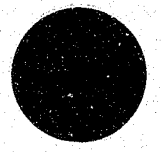


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STATE OF NEW JERSEY

CRIMINAL DISPOSITION COMMISSION

1992



ANNUAL REPORT

Don M. Gottfredson, Chairman

- Robert N. Wilentz** - Chief Justice, **Don M. Gottfredson**, Designee
- Robert J. Del Tufo** - Attorney General, **Robert T. Winter**, Designee
- Zulima Farber** - Commissioner, Public Advocate, **Thomas S. Smith, Jr.**, Designee
- Mary Keating DiSabato** - Chairman, Parole Board, **Robert M. Egles**, Designee
- William H. Fauver** - Commissioner, Department of Corrections, **Stanley Repko**, Designee
- Ronald F. Fava** - President, New Jersey Prosecutors Association
- Joseph L. Bubba** - State Senator, 34th District, **Paul Graupe**, Designee
- Ronald L. Rice** - State Senator, 28th District
- Patrick J. Roma** - Assemblyman, 38th District
- Carmine Perrapato** - Public Member
- Bernard J. Murphy** - Public Member

Marcella A. Christie, Secretarial Assistant

S.I. Newhouse Center for Law and Justice, 15 Washington Street, Newark, NJ 07102

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1992 ANNUAL REPORT

**TO THE
GOVERNOR
AND LEGISLATURE**

STATE OF NEW JERSEY CRIMINAL DISPOSITION COMMISSION

Don M. Gottfredson
Chairman

CRIMINAL DISPOSITION COMMISSION

15 Washington Street, Suite 1202
Newark, NJ 07102
(201) 648-3187

CRIMINAL DISPOSITION COMMISSION

Don M. Gottfredson, Chairman
Richard J. Hughes Professor
of Criminal Justice
School of Criminal Justice
Rutgers University
Newark
Designee of the Chief Justice



SI Newhouse
Center for Law and Justice
15 Washington Street, Room 1202
Newark, New Jersey 07102

May 25, 1993

Members

Hon. Carmine Perrapato
Public Member
Hon. Bernard J. Murphy
Public Member
Robert J. Del Tufo, Attorney General
Department of Law and Public Safety
Zullma Farber, Public Advocate
Department of The Public Advocate
Mary Keating DiSabato, Chairman
State Parole Board
William H. Fauver, Commissioner
Department of Corrections
Ronald F. Fava, 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

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.

The work of the Commission was severely impeded by the elimination of its entire FY 1993 budget. The Commission nevertheless continued its programs of monitoring, assessing and reporting on the criminal justice system. Progress on specific projects on which substantial investments already had been made was halted; and the completion of that work now is endangered by a lack of funds.

The New Jersey criminal justice system continues to be plagued by increases in the numbers of offenders at each stage of the criminal justice process. We must report our usual bad news: the jail and prison populations continue to rise; the proportions of convicted offenders who are sentenced to confinement continue to increase and probation and parole populations continue to grow.

Yet, there also is some good news: arrest and complaint volumes are decreasing and ultimately will result in reduced growth or even modest reductions in inmate populations. A greater release volume already has slowed prison population growth, although this trend now is

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Fax (201) 648-4180

May 25, 1993
Page 2

impeded by budget reductions for the parole Board. The recent substantial increases in the prison population were clearly driven mainly by commitments for drug offenses under the Comprehensive Drug Reform Act of 1986. The initial effect of that Act on prison population is over.

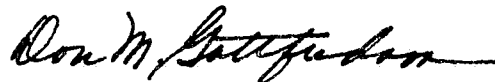
Despite these encouraging trends, our recommendations must continue to address the problems due to growth in the last several years. Mandatory sentencing provisions of the criminal code should be evaluated by an Advisory Committee formed for this purpose. Probation and parole supervision programs should be strengthened. A variety of punishment options, that can reduce costs without decreasing public safety, should be utilized more fully.

The Commission has determined that there is a need in New Jersey for a program of strategic criminal justice planning. This task should be assigned to the Criminal Disposition Commission if resources are provided to permit it.

Since no FY 1993 budget was provided for the Commission's work, all staff, except the secretarial assistant, now have been terminated. (The one position was continued with "carry forward funds, which will be depleted this fiscal year.) A proposal for a minimum funding for FY 1984 has been made to the Governor and the Legislative leaders. If no financial provision is made, the State of New Jersey will have a valuable but severely handicapped resource in its Criminal Disposition Commission.

