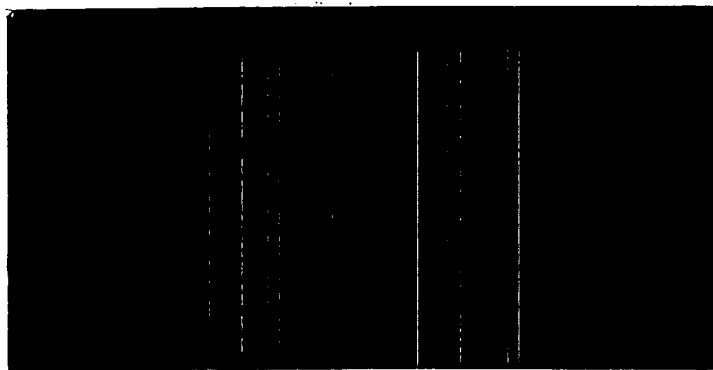




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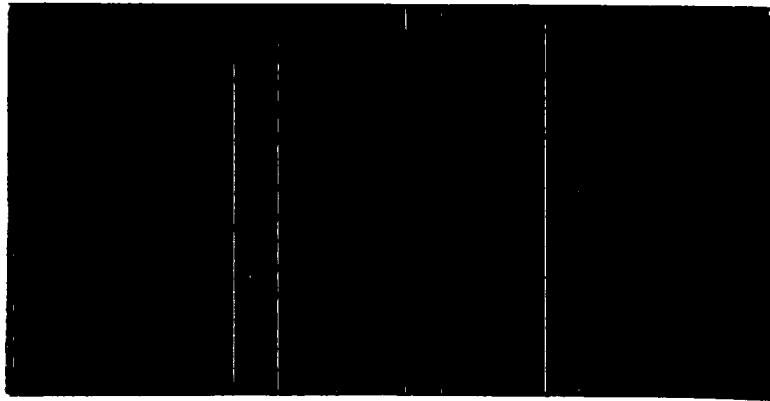
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A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
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THE NEW JERSEY ENFORCEMENT COURT PILOT PROGRAM

A Case Study

NCJRS

APR 10 1995

ACQUISITIONS

of
**A Comprehensive and Integrated Justice System
Approach to the Enforcement of
Community Ordered Financial & Community Service Sanctions**

June - July 1994
[Published by ATAP, July 1995]

Consultant:
Larry Polansky

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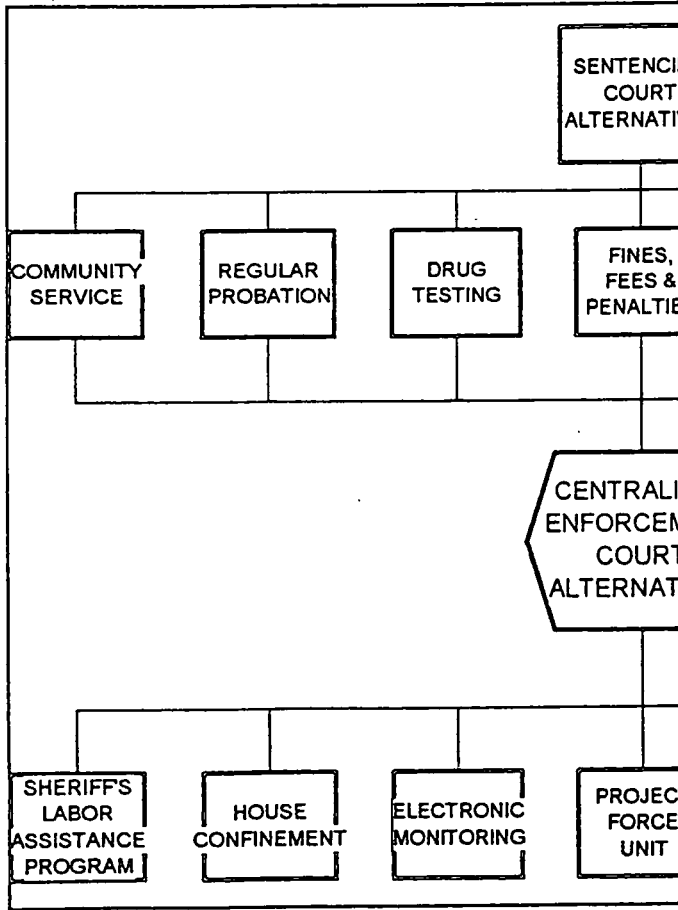
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* signed into law on January 31, 1995



THE NEW JERSEY ENFORCEMENT COURT PILOT PROGRAM

A COMPREHENSIVE AND INTEGRATED JUSTICE SYSTEM APPROACH TO THE ENFORCEMENT OF COURT ORDERED FINANCIAL & COMMUNITY SERVICE SANCTIONS



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I. Introduction

Court ordered community based sentences requiring the performance of conditions such as payment of financial sanctions or performance of community service depend for their effectiveness on the recognition by the offender that courts will take the steps necessary to assure compliance. Failure to enforce these court orders undermines the effectiveness of judges and weakens the image of our entire system of justice. In addition, it affects the general revenues of the jurisdiction and special programs funded by specific financial penalties, all of which are dependant on the collection of court ordered fines, fees and penalty amounts and rely on the effective enforcement of court ordered sanctions. Unfortunately, without an effective enforcement program, offenders and the community lose respect for the courts and the justice system, millions of dollars of financial sanctions go uncollected and innumerable hours of community service are avoided. This causes frustration among judges, prosecutors, correctional officers, sheriffs, victims and the public.

New Jersey, like many, if not most, of our states, in addition to its community service programs, has legislated a number of fines and penalties for the violation of its statutes. Now added to restitution and "run of the mill" fines, court costs and traffic penalties, are dedicated penalties, targeted to fund special New Jersey programs, which include: the Violent Crimes Compensation Board (VCCB); a Forensic Lab Fee (FLF); Drug Enforcement and Demand Reduction (DEDR) penalties; and several other special charges such as drug testing fees, Pretrial Intervention (PTI) application fees and, in some cases, fees for probation supervision.

In New Jersey, the Department of Corrections is responsible for collection of monetary obligations of offenders under custodial sentence to a State correctional facility. When offenders are released, the Bureau of Parole becomes responsible for any remaining monetary obligations. Collection of financial obligations imposed by a New Jersey Municipal Court, where Probation Department supervision is not ordered, is the responsibility of the Municipal Court Clerk. The primary focus of this report, however, is on New Jersey probation services, (the arm of the state judiciary responsible for the collection of all other fines, penalties and any restitution amounts owed by "offenders" as well as for the operation of community service programs) and on the Enforcement Court Hearing Officer/Special Master program designed to address collection and enforcement problems..

New Jersey apparently has enforcement problems. For example, a 1989 report on Non-Child Support Collections in New Jersey by Arthur Andersen & Co.¹ for the Administrative Office of the Courts indicated substantial amounts of uncollected financial sanctions and provided a series of recommendations for the enhancement of collections and increased efficiency of the collection process. Although the Court acted to improve collection policies and procedures, recent newspaper articles indicate in excess of \$166 Million of

¹ "Operations Review of Non-Child Support Collections", Administrative Office of the Courts - State of New Jersey, Arthur Andersen & Co., July 1989

uncollected inmate, parolee and probationer financial obligations. Although much of the large amount owed is not delinquent, it is generally agreed that more aggressive enforcement is needed.

Detailed historical accounting information regarding the statewide assessment of fines and penalties is significantly limited. However, information available for the most recent two years each indicate statewide assessments in excess of \$50,000,000. Statewide collections, on the other hand, are far lower and for the past three years have averaged about \$20,000,000 per year, indicating, again, that further improvement in collection enforcement processes is needed. Community service programs also experience non-compliance problems which, logically, can only be responded to with commitments to already overcrowded local jails with court ordered capacity limits.

This case study basically addresses the Court and Probation Department responsibility in the collection and enforcement process and the recognized success of an integrated Enforcement Court experiment in Morris County, New Jersey which was designed to achieve the following goals of the county's criminal justice system:

- Ease jail overcrowding
- Hold offenders accountable for meeting court imposed requirements
- Increase the rate of offender payment of fines, restitution and other financial penalties
- Increase performance of court ordered community service
- Establish a set of graduated severity sanctions for offenders who do not comply
- Establish a partnership among the Judiciary, Executive Branch agencies and the community to implement and operate an effective enforcement program

The pilot is responsive to the Andersen Report mentioned above, the articulated goals of the county's criminal justice system and to the obvious need for action. In 1991, in conjunction with the Administrative Office of the Courts, Judge Daniel Coburn initiated the Morris County "Enforcement Court" experiment which addresses non-compliance with the payment of fines, fees and penalties along with failure to perform community service or SLAP (Sheriff's Labor Assistance Program) sentences or other forms of intermediate sanction imposed by the court. Judge Coburn, who has since taken early retirement, continues to manage the program as a Special Master appointed by Chief Justice Wilentz.

Morris County took extraordinary measures to create a comprehensive enforcement network by centralizing all violations of court orders before one judicial officer in the Superior Court. The integrated Enforcement Court, utilizing a single Special Master, immediately produced significant results. These results were the product of a consistent sanctioning policy toward sentence violators and a unified bench warrant process imposed at a single hearing before a single judicial officer who believes in the need for a firm, fair and humane enforcement program. Reportedly, "within a few weeks "SLAP attendance tripled, fines were

being paid, community service work compliance increased and credibility began to be given to the court enforcing its own orders."

The success of this program in Morris County has encouraged several (eight to ten) other New Jersey jurisdictions to undertake individually designed pilot enforcement programs with varying levels of success. Based on the Andersen recommendations and the experience in Morris County the Probation Services Division of the Administrative Office of the courts has developed a draft "Model Collection Process." (See draft attached as Appendix A.)

In addition, legislation, deemed imminent for passage and currently in the final stages of approval , authorizes and funds the New Jersey Administrative Office of the Courts to hire Hearing Officers to operate standardized Enforcement Courts throughout the state, patterned on the successful Morris County pilot project. (See Appendix B for a copy of the pending legislation.)

II. Description of the Program

As indicated above, the highly successful Morris County Superior Court enforcement effort has been led since its inception by Judge Daniel Coburn who, after early retirement, continues to manage the program as a Special Master appointed by the Chief Justice. Recommendations of the Special Master are forwarded to a Superior Court judge for final approval.

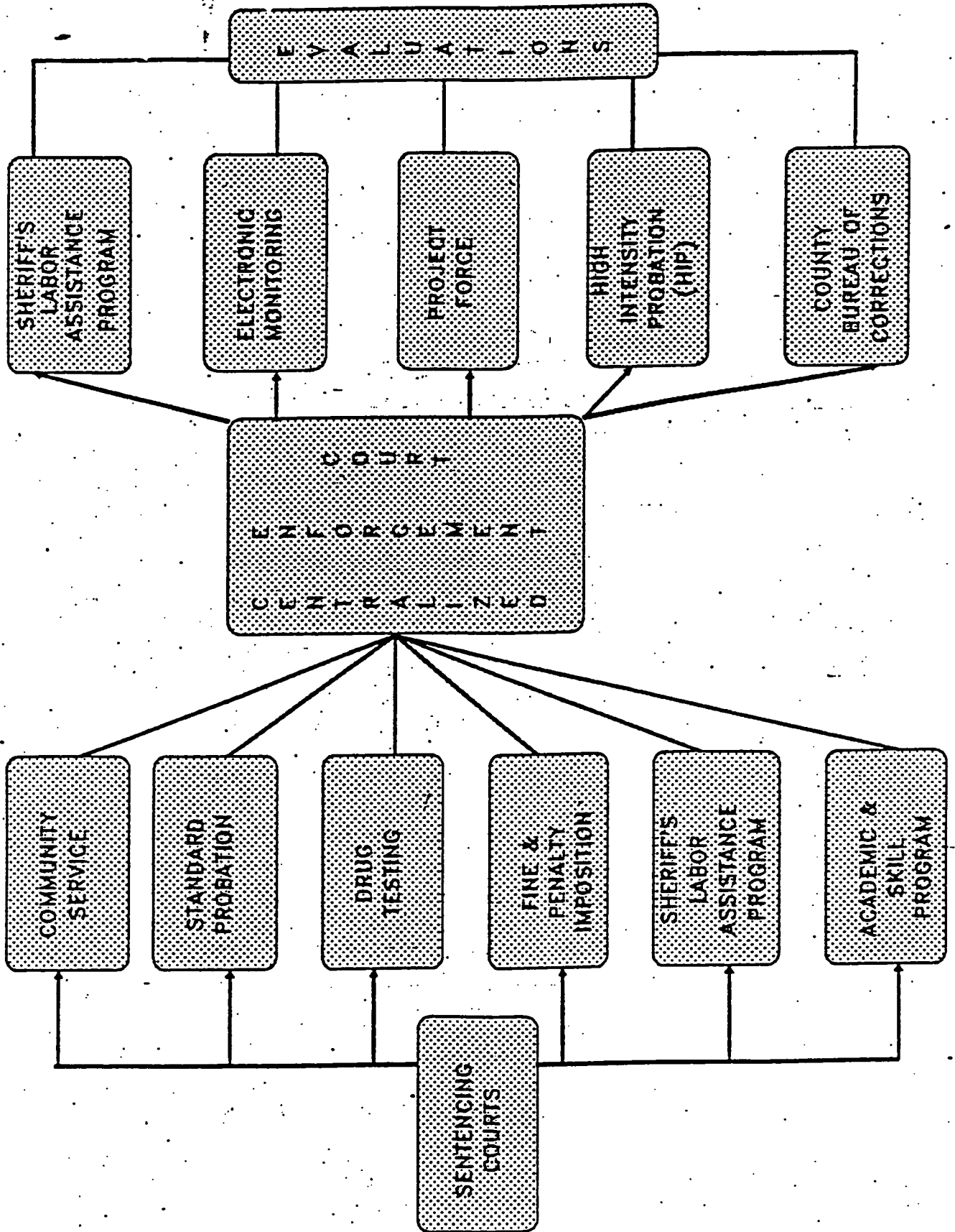
The Morris County project, generally known as the Enforcement Court, is a comprehensive program which joins the court with corrections and the community and is directed toward assuring compliance with all orders of the court, and not just money related orders. It centralizes the court's enforcement efforts for the collection of the probationer's financial sanctions with that of assuring the completion of the Probation Department supervised Community Service program. The program also oversees the enforcement and fulfillment of other court ordered intermediate sanctions of the Superior Court and of the 39 Municipal Courts in Morris County through, approximately, once a month hearings before the Special Master in the Superior Court. The enforcement effort utilizes virtually all available justice system sanctions in attempting to ensure the carrying out of the court's orders and the offender's responsibilities.

