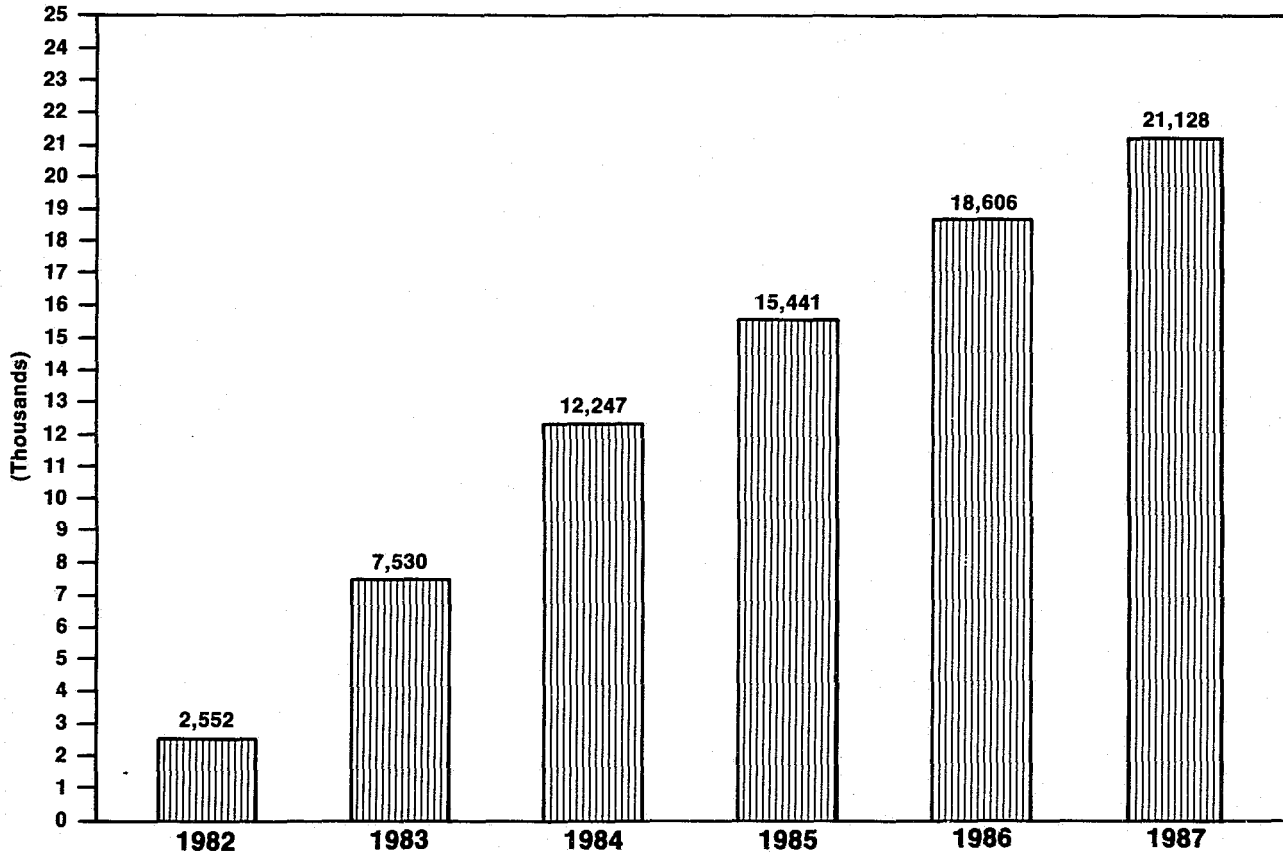
The success of the state ISP has spawned expansion of the concept to the county level to relieve jail overcrowding. A county ISP known as **ECLIPSE** has been operating successfully in Essex County since November 1985. The model is being replicated in Middlesex County as well.

**Community Service Programs**

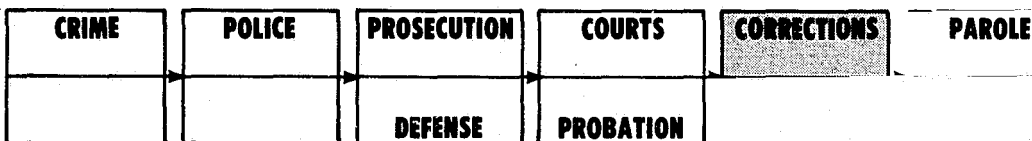
**Community Service Programs are operated by each of the state's 21 county probation departments.**

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.

FIGURE 9  
COMMUNITY SERVICE PROGRAMS  
ENROLLMENT 1982-1987



CRIME  
POLICE  
PROSECUTION  
DEFENSE  
PROBATION  
COURTS  
CORRECTIONS  
PAROLE



**Community service entails 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.**

New Jersey is one of only a 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 21,000. Each year over one million hours of community service are performed statewide.