Thank you for your consideration.

Sincerely,



Don M. Gottfredson
Chairman

DMG:mc

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

NEW JERSEY CRIMINAL DISPOSITION COMMISSION

CHAIRMAN

Don M. Gottfredson, Ph.D.

MEMBERS/DESIGNEES

Robert N. Wilentz - Chief Justice, **Don M. Gottfredson**, Designee
Robert J. Del Tufo - Attorney General, **Robert T. Winter**, Designee
Zulima Farber - Commissioner, Public Advocate, **Thomas S. Smith, Jr.**, Designee
Mary Keating DiSabato - Chairman, Parole Board, **Robert M. Egles**, Designee
William H. Fauver - Commissioner, Department of Corrections, **Stanley Repko**, Designee
Ronald F. Fava - President, New Jersey Prosecutors Association
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Ronald L. Rice - State Senator, 28th District
Patrick J. Roma - Assemblyman, 38th District
Carmine Perrapato - Public Member
Bernard J. Murphy - 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
Ed McBride - Office of the Governor
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
Don Van Nostrand - Division of Policy & Planning, Department of Corrections

STAFF

Marcella A. Christie, Secretarial Assistant

Committees

Standing Committees

Executive

Dr. Don M. Gottfredson, Chair
Dr. Wayne Fisher
Paul Graupe
(Vacant Position)

Criminal Justice Statistics

Stanley Repko, Chair
Joseph Barraco
Chris Boyle
Cynthia Corbo
Robert Egles
Dr. Wayne Fisher
Richard Mattek
John P. McCarthy, Jr.
Don Van Nostrand

Alternatives to Incarceration

John P. McCarthy, Jr., Chair
Joseph Barraco
Chris Boyle
William Burrell
Dr. Wayne Fisher
Richard Mattek
Carmine Perrapato
Thomas S. Smith
Don Van Nostrand

Education

Ty Hodanish, Chair
Michael Aloisi
Joesph Barraco
William Burrell
Cynthia Corbo
Richard Mattek
Stanley Repko

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.

Stephanie R. Bush
Assemblywoman

Wilfredo Caraballo
Public Advocate

Louis Nickolopoulos
Parole Board

Wayne H. Hasenbalg
Public Member

NEW JERSEY CRIMINAL DISPOSITION COMMISSION 1992 ANNUAL REPORT

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INTRODUCTION

The activities and accomplishments of the Criminal Disposition Commission during the 1992 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

Recent accomplishments of the Commission include:

- Development and adoption of a strategic planning approach for the criminal justice system.
- Development and initiation of a strategic planning program.
- Participation in the Sentencing Pathfinders Committee Project of the Supreme Court of New Jersey.
- Completion of a second draft of a review of a supervised pre-trial release program.
- Initiation of a study of sentencing effectiveness, assessing deterrence, incapacitation, and the effect of time served on post-release performance.
- Continuation of a review and evaluation of the mandatory sentencing provisions of the New Jersey Code of Criminal Justice (Title 2C).
- Revision and publishing its educational brochure titled *Crime and the Criminal Justice System in New Jersey*.
- Monitoring, analyzing, and presenting dispositional data on the criminal justice system for essential planning purposes.

The Commission recommends:

- Appropriation of sufficient funds to allow the Commission to meet its legislative mandate and to continue to address the concerns of the Executive, the Judiciary, and the Legislature.
- Establishing an Advisory Committee for review and evaluation of the mandatory sentencing provisions of 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 levels of resources.
- Expansion of the use of effective alternative punishment programs and intermediate sentencing options; and provision for the continuing evaluation of these and newly developed programs and sentencing choices.

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, a discussion of New Jersey criminal justice system trends, and 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 coordinating planning 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.
- Juvenile Delinquency Commission;
 - Office of Management and Budget; and
 - Governor's Office of Policy and Management.

ADMINISTRATION OF THE CRIMINAL DISPOSITION COMMISSION

The Newark Campus of the Rutgers University Campus provides office facilities to the Commission without reimbursement. The Commission occupies a suite of offices within the School of Criminal Justice. Rutgers Law School, the Criminal Justice/NCCD 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.

All Membership positions were filled in the period covered by this report.

The office of the Chairman and the Commission's Secretarial Assistant are located in Newark.