An integral part of the program is a cooperative effort with the county's Sheriff's Labor Assistance Program (SLAP). SLAP, a jail commitment program which permits participants to serve a non-custodial sentence by doing community service, is used by the Enforcement Court as a sanction for those who fall behind in their financial obligations. Offenders are required to perform service at least once a week and are credited with one day of jail time for each 6 hours of SLAP community service. This service ranges from working on the county farm or in the county's recycling plants to cleaning streets and parks, cutting grass and clipping shrubs at public and non-profit private sites, building Little League baseball fields, cleaning public buildings, cleaning up after festivals and parades and a multitude of other tasks for public agencies and non-profits, like churches and synagogues, throughout the county. Sheriff and Enforcement Court staff report no problems with local unions regarding these community services being performed for government and non-profit organizations at no cost to the beneficiaries of those services.

Offenders who choose to are able to convert fines (**but not penalties or fees**) to a "jail" sentence of SLAP service at the rate of up to \$20 for each day of SLAP activity they perform. Failure to appear when scheduled for SLAP service results in a bench warrant and commitment to the County jail for the remainder of the SLAP days. (See Appendix C for a fuller description of the SLAP program.) Other intermediate sanction programs available to the Enforcement Court Special Master, subject to the approval of a Superior Court judge, are House Curfew, Electronic Monitoring, and High Intensity Probation. All of the above mentioned sanctions are utilized in the integrated Enforcement Court operation in Morris County in pursuit of the model system graphically portrayed in Figure 1².

² Jude Del Preore, Expanded Use of Intermediate Sanctions in Morris County, New Jersey. Published in "Reclaiming Offender Accountability: Intermediate Sanctions for Probation and Parole Violators", Edited by Edward H. Rhine, American Corrections Association, 1993.

PROPOSED MODEL FOR SYSTEMS INTEGRATION



In the absence of critically needed automation support, the Morris County Probation Office, through its FORCE (Financial Obligation Recovery Collection Effort) Unit, maintains records (primarily manual records) of offender assessments, payments and arrearages and, in its Community Service Unit, maintains similar information on the performance of offenders sentenced to community service.

Initially, the Enforcement Court hearings were geared to bringing financial sanction collections and community service performance requirements up-to-date and included large numbers of persons in default of their obligations. However, by aggressively addressing the cases of persons in arrears or not up-to-date on payments or performance of community service, over the past three years the Morris County Court, Judge Coburn and the Probation Department have been able to virtually eliminate a major portion of that "backlog." Now, approximately once each month, the records are reviewed to locate offenders who, generally, have missed only two payments or two community service dates.

Notices to appear before the Enforcement Court are then prepared and mailed to those identified as being in default of their obligation. Notices are mailed 14 days prior to the court date and persons are warned that failure to appear for the court hearing will result in a bench warrant being issued for their arrest. (See copy of Enforcement Court notice attached as Appendix D.) The notices also indicate that payment of the full amount of the remaining financial obligation prior to the Enforcement Court date will save offenders from spending the day in court. A significant number of offenders avoid the court appearance by paying off their account balances when reminded by the notice.

On the day of the hearing the Enforcement Court is staffed with a Special Master, a Court Clerk, two to three Probation Officers from the Project FORCE Unit and two to three Probation Officers from the Community Service Unit. Court is scheduled to start at 9:00 A.M. and starts on time. The Special Master has before him a copy of each offender's performance record which includes the sanction(s) ordered by the court and the payment history and/or community service performed (or not performed) thus far.

The Special Master begins by explaining that no one in the audience "is likely to go to jail today" for failure to keep up with his or her payments, but that those who have failed to appear will surely have bench warrants issued and will most likely be committed to the county jail subject to the full and immediate payment of their financial obligation. Next he promises to work with those who have appeared to develop a reasonable new payment or service arrangement which comports with the offender's present financial, physical, employment and family situation.

Prior to going before the Special Master to discuss their case, offenders are requested to discuss their situation with a Project Force representative for financial matters or a Community Service Unit representative for those matters relating to the failure to perform required service. The first cases heard are those financial cases wherein the offender is prepared to immediately pay all or a substantial portion of his or her financial obligation. If all is paid the case is closed. If amounts remain due and are in arrears, the Special Master, aided by the Probation Officer who has interviewed the offender, tries to work out with the

offender the most reasonable new schedule possible. This new schedule, however, is one which the offender must adhere to or expect more severe sanctions if another hearing is necessary.

In the event that the amounts due are fines or fees which can be converted to community service in the SLAP program, the offender, with minor exception will opt for conversion of the amount to SLAP time at the rate of \$20 being forgiven for every six hour day of SLAP service. It should be understood that when a violator opts for SLAP instead of payment, he or she agrees to a jail commitment to be served by showing up early in the morning and performing at least six hours of community service on Saturdays and/or Sundays (sometimes during the week), supervised by the Sheriff's Office. Failure to appear for such scheduled service results in a bench warrant and completion of the remaining SLAP days in custody.

When all financial violators have been heard and a reasonable accommodation reached, the Special Master turns to those who have failed to perform their Probation Department supervised community service obligation. Some offenders are "re-sentenced" to community service or other alternative sanctions such as house curfew, high intensity probation (HIS), or home confinement through electronic monitoring. In most cases the remaining days of community service are converted to SLAP days with the violator agreeing to the "commitment" and understanding that failure to fulfill a single SLAP appointment will most likely result in almost immediate incarceration. (Adherence to this policy has been critical to the "word" reaching the community of offenders who apparently now realize how important it is to show up on the appointed day and time or face real jail time.)

Each violator is heard individually before the Special Master and an apparently equitable arrangement is reached in a very short time. Failure to reach an agreement results in the violator being transferred immediately to the Superior Court sentencing judge for a determination and disposition. (This did not occur in either of the two hearings viewed by the investigator involving approximately 100 cases and, reportedly, referral to the Superior Court virtually never occurs.) Since the final judgment must be rendered by a judge of the Superior Court, the Special Master records his recommendation on the case file which is forwarded, at the end of the day's hearings, to the assigned Superior Court judge for approval. It is, apparently, highly unusual for a recommendation of the Special Master to be rejected or modified by the Superior Court judge.

Offenders appear universally satisfied with the Enforcement Court operation and, when interviewed, commented frequently on the fairness of the process. The community, based on interviews and media reports, is quite satisfied and pleased that the court is enforcing its orders, that offenders are serving their sentences and that public agencies and non-profit organizations are profiting from the broad base of expanded community service performed by the offenders. Judges and law enforcement personnel are equally pleased with the effectiveness of the program. In addition, judges are spared the burden of the many violation hearings they held in the past where virtually the only sanction available, jail commitment, was not possible since the county's jail facilities, although not under federal order, were as seriously overcrowded as other New Jersey county jails already under capacity limits ordered by federal courts.

III. Assessments

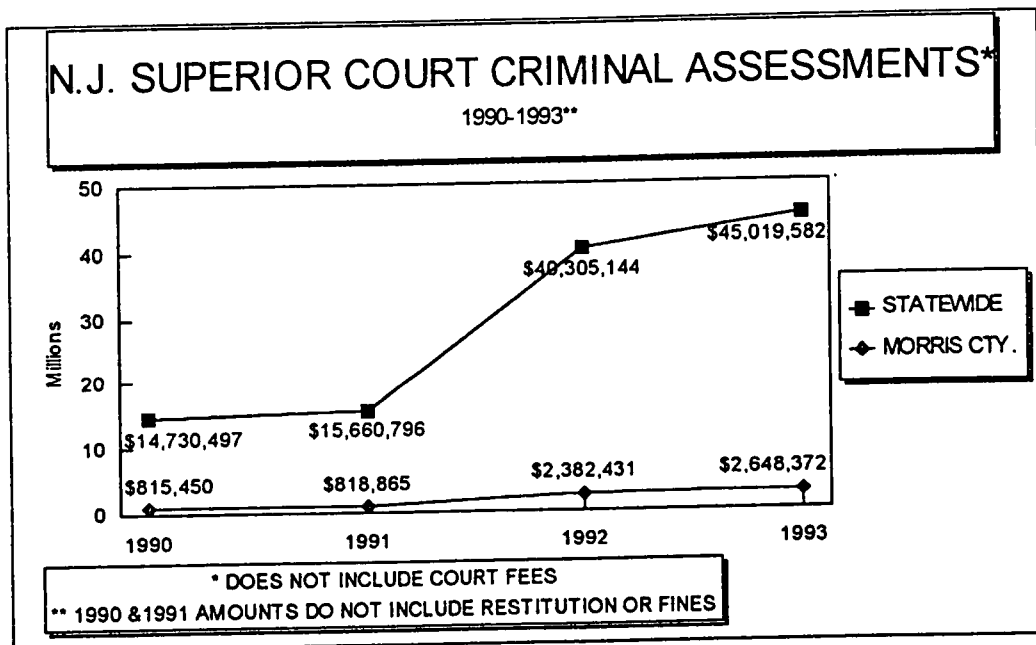
New Jersey has legislated a number of assessments, primarily called penalties, to be imposed by the courts for criminal, disorderly and specific motor vehicle offenses. As in many states, legislatively mandated penalties for drug crimes and crimes of violence in New Jersey have increased significantly in the past few years.

NEW JERSEY SUPERIOR COURT CRIMINAL ASSESSMENTS* 1990-1993

	STATEWIDE	MORRIS COUNTY
1990	\$14,730,497	\$815,450
1991	\$15,660,796	\$818,865
**1992	\$40,305,144	\$2,382,431
**1993	\$45,019,582	\$2,648,372

* Does not include court fees.

** Restitution and fine amounts were included in assessments beginning in Fiscal 1992.



Source: Administrative Office of the Courts, Probation Statistical Summary Reports, 1990-1993

In addition, there are a growing number of fees assessed relating to the collection and probation process. Juvenile as well as adult offenders are assessed fines, fees and penalties, although generally smaller monetary amounts are assessed against the juvenile offender. A critical distinction is made between fines and fees or dedicated penalties (in terms of their priority for distribution and the court's authority to convert an unpaid amount to days of community service or to "write-off" the amount when it is determined to be uncollectible). This is basically because much of the penalty revenue is dedicated to the funding of various crime and/or drug related programs which depend on these funds for their continued operation.

Fines, fees and penalties are priority ranked by statute for collection purposes in New Jersey. Each higher priority assessment must be paid in full before any payment can be applied to a lower ranking assessment. In addition where an "assessed" person is also responsible for child support, child support payments are the highest priority in the collection system. Penalties associated with a prior offense must be completely collected before any monies can be collected on a subsequent offense.

Priority Listing of Assessments and Fines³

- 1. Violent Crimes Compensation Board Assessments (VCCB)**
 - ◆ From \$100 to \$10,000 for **each** criminal conviction of violence
 - ◆ \$50 for each "non-violent" conviction

- 2. Restitution Payments**
 - ◆ An amount that provides the victim with the fullest compensation that is consistent with the defendant's ability to pay

- 3. Safe and Secure Communities Act**
 - ◆ \$75 for each conviction under the Safe and Secure Communities Act of 1993

- 4. Forensic Laboratory Fees**
 - ◆ A \$50 Forensic Laboratory Fee for each conviction under the Comprehensive Drug Reform Act of 1986 (CDRA)

- 5. Drug Enforcement and Demand Reduction Penalties**
 - ◆ \$3,000, \$2,000, \$1,000 and \$750 mandatory Drug Enforcement and Demand Reduction penalties (DEDR) for crimes of the first, second, third or fourth degrees, respectively
 - ◆ \$500 for disorderly or petty disorderly person offense for each conviction under the CDRA

³ From the Governor's Management Review Commission report on "Collection of Assessments Fines and Restitution", dated October 19, 1993.

