



STATE OF NEW JERSEY CRIMINAL DISPOSITION COMMISSION

136095

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National Institute of Justice

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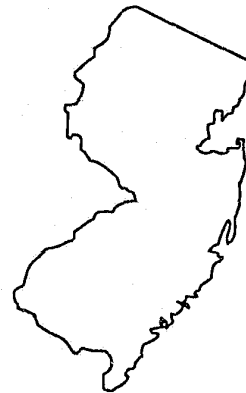
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Don M. Gottfredson
Chairman

Stephaine R. Bush
Vice-Chairwoman

Lela M. Keels
Coordinator

1991



ANNUAL REPORT

**S.I. NEWHOUSE CENTER FOR
LAW AND JUSTICE
15 WASHINGTON STREET
NEWARK, NJ 07102**

136095

136095



1991 ANNUAL REPORT

**TO THE
GOVERNOR
AND LEGISLATURE**

NCJRS

APR 9 1992

ACQUISITIONS

**STATE OF NEW JERSEY
CRIMINAL DISPOSITION COMMISSION**

Don M. Gottfredson
Chairman

Stephanie R. Bush
Vice-Chairwoman

Prepared By:
Lela M. Keels
Coordinator

CRIMINAL DISPOSITION COMMISSION

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CRIMINAL DISPOSITION COMMISSION

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Richard J. Hughes, Professor
of Criminal Justice
School of Criminal Justice
Rutgers University
Newark
Designee of the Chief Justice
Hon. Stephanie R. Bush, Vice Chairwoman/
Assemblywoman, 27th District



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Public Member
Hon. Wayne W. Hasenbalg, Esq.
Public Member
Robert J. Del Tufo, Esq. Attorney General
Department of Law & Public Safety
Wilfredo Caraballo, Public Advocate
Department of the Public Advocate
Louis Nickolopoulos, Chairman
State Parole Board
William H. Fauver, Commissioner
Department of Corrections
Richard E. Hickey III, President
N.J. Prosecutors Association
Hon. Patrick J. Roma
Assemblyman, 38th District
Hon. Ronald L. Rice
State Senator, 28th District
Hon. Joseph L. Bubba
State Senator, 34th District

January 30, 1992

**The Honorable James Florio
Governor of the State of New Jersey**

**The Honorable Donald T. DiFrancesco
President of the Senate
of the State of New Jersey**

**The Honorable Garabed (Chuck) Haytaian
Speaker of the Assembly**

**Members of the Legislature
of the State of New Jersey**

On behalf of the Criminal Disposition Commission, I am pleased to present its Annual Report. It describes our accomplishments and urges your support for the Commission's recommendations.

Severely impeded by budget reductions last year, the Commission nevertheless continued its programs of monitoring, assessing, and reporting the plight of a criminal justice system plagued by increases in the numbers of offenders at each stage of the criminal justice process.

The jail and prison populations continue to rise. This reflects increases in the numbers sentenced, in the proportions sentenced to incarceration, in sentence lengths, and in sentencing to mandatory minimum terms. This growth has resulted from various changes in the criminal laws --- most recently, by the Comprehensive Drug Reform Act.

Lela M. Keels
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January 30, 1991
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Our recommendations address this problem of growth. They include reviewing and evaluating the mandatory sentencing provisions of the criminal code, strengthening probation and parole supervision systems, and expanding intermediate punishment options.

The Commission has determined that there is a need in New Jersey for a program of "strategic planning" as recommended by the recent Governor's Management Review Commission, and has agreed that this task should be assigned to the Criminal Disposition Commission. We propose that the Commission adopt that role if resources are provided to permit it.

Thank you for your consideration.

Sincerely,



Don M. Gottfredson
Chairman

DMG:mc

cc: Hon. Robert Wilentz
Chief Justice of the
Supreme Court of New Jersey

NEW JERSEY CRIMINAL DISPOSITION COMMISSION

CHAIRMAN

Don M. Gottfredson, Ph.D.

VICE-CHAIRWOMAN

Stephanie R. Bush, Assemblywoman, 27th District

MEMBERS/DESIGNEES

Robert N. Wilentz - Chief Justice, Don M. Gottfredson, Designee
Robert J. Del Tufo - Attorney General, Robert T. Winter, Designee
Wilfredo Caraballo - Commissioner, Public Advocate, Thomas S. Smith, Jr., Designee
Louis Nickolopoulos - Chairman, Parole Board, Robert M. Egles, Designee
William H. Fauver - Commissioner, Department of Corrections, Stanley Repko, Designee
Richard E. Hickey III - President, NJ Prosecutors Asso., Paul T. Koenig, Jr. Designee
Joseph L. Bubba - State Senator, 34th District, Paul Graupe, Designee
Stephanie R. Bush - Assemblywoman, 27th District
Ronald L. Rice - State Senator, 28th District
Patrick J. Roma - Assemblyman, 38th District
Carmine Perrapato - Public Member
Wayne W. Hasenbalg - Public Member

OBSERVERS

Joseph J. Barraco - Criminal Practice Division, Administrative Office of the Courts
Chris Boyle - Division of Criminal Justice, Department of Law and Public Safety
William D. Burrell - Probation Services Division, Administrative Office of the Courts
Wayne Fisher - Law Enforcement Services, Department of Law & Public Safety
Ty Hodanish - Juvenile Delinquency Commission
Dale Jones - Office of the Public Defender
Richard Mattek - Division of Planning, Department of Corrections
John P. McCarthy, Jr. - Criminal Practice Division, Administrative Office of the Courts
Sergeant Frank McNulty - New Jersey State Police
William Pascrell - Office of the Governor
Louis A. Schopfer, Jr. - Office of Management & Budget, Department of Treasury
Cheryl R. Thompson - Office of the Governor
Don Van Nostrand - Division of Policy & Planning, Department of Corrections
Meherji Wadia - Data Analysis Center, New Jersey State Police

STAFF

Lela M. Keels, Coordinator
Ellen H. Osborne, Data Processing Programmer
Lola Odubekun, Ph.D., LL.B., Research Analyst
Suzanne D. Bower, Administrative Analyst
Marcella A. Christie, Secretarial Assistant

ACKNOWLEDGEMENT

The Criminal Disposition Commission wishes to acknowledge the contributions of former members, designees, and observers who have devoted their services to many of the activities discussed in this report. The Commission expresses its thanks and appreciation.

Dominick D. Allocca
Public Member

Donald A. Dowches
State Parole Board

Edward Rhine
Probation Services Division
Administrative Office of the Courts

Richard Sinding
Governor's Office of Policy & Management

NEW JERSEY CRIMINAL DISPOSITION COMMISSION 1991 ANNUAL REPORT

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INTRODUCTION

The activities and accomplishments of the Criminal Disposition Commission during the 1991 fiscal year are summarized in this report. Also, the Commission submits and urges consideration of its recommendations. It earnestly requests immediate action on these recommendations.

HIGHLIGHTS AND ACCOMPLISHMENTS

The introduction and adoption of strategic planning by the Commission as a mechanism to enhance systemic coordination of the criminal justice system has been one of the major highlights of FY'91. Others include: the securing of a grant by the Division of Criminal Justice, thereby augmenting efforts of the criminal justice automated systems integration project; and individual and agency participation in the Sentencing Pathfinders Project of the Supreme Court of New Jersey.

Recent accomplishments of the Commission include:

- Development and adoption of a strategic planning approach for the criminal justice system.
- Development of a strategic planning initiative to review and evaluate the mandatory sentencing provisions of the New Jersey Code of Criminal Justice (Title 2C).
- Participation in the Sentencing Pathfinders Committee Project.
- Review and analysis of : (1) Senate Bill # 893, An Act Requiring the Establishment of a Shock Incarceration Program and Facility by the Department of Corrections, Supplementing Title 30 of the Revised Statutes and Making an Appropriation; and (2) a Shock Treatment Rehabilitation Incarceration and Vocational Educational Program (S.T.R.I.V.E.) proposal developed by the New Jersey Department of Corrections.
- Completion of a second draft of a preliminary empirical evaluation of a supervised pre-trial release program.
- Development of a review and assessment of drug and alcohol treatment programs for the criminal justice offender.