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;

Staffing

Since 1985, five salaried positions were allocated to the Commission. The Coordinator was responsible for administration, coordination and management of the Commission and supervision of staff. The staff also included a Research Analyst, an Administrative Analyst, a Data Processing Programmer, and a Secretarial Assistant. The Data Processing Programmer and Administrative Analyst were located in Trenton, since many of their responsibilities related directly to their host agency. Hence, the Division of Criminal Justice shared responsibilities for functional supervision for the Data Processing Programmer and the Administrative Analyst. The Administrative Office of the Courts provided supplemental support services, data coders and computer assistance. All staff, except the Secretarial Assistant, were terminated this year as a result of elimination of the budget for the Commission for FY 1993.

Budget

The legislature did not appropriate funds for the Commission for fiscal year 1993. This year only the Secretarial Assistant position has been maintained, using "carry over" funds (savings) from the previous year. There is at present no provision for funding the work of the Commission beyond June, 1993.

ORGANIZATIONAL OPERATIONS

Meetings

During fiscal year 1992, regularly scheduled meetings of the full Commission were held on the third Wednesday of every other month, excluding July and August. These meetings allowed 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 included members and/or designees, observers, and staff.

Committees

In addition to regularly scheduled meetings of the full Commission, monthly meetings of its standing Committees were 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. The Commission has also established an Ad-hoc Executive Committee. The Committee serves in an advisory capacity for matters requiring expeditious resolution. All decisions made by this Committee are reported at the next scheduled Commission meeting and are recorded in the minutes.

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

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 the PROMIS/GAVEL system (a prosecution and court system) to audit and feed the CCH system, (a computerized court and history 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 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 when 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 to proposed legislation.
- As requested by other agencies or external organizations, make recommendations on new

or proposed programs that may affect sentencing, diversions or intermediate sanctions.

Alternatives to Incarceration Committee

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

Objectives:

- Provide periodic reviews, descriptions, and assessments 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 advice, 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 Commission 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:

- 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 advice and 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

The efforts of the Commission are 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

Data Analysis Function

The Commission focuses on the following 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 analysis 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 focuses on the following 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.
- facilitating dialogue, cooperation and coordination among and between components of the system;
- encouraging and assisting in planning efforts;
- 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 forms of Public Education Activity;
- investigating, identifying and assessing viable alternatives to incarceration that 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 brochures, and speakers bureau;
- initiating pertinent planning and research projects to further strategic planning efforts and eventually developing a comprehensive strategic plan (draft) promoting rational policy development for the state's criminal justice system;

Legislative Review Function

The Commission focuses on the following activities:

- analyzing the impact of proposed legislation on the overall criminal justice system;
- disseminating of the 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 had expanded its role in this area to include the following overall activities:

- providing research capability and data as requested by the full Commission, as well as 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;
- 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.

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;

These activities could enhance the Commission's ability to serve as a mechanism to provide 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.

SECTION II:

ACTIVITIES AND ACCOMPLISHMENTS

COMMISSION ACTIVITIES AND PROGRESS

Strategic Planning

An 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. Approved by the Commission, this document now provides the framework for Commission strategic planning efforts.

In endorsing the concept and process of strategic planning, the Commission seeks to undertake a more proactive role in addressing some of the concerns of the criminal justice system. Strategic planning is anticipatory and outcome oriented, attempting to provide direction to the criminal justice system concomitant with its concerns, considering 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 populations 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 adoption of specific legislation and implementation of specific programs and strategies by criminal justice agencies. Hence, system coordination may be promoted and costly system dysfunction may be 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 full 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 for 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 (i.e. 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 (OLS);
- (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.

In its previous annual reports 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 with 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 believes should be addressed.

The Commission embarked on its own 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 was planned. A brief description of each step is presented below:

Step 1.

- (1) Identification 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., deterrence and incapacitation 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 report of Commission findings, conclusions, and recommendations to be submitted to the Governor and Legislature.

The Standing Committees of the Commission began their work according to this plan. Progress was halted when funding to support the Commission's work stopped.

Sentencing Pathfinders Project

In April, 1990, the 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; to address 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 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 provided the Commission an opportunity to share its experiences and continue to pursue, albeit indirectly, the issue of sentencing disparity and variation.

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

Staff and Administration

Unless some funds are allocated to support the work of the Commission in FY 1994, no staff support will be available after June, 1993. Neither will there be any funds for support of office functions, Commission meetings, or any other work of the Commission.