### References

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

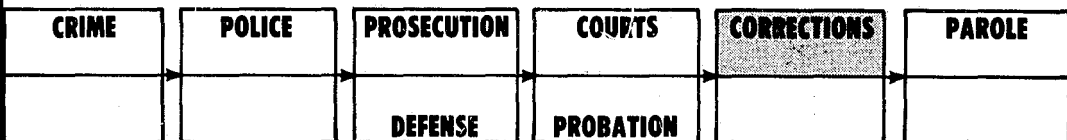
**State correctional facilities provide for the custody and care of offenders committed to the Department of Corrections for terms of one year or more.**

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 1987 totalled approximately \$300 million. The Department employs over 7,000 people statewide in order to provide the services mandated by state law.

**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 1986, it cost approximately \$115 million to operate the county jails.

There are 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 service approximately 800 clients a year. There are currently eight 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 population.**

**The state correctional population has risen from 6,542 in 1980 to 16,654 in 1987—an increase of 155%.** Figure 10 depicts the phenomenal growth from 1980 through 1987.

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

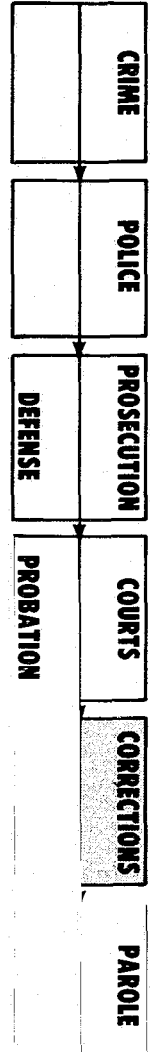
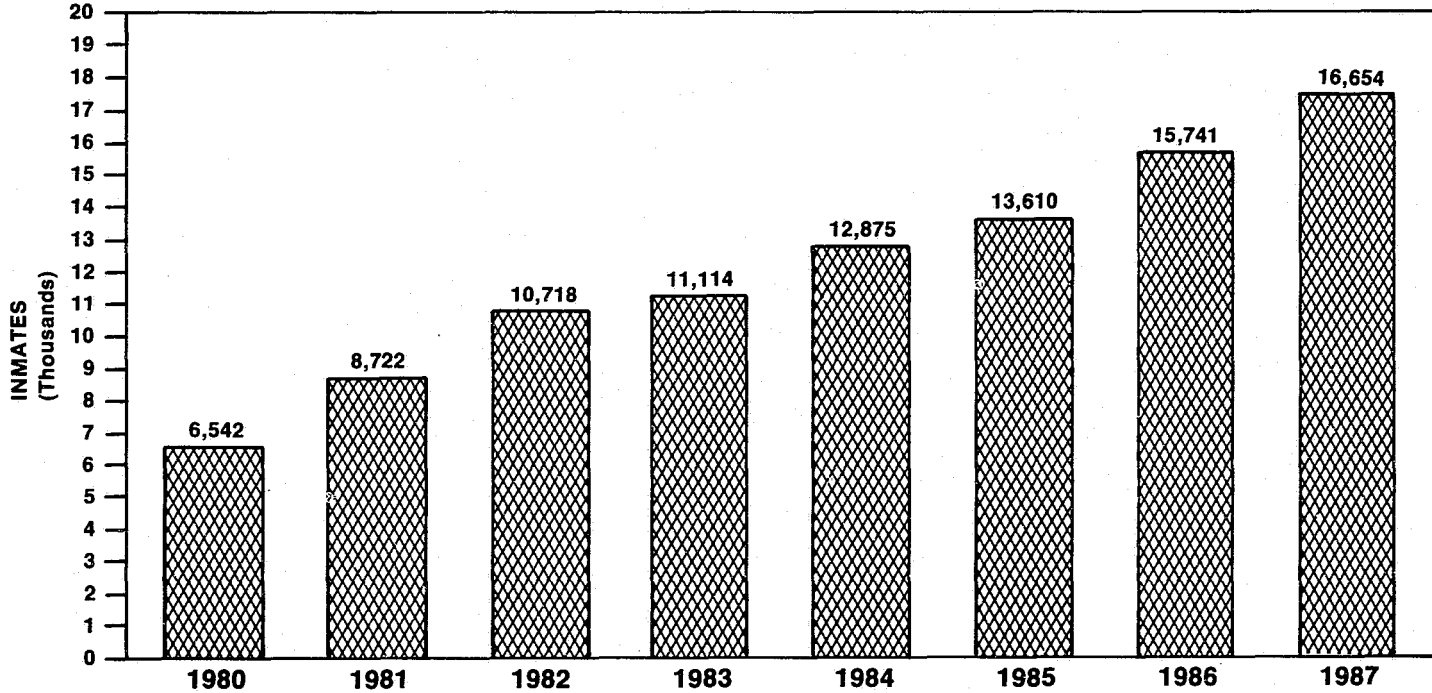
- the passage of the New Jersey Code of Criminal Justice (Title 2C);
- the Parole Act of 1979;
- the Speedy Trial Program;
- the Graves Firearms Act;
- other amendments to the Code of Criminal Justice;
- more commitments entering the system;
- the imposition of mandatory minimum terms as part of the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

County jail populations have also grown. Between December 1982 and December 1987, the county jail population grew from 6,554 to 10,274, an increase of 56% (Figure 11).