The Commission recommends:

- Review and evaluation of the mandatory sentencing provisions of the New Jersey Code of Criminal Justice (Title 2C).
- Modification of the Court Disposition Reporting System to enhance data accuracy and completeness and to provide for the integration of criminal justice data and data systems.
- Strengthening current probation and parole supervisory systems, making all attempts to increase their current level of resources.

- Expansion of the use of effective alternative to incarceration programs and intermediate sentencing options; and provision for the continuing evaluation of these and newly developed programs and options.
- Appointment of a representative of the minority community to a future public member vacancy on the Criminal Disposition Commission.
- Appropriation of sufficient funds to allow the Commission to meet its legislative mandate and continue to address the concerns of the Executive, the Judiciary, and the Legislature.

Section I of the report provides a discussion of the development and organizational structure of the Criminal Disposition Commission. A detailed discussion of Commission activities and accomplishments and its recommendations are presented in Sections II and III.

SECTION I:

NEW JERSEY CRIMINAL DISPOSITION COMMISSION: ORGANIZATIONAL STRUCTURE AND DEVELOPMENT

LEGISLATIVE HISTORY

Mission

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 Commission is required to submit an annual report to the Governor and Legislature detailing its findings and recommendations.

Powers

N.J.S.A. 2C: 48-1 empowers the Commission to call upon the services of the State and its political subdivisions as required and as available.

Goals and Priorities

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.

Priority Areas

The Commission has assumed a criminal justice system 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 overcrowding, sentencing disparity, alternatives to incarceration, criminal justice education, and criminal justice information systems. Recently, however, the concept of Strategic Planning has been embraced by the Commission. Although it will continue activities in the above areas, the Commission has established efforts toward systemic improvements of the criminal justice system as its main priority.

COMMISSION MEMBERSHIP AND COMPOSITION

Membership

Commission membership consists of twelve appointees designated by statute (N.J.S.A. 2C: 48-1). Members represent the legislature, the public and the criminal justice community. Commission membership consists of:

- Two members of the Senate, appointed by the President of the Senate;

- Two members of the General Assembly, appointed by the Speaker of the General Assembly;
- The Chief Justice of the Supreme Court, or his designee;
- The Attorney General, or his designee;
- The Public Advocate, or his designee;
- The Chairman of the State Parole Board, or his designee;
- The Commissioner of the Department of Corrections, or his designee;
- The President of the New Jersey Prosecutors Association, or his designee; and
- Two Public Members, appointed by the Governor.

All Membership positions are presently filled.

Criminal Justice Agency Representation

State criminal justice agency representatives constitute a major portion of the Commission's participants. In addition to exchanging pertinent information concerning criminal justice processing and developments, these "observers" serve on various committees and many participate in the activities of the Commission's Speakers Bureau. The following agencies have established continuing participation in Commission activities and functions:

- Administrative Office of the Courts;
- Department of Corrections;
- Department of the Public Advocate;
- Department of Law and Public Safety, Division of Criminal Justice;
- State Parole Board;
- State Police;

- Juvenile Delinquency Commission;
- Office of Management and Budget; and
- Governor's Office of Policy and Management.

ADMINISTRATION OF THE COMMISSION

The Newark Campus of Rutgers University provides "in kind" office facilities to the Commission. The Commission occupies a suite of offices within the School of Criminal Justice. Rutgers Law School, the Criminal Justice/NCCD Library Collection and the Law library are also located at this site. Although primary administrative support services are provided by the Administrative Office of the Courts (AOC), the Commission, via the AOC, has established a contractual agreement with the University for mail, physical plant assistance, and student research assistance.

The office of the Chairman and three of the Commission staff positions are located in Newark. The Commission has also established office facilities for two of its positions at the Division of Criminal Justice located in Trenton.

Arrangements with these state agencies and Rutgers University have not only been cost-effective but have enhanced the coordination of criminal justice activities and have provided for information exchange and development.

Staffing

The Commission hired its first full time professional staff in 1985. Since then, a total of five salaried positions have been allocated. The Coordinator is responsible for administration, coordination and management of the Commission, and supervision of staff. The staff also includes a Research Analyst, an Administrative Analyst, a Data Processing Programmer, and a Secretarial Assistant. The Data Processing Programmer and Administrative Analyst are located in Trenton and many of their responsibilities relate directly to their host agency. Hence, the Division of Criminal Justice shares responsibilities for functional

supervision for the Data Processing Programmer and the Administrative Analyst. The Administrative Office of the Courts provides supplemental support services, data coders and computer assistance.

Budget

The legislature appropriated a total of \$210,000 to the Commission for fiscal year 1991. This amount was designated for staffing four positions, personnel services and some staff office expenses. Other expenses, which include one staff position, material and supplies, services other than personnel, capital construction and research have been provided by "carry-over" funds from previous years. The Commission's total operating cost for FY'91 was approximately \$205,000.

ORGANIZATIONAL OPERATIONS

Meetings

During fiscal year 1991, regularly scheduled meetings of the full Commission were held on the third Wednesday of every other month, excluding July and August. These meetings allow the Commission to discuss Committee projects and reports, conduct general business, plan future work agendas, and generally direct the work of the Commission. Meeting participants include members and/or designees, observers, and staff.

Committees

In addition to regularly scheduled meetings of the full Commission, monthly meetings of its standing Committees are also conducted. Presently, the Commission's Standing Committees include: the Criminal Justice Statistics (Data) Committee, the Alternatives to Incarceration Committee, and the Education Committee. The Commission also has ad-hoc personnel and budget committees, and an ad-hoc Executive Committee which consists of a quorum of its current voting membership. The Committee serves in an advisory capacity for matters requiring expe-

ditionous resolution. All decisions made by this committee are reported at the next scheduled Commission meeting and are recorded in the minutes.

During this fiscal year, the previous work of an Ad-hoc Committee on Strategic Planning was presented before the full Commission. The CDC has subsequently endorsed the concept of strategic planning and adopted it as a goal of the Commission. Committees' activities have been revised to include efforts in this area.

COMMITTEE GOALS AND OBJECTIVES

Goals and objectives of the standing committees of the Commission for FY 1991-1992 are presented below:

Data Committee

- 1. Goal: To develop long range planning capability.**

Objectives:

- Improve projection methods through the analysis of historical length of stay data.
- Evaluate available population projection models.
- Develop projection methods for probation populations.

- 2. Goal: To identify criminal justice information systems and explore integration among systems.**

Objectives:

- Utilize PROMIS/GAVEL to audit and feed the CCH system.
- Expand the PROMIS/GAVEL and CCH integration projects to include additional counties.

- Examine the feasibility of integrating the Judiciary, Corrections and Law and Public Safety management information systems.

3. Goal: To monitor and refine arrest, indictment, sentencing, prison and parole data.

Objectives:

- As the need arises, meet with appropriate constituent agencies of the Commission in order to identify and assist in compilation of data necessary to carry out Commission's objectives.
- Analyze sentencing patterns including the use of mandatory minimum sentences.
- Analyze parole release data to determine the impact of prison overcrowding.

4. Goal: To provide research capability and data as requested by the full Criminal Disposition Commission, as well as the executive, judicial and legislative branches of government.

Objective:

- Complete studies of proposed or actual policy changes as might be requested by the Legislature, the Executive, or the Judiciary or as otherwise deemed appropriate by the Criminal Disposition Commission.