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 continuous reviews of sentencing, correctional and parole information. This provides for monitoring of significant changes in the offender population that may affect jail and prison crowding, individual agencies, or the entire criminal justice system.

Sentencing Trends

Fiscal year 1992 and 1991 data are based on available data. Fiscal year 1992 data are based on approximately 95 percent of sentences rendered during the fiscal year while fiscal year 1991 data are based on approximately 98 percent of sentences rendered during the fiscal year.

During fiscal year 1992 there were 25,657 adult offenders sentenced in State Superior Court. Approximately sixty percent of those sentenced received custodial terms, an increase of two percentage points over last year. [See Figure 1].

Comparison of Sentencing Patterns

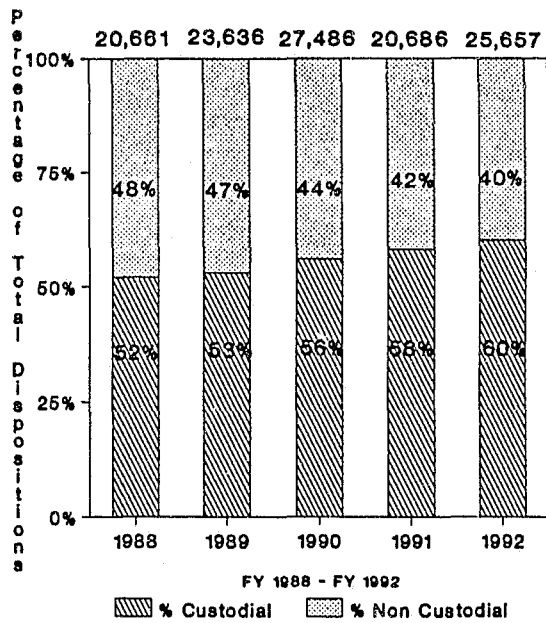


Figure 1

State Correctional Population

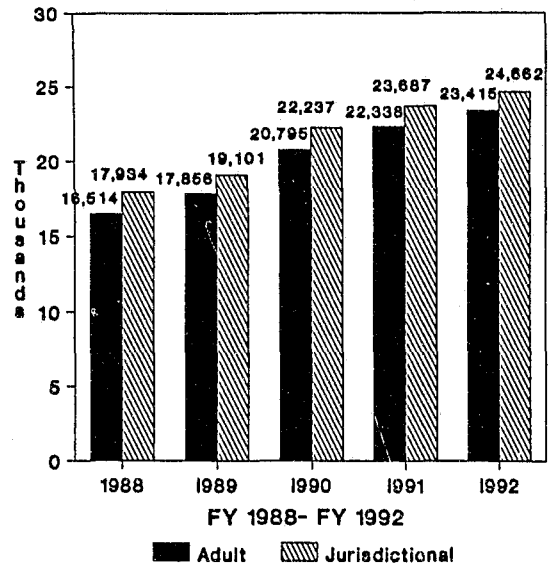


Figure 2

Of those sentenced to custodial terms of confinement, most receive prison terms. An increasing percentage of these are mandatory minimum terms.

County Jail Inmate Population

The county jail population reached 14,838 inmates at the close of the 1992 fiscal year. This is an increase of 149 inmates or one percent more than last year's total of 14,689. [See Figure 3.]

State Correctional Population

The State correctional population continues to grow, but at a slower rate. From FY 1991 to FY 1992, the jurisdictional population of the Department of Corrections (including juveniles) increased from 23,687 inmates to 24,662. Although this represents an increase of 975 or four percent more inmates than last year, it is far less than last year's increase of seven percent. Similarly, the years' number of adult state inmates in state and county facilities also increased by five percent, from a total of 22,388 in FY 1991 to 23,415 in FY 1992. [See Figure 2.]