6. Court Fines (Court fines are discretionary and subject to the defendant's ability to pay. The discretionary fines listed are maximum amounts)

- ◆ Up to a \$100,000 fine for conviction of a crime of the first or second degree
- ◆ Up to a \$7,500 fine for a crime of the third or fourth degree
- ◆ Up to a \$1,000 fine for a disorderly person offense
- ◆ Up to a \$500 fine for a petty disorderly person offense

7. Miscellaneous Assessments and Fines

- ◆ Any higher amount equal to three times the street value of a controlled substance for conviction of any violation of the CDRA
- ◆ \$50 for any conviction of operating a motor vehicle under the influence of alcohol or liquor
- ◆ A transaction fee of up to \$1.00 for each payment of any fine or assessment for all convictions after February 2, 1993 (Currently pending legislation would raise this fee to \$2.00)
- ◆ \$45 for any sentence involving supervisory treatment
- ◆ Up to \$25 per month for probationary supervision

IV. Collection History

NEW JERSEY PROBATION DEPT. COLLECTION STATISTICS

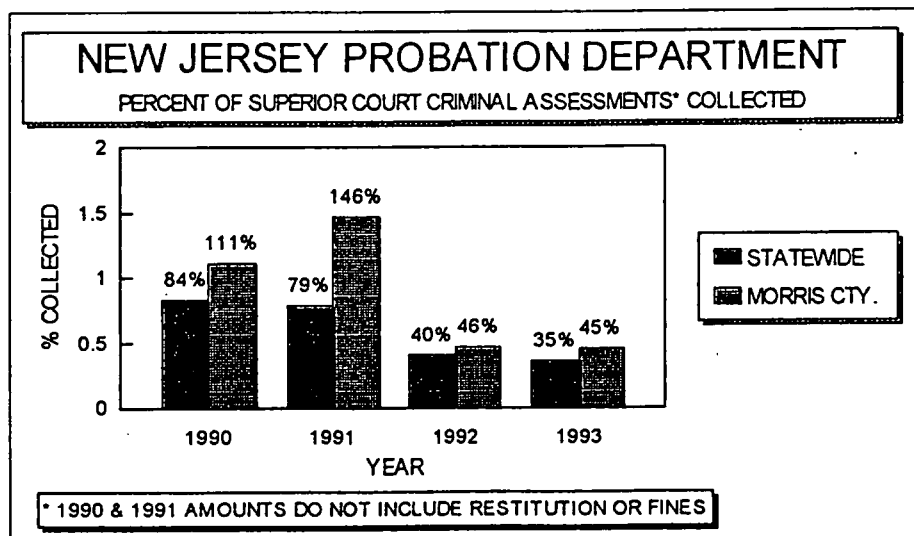
	STATEWIDE		MORRIS COUNTY	
	COLLECTED	% INCR/DECR COLLECTIONS	COLLECTED	% INCR/DECR COLLECTIONS
1990	\$17,281,811		\$907,153	
1991	\$20,207,409	17%	\$1,300,439	43%
1992	\$19,633,852	-3%	\$1,144,841	-12%
1993	\$19,789,013	1%	\$1,277,687	12%
TOTAL	\$76,912,085	15%	\$4,630,120	43%

Source: Administrative Office of the Courts, Probation Statistical Summary Reports, 1990-1993

The table above, reflecting Probation Department total collections, indicates that, although collections of financial sanctions have generally decreased or flattened during the nation's recessionary period, Morris County has managed to stay ahead of the state's collection rate through the Enforcement Court procedures implemented. The following table, limited to Superior Court criminal assessments and collections, further depicts the comparative effectiveness of statewide versus Morris County enforcement:

N. J. PROBATION DEPARTMENT - SUPERIOR CT. CRIMINAL ASSESSMENTS AND COLLECTIONS

YEAR	STATEWIDE			MORRIS COUNTY		
	CRIMINAL ASSESSMENTS	CRIMINAL COLLECTIONS	% COLLECTED	CRIMINAL ASSESSMENTS	CRIMINAL COLLECTIONS	% COLLECTED
1990	\$14,730,497	\$12,308,639	84%	\$815,450	\$907,153	111%
1991	\$15,660,796	\$12,416,706	79%	\$818,865	\$1,193,133	146%
1992	\$40,305,144	\$16,135,146	40%	\$2,382,431	\$1,103,854	46%
1993	\$45,019,582	\$15,967,319	35%	\$2,648,372	\$1,192,068	45%

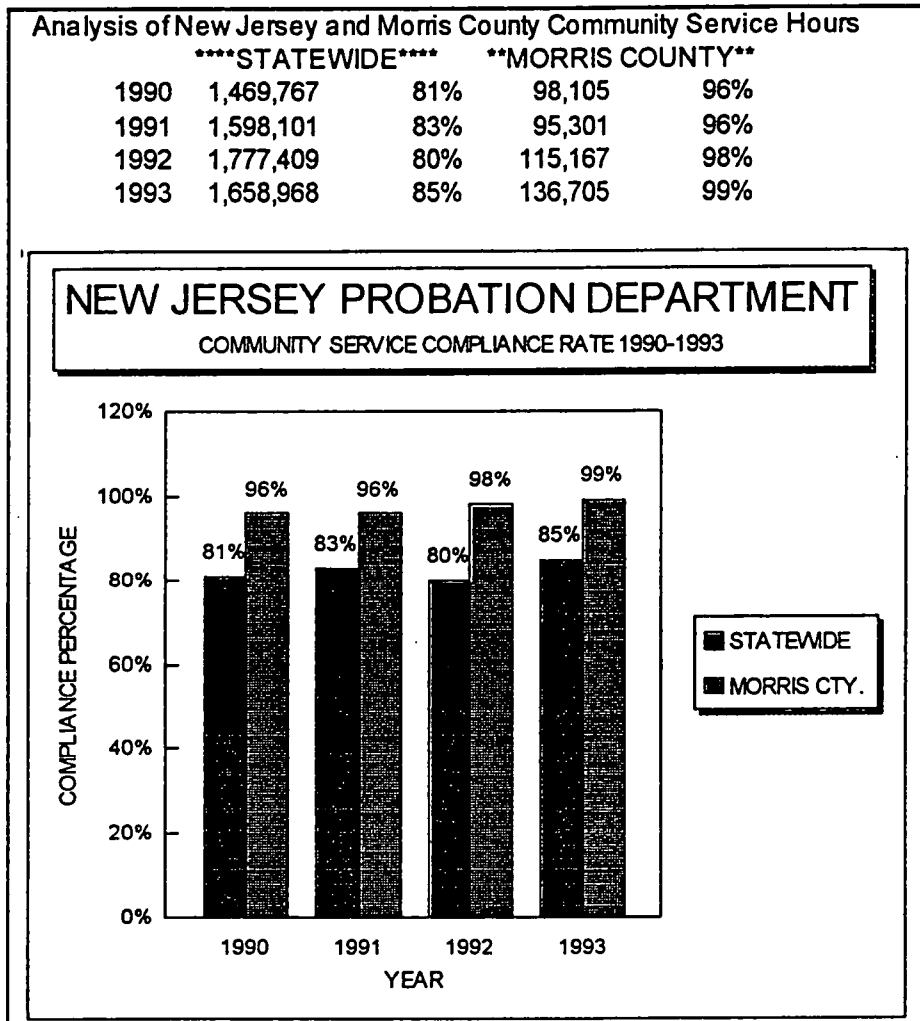


Source: Administrative Office of the Courts, Probation Statistical Summary Reports, 1990-1993

Comparison of Superior Court criminal penalty assessments and collections statewide to those of Morris County reveals at least two major factors supporting the efficacy of the Morris County Enforcement Court effort. First, one can readily see the significant collection improvement in fiscal year 1991 in Morris County, wherein collections far exceeded assessments (146%). This was primarily the result of the initiation of the Enforcement Court program. The tremendous jump in "collectibility" is, of course, reflective of applying effective enforcement techniques to large numbers of existing "arrearages." Equally as important, the following two years' results indicate that Morris County has been able to stay 6-10% ahead of the state average even after clearing most of the uncollected "backlog."

V. Community Service Compliance & "SLAP" Service Hours

The following table and chart indicate that Morris County has also been more successful than the statewide program in the compliance rate for community service. Further, the compliance rate in Morris County continues to climb toward an incredible 100%.

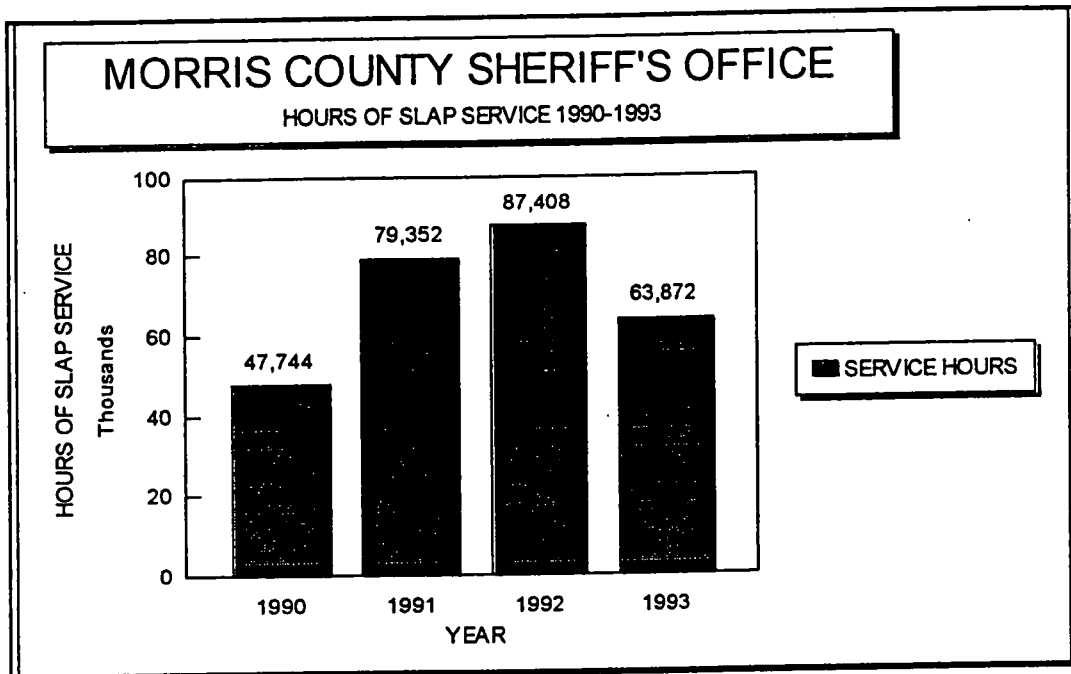


Source: Administrative Office of the Courts, Probation Statistical Summary Reports, 1990-1993

In addition to the Probation Department supervised Community Service program, Morris County has consistently maintained approximately 400 offenders in its SLAP program and its communities have been provided with over 278,000 hours of service through the program over the past four years. As indicated in Section II above, these services range from working on the county farm or in the county's recycling plants to cleaning streets and parks, cutting grass and clipping shrubs at public and non-profit private sites, building Little League baseball fields, cleaning public buildings, cleaning up after festivals and parades and a

multitude of other tasks for public agencies and non-profits, like churches and synagogues, throughout the county.

As the chart which follows indicates, substantial increases in the man hours provided were experienced in 1990 through 1992, very likely as a result of the implementation of the Enforcement Court program. The year 1993, however, reflects a significant reduction which is attributed by those familiar with the program to two factors. Most significant is the change in the counting of hours worked to exclude the time required to transport participants from the assembly area to the work sites and from the work sites back to the release point at the end of the day. In addition, there was a change in administration in the Sheriff's Office which resulted in a reduced effort during the time it took the new administration to address the operation of the SLAP program.



VI. Cost of the Enforcement Court Program

The cost of operating the Enforcement Court program is negligible, but is extremely difficult to precisely determine since all of the "staff" are full time court employees who assist in the court hearing operation, usually only once a month and for far less than a full day. The courtroom used for the program is whichever courtroom is available. The Appellate Courtroom, which is frequently available, was in use during the site visit of the investigator.

Probation Department staff from the FORCE Program consider the program just part of their duty to pursue collection of restitution, fines, fees and penalties. The two to three FORCE Unit staff, in addition to the time spent in the Enforcement Court on the hearing day, also are responsible for the preparation of dunning letters and notices, all of which are necessary and productive even without the Enforcement Court program.

Similarly, the Community Service Unit Probation Department staff spend less than a full day a month at Enforcement Court hearings and consider those duties a part of their responsibility for supervising court ordered community service and assuring that the court's sentencing orders are carried out.

Clerk of the Court duties are performed by an administrative assistant to the Superior Court judge supervising the Enforcement Court program.

The only added cost for the court is the, approximately, one day per month minimal salary of the Special Master.

Since all of the "alternative sanction" programs are already in operation in Morris County, there is little, if any, added cost as a result of the Enforcement Court effort. In fact, it is clear that the program helps the county save money through: the avoidance of substantial numbers of costly jail commitments; by helping to avoid the need for construction of additional county jail space; and, perhaps the greatest saving, through avoiding large numbers of costly and time consuming probation violation hearings that would need to be held by Superior Court judges.

Budget figures provided by the Morris County Sheriff's Office for the SLAP program indicate that, exclusive of manpower costs, \$49,275 and \$32,300 were available, for Fiscal 1993 and Fiscal 1994, respectively, for all SLAP expenses charged to the county. Manpower costs, relating to Sheriff's Office supervision of SLAP activities, reportedly are minimal and are not separable from the operational costs of the Morris County corrections program.

VII. Recommendations for an Efficient and Effective Enforcement Program

The following recommendations are gleaned and adapted from the Arthur Andersen study, from the "Model Collection Process" (Appendix A), and from current literature on effective collection and enforcement. Although not totally implemented in Morris County, most served as a useful guideline in the design of Morris County's enforcement effort and all should be carefully considered by jurisdictions contemplating implementation of an efficient and effective enforcement program.

- ◆ The court must maintain automated collection records for each offender account which provide the capability for automatically generating billing notices, dunning letters, payment coupons, arrearage lists, hearing notices and all required financial statistics
- ◆ Collection policies and procedures should be standardized and codified in a manual
- ◆ Defendants should be notified as early as possible that they will be expected to pay a portion of their penalties at the time of sentencing
- ◆ Financial background information should be verified prior to sentencing and provided at the time of sentencing in order to more accurately assess ability to pay
- ◆ The court should consider detaining those individuals who appear to have an ability to pay and have not paid a reasonable portion of the financial obligation at the time of their sentencing
- ◆ Payment terms should be designed with the goal of satisfying the financial sanction in the shortest time possible, before the end of the period of probation, and consistent with the defendant's ability to pay
- ◆ Judges should incorporate specific payment terms as a part of the court-ordered sentence and assure immediate/timely notification to the collection agent
- ◆ Complete and accurate financial information must be maintained throughout the period of supervision
- ◆ Defendants should be clearly informed where and how to pay or perform services and of the consequences of non-payment or non-performance
- ◆ The "supervising" agency should immediately respond to non-payment or non-performance through mail or telephone notification and, when necessary, warrant

The Court should also:

- ◆ Utilize increasingly severe consequences in administrative hearings as sanctions in the collections process for defaults on court ordered sentences (community service, day reporting, high intensity probation, electronic monitoring, weekend or evening jail, or, as a last resort, "regular" jail)
- ◆ Investigate the feasibility of additional sanctions such as court ordered wage attachments, driver license suspension or community service as penalties for non-payment of financial sanctions

- ◆ Have the supervising agency collect and analyze information regarding the relative effectiveness of each sanction in order to provide feedback to the enforcement process
- ◆ Consider utilizing community service in lieu of fines when feasible and allowable by law
- ◆ Research the feasibility of intercepting federal and state tax refunds or state lottery winnings to pay unpaid financial sanctions
- ◆ Consider judgment liens on property, pending personal injury settlements, and other defendant "assets" which are not easily converted to cash but which can eventually provide for payment of the offender's financial obligation
- ◆ Provide the collecting agency with a percentage of the collections to cover the cost of enforcement and provide an added incentive for strict enforcement
- ◆ Research the practicality of accepting payment via credit card or electronic funds transfer

VIII. Conclusions

Clearly, Morris County has achieved the stated goals of the criminal justice system for the Enforcement Court program which were to:

- Ease jail overcrowding
- Hold offenders accountable for meeting court imposed requirements
- Increase the rate of offender payment of fines, restitution and other financial penalties
- Increase performance of court ordered community service
- Establish a set of graduated severity sanctions for offenders who do not comply
- Establish a partnership among the Judiciary, Executive Branch agencies and the community to implement and operate an effective enforcement program

The SLAP program continues to have a full complement of 400 offenders under its supervision who would otherwise be serving jail time and the jail is no longer facing a continuing overcrowding problem.