5. Goal: To improve impact analysis capabilities.

Objective:

- Complete impact analyses in a timely manner as requested by the Legislature.
- 6. Goal: To advise the Governor and Legislature on issues pertaining to the impact of proposed criminal justice legislation, statute revisions and policy initiatives.**

Objectives:

- Complete impact analyses and make recommendations related to pending legislation as requested by the Governor, individual Legislators, legislative committees and staff, or as deemed appropriate by the Commission.
- Provide testimony to the Legislature regarding proposed criminal justice bills and potential impact.
- Provide recommendations for language changes in proposed legislation.
- As requested by other agencies or external organizations, make recommendations on new or proposed programs which may impact on sentencing, diversion, or intermediate sanctions.

Alternatives to Incarceration Committee

1. Goal: To investigate and identify viable alternatives to incarceration which enhance criminal justice effectiveness and address jail and prison overcrowding.

Objectives:

- Provide periodic reviews and descriptions, of current alternatives to incarceration and intermediate punishment programs in New Jersey.
- Solicit information, comments, and suggestions from the Judiciary and key criminal justice decision makers regarding alternatives program needs and system deficiencies.
- Review other states' alternatives to incarceration/ intermediate punishment program models and assess their viability for New Jersey.

2. Goal: To propose appropriate programs, implementation strategies, and assessments of available alternatives.

Objectives:

- Complete a preliminary empirical evaluation of the supervised pre-trial release program.
 - Provide periodic critical analyses of key proposed legislation concerning alternatives to incarceration/intermediate punishments and jail and prison overcrowding.
 - Provide information, support, and recommendations to key government and criminal justice policy makers concerning expansion of diversionary programs for drug offenders.
- 3. Goal: To increase the knowledge of the Judiciary, Legislature, criminal justice decision makers, and the public regarding the various available alternatives to incarceration and sentencing options.**

Objective:

- Disseminate study reports to the Judiciary, Legislature, criminal justice decision makers, and the public.
- Announce Committee findings and recommendations via "press releases" and/or public committee meetings.

Education Committee

- 1. Goal: To increase public awareness about the functions, policies and mandates of the agencies of the criminal justice system.**

Objectives:

- Revise the educational brochure *Crime and the Criminal Justice System in New Jersey (1988)*.
- Continue the Speakers Bureau to address agencies, organizations, and schools about the criminal justice system.
- Assist in the development and preparation of the CDC's Annual Report.

- 2. Goal: To increase the understanding by policymakers, especially legislators, of the issues confronting the criminal justice system.**

Objectives:

- Maintain an active communication with the legislature and legislative staff.
 - Provide information on legislative initiatives where appropriate.
- 3. Goal: To increase the understanding of public opinion and make such information available to policymakers.**

Objectives:

- Complete data collection and analysis of a public opinion survey on sentencing and corrections.
- Sponsor an intensive seminar to share the results of the poll and current research on sentencing and corrections with key members of the Legislative, Executive and Judicial branches.
- Publish a report of the results of the public opinion poll.

- 4. Goal: To increase general understanding of critical issues, current research and state of the art programs in sentencing and corrections.**

Objectives:

- Sponsor intensive issue presentations and discussions with key national and state authorities at CDC meetings.
- Publish discussion papers or newsletters on critical issues in sentencing and corrections and provide them to a broad audience of policy makers, legislators, academicians, and practitioners.

COMMISSION FUNCTIONS

Most of the efforts of the Commission continue to be directed toward system planning and coordination, research and evaluation, and state level concerns regarding pre and post trial dispositions. The Commission places particular emphasis on strategic planning, prison and jail overcrowding, sentencing, alternatives to incarceration, criminal justice education and criminal justice information systems. The Commission's priority areas focus on the following functions:

- data analysis
- planning and coordination
- legislative review
- research and evaluation

Specific continuing, planned activities addressed by Standing Committees and staff are emphasized.

Data Analysis Function

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

- assuring that critical data in such areas as arrests, convictions, sentencing, and recidivism are collected and accurately reported at appropriate points;
- assuring the proper maintenance and analysis of data and;
- providing analyses to address important issues.

Specific activities in this area include:

- continuing prison population analyses and developing methods for analyzing probation populations;
- monitoring and analyzing the Court Dispositional Reporting System (CDR) data development needs and implementation plans;

- identifying criminal justice information systems and exploring ways to integrate these systems.

Planning and Coordination Function

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

- developing a framework for strategic planning in the criminal justice system and assisting in the development, coordination and implementation of long-term plans for criminal justice agencies; (Additional funding to augment staffing positions and support is requested.)
- facilitating dialogue, cooperation, and coordination among and between components of the criminal justice system;
- encouraging planning efforts at various points;
- identifying critical issues and developing strategies to deal with them;
- establishing a clearinghouse for information and resources.

Specific activities in this area include:

- continuing bimonthly CDC and monthly standing committee meetings;
- sponsoring criminal justice conferences or other public education activities;
- investigating, identifying and assessing viable alternatives to incarceration which will enhance criminal justice effectiveness and address jail and prison overcrowding;
- establishing mechanisms to increase public knowledge of the criminal justice system, e.g., education brochure, speakers bureau;
- initiating planning and research projects to further strategic planning efforts; eventually developing a comprehensive strategic plan (draft) promoting rational policy development for the state's criminal justice system.

Legislative Review Function

The Commission's role focuses on the following activities:

- analyzing the impact of proposed legislation on the overall criminal justice system;
- disseminating Commission analyses and recommendations to the Governor, individual legislators, legislative committees and staff;

Specific activities include:

- reviewing and analyzing proposed and amended criminal justice legislation; and
- remaining informed of recent information concerning the effects of the Comprehensive Drug Reform Act of 1986, (2C:35-1 et seq.).

Research and Evaluation Function

The Commission has expanded its role in this area to include the following overall activities:

- providing research capability and data as requested by the full Commission and by the Executive, Judicial, and Legislative branches of government;
- proposing appropriate programs, implementation strategies, and assessments of available alternatives to incarceration;
- conducting research and disseminating information to enhance knowledge of critical issues, current research findings and state of the art programs in sentencing and corrections;