County Jail Inmate Population

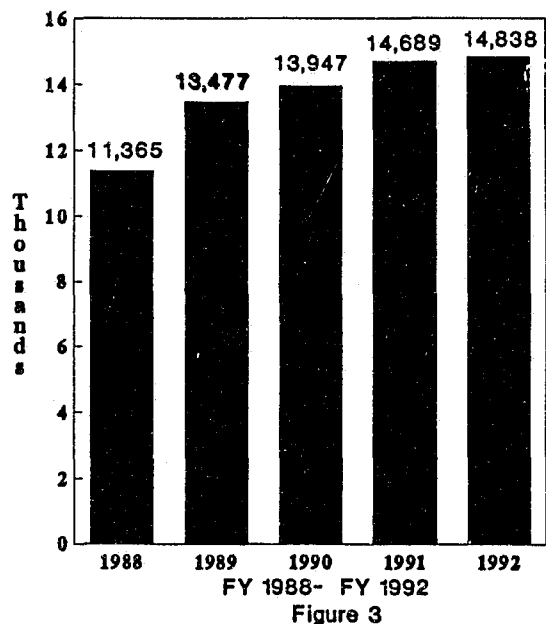


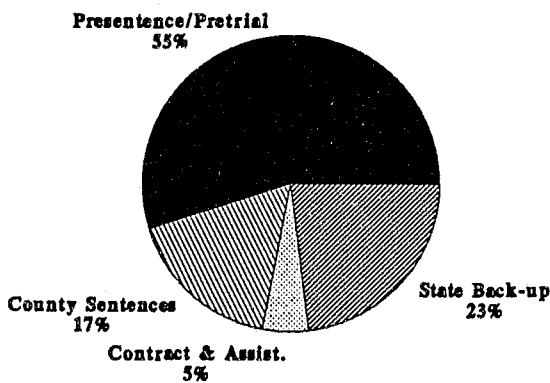
Figure 3

The Correctional population has grown significantly over the past five years (fiscal 1988 through fiscal 1992). Respective increases for the adult and jurisdictional populations were 6,901 inmates or forty-two percent and 6,728 inmates or thirty-eight percent. [See Figure 2.]

During the past five years, from FY 1988 to FY 1992, the county jail inmate population has increased by 3,473 inmates or about thirty-one percent.

Of all offenders held in county jails: 55 percent were held pretrial or presentenced; 17 percent were sentenced to the county jail for periods less than one year; five percent were held for the Department of Corrections via the state County Assistance Program; and the remaining 23 percent were held awaiting transfers to state facilities. [See Figure 4]

N.J. County Delineation



FY 1992
Figure 4

Parole Release Data

Due to drastic funding and staffing cuts imposed on the State Parole Board over a three-year period, the number of adult state inmates considered for parole decreased in FY 1992 for the first time since the enactment of the Parole Act of 1979. Despite this decrease from 13,413 cases in FY 1991 to 12,736 in FY 1992, a higher release rate (64 percent vs 61 percent) resulted in the number of paroles actually granted increasing from 8,173 to 8,244.

At the close of FY 1992, there were 30,568 parolees under supervision of the Bureau of Parole, which is located in the Department of Corrections.

Since FY 1991, the number of parolees under the Bureau's supervision has increased by 22 percent. Five year trends indicate a 60 percent increase since FY 1988. [See Figure 5]

Parole Population Growth

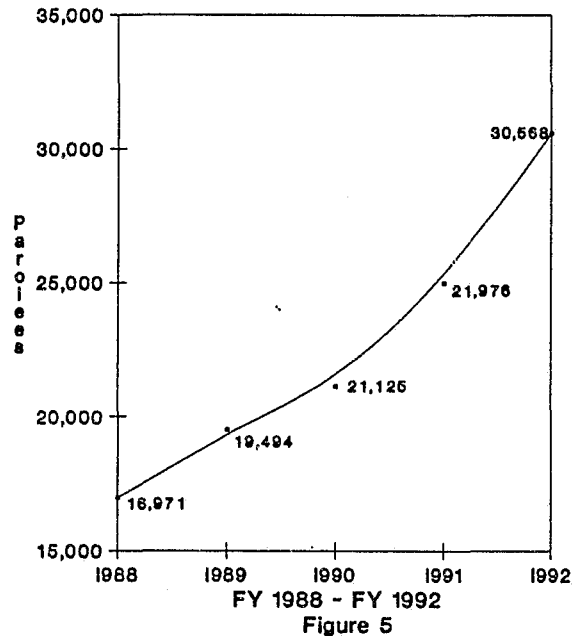


Figure 5

System Processing: An Overview

While not yet discernible in inmate and parolee populations, there are indications that complaint/arrest volumes are diminishing and ultimately will yield reduced growth or reductions in the county and state inmate populations. Already, growth of the state inmate population during fiscal year 1992 has been more modest than that at any time during the last five years. The average population growth of 90 additional inmates per month compares with growth ranging from a previous low of 110 per month during fiscal year 1988 to a high of 250 per month during fiscal year 1990. The lower growth rate is primarily a result of higher release volume during fiscal year 1992. Over the course of the year, admission volume increased by ten percent but release volume increased by 17 percent.