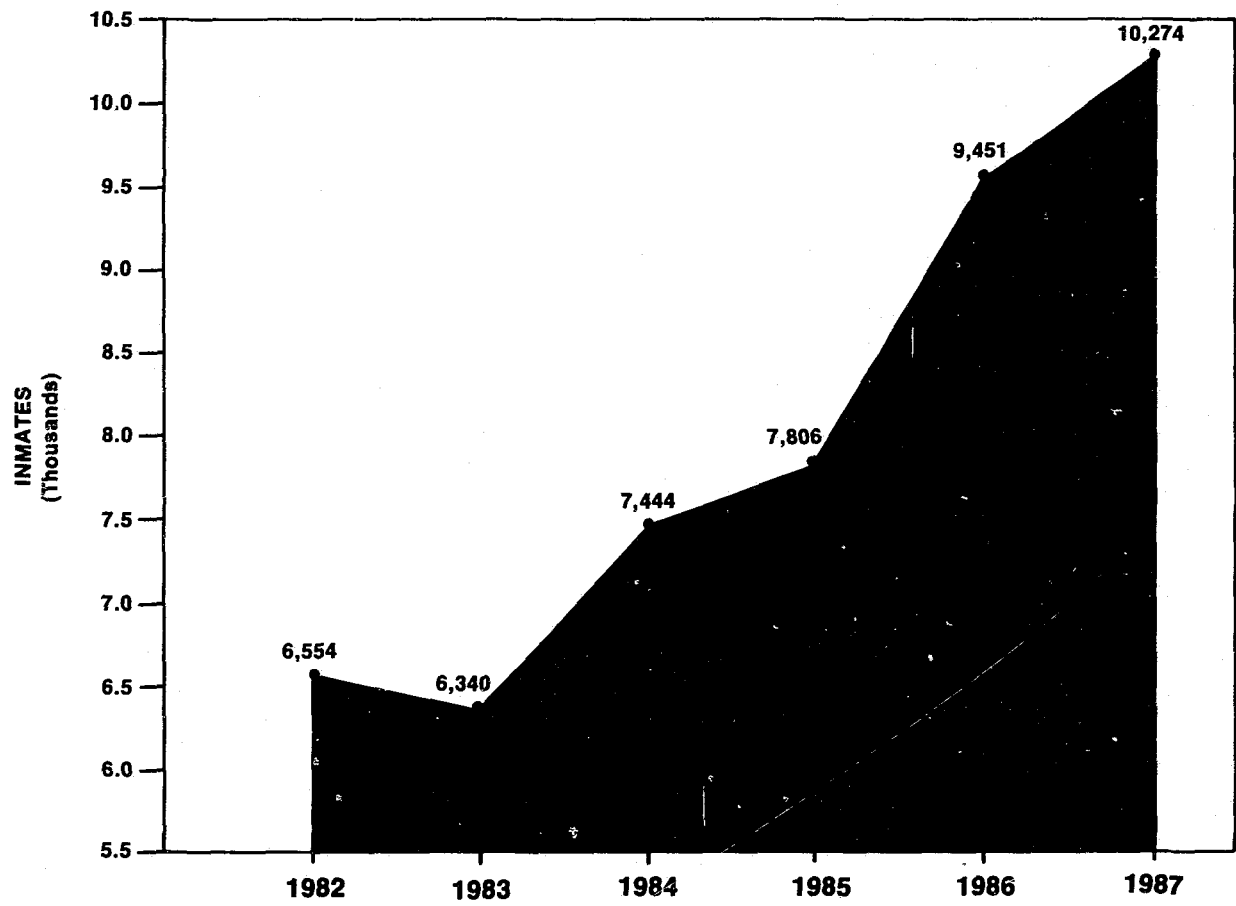
In November, 1987, the total county population was composed of the following:

- 55% pretrial and presentence inmates;