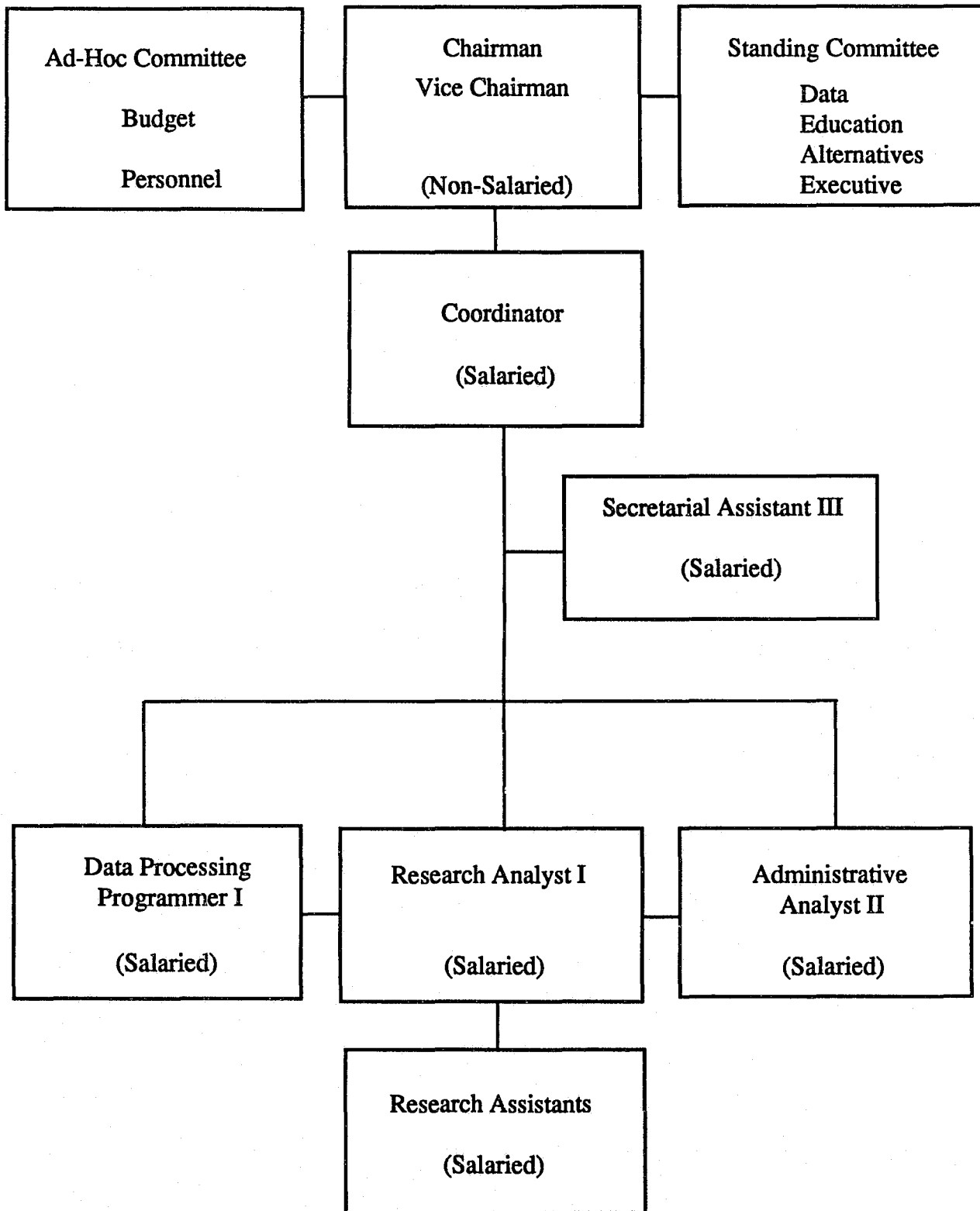
Specific activities in this area include:

- completing studies of proposed or actual policy changes as might be requested by the Legislature, the Executive or the Judiciary or as otherwise deemed appropriate by the Criminal Disposition Commission;
- preparing assessments and evaluations of current and proposed pre and post dispositional release programs;

- developing and administering a statewide public opinion survey on sentencing and corrections.

These activities enhance the Commission's ability to serve as a mechanism for providing long-range planning and coordination services for the State's criminal justice system and to assist policymakers in evaluating the criminal justice system and determining future policy needs.

**Table of Organization
Criminal Disposition Commission**



Committee Membership

Standing Committees

Executive

Dr. Don M. Gottfredson, Chair
Stephanie R. Bush
Wayne Fisher
Paul Graupe
Paul T. Koenig
(Vacant Position)

Criminal Justice Statistics

Stanley Repko, Chair
Joseph Barraco
Sue Bower
Chris Boyle
Cynthia Corbo
Robert Egles
Dr. Wayne Fisher
Lela M. Keels
Richard Mattek
John P. McCarthy, Jr.
Dr. Lola Odubekun
Ellen Osborne
Don Van Nostrand

Alternatives to Incarceration

Stephanie R. Bush, Chair
Joseph Barraco
Sue Bower
Chris Boyle
William Burrell
Dr. Wayne Fisher
Lela M. Keels
Richard Mattek
John P. McCarthy, Jr.
Dr. Lola Odubekun
Ellen Osborne
Carmine Perrapato
Thomas S. Smith
Don Van Nostrand

Education

Ty Hodanish, Chair
Michael Aloisi
Joesph Barraco
Sue Bower
William Burrell
Cynthia Corbo
Lela M. Keels
Richard Mattek
Dr. Lola Odubekun
Ellen Osborne
Stanley Repko

SECTION II: ACTIVITIES AND ACCOMPLISHMENTS

COMMISSION ACTIVITIES AND PROGRESS

Strategic Planning

The ad-hoc Strategic Planning Committee developed and prepared a concept paper that discussed strategic planning and explored the Criminal Disposition Commission's roles and responsibilities in the preparation of an overall criminal justice strategic plan. Upon the review and approval of the Commission this document has been revised as a planning document and serves as the framework for Commission strategic planning efforts.

In endorsing the concept and process of strategic planning, the Commission is undertaking a more proactive role toward addressing some of the concerns of the criminal justice system. This is somewhat of a departure from its traditional strategy of planning and coordination in that strategic planning is anticipatory and outcome oriented. Strategic planning attempts to provide direction to the criminal justice system concomitant with its concerns, and considers all components of the criminal justice system in developing and recommending future actions and decisions.

The Commission believes that two interrelated problems—fragmentation of the criminal justice system and the escalated offender population, at such key decision points in the system as sentencing and jail and prison custody—can be better addressed using a strategic planning concept. Strategic planning requires that consideration be given to all alternatives and options based upon sound data, previous research, and open communication prior to the adoption of specific legislation and implementation of programs and strategies by criminal justice agencies. Hence, system coordination is promoted and costly system dysfunction is minimized.

The goals of Commission strategic planning efforts are to:

1. Promote rational decision making in the criminal justice system;

2. Develop statewide planning and correctional strategies; and
3. Anticipate long-term trends.

The Commission's legislative mandate authorizes it to conduct coordinated system planning and its unique composition and accomplishments make it the most appropriate agency to facilitate the development of a statewide criminal justice strategic plan. It has the incomparable ability to provide direction and stimulate innovation and change to adapt to future demands.

The role of the Commission is to develop a framework for strategic planning in the criminal justice system and assist in the development, coordination and implementation of long term plans for criminal justice agencies. It should be noted, however, that sufficient funding, support, and cooperation are essential for maximal development of strategic planning in the state criminal justice system.

The Commission has delineated many strategies it may choose to employ in the strategic planning process. These include but are not limited to :

- (1) Identifying major problem areas that need to be addressed by the criminal justice system and the Criminal Disposition Commission;
- (2) Advocating appropriate system responses to anticipated demands by making recommendations to decision makers;
- (3) Conducting public hearings to promote awareness of important criminal justice issues and to gain support for Commission recommendations;
- (4) Conducting conferences, summits and retreats for criminal justice policy makers (e.g. Governor, Legislature and the Courts) and agency managers;

- (5) Conducting meetings with interested individuals to gather information, discuss policy decisions and pending legislation, consider applicable research, and promote the policies recommended by the CDC;
- (6) Establishing a CDC Executive/Legislature linkage by drafting bills consistent with policies deemed appropriate by the CDC and seeking Legislative sponsors for those bills;
- (7) Establishing a CDC/Legislative network with criminal justice related committees in the Senate and Assembly through legislative liaisons in the Office of Legislative Services;
- (8) Establishing a CDC Executive/Judicial linkage by inviting judges to participate with the CDC as an advisory group and by making recommendations on an on-going basis to the Chief Justice and the Administrative Director of the Courts; and
- (9) Preparing papers, briefing reports, and other sources of information concerning identified issues including proposed solutions and recommendations by the CDC.

Many of the above strategies are currently evident in committee activities, while others must be further developed. Recently, the Commission has developed a proposal that employs most of these strategies and builds upon the recommendation of its 1990 Annual Report.

In its previous Annual Report to the Governor and the Legislature, the Commission recommended that the mandatory sentencing provisions of Title 2C, the NJ Code of Criminal Justice, be reviewed and evaluated. It urged the establishment of an advisory committee charged with reviewing and evaluating the impact of sentencing legislation requiring mandatory incarceration on the state criminal justice system and its components and recommending appropriate revisions.

One of the fundamental issues that must be addressed in the development of a strategic plan for New Jersey's criminal justice system is whether the theoretical premises of the current sanctioning system,

Title 2C, are the best that can be developed and whether they effectively meet the needs of the criminal justice system. This proposal represents an initiative on which the above recommended Committee can expand, and the first of the many strategic planning issues the Commission plans to address.