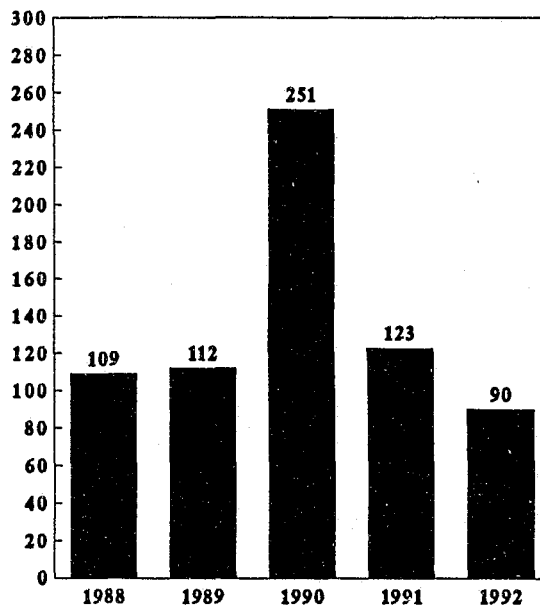
It is expected that the Department of Corrections' new court commitments will flatten or curve downward over the next several years. Increases in parole violator admissions will mitigate abatement in new court admissions, yielding a rather stable total admission volume. At the same time, release volume will continue to increase as more inmates with lengthier 2C terms become eligible for parole and as drug cases initially received following implementation of the Comprehensive Drug Reform Act of 1986 (CDRA) begin cycling out of the system. This should yield a rather stable adult inmate population, with little or no growth expected.

Prison Population Estimates and the Comprehensive Drug Reform Act

The Commission believes that the primary effects of 2C in terms of increased prison population now have occurred. There will continue to be some residual build up of inmates committed for drug offenses under CDRA. From January 1987 through fiscal year 1992, the total adult inmate population increased by 7,000 from 14,000 to 21,000. During the same period, the portion of inmates incarcerated for drug offenses increased from 1,600 to 7,500, an increase of almost 6,000 or 375 percent. Drug offenders went from 11 percent of the inmate population to 35 percent. Of the total population increase of 7,000, inmates sentenced to custodial terms for drug offenses constituted 85 percent of the increase.

We point out the above to underscore that CDRA is the single factor to which recent state inmate population increases are attributable. We now expect to see stabilization in that population with the primary effect of CDRA on the prison system population having already occurred. More of these offenders will cycle out of the system based on average terms and eligibility for parole release. If drug complaints/arrests continue to decrease, we should even expect some diminution of the state inmate population. Any reduction in the inmate population, however, is expected to be modest. [See Figure 6]

Adult Inmate Population Average Monthly Growth



FY 1988 FY 1992
Figure 6

Estimates of 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 an effect 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 that 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 the FY 1991 fiscal year. Staff were reassigned and agency funds redistributed accordingly.

Subsequently, during the last fiscal year, the State Police were awarded a \$1.2 million grant from the Bureau of Justice Statistics to update 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 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 feed 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 continued its efforts to examine viable alternatives and intermediate type sanctions that will reduce jail and prison overcrowding. Its priority projects this calendar year included (1) completion of the study of

the Middlesex County Supervised Pretrial Release Program; (2) examination of the effects of deterrence and incapacitation of post release performance of inmates in the state prison system; (3) and review of drug and alcohol treatment programs in correction.

Middlesex County Supervised Pre-Trial Release Program

The Alternatives to Incarceration Committee completed the final version of its review of the Middlesex County Supervised Pre-Trial Release Program (hereafter SPTR). The study was presented to the full Commission for its examination and approval. It compared and contrasted the characteristics of three classes of individuals: those currently incarcerated pending trial; those granted pretrial release to the Middlesex County SPTR program; and those released on bail or on their own recognizance.

The statistics gathered for the report indicate that the failure to appear rate for those released on bail was higher than those released to the SPTR program or on their own recognizance. The report indicated that individuals placed in the SPTR program and those who remained incarcerated pending bail had very similar demographic characteristics despite very different criminal histories.