Offenders in Morris County know that they will be held accountable for meeting their court ordered requirements. This is clearly reflected in the rate of restitution, fine, fee and penalty collection and in the almost perfect compliance rate in the performance of community service. It is further validated by statistics which indicate that Morris County does better than the state as a whole in the enforcement of court orders.

The Enforcement Court, as reflected by Chart 1 on Page 5, utilizes a full range of gradually more severe sanctions to assure compliance with a range of court ordered sentences. The coordination of this wide range of graduated sanctions appears to be essential to the success of the program.

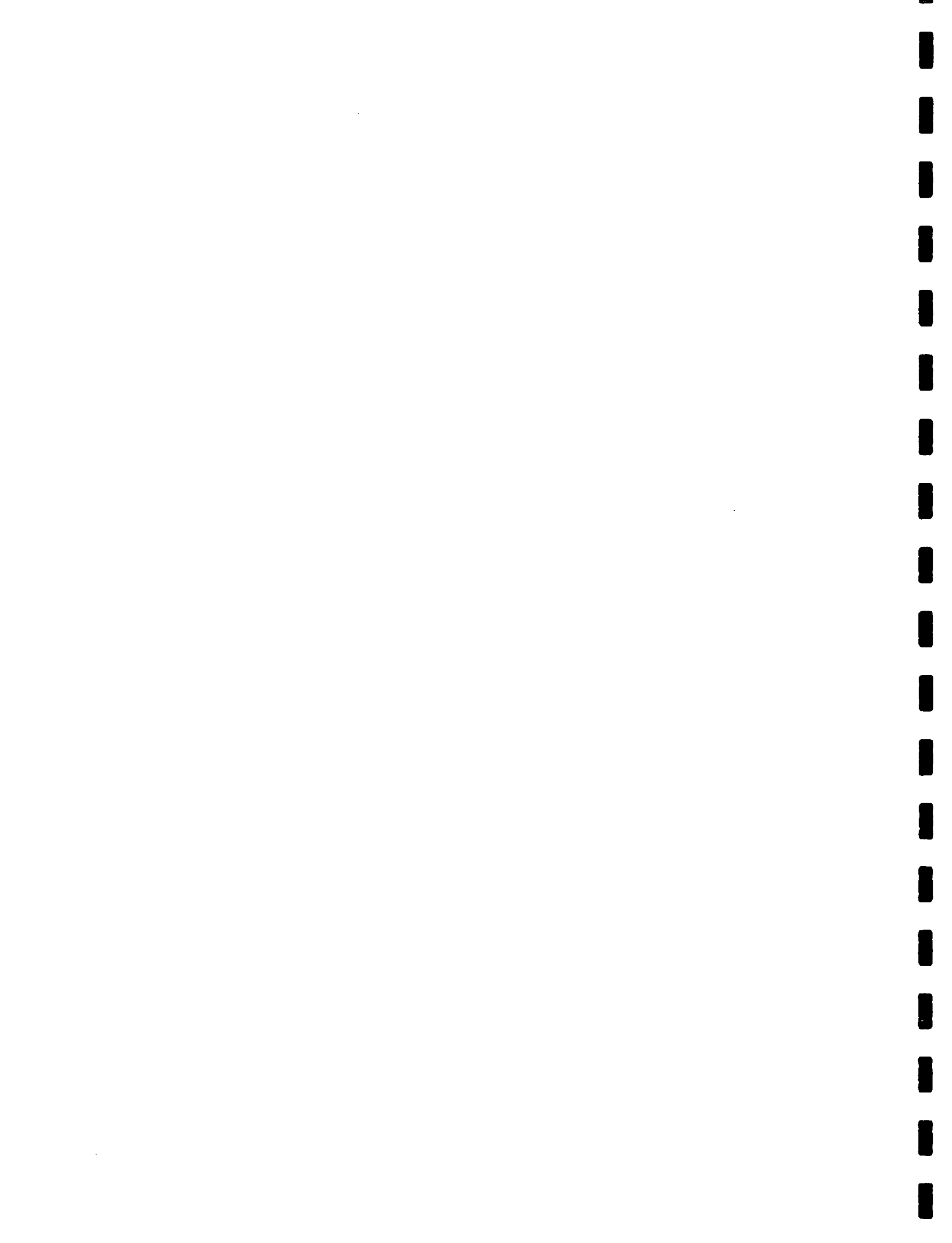
Through its cooperative effort with the Sheriff's Office, government agencies, local non-profit organizations and the community in general, the Enforcement Court has developed a partnership that works and provides satisfaction for all the partners.

In short, the Morris County Enforcement Court program is efficient and cost effective and provides beneficial services to the community it serves. Although an outstanding program, it could be improved, particularly through the provision of better computer services and through implementation of those recommendations in Section VII of this report which have not yet been included in the program.

Finally, those contemplating implementation of a similar program must recognize that the leadership of a firm but humane and reasonable judicial officer has been the key to Morris County's success. This should be a guide for the New Jersey Administrative Office of the Courts in the selection of the Hearing Officers soon to be authorized by the legislature and for any other jurisdiction considering a similar program.

NEW JERSEY MODEL COLLECTION PROCESS

DRAFT



MODEL COLLECTION PROCESS:
A PLAN TO IMPROVE PROBATION COLLECTIONS
THROUGH STANDARDIZATION

I. INTRODUCTION

Since its inception in New Jersey in 1900, probation has been charged by statute with the responsibility of collecting court-imposed financial obligations. N.J.S.A. 2A:168-11 defines the powers and duties of probation officers. Section d. states that the officer shall:

...collect from persons under their supervision such payments as may be ordered by the court so to be made, and disburse the money so received under the direction of the court.

Additionally, section g. of that statute requires the probation officer:

...to keep accurate and complete accounts of all money collected and disbursed, and to give and obtain receipts therefor.

Under N.J.S.A. 2C:46-4, collection responsibilities for various penalties are more clearly defined. This statute states that monetary obligations of offenders under custodial sentence to a State correctional facility shall be collected by the Department of Correction. Financial impositions made in the Municipal Court where no condition of probation supervision is ordered will be collected by the Municipal Court Clerk. All other fines and restitution are to be collected by probation.

In the past decade, probation's collection responsibilities have increase in both number and scope. In addition to fines (which may be payable to the State, county, or municipality) and restitution (to individuals, corporations, government entities, etc.), the court is now required to impose other mandatory fees and penalties. Violent Crimes Compensation Board (VCCB) penalties were added in 1980 and the Victim/Witness Assistance Fund (VAF) fees in 1986. Statutes enacted by the Legislature in December, 1991, increased the amounts of these assessments and added a new category, the Criminal Disposition and Revenue Collection Fund. In 1987, the Comprehensive Drug Reform Act called for the imposition of the Forensic Lab Fee (FLF) and the Drug Enforcement and Demand Reduction (DEDR) penalty. Enabling legislation prescribed collection of these new obligations to be made in accordance with N.J.S.A. 2C:46-4. (See N.J.S.A. 2C:43-3.1a(3), N.J.S.A. 2C:35-15b, and N.J.S.A. 2C:35-20c.)

At the end of 1992, the Legislature enacted a new statute requiring probationers to pay a transaction fee of up to \$1.00 on each payment or installment payment associated with an offense committed on or after February 1, 1993. The exact fee schedule is to be determined by the Administrative Office of the Courts. The money is to be placed in an operating account devoted exclusively to the development and operation of a statewide, automated collections system. In addition, probation divisions continue to collect a variety of other financial impositions as well: PTI application fees, court costs, traffic penalties, mandatory surcharges, drug testing fees, in some cases fees for supervision, and the like. Nor is this trend expected to abate. Across-the-board fees for supervision are under serious consideration.

The amount of money for which probation is responsible has also increased astronomically. While past records on impositions are not adequate for detailed analysis, collection figures are well documented. In Court Year 1980, probation departments collected \$2,848,594; by Court Year 1991, that figure had increased more than seven-fold to \$20,207,478, a difference of nearly \$17.5m.

An important aspect of this background is that nearly all of the money collected by probation is designated for use by other agencies; very little of it can be used by the courts. Most revenues collected go to the funding of programs operated by other agencies in other branches of government. Compensation to victims, assistance to witnesses, laboratory tests of confiscated substances, programs to educate the public about the dangers of drug use: these and many more programs operated by State, county, and local agencies depend on the success of probation collections to continue their operations.

In recognition of probation's growing responsibility to enforce the court's monetary orders, the Probation Services Division of the Administrative Office of the Courts made a commitment in 1988 to put forth serious effort to improve probation collection techniques and thereby increase the money garnered to run these important programs. As part of the initial commitment, a Probation Collections Coordinator was appointed at the end of 1988, and a study of probation collection practices was commissioned.

II. ARTHUR ANDERSEN STUDY

Early in 1989, Arthur Andersen Consulting was hired to conduct a study of collection practices in four counties -- Camden, Middlesex, Ocean, and Somerset -- and several municipalities. In response to a perception that collections were handled very differently from county to county, the researchers were asked to document practices, analyze their effectiveness, and make recommendations for statewide improvement. The consultants did indeed find a wide range of methods by which counties tracked financial matters and

attempted to stimulate compliance with monetary orders imposed by the courts. Based on their expertise in this area and the results that they saw in the counties, the consultants came up with a series of recommendations, the most salient of which are enumerated below.

1. Collection policies and procedures should be standardized statewide and codified in a manual.
2. Financial background information should be verified at the predisposition phase and provided to the court to ensure appropriate payment terms.
3. Defendants should be expected, and so notified, to pay a portion of their financial penalties on the day of sentencing.
4. The court should consider detaining individuals who demonstrate an ability to make an initial payment on the day of sentencing but fail to do so.
5. Judges should incorporate into the sentence a specific payment plan compatible with the defendant's financial situation. The plan should be designed with the goal of satisfying all court-ordered monetary obligations in the shortest possible amount of time and certainly before the end of the probation sentence.
6. A study should be performed to establish optimum fine, fee, and penalty levels based on the defendant's ability to pay.
7. The court should communicate sentences promptly to probation.
8. Probation should maintain automated collection records capable of generating billing notices, dunning letters, payment coupons, etc.
9. Probation should establish a structured approach to nonpayors based on a series of increasingly negative consequences and concluding with court appearances on a calendar devoted exclusively to those in default.
10. Collection techniques used successfully in the enforcement of child support orders should be adapted for use in the area of criminal penalties: wage attachments, docketing civil judgements, tax and homestead rebate offsets, etc.

On an independent basis, the Probation Services Division conducted its own statistical analysis to determine the extent of correlation between the collection practices identified as effective in the Arthur Andersen study and the performance of the various local probation departments. Counties were ranked on their use of the techniques recommended in the Arthur Andersen report and on county economic factors such as per capita income, average income, unemployment rate, percentage of families receiving welfare, etc. These factors were further compared with collections performance defined as percentage of assessments collected. This study showed a weak correlation between the economic health of the county and probation's success in collecting financial obligations imposed by the court. However, a statistically significant relationship was shown to exist between use of the collection practices identified as effective by the Arthur Andersen study and a probation department's success in collecting assessments.

III. DEVELOPMENT OF THE MODEL COLLECTION PROCESS

The Chief Probation Officers Subcommittee on Collections addressed itself to the central recommendation of the Arthur Anderson report: the development of a collections policies and procedures manual which would codify standardized, statewide collection operations in the probation divisions. The final product will contain a flow chart of the procedures; citations of relevant statutes, case law, and administrative directives; detailed protocols for the use of specific collection techniques; and sample forms to be used uniformly by all probation divisions. At the core of this manual will be the Model Collection Process, a detailed step-by-step description of responsibilities and actions to be taken by Prosecutors, Case Managers, Court Administrators, Judges, and Probation staff. Separate sections of the Process address Pretrial Intervention cases as well as those coming out of the Criminal and Family Divisions and from Municipal Court.

While the initial drafts of the Model Collection Process were written by the CPO Subcommittee on Collections, a wide variety of groups and individuals were brought into the process:

- ...local probation division DEDR and VCCB Coordinators;
- ...Chief Probation Officers;
- ...Family Division Managers;
- ...Criminal Division Managers;
- ...Trial Court Administrators;
- ...Municipal Court Administrators;
- ...the Counsel to the Administrative Director; and
- ...staff of AOC Divisions for Probation Services, Criminal Practice, Family, and Municipal Services.

At various times in the development, advice was sought from the Conferences of Family and Criminal Presiding Judges and the Assignment Judges. Comments and suggestions were also solicited from the State and local directors of the Victim/Witness Advocacy Programs, the trial assistant prosecutors from several counties, and the State Prosecutors Association.

The purpose of this complex process was to involve as many as possible of the key actors who play significant roles in collections. Their ideas were essential for building a consensus among those who have the responsibility and authority to affect the results of collection activities. By designing the Model Collection Process around the ideas advanced by all of these people, a commitment was created which would make possible full and effective implementation of the system.

The Model Process presented in this document was adopted unanimously by the Conference of Chief Probation Officer. It has received endorsement in principle from all of the other groups and individuals enumerated above. Full agreement with all specific recommendations has yet to be accomplished.

The Model Process is now being sent to the Conference of the Chief Justice and the Assignment Judges in order to obtain any final suggestions and amendments. The goal is for this Process to be adopted by the CJ/AJ Conference in order for it then to be promulgated as the official policy of the New Jersey Judiciary as to how collection cases will be addressed.

IV. PRINCIPLES AND VALUES

At the basis of the Model Collection Process are fundamental values and good collection principles which dictated a number of the policy decisions made by the CPO Subcommittee on Collections. These notions were drawn from the Arthur Andersen study as well as from broad investigation into trends in court practices throughout the country and a review of effective collection practices in the private sector. These principles and values are explained briefly in this section. In the next section, policy decisions imbedded in the Model Process are highlighted so that they may either be ratified or altered.