The Commission proposes to conduct a review and evaluation of the mandatory sentencing provisions of the NJ Code of Criminal Justice, Title 2C. A five step procedure which includes the active involvement of all Commission Standing Committees and staff and final approval of CDC membership is planned. A brief description on each step is presented below:

Step 1.

- (1) Identification of all Title 2C provisions that have mandatory sentences to confinement. A summary of each provision including pertinent information will be included.

Step 2.

- (1) Analysis of the impact of the provisions on county jails and state prisons; and
- (2) Estimation of jail and prison populations, with and without legislative changes as may be proposed by the Commission.

Step 3.

- (1) Summarization of literature to determine what is known about the effects of jail and prison confinement (e.g., deterrent and incapacitative effects); and
- (2) Summarization of the literature of empirical studies on the effects of length of confinement on recidivism (rearrest, reconviction, reincarceration).

Step 4.

- (1) Assessment of the experience of other states with mandatory jail and prison sentences; and
- (2) Development of a proposal to educate various publics (legislature, government staff, and the general public) on this issue.

Step 5.

- (1) Development of a report on Commission findings, conclusions, and recommendations to be submitted to the Governor and Legislature.

The Standing Committees of the Commission are scheduled to begin their work according to this plan during Fall, 1991.

Recommendation of the Governor's Management Review Commission (GMRC)

The need for the development of a strategic plan for the state criminal justice system has also been identified by the Governor's Management Review Commission (GMRC). In its October 19, 1990 report *Corrections in New Jersey: Choosing the Future*, the GMRC addressed the issue of escalating costs of corrections in New Jersey. A special Correction System Task Group examined the major factors and components of the criminal justice system impacting on the cost of operating the corrections system and identified ways of controlling the rising costs.

The GMRC findings were similar to previous findings of the Criminal Disposition Commission: The correctional crisis is not a result of increases in crime and arrests rates, but rather the results of New Jersey's high cost, low risk corrections policy. Again, it was suggested that the Criminal Code, Title 2C, and laws requiring mandatory terms of incarceration be examined and modified to better address the correctional crisis it has created. The GMRC recommended "punishing smarter" by means of the adoption of a credible system of sanctioning that adheres to fundamental principles of public protection, commensurability, rehabilitation, cost containment, and shared accountability.

Among its specific recommendations was that the Criminal Disposition Commission prepare and submit a strategic plan for the Criminal Justice System.

The Criminal Disposition Commission commends the report of the GMRC and endorses all of its recommendations. Although the Commission has been mindful, for some time now, of the need for strategic planning in the criminal justice system, the

GMRC report provides substantiation of this need, as well as support and encouragement for future development in this area.

Sentencing Pathfinders Project

In April, 1990, the Supreme Court Sentencing Pathfinders Committee was created by the New Jersey Supreme Court as a result of the growing concern over prison overcrowding and sentencing disparity. The charges of the Committee include responsibility for coordinating the activities and understandings regarding sentencing from a variety of sources; addressing what has worked well and what needs to be done better; promoting a better understanding of current problems in the sentencing process; and improving the process and the result of the sentencing power.

During this fiscal year, the Commission has had the opportunity to both receive a presentation by the Executive Director of the Sentencing Pathfinders Committee and participate in several of its working conferences. A continuing goal of the Commission is to conduct research to determine whether undue sentencing variation exists and propose remedial action, if necessary. Thus, participation in the activities of the Pathfinders Committee provides the Commission an opportunity to share its experiences and continue to pursue, albeit indirectly, the issues of sentencing disparity and variation.

The Commission is looking forward to the Sentencing Pathfinders Committee's final report and will offer advice and assistance upon request.

Request for Release of the CDC Meeting Minutes

In response to a request for minutes of the meeting of the Criminal Disposition Commission, the Commission formally sought the advice and written opinion of the State Attorney General's Office. The Commission is uncertain of the legal requirements or its desired policy stance concerning this matter. In addition to the legal and policy issues involved, a key concern is the impact public release of discussions during planning meetings, via minutes, may have on consensus within the Commission and its future planning efforts. The Attorney General's

Office response concerning this issue remains outstanding.

Staff and Administration

As a result of funding uncertainty for fiscal 1991, two of the five Commission staff positions were vacant for a substantial time period early during the fiscal year. The Research Analyst I and Administrative Analyst II positions were each vacant for four and five months, respectively. Although these vacancies slowed its work, the Commission has gradually resumed most of its activities.

It should be noted that prior to filling the Administrative Analyst II position, it was reclassified as an Administrative Analyst II (Data Processing) position and relocated to the Division of Criminal Justice. This change was made to provide additional assistance for a priority project, the Criminal Justice Automated Systems Integration Project.

COMMITTEE ACTIVITIES AND ACCOMPLISHMENTS

The activities and findings of the Commission's standing Committees (the Criminal Justice Statistical [Data] Committee, the Alternatives to Incarceration Committee, and the Education Committee) are discussed below.

CRIMINAL JUSTICE STATISTICAL (DATA) COMMITTEE

The Data Committee monitors and analyzes key disposition data of the criminal justice system. This includes examining sentencing, correctional, and parole data; monitoring and analyzing system backlogs; estimating incoming prison populations and parole eligibility; and analyzing parole release data to estimate future prison space requirements. Through the examination of current and historically-reported movement of offenders through the various stages of the criminal justice system, the Data Committee provides information essential to the development of long-range planning.

The Committee also assists in efforts to integrate the Judiciary, Corrections and State Police data systems. Data integration will ensure better data flow between the systems and overall improved data integrity.

Criminal Justice Statistics

The Data Committee conducts continuing reviews of sentencing, correctional, and parole information. This provides for monitoring of significant changes in the offender population that may impact on jail and prison crowding, individual agencies, or the entire criminal justice system.

Sentencing Trends

Due to budgetary cuts, the CDC monthly sentencing data base, traditionally operated by the Administrative Office of the Courts (AOC), was discontinued in June, 1991. Subsequently, sentencing data, via this system, were collected only through calendar year 1990 and the months of January, February and June, 1991. Hence, fiscal 1991 sentencing data are reported for the nine month period only.

During the nine month period for which sentencing data were available, there were 20,686 adult offenders sentenced in State Superior Courts during fiscal 1991. This represents an increase of 561, three percent (3%) over fiscal 1990 figures of 20,125 offenders. Approximately fifty-eight percent (58%) of those sentenced received custodial terms, an increase of two percentage points more than last year.

Analyses of sentencing trends reveal that not only are more offenders being sentenced, more are receiving more severe and longer sentences. From FY 1987 through FY 1990, the total number of sentences increased by thirty percent (30%). The rate of incarceration increased by five percentage points over the same time period [See Figure 1]. Although sentencing data for FY 91 are incomplete, monthly comparisons of FY 90 and FY 91 figures suggest that the total number of dispositions will exceed those of last year. Also, a review of available FY 1991 rates of incarceration indicates that any significant decrease in the rate of incarceration is unlikely.

Comparison of Sentencing Patterns

(Exc. 3/91-5/91)

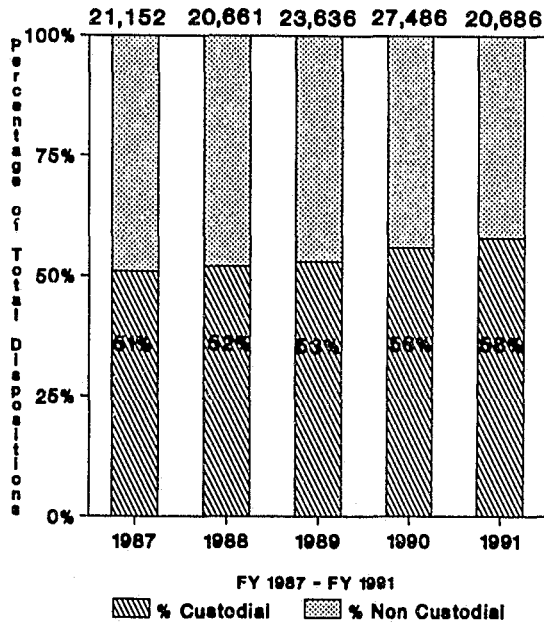


Figure 1

Of those sentenced to custodial terms of imprisonment, most receive prison terms and an increasing percentage of these include mandatory minimum terms. [See Figure 2].