The results of the study as a whole did not support the expectation that "jail-bound" offenders (those one would expect to receive a jail sentence upon conviction) were being supervised in the SPTR program. Both SPTR and ROR releases in the sample had the same failure to appear rate and participants with prior criminal histories were no different from those detained pending trial. Therefore, it is possible that those persons released in the SPTR program could have been released safely on their own recognizance without SPTR supervision, thereby providing room in the SPTR program for other detainees.

The Alternatives Committee suggested and the full Commission agreed to conduct a more extensive study of the SPTR Program to include changes made to the program after the gathering of data for the initial examination. The Administrative Office of the Courts gave its approval for the Committee to conduct a new longitudinal study of the program's effect on failure to appear rates, jail overcrowding, offender impact

and cost effectiveness. The study has not taken place due to the elimination of the budget for the Commission.

Effects of Deterrence, Incapacitation and Time Served on Post Release Performance

The Alternatives Committee began a study of the effects of deterrence, incapacitation and time served on the post release behavior of inmates released from the state prison system. A review of the literature and historical changes in the different approaches to deterrence has been completed. The Committee will continue information gathering to summarize the effects of incapacitation on post release behavior. Completion of the study will require a link with research done in a prior considerable study of release outcomes of state prisoners conducted by the New Jersey Department of Corrections and the Criminal Disposition Commission. The completion of this study is endangered by the lack of funds available to support it.

Drug and Alcohol Treatment Programs for the Offender

The Committee completed a study of the availability of drug and alcohol treatment programs for offenders in the criminal justice system. The study identified and described the various treatment programs and made a determination of their effectiveness of treatment. The report is now being edited. Its completion and distribution will be impeded by a lack of funds for this purpose.

EDUCATION COMMITTEE

The Committee sought to continue its major activities which included the following: completion of a public opinion survey on public attitudes towards intermediate punishments, the revision of the criminal justice information brochure to include recent data; maintenance of the speakers bureau and publication and distribution of the Criminal Justice Legislative Update. The Committee also initiated a newsletter series as a means of sharing information with legislators and the criminal justice community.

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 developed and distributed a criminal justice newsletter. The Commission published 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 included Commission research reports and criminal justice agency contributions. Circulation included legislators and policy-makers, judges, practitioners in criminal justice, schools, colleges and national criminal justice organizations.

Public Opinion Survey

Due to elimination of the Criminal Disposition Commission budget, the position of the staff person with primary responsibility for this project was terminated. Data collection for the project has been completed, as well as some of the required analyses; but it has not been possible to complete the report.

Criminal Justice Brochure

The Commission's booklet, *Crime and the Criminal Justice System in New Jersey: A Public Information Booklet* was revised, published, and distributed.

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 publication of the revised criminal justice brochure will result in increased requests for speakers, since this is what occurred with the original publication.

Criminal Justice Legislative Update

Periodically, copies of the Criminal Justice Legislative Update were distributed to the Commission. The Commission's subscription to the Government News Network computer communication lines was discontinued, however, due to a lack of funds.

SECTION III

CRIMINAL DISPOSITION COMMISSION RECOMMENDATIONS

The following recommendations are submitted for consideration by the Governor and the Legislature:

- 1. 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 activities and accomplishments would not have been possible without sufficient resources. Both staff and administrative funds are required for the Commission to meet its mandated responsibilities. The budget elimination for the 1993 fiscal year severely impeded the work of the Commission. All staff of the Commission were lost with the exception of the Secretarial Assistant position, with only markedly reduced efforts and productivity possible using "carry forward" funds (savings) from the prior year. The strategic planning initiative of the Commission can only be implemented well if funds are allocated for this work. Specific projects, on which substantial investments already have been made, include the public opinion survey report, the evaluation of Pre-Trial release, and the assessing of the effects of mandatory sentences. It will not be possible to complete these projects well without any funds.

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

The Commission again recommends the establishment of an advisory committee comprised of representatives of the executive, legislature and judiciary, key criminal justice agencies, law and criminal justice experts and the Commission. The charge of the Committee would 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. Some progress toward the needed assessment has been made by the Commission itself, but this work cannot be completed without funds.

- 3. 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 the Promis Gavel System to directly feed the Computerized Criminal History (CCH) system. The continued support of these efforts is recommended.

- 4. 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.

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

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 continued evaluation of all established programs and sufficient funds must be appropriated to assist in the continued growth of those assessed 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. 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.