Dictates embodied in the statutes must be followed. A strong inclination prevailed that actions and procedures stipulated in New Jersey State law had to be raised to conscious awareness with the emphasis on total compliance with their requirements. Practices followed as a matter of tradition which are contrary to legal requirements should be rooted out of the Judiciary's repertoire of activity. Probably the best examples of this are the duty of the judge to set restitution amounts and establish payment schedules. These actions are often left to the discretion of the probation officer. The Model Collection Process strongly advocates a practice which follows the legal requirements because it is both correct and effective in terms of how the defendant views the monetary sanctions and therefore responds to them.

Complete and accurate financial information about the defendant must be available to the court at the time of sentencing and must be maintained throughout probation supervision. Financial sanctions work best when they are tailored to fit the specific circumstances of the individual. Jurisdictions which have experimented with monetary penalties based, at least in part, on the offender's financial profile (the "day fine" approach) have found their collection rates to be higher than those situations where that is not the case. While New Jersey sentences contain many mandatory components and cannot therefore be based solely on the defendant's economic conditions, nevertheless the payment plan can and should be devised for the particular individual. To do this requires the judge to have as much relevant information as possible concerning the defendant at the time of sentencing. Probation officer activity during the period of supervision will also be more successful to the degree that the Officer has a total picture of the probationer's finances.

Consequently, it is essential that presentence reports include a complete and verified account of the defendant's income, assets, and liabilities. (See N.J.S.A. 2c:44-6b.) This record should be updated on a regular basis by the supervising probation officer. To this end, court divisions should work out policies and procedures for sharing information about offenders on a regular and systematic basis. Similar arrangements should be made with other components of the justice system which normally have information useful to the courts; the prosecutor's office and victim assistance programs are good examples.

Collections should be made over the shortest period of time consistent with the offender's ability to pay. There should be an expectation that the defendant will pay as much as possible toward court-imposed financial obligations at the time of sentencing. This should be communicated to the defendant in terms of a specific dollar amount which should be made a part of the plea agreement in appropriate cases. In the vast majority of cases where the monetary penalties are not paid forthwith, payments schedules should be designed to collect the total due in the least amount of time the defendant requires given income and other expenses. A standard amount such as \$10 per week should not be used for every case. At the same time, the schedule should ensure that all penalties are paid by the time the probation period ends.

Constructive use of authority should be brought to bear on the task of enforcing court orders involving financial penalties. The Judge should be prepared to apply sanctions if the initial payment originally part of the plea agreement is not fulfilled. Following this initial push for payment, which should include a discussion with the defendant about the application of any bail money posted, the judge should lay out in detail to the offender what is expected in terms of payments -- how many, how much, when due, and to whom payments shall be made. Consequences for non-payment should be outlined clearly and in some detail. When the probationer first meets with the probation officer, payment expectations should again be reviewed in the context of a general discussion of the rules and regulations of supervision. Probation officers must monitor their probationers closely to make sure they are adhering to the payment plans prescribed by the court.

A series of increasingly negative consequences should be used routinely in response to default on the payment plan contained in the sentence. By policy, the probation supervision divisions should have an established sequence of events that follow default in the court-ordered installment payments which have been established to ensure compliance with the court-imposed monetary assessments. A series of increasingly negative consequences should follow non-compliance with payment plans until the probationer changes behavior to comport with the court orders or, failing this, the individual is brought back to court for a Violation of Probation, contempt, or summary collection hearing. The steps in this process should be made clear to the probationer at the outset of supervision and should be followed meticulously when infractions occur. The Model Collection Process suggests what these increasingly negative sanctions should be.

V. POLICY ISSUES RELATED TO RECOMMENDED PRACTICES

There are a number of practices recommended in the Model Collection Process which involve policy decisions based on the principles and values described above. The purpose of this section is to describe what policy decisions are recommended and why. In that way, those responsible for making and promulgating policy can be made aware of the issues involved and the directions preferred so that conscious decisions can be made either to support the recommendations or to go in a different direction. These issues can be organized loosely under four distinct headings: information, priorities, practices, and enforcement.

A. Information

1. It is necessary for the judge to have all of the relevant information needed to specify the installment payment schedule for court-ordered financial obligations. Therefore, materials going to the judge from the Criminal Division Managers Office on Pretrial Intervention cases and in presentence reports should contain information on the financial status of the offender. Besides making sense to include data regarding income, assets, debts, and other court-imposed obligations, this policy recommendation is in accord with the statutes regarding VCCB which require this information to be available to the judge.
2. Guidelines need to be developed to assist judges in comprehending and analyzing the financial information they obtain about the defendant. In particular, judges need to be able to evaluate the defendant's income, expenses, assets, and liabilities in order to arrive at a fair and affordable initial payment to be made at the sentencing hearing. Further, the judge must than be able to use the financial background information to establish an installment payment schedule that the defendant can reasonably be expected

to maintain and that will collect the total amount owed in the least amount of time but within the time period during which the defendant will be under probation supervision. Guidelines will help ensure that these issues are addressed uniformly and consistently throughout the State.

3. Cooperation between court divisions as well as interagency cooperation must be developed in order to ensure that financial information impacting on dispositions is shared with the judge regardless of where that data originates. Case Management Divisions and Supervision Divisions should cultivate good working relationships with each other and with the county prosecutors office and the county Victim Assistance Program in order to obtain the financial information those agencies have, especially regarding losses suffered by victims. Routine mechanisms should be put into place so that this type of data is transmitted on a regular basis.
4. In order to begin the collection process at the earliest possible moment -- immediately after sentencing -- the defendant must be notified in writing of the amount expected to be paid at sentencing. No movement can be expected in this regard until that information is shared routinely with defendants so that they can be prepared to pay.
5. To allow for strict enforcement of court orders, the sentence must contain complete and accurate information regarding the financial penalties assessed: amount, to whom owed, where to be paid, priorities for disbursement, schedule of payments, etc. All of these factors should be a condition of probation where supervision is ordered. They must be accurately recorded on the Judgment of Conviction and forwarded promptly to the probation division as quickly as possible in order to begin enforcement immediately.

B. Priorities

1. Child support payments (current amount plus court-ordered payments on arrearages) take precedent over any monetary penalties resulting from a disposition of delinquency or a criminal conviction.
2. PTI application fees should be collected prior to admission to the program or waived as provided by statute. They should not be deferred for collection by probation during PTI supervision.
3. In the event a PTI application fee remains to be paid after an offender is convicted and has been assessed other monetary penalties, the sentencing judge must specify what priority the PTI application fee has in relation to the collection of the other assessments.

4. If an adult is convicted and put on probation with court-imposed financial obligations, and that individual has unpaid monetary assessments from previous convictions, all previously imposed penalties should be paid off completely before payments are applied to the new assessments. In other words, if there is a series of convictions, each with its own financial penalties, all payments should be completed for the first conviction before payments commence on the second conviction. Then penalties for each conviction should be taken in chronological order. This policy should be applied even when the earlier unpaid penalties are the result of juvenile adjudications.
5. A policy is needed relative to the payment of fees charged by the probation department, such as drug testing fees or fees for supervision. Where in the order of collection priorities do these fall? Can they be collected independent of the court-imposed financial obligations or must they await full payment of assessments mandated by the statutes?

C. Practices

1. Out-of-state cases should be handled especially carefully in terms of trying to get the maximum amount of money at the time of sentencing. The approach must be realistic about the fact that once the defendant leaves the state, there may be very little leverage that can be exerted to enforce compliance with the court's financial sanctions.
2. All installment payment plans should be made a condition of the probation sentence so that a missed payment becomes a violation of probation.
3. Payment plans should be designed to collect all assessments in the shortest amount of time consistent with the defendant's financial situation. However, in all cases the payment plan should be designed in such a way that, if followed, all financial penalties will be paid off in full at the end of the probation sentence.
4. If the payment plan imposed by the judge is to be changed by probation officials, e.g., following an administrative hearing, the sentencing judge must be asked for permission to make this change if the new schedule will allow the offender to take more time to pay off the obligations. If approved, the new payment schedule should be entered as a court order. If the new plan would have all assessments paid off sooner than the original order, the judge should still be notified of the change. If the defendant signs a waiver, these changes may be made without a court hearing.
5. Probation should disburse monies collected at least monthly. This holds true for victims receiving restitution. The probation division may establish a small (no more than \$20) minimum amount to be sent before a check is cut to a restitution recipient and accumulate monies from month to month until that minimum is reached.

6. Policy needs to be established with regard to offenders who have paid all or some FLF and DEDR penalties as part of a PTI agreement who are taken off PTI, subsequently brought to trial and convicted. The sentencing judge should clearly state what additional FLF and DEDR are owed, if any.
7. Policy needs to be established as to the type of proof needed at a Violation of Probation hearing to establish that the probationer was sent default notices but failed to respond to them. Is it necessary to have a hard copy of the notice sent? Or is it sufficient to have a notation in the computer file or a computer generated list of individuals who were sent payment-due notices on a particular day?
8. As work on the Model Collection Process has progressed and more attention is focused on this area, questions continue to arise that must be resolved in spite of the fact that there are no obvious answers. While this document confronts a lot of those issues and suggests policy for consideration, other enigmas are bound to arise after this document is supposedly finalized. ~~A mechanism should be established by which questions related to collections can be answered and policies established and approved in a timely fashion.~~

D. Enforcement

1. Defendants should be notified ahead of time and in writing of the amount of initial payment they are expected to make at sentencing toward their court-imposed financial obligations. At the hearing, the judge should remind the defendant that payment is expected and be prepared to impose additional sanctions if that payment was part of the original plea agreement and is not made.
2. If the defendant has posted any cash bail, at sentencing the judge should order as a condition of sentence the application of that money toward financial penalties.
3. Also at sentencing, the judge should impress upon the defendant and the defense attorney the importance and seriousness of paying the financial penalties and make the defendant aware of the possible consequences for failure to comply with the installment schedule imposed as a condition of the sentence.
4. At the initial meeting with the probationer when conditions of the sentence are reviewed, the probation officer should cover in detail the monetary conditions imposed by the court. The probationer should understand the amount to be paid at what intervals and to whom. Consequences for failure to comply should be explained in detail.

5. Probation divisions should standardize an increasingly negative series of consequences to be applied to probationers who default on the court-imposed installment schedule. These graduated sanctions should be used uniformly across the board unless officer and supervisor agree that there is sufficient reason not to do so.
6. As part of the sequence of escalating consequences, probationers in default should be brought into the probation division for an administrative hearing in front of a senior probation management official before being scheduled for a Violation of Probation, contempt, or summary collection hearing in front of the sentencing judge. Counties should also consider setting up a special calendar of default cases before a specific judge (Fine Court or Default Court) to follow an administrative hearing before a formal violation hearing is scheduled. Current practice seems to reserve this intermediate type of hearing for cases where the only infraction is the lack of payments; all other conditions of probation are being met.
7. The probation supervision period should be ~~extended~~ to provide additional time to complete payment of court-ordered financial obligations only if there is reason to believe that such an extension will in fact produce payments. If there is no evidence that more time will bring in more money, alternative sanctions should be considered.

ncp:cm



**LEGISLATION ESTABLISHING STATEWIDE
ENFORCEMENT COURTS**



FEB 7 1995

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY



ROBERT D. LIPSCHER
Administrative Director of the Courts

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DAVID P. ANDERSON, JR.
Assistant Director
Legislative and Liaison Services

February 1, 1995

Prof. Joseph Trotter, Jr.
Justice Programs Office
School of Public Affairs
The American University
Brandywine Building, Suite 600
4400 Massachusetts Ave., NW
Washington, D.C. 20016-8159

Dear Professor Trotter:

Enclosed please find a copy of Senate bill 335 (Public Laws of 1995, c. 9), which establishes the New Jersey "Comprehensive Enforcement Program and Fund."

I am sure you know that if you have any questions about this Act, you can contact Dan Coburn or me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "David P. Anderson, Jr.", written over the typed name.

David P. Anderson, Jr.

DPA/mlm

cc: Hon. Daniel Coburn



[THIRD REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 335

STATE OF NEW JERSEY

ADOPTED FEBRUARY 24, 1994

*P.L. 1995, c. 9
Approved 1/12/95*

Sponsored by Senator DiFRANCESCO Assemblymen Haytaian, Solomon, DeCroce, Felice, Assemblywoman Gregory-Scocchi, Assemblyman Rocco, Assemblywoman J. Smith, Assemblyman Warsh, Assemblywoman Heck and Assemblyman Roma

1 AN ACT creating the "Comprehensive Enforcement ³[Court]
2 Program³ Fund³[,]" ³and³ revising various parts of the
3 statutory law ³[and making an appropriation]³.

4
5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. (New section) Sections 1 through 9 of this act shall be
8 known and may be cited as the "Comprehensive Enforcement
9 ³[Court] Program³ Fund Act."

10 2. (New section) The Legislature finds and declares that:

11 a. The Judiciary routinely enters judgments and court orders
12 setting forth assessments, surcharges, fines and restitution
13 against litigants pursuant to statutory law.

14 b. The enforcement of court orders is crucial to ensure respect
15 for the rule of law and credibility of the court process.

16 c. Despite monitoring of judgments and court orders by
17 probation divisions and other segments of the Judiciary
18 responsible for doing so, many orders are not complied with
19 because there is a lack of central coordination, funding,
20 automation, and control.

21 d. The Judiciary has successfully developed a hearing officer
22 program in child support enforcement and a pilot criminal
23 enforcement court project, which is in the process of being
24 expanded, that have demonstrated significant increases in
25 collections and compliance.

26 e. The Governor's Management Review Commission has
27 reviewed the collections process in New Jersey and made
28 recommendations supporting the establishment and funding of a
29 statewide comprehensive enforcement ³[court]³ program
30 operated by the Judiciary.

31 f. Upon passage of this act, the Supreme Court and the Chief
32 Justice will establish a Statewide comprehensive enforcement
33 ³[court] program³ within the present structure of the Superior
34 Court which will provide for the enforcement of court orders and
35 oversee collection of court-ordered fines, assessments,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted March 10, 1994.

² Senate floor amendments adopted March 31, 1994.