Percentage of Persons Sentenced to State Prison Receiving Man/Min Term

(Exc. 3/91-5/91)

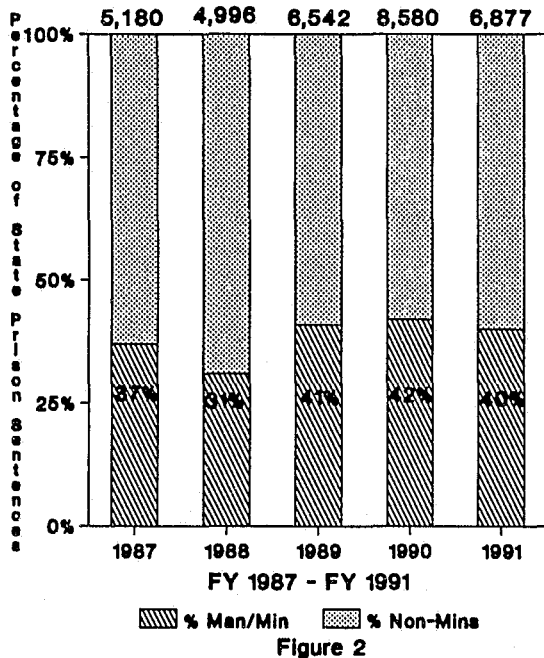


Figure 2

State Correctional Population

The State correctional population continues to grow, but at a slower rate. From FY 1990 to FY 1991, the jurisdictional population of the Department of Corrections increased from 22,237 inmates to 23,684, respectively. Although this represents an increase of 1477 or seven percent (7%) more inmates than last year, it is far less than last years increase of 3,136 or sixteen percent (16%). Similarly, the number of adult state inmates in state and county facilities also increased by seven percent (7%), from a total of 20,795 in FY 1990 to 22,338 in FY 1991. [See Figure 3].

State Correctional Population

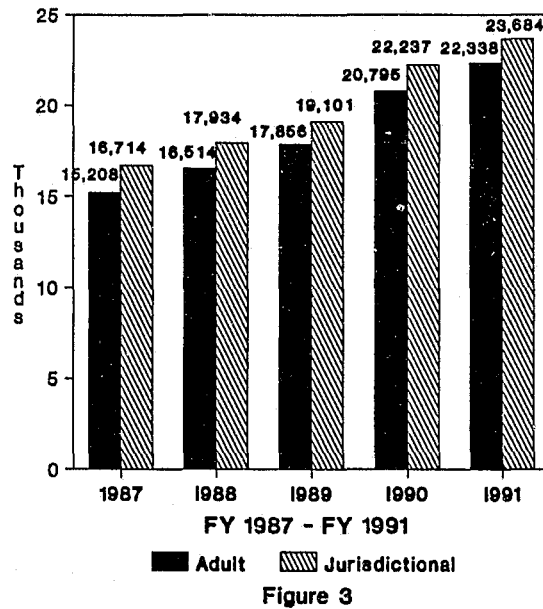


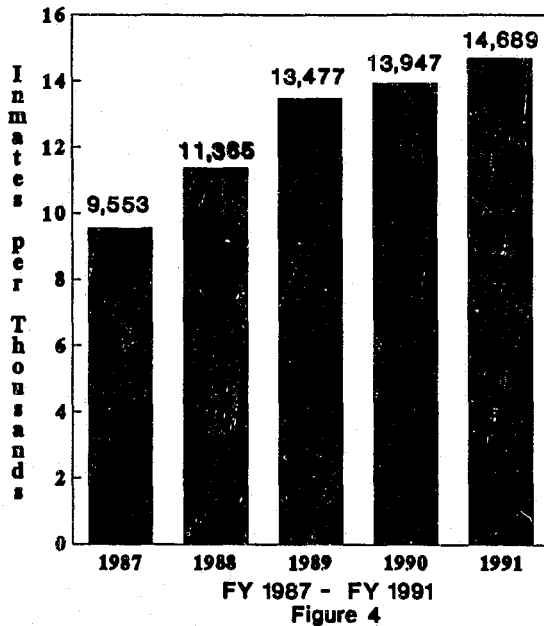
Figure 3

The correctional population has grown significantly over the past five years, fiscal year 1987 through fiscal year 1991. Respective increases for the adult and jurisdictional populations were 7,130 inmates or forty-seven percent (47%) and 6,970 inmates or forty-two percent (42%). [See Figure 3.]

County Jail Inmate Population

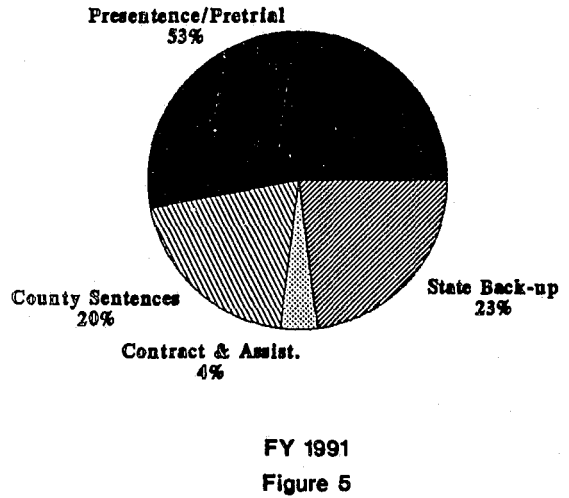
The county jail population reached 14,689 inmates at the close of the 1991 fiscal year. This is an increase of 742 inmates or five percent (5%) more than last year's total of 13,947 [See Figure 4]. During the past five years, from FY 1987 to FY 1991, the county jail inmate population has increased by 5136 inmates or about fifty-four percent (54%).

County Jail Inmate Population



Of the total offenders held in county jails: fifty-three percent (53%) were held pretrial or presentenced; twenty percent (20%) were sentenced to the county jail for periods less than one year; four percent (4%) were held for the Department of Corrections via the state County Assistance Program; and the remaining twenty-three percent (23%) were held awaiting transfers to state facilities. [See Figure 5].

N.J. County Delineation



Parole Release Data

Recently, the number of board members on the State Parole Board was increased from seven to nine. This has enabled more cases eligible for parole to be heard. The number of inmates paroled from the State correctional system during the FY 1991 has increased significantly. A total of 8216 inmates, an increase of twenty-eight percent (28%) over FY 1990 figures of 6418, were released on parole during fiscal year 1991.

At the close of FY 1991, there were 24,976 parolees under the supervision of the Bureau of Parole which is located in the Department of Corrections. Since FY 1990, the number of parolees under the Bureau's supervision has increased by eighteen percent (18%). Five year trends indicate a fifty-eight percent (58%) increase since FY 1987. [See Figure 6].