FIGURE 10  
STATE CORRECTIONAL POPULATION  
1980-1987



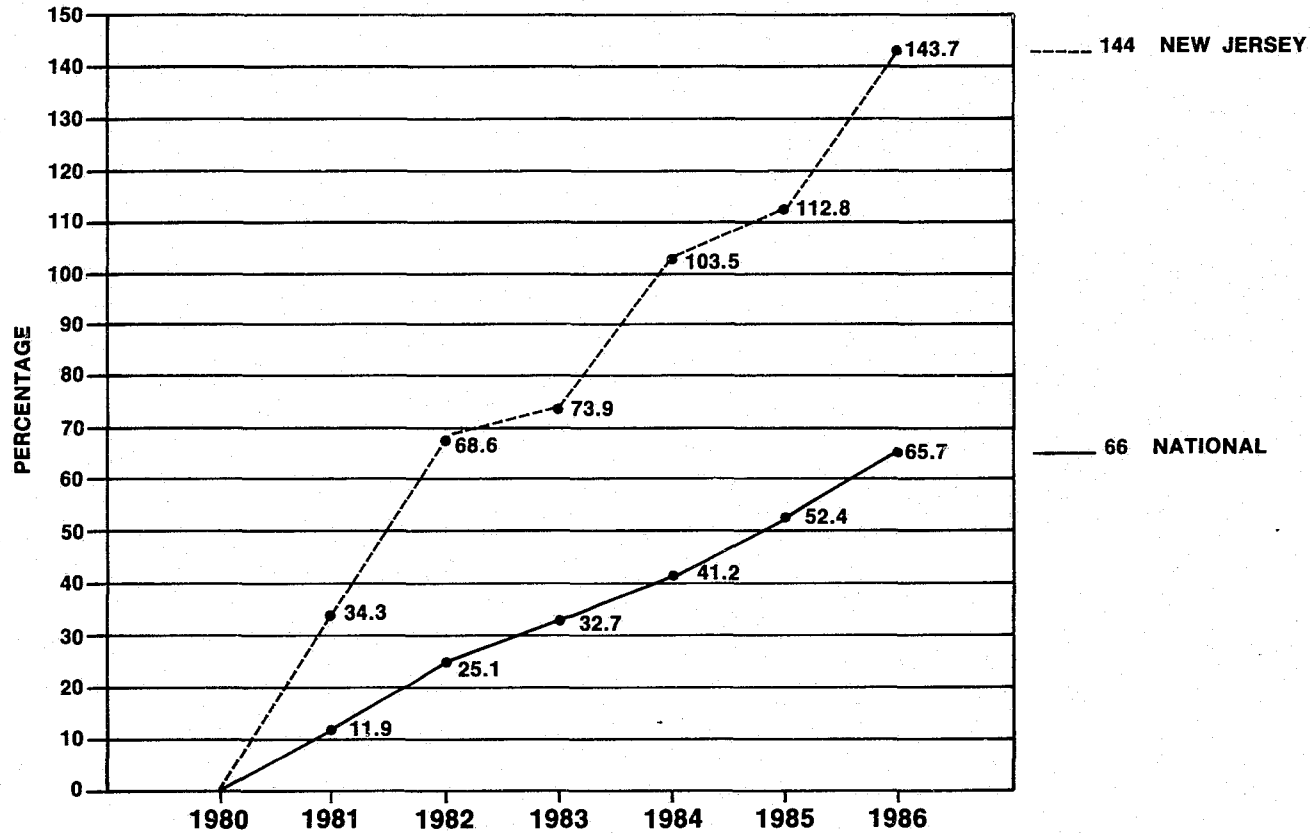
**FIGURE 11  
COUNTY JAIL POPULATION GROWTH  
DECEMBER 1982-DECEMBER 1987**



	<b>CRIME</b>
↓	
	<b>POLICE</b>
↓	
	<b>PROSECUTION</b>
↓	
	<b>DEFENSE</b>
↓	
	<b>COURTS</b>
↓	
	<b>PROBATION</b>
↓	
	<b>CONNECTIONS</b>
↓	
	<b>PAROLE</b>