³ Senate amendments adopted in accordance with Governor's recommendations December 15, 1994.



1 surcharges and judgments in the civil, criminal and family
2 divisions, the Tax Court and in certain municipal court matters as
3 ²[determined by the Supreme Court] provided in section 6 of this
4 act². The comprehensive enforcement ³[court] program³ will
5 utilize the child support hearing officer model and the pilot
6 project criminal enforcement court model, supported by a
7 Statewide automation system designed to increase collections,
8 compliance and accountability.

9 3. (New section) There is established as a separate fund in the
10 General Fund, to be administered by the Administrative Office of
11 the Courts, a "Comprehensive Enforcement ³[Court] Program³
12 Fund." This fund shall be the depository for the deductions from
13 collections ¹and the enforced community service fees¹ described
14 in sections 4 and ¹[6] ⁵¹ of this act for the purpose of operating
15 the comprehensive enforcement ³[court] program³, the computer
16 system established pursuant to P.L.1992, c.169, enforced
17 community service and any subsequent programs or
18 methodologies employed to enforce collection of court ordered
19 financial obligations.

20 4. (New section) ²a.² ³[The] Subject to the approval of the
21 Director of the Division of Budget and Accounting, the³
22 Administrative Office of the Courts is authorized to deduct an
23 amount up to 25% of all moneys collected through the
24 comprehensive enforcement ³[court] program³, except for victim
25 restitution and for Violent Crimes Compensation Board
26 assessments, for deposit in the "Comprehensive Enforcement
27 ³[Court] Program³ Fund" established pursuant to section 3 of this
28 act to fund the comprehensive enforcement ³[court] program³,
29 the CAPS computer system, enforced community service, and
30 other programs employed to collect court ordered financial
31 obligations. The Administrative Office of the Courts shall
32 promulgate a schedule for the deduction of collections to be
33 deposited in the "Comprehensive Enforcement ³[Court] Program³
34 Fund."

35 ²b. Of the funds deposited in the "Comprehensive Enforcement
36 ³[Court] Program³ Fund," no more than \$550,000.00 annually
37 shall be allocated to fund the comprehensive enforcement
38 ³[court] program³.²

39 5. (New section) a. The governing body of each county,
40 through the sheriff or such other authorized officer, may
41 establish a labor assistance program as an alternative to direct
42 incarceration to be utilized by the comprehensive enforcement
43 ³[court] program³ as a sentencing option. An enrollment fee of
44 \$15.00 shall be paid by each person who is sentenced to a labor
45 assistance program. Additionally, each person so sentenced shall
46 pay a fee of \$2.00 per day for each day originally sentenced to
47 the labor assistance program. Labor assistance program fees
48 shall be paid to the county treasurer for use by the county.

49 b. In counties that do not establish a labor assistance program,
50 the probation services division shall establish an enforced
51 community service program as an alternative to direct
52 incarceration, to be utilized by the comprehensive enforcement
53 ³[court] program³ as a sentencing option. An enrollment fee of
54 \$15.00 shall be paid by each person who is sentenced to the



1 enforced community service program. Additionally, each person
2 so sentenced shall pay a fee of \$2.00 per day for each day
3 originally sentenced to the enforced community service program.
4 Enforced community service fees shall be deposited in the
5 "Comprehensive Enforcement ³[Court] Program³ Fund."

6 c. (1) As used in this section, "labor assistance program"
7 means, a work program, established by the county under the
8 direction of the sheriff or other authorized county officer, which
9 rigorously supervises offenders providing physical labor as an
10 alternative to incarceration.

11 (2) As used in this section, "enforced community service"
12 means a work program, established and supervised by the
13 probation division, which directly and rigorously supervises
14 offenders providing physical labor as an alternative to direct
15 incarceration in those counties which have chosen not to create a
16 labor assistance program.

17 6. (New section) ²a.² All matters involving the collection of
18 monies ²[in a municipal court,]² in the Superior Court and Tax
19 Court which have not been resolved in accordance with an order
20 of the court may be transferred, pursuant to court rule, to the
21 comprehensive enforcement ³[court] program³ for such action as
22 may be appropriate.

23 ²b.(1) A municipal court may request that all matters which
24 have not been resolved in accordance with an order of that court
25 be transferred to the comprehensive enforcement ³[court]
26 program³ for such action as may be appropriate. All monies
27 collected through the comprehensive enforcement ³[court]
28 program³ which result from the enforcing of orders transferred
29 from any municipal court shall be subject to the 25% deduction
30 authorized pursuant to section 4 of this act except for monies
31 collected in connection with the enforcement of orders related to
32 parking violations.

33 (2) Nothing contained in this act shall prevent any municipal
34 court from contracting the services of a private collection
35 agency to collect any monies which have not been remitted in
36 accordance with an order of that court.²

37 7. (New section) All matters involving the imposition of a
38 sentence of community service by either the Superior Court or a
39 municipal court which have not been complied with by the
40 offender shall be transferred, by the sentencing judge to the
41 comprehensive enforcement ³[court] program³ for such suitable
42 compliance sanctions as may be appropriate, including
43 incarceration, participation in a labor assistance program,
44 enforced community service, imposition of a financial sanction,
45 or a combination of these sanctions or such other alternative as
46 may be appropriate.

47 8. (New section) a. At any time after a person has completed
48 the total sentence to a labor assistance program or enforced
49 community service program, the comprehensive enforcement
50 ³[court] hearing officer³ may determine that the payor is
51 financially unable to comply with the financial obligations
52 initially imposed by the sentencing court. The comprehensive
53 enforcement ³[court] hearing officer³ may then:

54 (1) Accept the participation in a labor assistance program or



1 enforced community service in lieu of payment of the remaining
2 court ordered financial obligations;

3 (2) Impose additional hours in a labor assistance program or
4 enforced community service in lieu of payment of the remaining
5 court ordered financial obligations;

6 (3) Impose a term of imprisonment in lieu of paying the
7 remaining court ordered financial obligations; or

8 (4) Docket the total amount due as a judgment in the Superior
9 Court.

10 b. When the comprehensive enforcement ³[court] hearing
11 officer³ has exhausted all of the steps enumerated in this section
12 and any additional hours of a labor assistance program or
13 enforced community service or any term of imprisonment have
14 been completed, the person may be terminated from probation
15 supervision and the total amount owed may be removed from
16 probation records and deducted from outstanding and
17 uncollectable amounts owed. These actions notwithstanding,
18 whenever a judgment is docketed in the Superior Court, the
19 person remains liable to pay the outstanding debt as originally
20 imposed by the sentencing court.

21 c. Notwithstanding the foregoing, the ³[court] comprehensive
22 enforcement hearing officer³ may not relieve the person of the
23 obligation to pay the VCCB assessment or restitution to a victim.

24 9. (New section) Any recommendation by a comprehensive
25 enforcement ³[court]³ hearing officer shall be in conformity with
26 court rules and shall be approved by a judge of the Superior Court
27 prior to entry.

28 10. N.J.S.2C:46-1 is amended to read as follows:

29 2C:46-1. Time and Method of Payment; Disposition of Funds.

30 a. When a defendant is sentenced to pay an assessment
31 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
32 penalty imposed pursuant to N.J.S.2C:35-15, a forensic
33 laboratory fee imposed pursuant to N.J.S.2C:35-20 or to make
34 restitution, the court may grant permission for the payment to be
35 made within a specified period of time or in specified
36 installments. If no such permission is embodied in the sentence,
37 the assessment, fine, penalty, fee or restitution shall be payable
38 forthwith, and the court shall file a copy of the judgment of
39 conviction with the Clerk of the Superior Court who shall enter
40 the following information upon the record of docketed judgments:

41 (1) the name of the convicted person as judgment debtor;

42 (2) the amount of the assessment imposed pursuant to section
43 2 of P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes
44 Compensation Board as a judgment creditor in that amount;

45 (3) the amount of any restitution ordered and the name of any
46 persons entitled to receive payment as judgment creditors in the
47 amount and according to the priority set by the court;

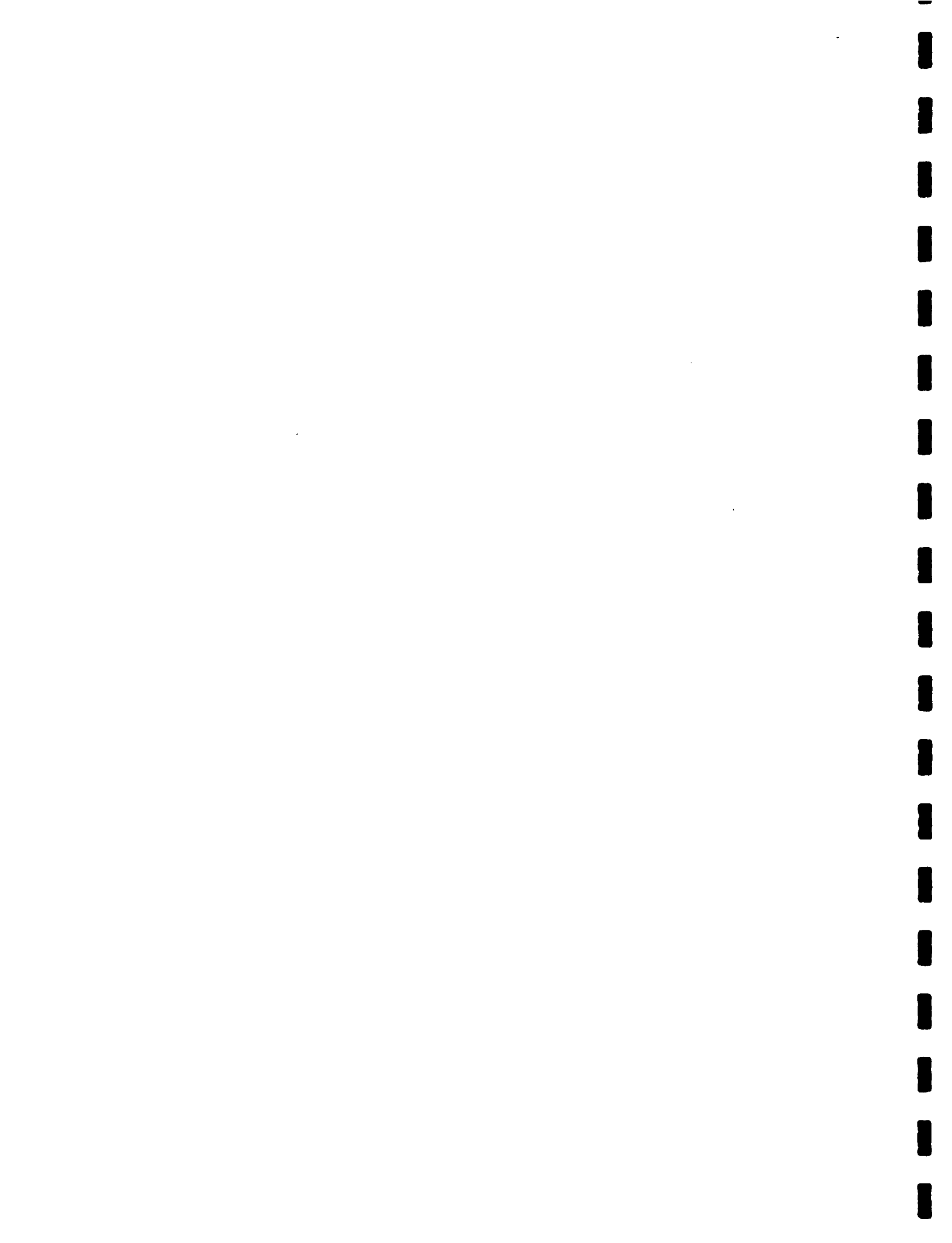
48 (4) the amount of any fine and the governmental entity
49 entitled to receive payment pursuant to N.J.S.2C:46-4;

50 (5) the amount of the mandatory Drug Enforcement and
51 Demand Reduction penalty imposed;

52 (6) the amount of the forensic laboratory fee imposed; and

53 (7) the date of the order.

54 Where there is more than one judgment creditor the creditors



1 shall be given priority consistent with the provisions of section 13
2 of P.L.1991, c.329 (C.2C:46-4.1). These entries shall have the
3 same force as a civil judgment docketed in the Superior Court.

4 b. (1) When a defendant sentenced to pay an assessment
5 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
6 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic
7 laboratory fee imposed pursuant to N.J.S.2C:35-20 or to make
8 restitution is also sentenced to probation, the court shall make
9 continuing payment of installments on the assessment and
10 restitution a condition of probation, and may make continuing
11 payment of installments on the fine, the mandatory Drug
12 Enforcement and Demand Reduction penalty or the forensic
13 laboratory fee a condition of probation.

14 (2) When a defendant sentenced to pay an assessment imposed
15 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
16 penalty imposed pursuant to N.J.S.2C:35-15, a forensic
17 laboratory fee imposed pursuant to N.J.S.2C:35-20 or to make
18 restitution is also sentenced to a custodial term in a State
19 correctional facility, the court may require the defendant to pay
20 installments on the assessment, penalty, fee, fine and restitution.

21 c. The defendant shall pay an assessment imposed pursuant to
22 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty,
23 fee or fine or any installment thereof to the officer entitled by
24 law to collect the payment. In the event of default in payment,
25 such agency shall take appropriate action for its collection.

26 d. (1) When, in connection with a sentence of probation, a
27 defendant is sentenced to pay an assessment imposed pursuant to
28 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty
29 imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
30 imposed pursuant to N.J.S.2C:35-20 or to make restitution, the
31 defendant, in addition, shall be sentenced to pay a transaction fee
32 on each occasion that the defendant makes a payment or an
33 installment payment, until the defendant has paid the full amount
34 he is sentenced to pay. All other individuals making payments on
35 court ordered financial obligations through the probation division
36 shall also pay a transaction fee on each payment or installment
37 payment. The Administrative Office of the Courts shall
38 promulgate a transaction fee schedule for use in connection with
39 installment payments made pursuant to this paragraph; provided,
40 however, the transaction fee on an installment payment shall not
41 exceed [~~\$1.00~~] \$2.00.