Parole Population Growth

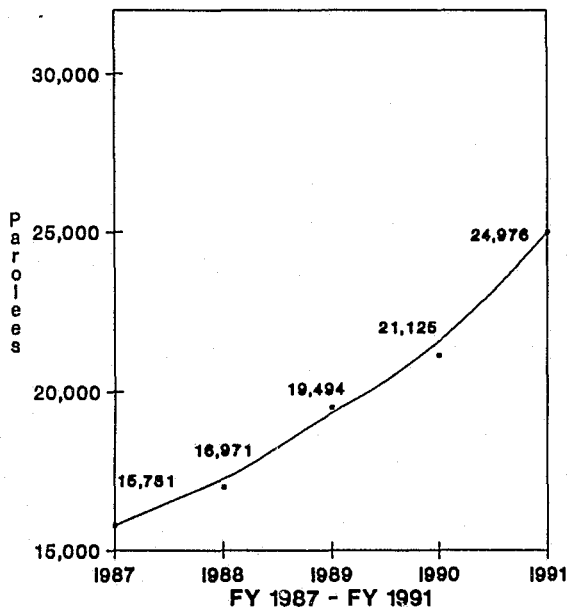


Figure 6

Prison Population Estimates and the Comprehensive Drug Reform Act

In the Spring of 1989, when the Data Committee last formally revised its prison population estimates, it found the effects of Title 2C to be leveling off. It also found, however, that concomitantly, the effects of the Comprehensive Drug Reform Act (CDRA) of 1986 had become manifest in substantial increases in the adult inmate population. Accordingly, the Committee's previous estimates of a monthly increase of 110 inmates in 1989 was significantly less than the actual monthly increase of 185 inmates.

A growth rate of 138 additional adult state inmates per month was recorded during calendar 1990. This compares with an estimated growth rate of 120 per month. The difference between the estimated and actual growth was primarily a factor of increased conviction rates and the admission of drug offenders resulting from increased drug enforcement activities. Actual increases would have been substantially higher than the estimate of 120 additional inmates per month were it not for an initiative of the Parole Board to move up parole release dates for inmates who had previously been denied parole.

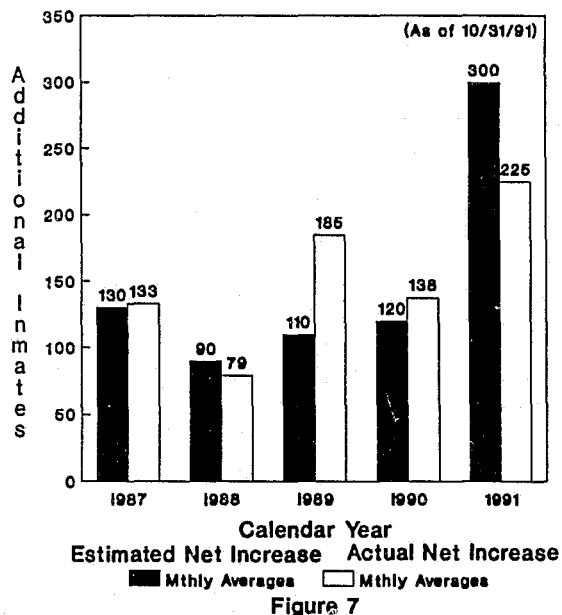
During calendar 1991, the effects of the Comprehensive Drug Reform Act of 1986 continued to result in substantial increases in the adult state inmate population. Through October 1991, increases averaged 225 per month compared to the Department of Correction's (DOC) internal estimates of 300 per month. It is likely that the actual total growth for calendar 1991 will be about 240 additional inmates per month. [See Figure 7].

System Processing: An Overview

Unprecedented growth in the number of offenders processed at all stages of the criminal justice system continues unabated. The only notable change has been the diminishing rate of increase in the correctional population during FY 1991. Also despite enhancement in the number of Parole Board members and a recent propensity to grant more paroles, correctional populations continue to outpace those paroled.

This growth crisis has resulted from various statutory changes in criminal laws during the past ten years. Thus, more offenders enter the system, are sentenced, and receive custodial terms with longer lengths of stay. Recently, however much attention has been focused on this problem and many governmental bodies, including the Commission, have urged review and evaluation of our current sentencing policies.

Adult Inmate Population Estimates And Actual Growth



The combined effects of increased drug enforcement efforts, increased drug arrests, increased drug convictions, and DOC admission of drug offenders, have resulted in a precipitous increase in the number and percentage of DOC inmates incarcerated for drug offenses. In January 1987, eleven percent (11%) or 1600 of the Department's 14,300 inmates had been committed for drug offenses. By January 1991, thirty-one percent (31%) or 6450 of the Department's 20,800 inmates had been committed for drug offenses. The increased number of drug offenders accounted for almost seventy-five percent (75%) of the Department's total increase in population during that four year period.

Internal estimates prepared by the Department of Corrections point to continuing increases in population over the next two calendar years. It is anticipated that the rate of growth, however, will diminish over that period, primarily as a factor of increasing parole release volume. The DOC's current estimate of growth for calendar 1992 is 135 additional inmates per month and 90 additional inmates per month for calendar 1993. It is cautioned, however, that staff reductions suffered by the State Parole Board during FY 1992 could affect the Board's ability to effectively render timely decisions for parole-eligible

inmates, a group which is expected to grow substantially over the next several years. Should this occur, release volume is likely to be constrained, resulting in a higher growth rate than the above estimates.

Court Disposition Reporting (CDR) System

The Ad-Hoc CDR Subcommittee was established to monitor the Court Disposition Reporting (CDR) System, assist in analyses of its developmental needs, and provide a viable implementation plan to integrate the criminal justice data processing systems.

Last year, the Subcommittee developed a proposal to integrate these information systems. The integration plan included the creation of a test data base using the State Police Offender Based Transaction System/Computerized Criminal History (OBTS/CCH), the Department of Corrections' Offender Based Correctional Information System (OBCIS) and the Administrative Office of the Courts' Automated Information and Case Management System (Promis/Gavel). The Commission had prepared to make this project its priority for FY 1991. Staff was reassigned and agency funds redistributed accordingly.

Subsequently, during this fiscal year, the State Police agency was awarded a \$1.2 million grant from the Bureau of Justice Statistics to improve the OBTS/CCH system. Under the grant a review committee was established. This committee is comprised of representatives from the Department of Law and Public Safety, the Department of Correction, the Administrative Office of the Courts and the Office of Telecommunications and Information Systems (OTIS). A specific component of this grant project directs funds toward integrating already existing systems. Also, a small portion of funds from the Anti-drug Abuse Act provided assistance in this effort. Thus, the advent of these developments should greatly enhance the work of the CDR Subcommittee and no longer necessitates Commission staff reassignments and fund redistribution.

Activities are presently being undertaken to provide data from Promis/Gavel directly to OBTS/CCH. Summary data from these systems can be used to gain insight into data integration reporting possibilities as well as data limitations. From a research perspective,

the possibilities for data use are numerous. Successful completion of these activities will be a major step toward achieving the Committee's criminal justice data integration goal.

ALTERNATIVES TO INCARCERATION COMMITTEE

The Alternatives to Incarceration Committee continues to explore viable alternatives and intermediate program strategies that reduce jail and prison overcrowding. Its priority projects for this fiscal year include: (1) the empirical evaluation of the Middlesex County supervised pretrial release program; (2) a critical analysis of proposed bootcamp legislation (Senate bill #893) and program model (Project S.T.R.I.V.E.); and (3) an exploration of drug and alcohol treatment programs for the criminal justice offender.

Supervised Pre-Trial Release (SPTR) Empirical Evaluation

Although several draft reports have been completed and reviewed by the Committee, the report has not been presented to the full Commission. There were several concerns raised by the Committee that warranted further analysis and revisions due to subsequent program developments. A report of the Committee's resolution of this matter will be made to the Commission during Fall/Winter, 1991.

Boot Camp Prisons

The Committee has monitored and reviewed proposed legislation and a program plan for the establishment of a state bootcamp program; and it has recommended strategies to enhance program implementation and effectiveness. Upon the request of the sponsor of Senate Bill No. S-893, "AN ACT requiring the establishment of a shock incarceration program and facility by the Department of Corrections," the Committee provided a critical analysis of the legislation. The Committee advised the inclusion of an evaluation component along with efforts to control program expulsion rates, and the expansion of program selection criteria. It was suggested that

offenders with no more than one prior incarceration be considered and that selection criteria be based on degree of crime rather than crime type.