FIGURE 12  
**PERCENT INCREASE IN PRISONERS**  
 1980-1986



DEFENSE  
 PROBATION

CRIME

POLICE

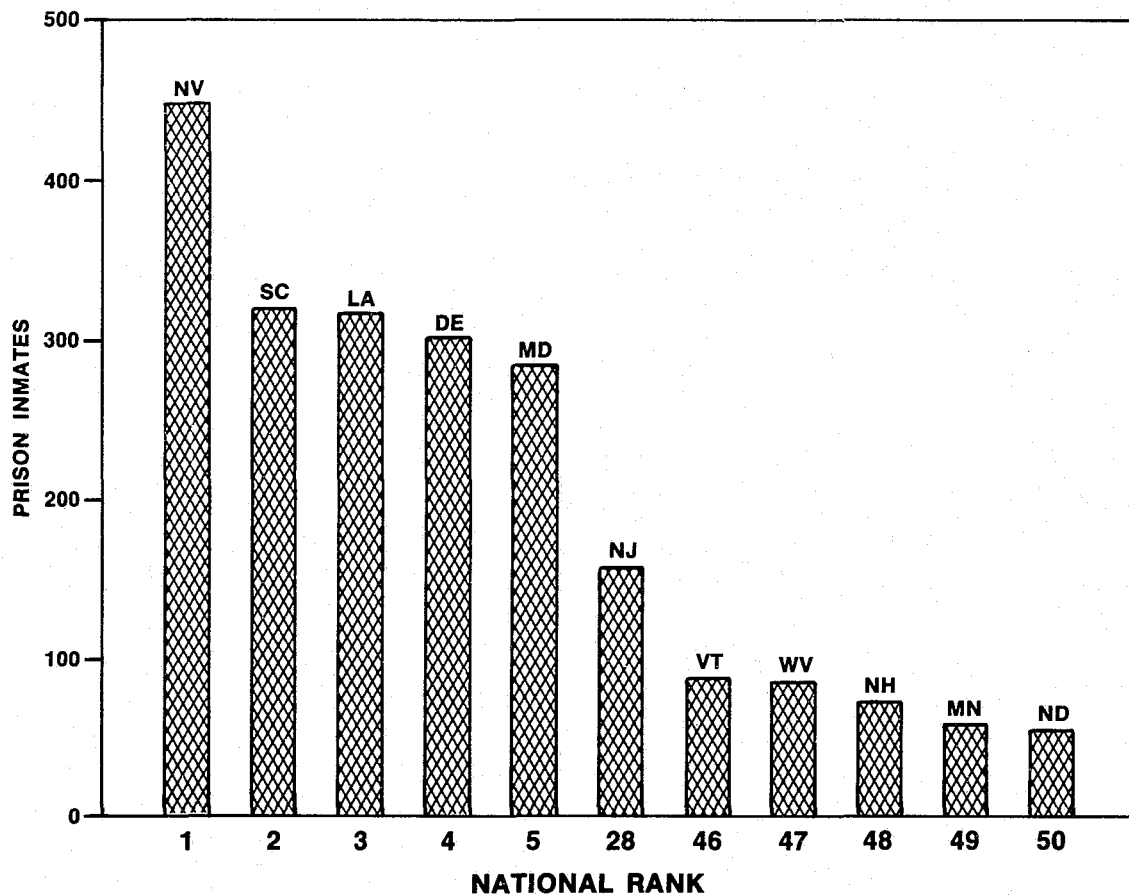
PROSECUTION

COURTS

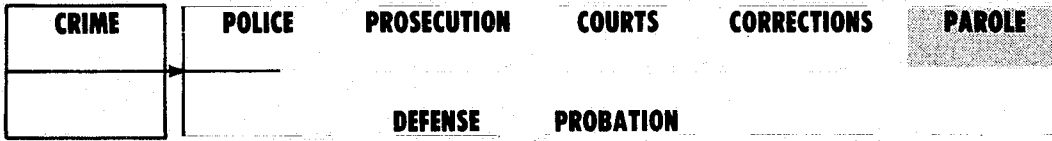
CORRECTIONS

PAROLE

**FIGURE 13**  
**PRISON INMATES PER 100,000 POPULATION**  
**RANKED BY STATE**



CRIME  
 POLICE  
 PROSECUTION  
 DEFENSE  
 PROBATION  
 CORRECTIONS  
 PAROLE



- 23% county sentenced inmates; and
- 22% 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 two out of three inmates are committed for violent offenses (such as murder, sexual assault, robbery, assault)
- Nearly 80% 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 59% are Black, 27% are White and 14% are Hispanic.

Figure 12 shows the percentage increase in prisoners in New Jersey compared to the increase in the prison population nationwide from 1980-1986.

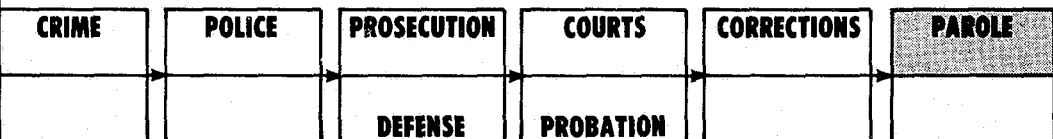
New Jersey falls in the mid-point in the range when compared to other states' rates of incarceration. Although the increase in its rate of incarceration has been dramatic, New Jersey continues to incarcerate fewer persons per 100,000 population than many other states—157 per 100,000 compared to an average of 195 per 100,000 for all states (Figure 13).

#### **References**

The information and data in this section were provided by the Division of Policy and Planning, Department of Corrections.