42 (2) When, in connection with a custodial sentence in a State
43 correctional institution, a defendant is sentenced to pay an
44 assessment imposed pursuant to section 2 of P.L.1979, c.396
45 (C.2C:43-3.1), a fine, a penalty imposed pursuant to
46 N.J.S.2C:35-15, a forensic laboratory fee imposed pursuant to
47 N.J.S.2C:35-20 or to make restitution, the defendant, in addition,
48 shall be sentenced to pay a transaction fee on each occasion that
49 the defendant makes a payment or an installment payment until
50 the defendant has paid the full amount he is sentenced to pay.
51 The Department of Corrections shall promulgate a transaction
52 fee schedule for use in connection with installment payments
53 made pursuant to this paragraph; provided, however, the
54 transaction fee on an installment payment shall not exceed \$1.00.
55 (cf: P.L.1992, c.169, s.1)



1 11. N.J.S.2C:46-2 is amended to read as follows:

2 2C:46-2. Consequences of Nonpayment; Summary Collection.
3 a. When a defendant sentenced to pay an assessment imposed
4 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
5 probation fee, fine, other court imposed financial penalties or to
6 make restitution defaults in the payment thereof or of any
7 installment, upon the motion of the person authorized by law to
8 collect the payment, the motion of the prosecutor, the motion of
9 the victim entitled to payment of restitution, the motion of the
10 Violent Crimes Compensation Board, the motion of the State or
11 county Office of Victim and Witness Advocacy or upon its own
12 motion, the court shall recall him, or issue a summons or a
13 warrant of arrest for his appearance. The court shall afford the
14 person notice and an opportunity to be heard on the issue of
15 default. Failure to make any payment when due shall be
16 considered a default. The standard of proof shall be by a
17 preponderance of the evidence, and the burden of establishing
18 good cause for a default shall be on the person who has defaulted.

19 (1) If the court finds that the person has defaulted without
20 good cause, the court shall:

21 (a) Order the suspension of the driver's license or the
22 nonresident reciprocity driving privilege of the person; and

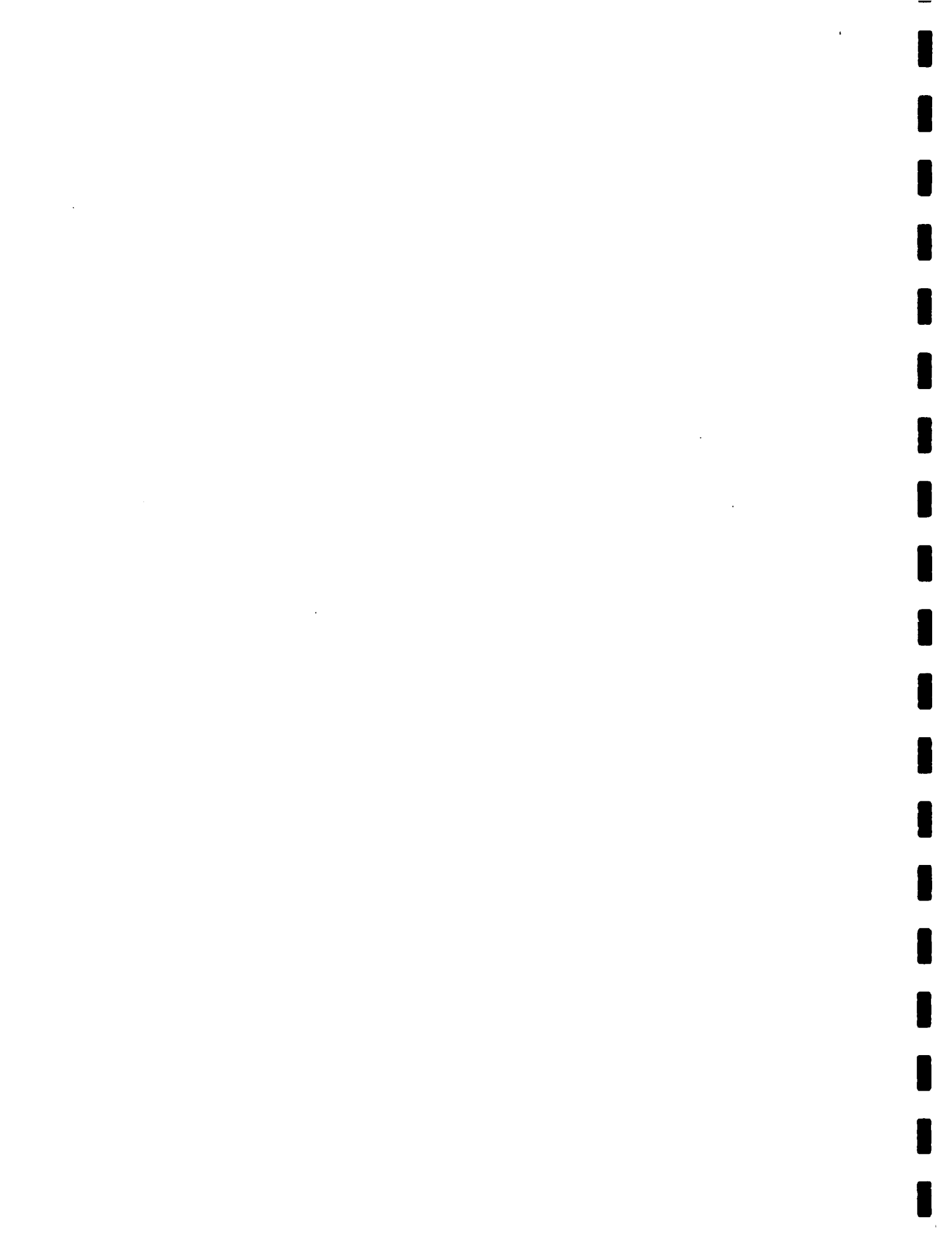
23 (b) Prohibit the person from obtaining a driver's license or
24 exercising reciprocity driving privileges until the person has made
25 all past due payments; and

26 (c) Notify the Director of the Division of Motor Vehicles of
27 the action taken; and

28 (d) Take such other actions as may be authorized by law.

29 (2) If the court finds that the person defaulted on payment of a
30 [fine] court imposed financial obligation without good cause and
31 finds that the default was willful, the court may, in addition to
32 the action required by paragraph ¹[a.]¹ (1) of this ¹[section]
33 subsection a.¹, impose a term of imprisonment or participation in
34 a labor assistance program or enforced community service to
35 achieve the objective of the [fine] court imposed financial
36 obligation. These options shall not reduce the amount owed by the
37 person in default. The term of imprisonment or enforced
38 community service or participation in a labor assistance program
39 in such case shall be specified in the order of commitment. It
40 need not be equated with any particular dollar amount but, in the
41 case of a fine it shall not exceed one day for each \$20.00 of the
42 fine nor 40 days if the fine was imposed upon conviction of a
43 disorderly persons offense nor 25 days for a petty disorderly
44 persons offense nor one year in any other case, whichever is the
45 shorter period. In no case shall the total period of imprisonment
46 in the case of a disorderly persons offense for both the sentence
47 of imprisonment and for failure to pay a fine exceed six months.

48 (3) Except where incarceration is ordered pursuant to
49 paragraph ¹[a.]¹ (2) of this ¹[section] subsection a.¹, if the court
50 finds that the person has defaulted the court shall take
51 appropriate action to modify or establish a reasonable schedule
52 for payment, and, in the case of a fine, if the court finds that the
53 circumstances that warranted the fine have changed or that it
54 would be unjust to require payment, the court may revoke or



1 suspend the fine or the unpaid portion of the fine.

2 (4) When failure to pay an assessment imposed pursuant to
3 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee
4 [or], restitution or other financial penalties or to perform
5 enforced community service or to participate in a labor
6 assistance program is determined to be willful, the failure to do
7 so shall be considered to be contumacious.

8 (5) When a fine, assessment imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or
10 restitution is imposed on a corporation, it is the duty of the
11 person or persons authorized to make disbursements from the
12 assets of the corporation or association to pay it from such assets
13 and their failure so to do may be held to be contumacious.

14 b. Upon any default in the payment of a fine, assessment
15 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
16 monthly probation fee, other financial penalties, restitution, or
17 any installment thereof, execution may be levied and such other
18 measures may be taken for collection of it or the unpaid balance
19 thereof as are authorized for the collection of an unpaid civil
20 judgment entered against the defendant in an action on a debt.

21 c. Upon any default in the payment of restitution or any
22 installment thereof, the victim entitled to the payment may
23 institute summary collection proceedings authorized by
24 subsection b. of this section.

25 d. Upon any default in the payment of an assessment imposed
26 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
27 installment thereof, the Violent Crimes Compensation Board or
28 the party responsible for collection may institute summary
29 collection proceedings authorized by subsection b. of this section.

30 e. When a defendant sentenced to make restitution to a public
31 entity other than the Violent Crimes Compensation Board,
32 defaults in the payment thereof or any installment, the court
33 may, in lieu of other modification of the sentence, order the
34 defendant to perform work in a labor assistance program or
35 enforced community service program.

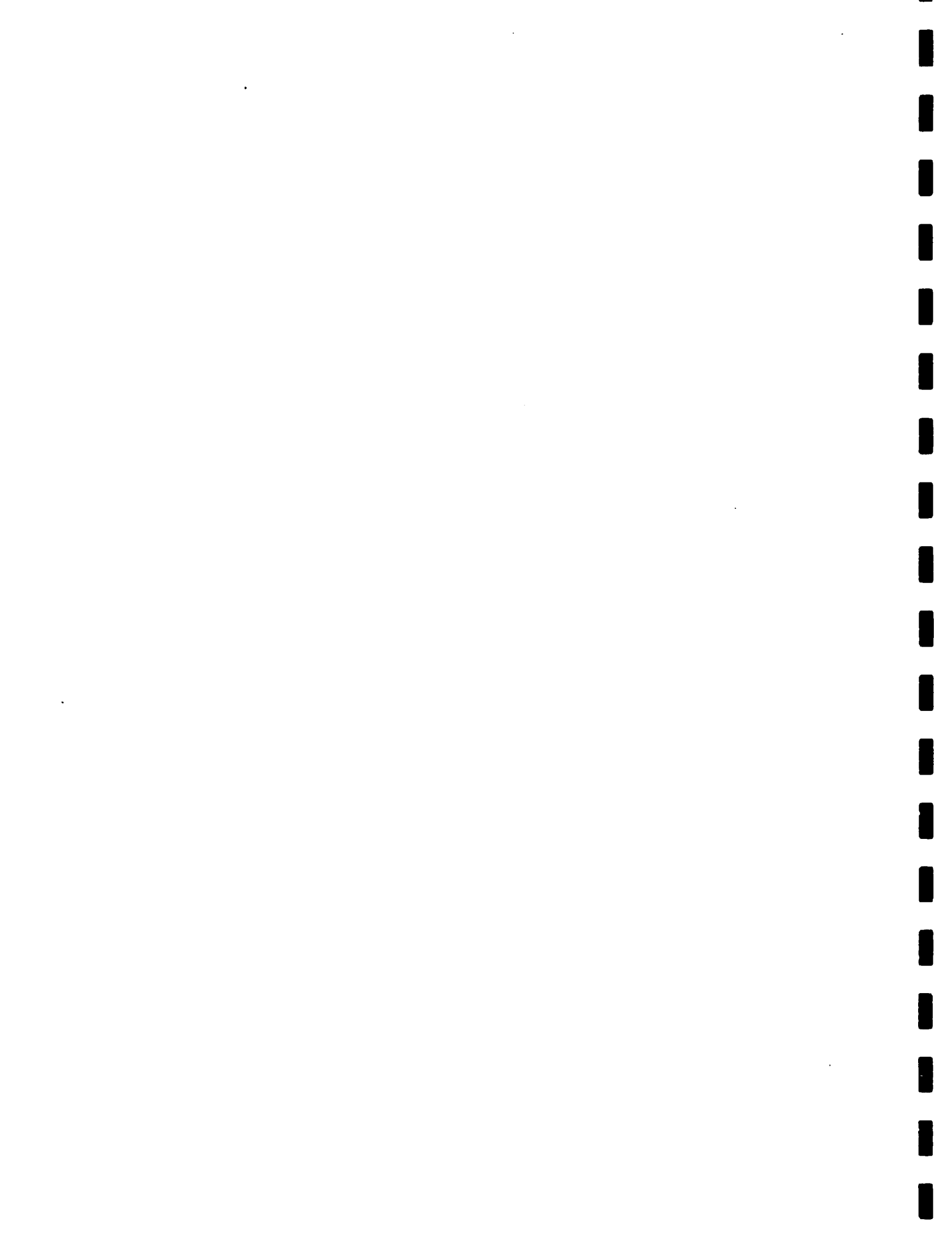
36 f. If a defendant ordered to participate in a labor assistance
37 program or enforced community service program fails to report
38 for work or to perform the assigned work, the comprehensive
39 enforcement ³[court] hearing officer³ may revoke ³[its] the³
40 work order and impose any sentence permitted as a consequence
41 of the original conviction.

42 g. If a defendant ordered to participate in a labor assistance
43 program or an enforced community service program pays all
44 outstanding assessments, the comprehensive enforcement ³[court]
45 hearing officer³ may review ³[its] the³ work order, and modify
46 ¹the¹ same to reflect the objective of the sentence.

47 h. As used in this section ¹[;]:¹

48 (1) "Comprehensive enforcement ³[court] program³" means
49 the ³[court] program³ established pursuant to the
50 "Comprehensive ³[Court]³ Enforcement ³Program³ Fund Act,"
51 P.L. , c. (C.) (now pending before the Legislature as
52 sections 1 through 9 of this bill).

53 (2) The terms "labor assistance program" and "enforced
54 community service" have the same meaning as those terms are



1 defined in section 5 of the "Comprehensive ³[Court]³
2 Enforcement ³Program³ Fund Act," P.L. , c. (C.) (now
3 pending before the Legislature as ¹[sections 5 of]¹ this bill).

4 (3) "Public entity" means ¹[,]¹ the State, any county,
5 municipality, district, public authority, public agency and any
6 other political subdivision or public body in the State.

7 (cf: P.L.1993, c.275, s.17)

8 ³[12. There is hereby appropriated ¹from the General Fund¹
9 \$550,000.00 to the Administrative Office of the Courts for the
10 purpose of training and hiring comprehensive enforcement court
11 hearing officers.]³

12 ³[13.] 12.³ This act shall take effect immediately, except that
13 section 10 shall take effect 60 days after enactment.