Also upon request, the Committee completed a review of the Shock Treatment Rehabilitation Incarceration Education Program (S.T.R.I.V.E) Proposal developed by the New Jersey Department of Corrections. The Committee found the proposal to be quite comprehensive. It reflects an understanding of relevant correctional issues and represents a model that capitalizes on the better qualities of bootcamp programs that have been developed in other states. Its goals are clearly defined and measurable; program components reflect findings and recommendations of the growing literature on bootcamps; and it includes an evaluation component. General recommendations of the Committee include: (1) expansion of both the pool of eligible offenders and the program eligibility criteria; and (2) establishment of the evaluation committee and further development of the evaluation component prior to the onset of the program.

Drug and Alcohol Treatment Programs for the Offender

The Committee has initiated a project which focuses on drug and alcohol treatment for offenders in the criminal justice system. This study proposes to: (1) identify and describe the various treatment modalities demonstrating effectiveness for offenders under criminal justice supervision; (2) determine the availability and reported effectiveness of treatment in state criminal justice treatment programs; and (3) propose strategies for effective treatment in the criminal justice system. Activities of this project will begin in the Fall, 1991.

EDUCATION COMMITTEE

Upon the resignation of its former chairpersons at the beginning of the fiscal year, a new Chairman of the Education Committee was appointed in January 1991. Soon after, Committee goals and objectives were reviewed and revised. The Committee elected to continue its major activities, which include completion of the public opinion survey on public attitudes

towards intermediate punishments, the initiation of efforts to revise the criminal justice information brochure to include recent data, maintenance of the speakers bureau and publication and distribution of the Criminal Justice Legislative Update. In addition, the Committee explored the possibility of preparing a newsletter as a means of sharing information with legislators and the criminal justice community.

Public Opinion Survey

Due to budgetary uncertainties, the CDC staff person with primary responsibility for this project resigned at the beginning of the fiscal year. This position was filled mid-way through FY 1991 and subsequent transfer of pertinent project information was completed in March, 1991. At the close of the fiscal year, the Committee's work on this project was continuing. A progress report on preliminary findings of the survey is anticipated in Spring 1992.

Criminal Justice Brochure

Current publications of *Crime and the Criminal Justice System in New Jersey: A Public Information Booklet* continue to be distributed. The Committee has, however, explored the feasibility of revising the booklet. Efforts have been initiated to include recent data through calendar and fiscal years 1990. Contingent upon funding availability, publication and distribution are planned for June and July 1992, respectively.

Speakers Bureau

The Speakers Bureau continues on an "upon request" basis. During this fiscal year the number of requests were fewer than in previous years. The Committee believes, however, that the advent of the updated criminal justice brochure will result in increased requests for speakers.

Criminal Justice Legislative Update

Periodically, copies of the Criminal Justice Legislative Update were distributed to the Commission. Due to budgetary shortages at the beginning of the

fiscal year and a later procurement decision by the Office of Management and Budget (OMB), the Commission's subscription to the Government News Network computer communication lines was discontinued for approximately seven months. Network services and updated distributions have subsequently resumed.

CDC Criminal Justice Bulletin

In the Commission's efforts to promote understanding of the criminal justice system and serve as a clearinghouse for state criminal justice information, the Education Committee explored the development and distribution of a criminal justice newsletter. The Committee proposes to publish a monthly, two-page, single subject report on important and relevant issues, as well as recent innovations, in the criminal justice system. Sources of information include Commission research reports and criminal justice agency contributions. Initial circulation will include legislators and policy-makers, judges, practitioners in criminal justice, schools, colleges and national criminal justice organizations. Distribution of the first issue is scheduled for July 1991.

SECTION III

CRIMINAL DISPOSITION COMMISSION

RECOMMENDATIONS

The Commission reiterates the need for continuing improvements in the criminal justice system. Included among these are changes in the maintenance of criminal justice information, and the expansion, enhancement, review and evaluation of various criminal justice policies and programs. The following recommendations, each of which has been made previously, are submitted for consideration by the Governor and the Legislature:

- 1. Review and evaluate the mandatory sentencing provisions of the New Jersey Code of Criminal Justice (Title 2C).**

The Commission recommends the establishment of an advisory committee comprised of representatives of the executive, the legislature and the judiciary, key criminal justice agencies, law and criminal justice experts, and the Commission. The charge of the Committee will be to: review and evaluate the impact of sentencing legislation requiring mandatory incarceration, on the state criminal justice system and its component agencies and to recommend any revisions deemed appropriate.

- 2. Modify the Court Disposition Reporting (CDR) System to enhance data accuracy and completeness and provide for the integration of criminal justice data and data systems.**

The establishment of a statewide integrated criminal justice data base is a long standing recommendation of the Commission. Since 1985, the Commission has urged changes in the Criminal Disposition Reporting (CDR) System and has initiated and participated in several projects to resolve issues requisite to data and system integration. Recent developments in major criminal justice data bases and a FY'91 grant from the Bureau of Justice Statistics have significantly enhanced efforts by allowing data from Promis Gavel System to directly feed the Computerized Criminal History (CCH) system. The continued support of these efforts is recommended.

- 3. Strengthen current probation and parole supervision systems making all attempts to increase their current levels of resources.**

Probation is a cost-effective punishment and the most widely used sentencing option available to the Courts. Parole provides the criminal justice system with both a means to monitor an offender's reintegration into society and a safety-valve for the removal of that offender from society, if warranted. Much of the success of probation and parole, however, is contingent upon maintaining a sufficient level of human and financial resources. The Commission recommends increasing the number of supervisory staff and lowering caseloads to ensure quality supervision of offenders.

- 4. Expand the use of effective alternative to incarceration programs and intermediate sentencing options and provide for the continuing evaluation of these and newly developed programs and options.**

Within the past decade, New Jersey has developed several alternative to incarceration programs and used intermediate sentencing options. Some that have demonstrated good results include the Judiciary's state and county intensive supervision programs (ISP), residential drug and alcohol treatment programs, the Bureau of Parole's Intensive Supervision Surveillance Program (ISSP), electronic monitoring, home confinement and community service. Other potentially viable programs such as supervised pre-trial release (SPTR) programs and boot camp prisons, are just evolving. Efforts must be made to provide for updated evaluations of all established programs; and sufficient funds must be appropriated to assist in the continued growth of those assessed as effective.

Alternatives to incarceration and intermediate sentencing options bridge the gap between traditional detention, probation, and parole by extending the range of available criminal sanctions. The Commission urges that, with the exception of community service, these sanctions be reserved for offenders who would otherwise be held in jail or sentenced to jail or prison. Considerable effort should be undertaken to control "net-widening" and to limit the ways in which failure in an intermediate program can result in a prison term. These efforts are crucial to prevent exacerbation of current jail and prison overcrowding problems. The Commission believes that the evaluation and expansion of alternatives to incarceration and intermediate punishments will provide judges and the parole system with options that could reduce jail and prison overcrowding without compromising public protection.

- 5. Appoint a representative of the minority community to a future public member vacancy on the Criminal Disposition Commission.**

The inclusion of a representative of the minority community as a member of the Commission will enhance the Commission's credibility within the minority community, better enable the Commission to address such racially sensitive issues as equity and the perception of disparity within the criminal justice system, and ensure a broader representation of the community.

- 6. Appropriate sufficient funds to allow the Commission to meet its legislative mandate and continue to address the concerns of the Executive, the Judiciary, and the Legislature.**

The Commission's recent activities and accomplishments would not have been possible without resources. Both staff and administrative funds are required for the Commission to meet its mandated responsibilities. The budget reductions of the recent fiscal year severely impeded the work of the Commission. The strategic planning initiative of the Commission can only be implemented well if funds are allocated for this work.