### **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 which is located in the Department of Corrections.

### State Parole Board

The State Parole Board is composed of seven members appointed by the Governor to serve staggered six-year terms. The seven members are divided into panels of two members each to consider state prison, young adult and juvenile cases. The panels share the responsibility of considering county cases. The Chairman serves as the seventh 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
- 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.**

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.**

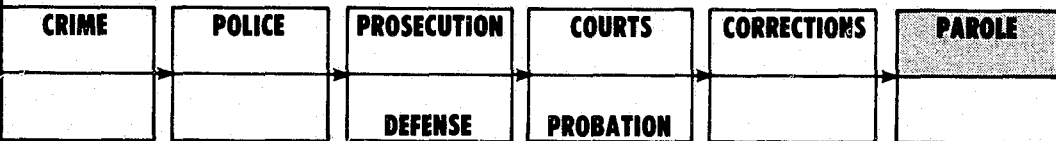
## Parole Revocation

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

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

## Victim Input

This program, created by legislation in 1984, provides victims or family members 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 1987 the Parole Board conducted the following hearings:

### Initial Parole Hearings

(Including juvenile quarterly and annual reviews)

13,205

### Panel Hearings

5,905

### Revocation and Rescission Hearings

2,211

This work load is divided among seven 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 \$4.9 million was appropriated to the Board for Fiscal 1987. The Board's 1987 staff (full-time and part-time) now totals 155.

## Bureau of Parole

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

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 16,000.

Other significant Bureau responsibilities include:

- collecting fines, restitution and penalties;
- investigating and approving pre-parole plans;

## DEFENSE

## PROBATION

- operating a 24-hour residential facility;
- 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 66% between January 1982 (9,411) and January 1987 (15,666).

FIGURE 14 illustrates this growth.

### Characteristics of the Parolee Population

- Forty-five percent of the total parolee population consists of persons who have committed crimes of a violent nature. Of these violent offenders, 53% are on parole for robbery, 15% are on parole for homicide, 21% are on parole for assault, 12% are on parole for sexual assault and other sex offenses.
- More than nine out of ten parolees (93%) are 21 years of age or older (including 45% between the ages of 21 and 29).
- Of the total parolee population 55% are Black, 30% are White and 15% are Hispanic.

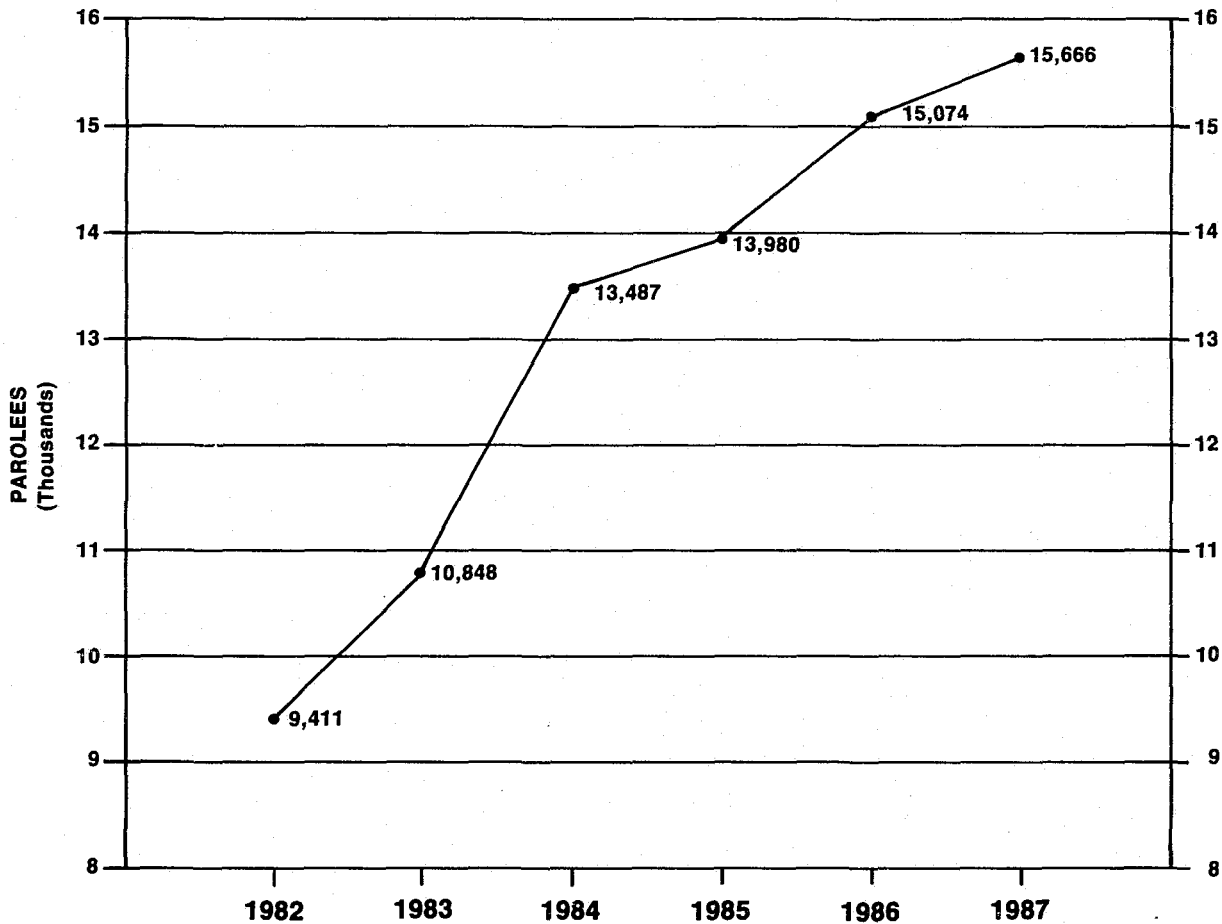
### Discharge From Parole Supervision

Offenders released 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

**FIGURE 14**  
**PAROLEE POPULATION GROWTH**  
**JANUARY 1982-JANUARY 1987**



**CRIME**

**POLICE**

**PROSECUTION**

**DEFENSE**

**COURTS**

**PROBATION**

**CORRECTIONS**

**PAROLE**



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 240 parolees at any one point in time. To date, 256 persons have been released into the program.

### **References**

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

## ***IV. Current Developments, Issues and Trends***

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

### **Prison Overcrowding**

The single dominating factor affecting corrections agencies nationwide is the continuing growth of inmate populations. In New Jersey, this phenomenon began during the late 1970's and continues to impact on county jails and state institutions.

The need to provide additional bed-space 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.

### **Prison Construction Bond Acts**

On November 3, 1987, voters in New Jersey passed the "Correctional Facilities Construction Bond Act of 1987." This \$198 million bond issue will provide 2,800 beds at state prisons at a cost of \$153 million and 500 beds at county jail facilities at a cost of \$45 million. This represents the fifth bond issue for prison construction to pass in 11 years.

### **County Assistance Program**

Cooperation between county and state corrections is illustrated by the County Assistance Program. The program, funded by bond issues in 1980 and 1982, provides state monies to 14 counties for jail renovation and construction. In return, the counties will ultimately provide beds for about 700 state inmates at lower per diem costs than would otherwise be paid.

### **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 just began its own county ISP.

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.

## **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 1986, 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 percentage of persons in most of the various categories of correctional supervision.

## **Citizen Involvement and Criminal Justice**

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

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

**TABLE 7**  
**Adults Under Correctional Supervision in New Jersey and the United States in 1986**

	<b>Supervised in the Community</b>		<b>Total</b>
	<b>Probation</b>	<b>Parole</b>	
New Jersey	60.4%	16.6%	77.0%
United States	64.6%	10.1%	74.7%

	<b>Incarcerated</b>		<b>Total</b>
	<b>Jail</b>	<b>Prison</b>	
New Jersey	9.1%	13.9%	23.0%
United States	8.4%	16.9%	25.3%

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.

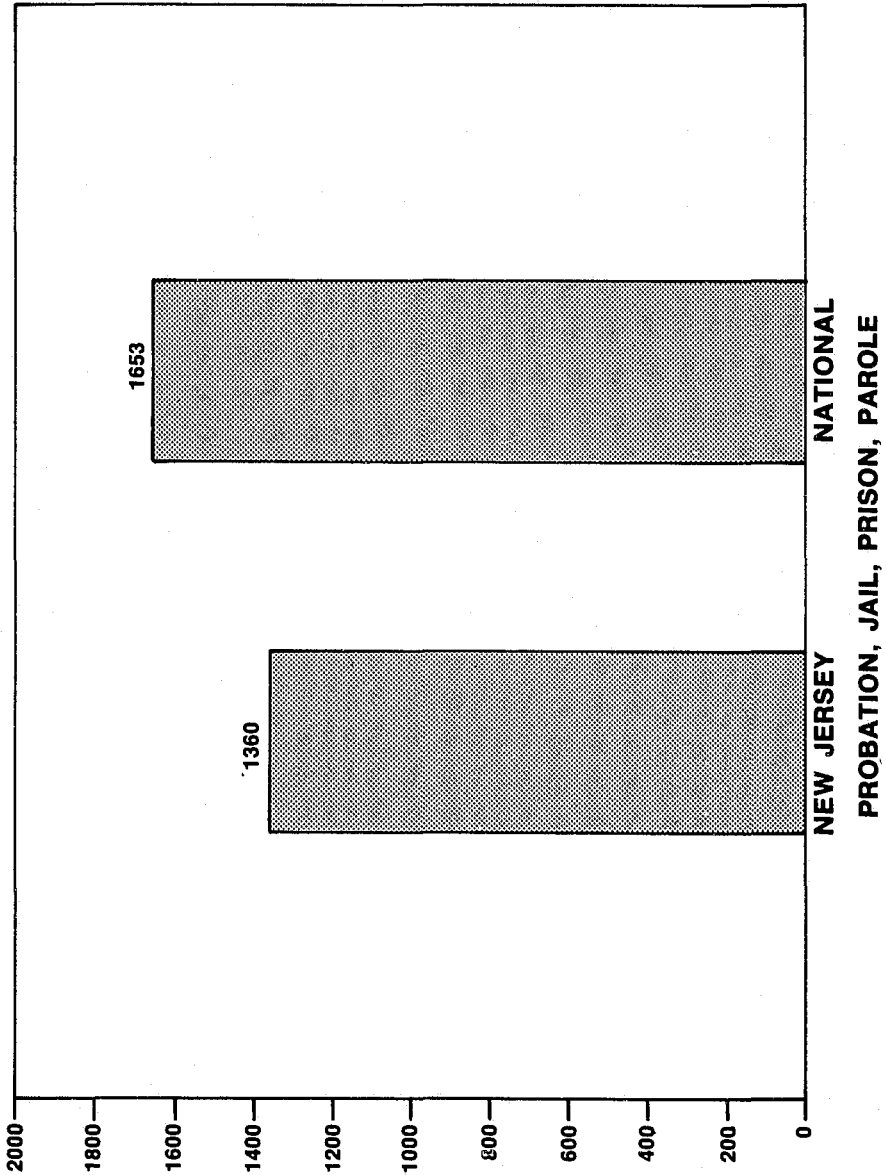
Citizens also serve in an advisory capacity for many agencies. There is a State Corrections Advisory Board which advises the Department of Corrections. There are also Institutional Boards of Trustees for the Prison Complex, the Youth Complex, the Adult Diagnostic and Treatment Center, the Correctional 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 Involvement in the Criminal Justice System

New Jersey provides for statewide coordination of the service development and delivery for crime victims and witnesses through the

**FIGURE 15**  
**PERSONS UNDER CORRECTIONAL SUPERVISION**  
**Per 100,000 Adults**  
**(January 1986)**



Office of Victim-Witness Advocacy, the Violent Crimes Compensation Board and through Victim Impact Statements.

## **Office of Victim-Witness Advocacy**

The Office of Victim-Witness Advocacy in the Division of Criminal Justice sets standards and oversees the programs in each County Prosecutor's office. Each county has a victim-witness coordinator responsible for implementing the victim-witness rights program in that county.

## **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 due to injuries to eligible victims of violent crime.

Judges may order an offender to make restitution to the victim. This may be done as a separate sentence or in combination with other sentence options (e.g., incarceration, fine, probation, suspended sentence) as well as a condition of parole or pretrial diversion.

**Within VCCB the Victim-Witness Assistance office coordinates a statewide victim rights information program which provides to 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 program and the prosecutor's office.
- a 24-hour toll free hotline telephone number; and
- a detailed description of crime victims' rights.

## **Services to aid victims include:**

- counseling
- referrals
- emergency food & clothing
- information

## **Victim Impact Statements**

**There are two stages in the criminal justice process during which crime victims may provide formal input: at the sentence hearing and at the parole hearing.**

Prior to sentencing, victims of serious crimes have a right to make a statement concerning the impact of the crime on their lives and on their families. This statement is included in the presentence report and considered prior to sentencing.

Some victims may also have input into the parole decision. At an offender's parole hearing the victim's statement concerning the effects of the crime can be submitted for consideration. (See Section III under Parole for more detail.)

## **Drug Education, Prevention and Enforcement Initiatives**

**Far-reaching initiatives have recently been developed by the executive and legislative branches of government to combat drug abuse throughout the state.** These initiatives include Governor Kean's *Blueprint for a Drug-Free New Jersey*, and the newly enacted "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 last 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 37 states with new or revised capital punishment statutes.**

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)
- 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 28 men and one woman housed in the Capital Sentence Unit at Trenton State Prison. No one has yet been executed.

## References

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, and the Violent Crimes Compensation Board.



# **APPENDIX**

## **CRIMINAL DISPOSITION COMMISSION**

### **MEMBERSHIP**

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School of Criminal Justice  
Rutgers University  
Newark

Designee of the Chief Justice

Hon. Christine T. Whitman  
Vice Chairman/Public Member

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Department of Law and Public Safety

Alfred Slocum, Commissioner  
Department of the Public Advocate

Louis Nickolopoulos, Chairman  
State Parole Board

William H. Fauver, Commissioner  
Department of Corrections

Alan A. Rockoff, President  
N.J. Prosecutors Association

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Assemblyman, 3rd District

Hon. Ronald L. Rice  
State Senator, 28th District

Hon. Joseph L. Bubba  
State Senator, 34th District

Hon. Eugene H. Thompson  
Assemblyman, 29th District

### **Consultant**

Hon. Leo Yanoff, J.S.C.  
Judge of the Superior Court (ret.)

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Department of Corrections

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Mercer County Prosecutor

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