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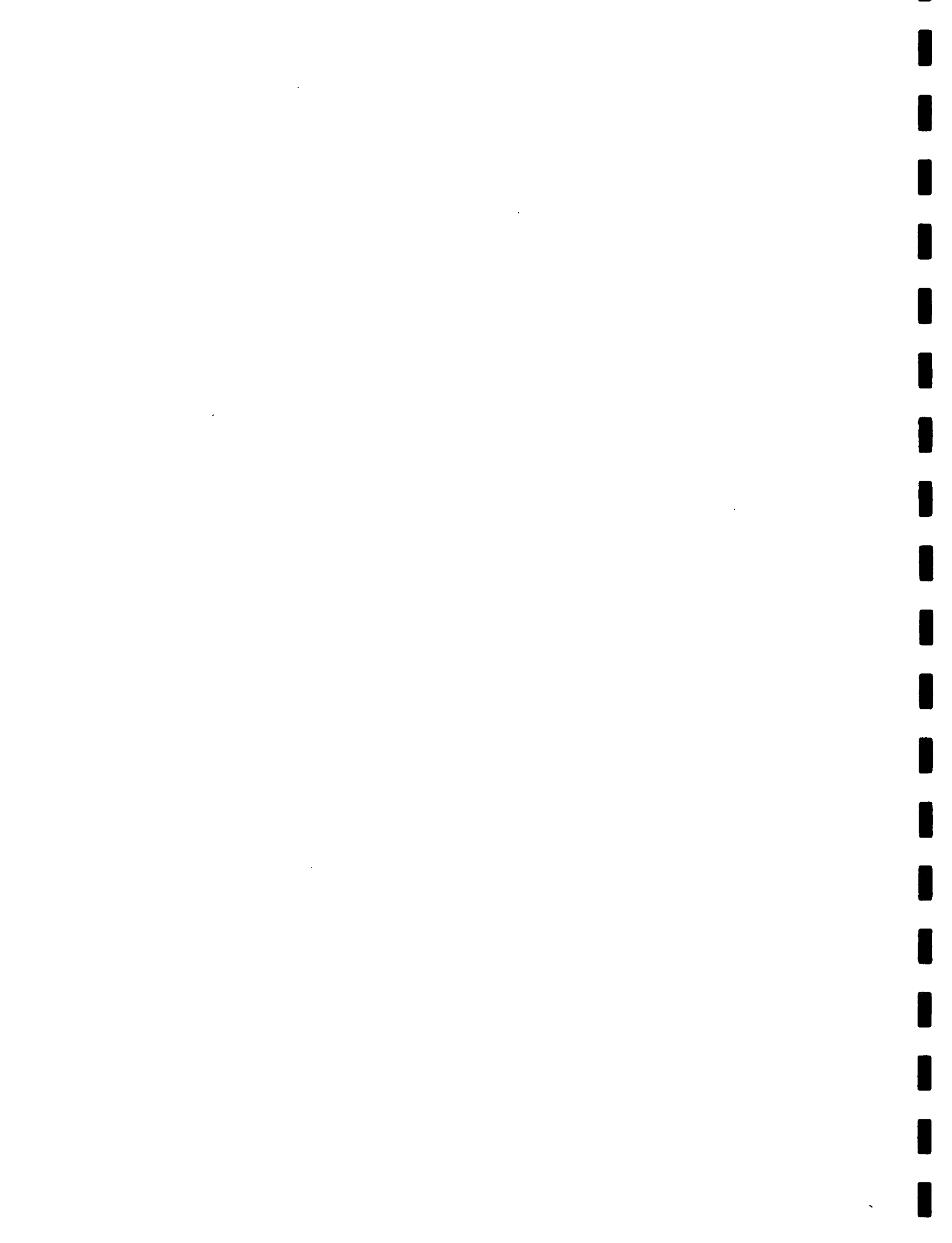
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18 Authorizes the Supreme Court to establish an enforcement
19 program and certain community services programs.



SHERIFF'S LABOR ASSISTANCE PROGRAM (SLAP)

PROGRAM DESCRIPTION



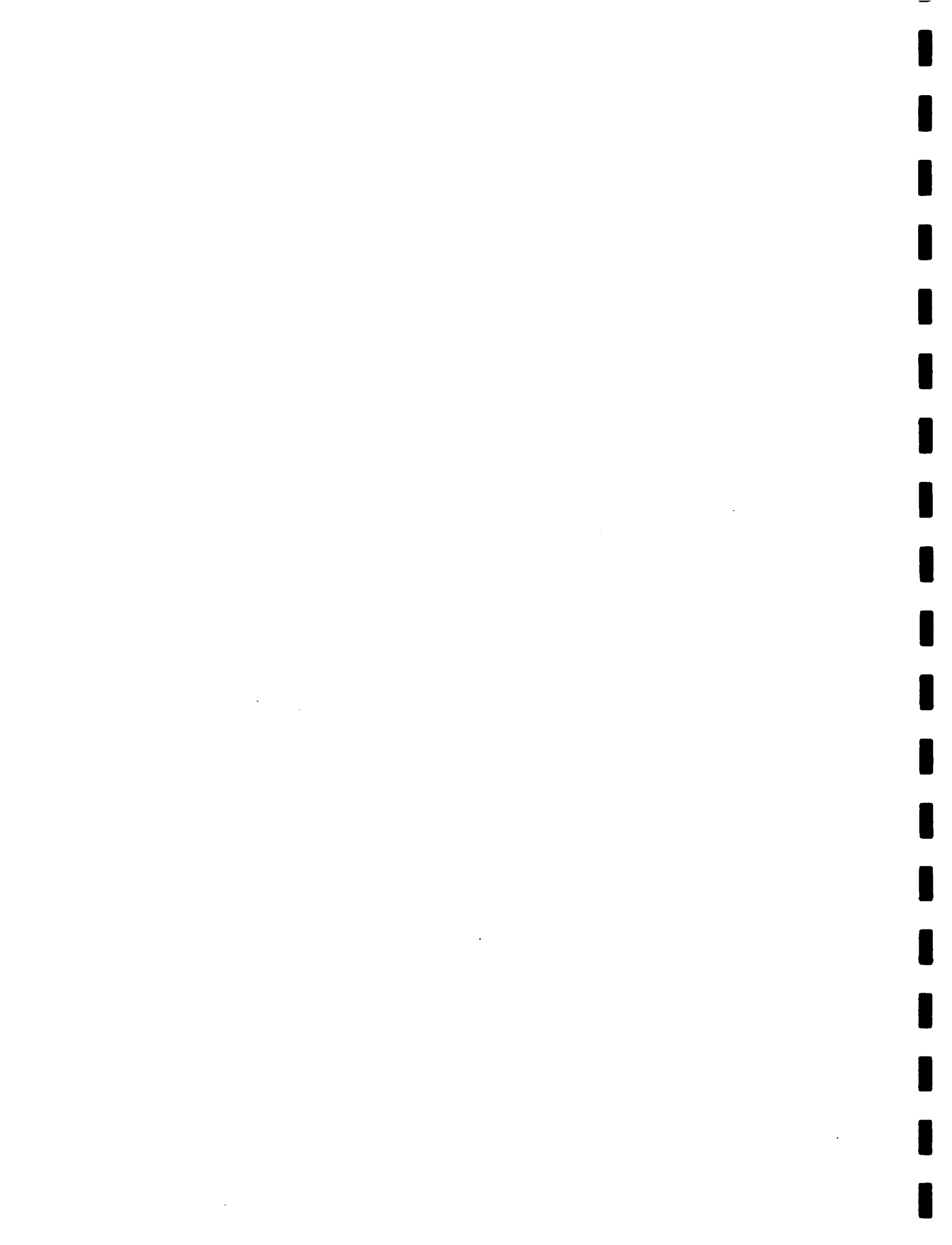
DISPOSITIONAL ENFORCEMENT

MORRIS COUNTY

S.L.A.P.

PROGRAM DESCRIPTION

March 10, 1992



DISPOSITIONAL ENFORCEMENT

I. INTRODUCTION

Rigorous enforcement of community-based judicial dispositions is critical to their success. Conditional sentences requiring the fulfillment of release conditions such as payment of financial sanctions, community service and treatment depend for their effectiveness on the recognition by the offender that the courts will take the steps necessary to ensure compliance. Without effective enforcement techniques offenders will not perceive the necessity of meeting the conditions of community release nor will the enforcement agents (Probation) be effective in seeing that the orders are fulfilled.

In this regard, the enforcement of judicial dispositions in New Jersey has become an increasingly difficult task for the following reasons: an increase in mandatory penalties, an increase in the number of offenders being sentenced, procedural requirements having increased court staff demands, pretrial processing matters taking priority for court time, and inadequately equipped courts and court support operations (space, equipment and technology).

Additionally, Probation (the enforcement arm of the Court in New Jersey) has seen its responsibilities and workload increase dramatically, and probation resources have not kept pace with its workload growth. These conditions have reduced probation's ability to effectively enforce the financial and community service requirements imposed by the court.

This growing trend has become a major concern for judges, probation officers, court administrators, prosecutors, victims, and the public.

The public believes that the court system is not effectively discharging its responsibility to hold offenders accountable for the orders they issue. This impression is also held by offenders. Additionally, New Jersey's jails are seriously crowded. Offenders realize that it is very unlikely that they will be incarcerated for failure to comply with court ordered obligations. Our lack of progressively intensive sanctions short of incarceration contributes to the impression that offenders may disregard court orders.

These factors cause frustration among judges, probation officers, prosecutors, wardens, sheriffs, victims, and the public. To ameliorate these problems, a new and effective enforcement approach, one that provides a flexible range of viable options short of incarceration designed to hold offenders accountable has been developed. This approach, the Sheriff's Labor Assistance Program (SLAP) includes the following elements.

II. GOALS

- Ease jail overcrowding
- Hold offenders accountable for meeting the court imposed requirements;
- Increase the rates of compliance for the payment of fines, restitution, financial penalties and community service;
- Establish a range of graduated community based sanctions for those offenders who fail to comply; and

- Establish a partnership between the Judiciary, the Executive Branch agencies and the community to administer the program elements.

III. ORGANIZATION

S.L.A.P. is a partnership between the Superior Court, Probation, Sheriff, Corrections, Municipal Courts and communities of the county. A Superior Court Judge designated by the Assignment Judge administers the program on the part of the Judiciary. Specific agreements are developed among the participating agencies and communities. These agreements define the responsibilities of each group involved and the procedures for handling these offenders. In addition, input as to how to make the program more effective is solicited from the prosecutor, public defender, private criminal defense bar and the participants on the program.

IV. BENEFITS

- Eases jail overcrowding
- Improves community service and fine payment compliance rates
- Saves money
- Requires little resources
- Easy to accomplish
- Improves intergovernmental coordination
- Enhances rehabilitative efforts

- Reduces indirect costs
- Restores credibility and confidence by the public in the courts

V. PROGRAM HISTORY

By 1983, the problem of county jail overcrowding in Morris County had become so severe that many defendants sentenced to a period of incarceration from Municipal and Superior Courts, could not begin serving that sentence immediately. Disrupting scheduled sentence commencement dates were events such as secret drug raids or nonsupport raids which resulted in jail admissions that would additionally burden the jail. This problem was even more acute on weekends when arrests resulting in incarceration dramatically increased.

Since the inmate capacity of the Morris County jail couldn't be expanded and the number of defendants being sentenced to jail was increasing, a plan was developed to utilize a county farm as a location for serving some sentences. The county farm, located seven miles west of the jail, was used to allow trustee status inmates to do farming under correctional supervision. Each morning five to ten incarcerated inmates were escorted by armed corrections officers by van to the farm to work. They were returned around suppertime to continue serving their sentence in the jail. This detail was considered a prize by the inmates because it got them out of the jail for the daytime and the work was healthy and useful. The crops grown at the farm were used by the jail and the Youth Center as part of the daily menu. Similarly to inmates who participated in the traditional work-release

program at the jail, the farm inmates tended to perform much better and stay out of trouble longer than other inmates upon completion of their sentences.

This successful experience encouraged Municipal Court judges to sentence a limited number of defendants in cases involving mandatory jail terms for motor vehicle violations to a jail term in which the defendants served that sentence on Saturdays and/or Sundays from 8:00 am to 4:00 pm working at the county farm. In effect, the defendant did the time working on the farm and then went home. Each day served at the farm counted as one day towards the jail sentence. The number of defendants had to be limited according to the work required. The selection of the Municipal Court judges to participate in the weekend farm sentence was based primarily on the volume of motor vehicle offenders being sentenced on mandatory jail terms from the particular judge's court. Accessibility to public transportation was also a factor. Municipal Court judges selected the best offender-candidates for this new program.

Development of a program raised many questions to be considered. They key questions were:

1. What were the insurance liability problems?
2. How were the defendants supposed to get to the work site, especially when most of them had lost their driving privileges and there was no public transportation to the site? For those who did have licenses, where were they supposed to park if they were allowed to drive to the work site?
3. What type of work were the defendants to do and what was to be done in the winter?

4. Were the defendants to be fed lunch by the county?
5. Were women to be allowed to serve their time at the work site? What was to be done with persons with legitimate allergies or other health or physical problems which would create problems for them by being at the work site?
6. Did the defendant have to show up in bad weather?
7. What happened if a defendant did not show up when required or if the defendant decided to leave the work site without permission?
8. What was to be done with a defendant who was not suitable to work due to attitude or other problems?
9. Was the program going to be cost-effective?
10. Should there be incarcerated persons at the work site when the weekenders were going to be there?
11. What controls should be instituted to insure that the weekenders were not carrying drugs, weapons or other contraband?
12. What type of communications system was to be set up for emergencies?

Solutions to many of these problems evolved. The transportation issue was resolved by having all weekenders meet by 8:00 am each day at the Morristown train station. The advantage was that most weekenders were able to get to the station by train from where they lived without having to drive or get a ride to Morristown. The train station became the hub of the weekend program. From a cost perspective, use of the train station for this purpose was free to the county. In the eight years of program operation there have been no complaints from local businesses.

As far as transportation from the station to the work site was concerned, initially a few small vans used by the Sheriff's Department primarily on weekdays for transportation

of inmates from the jail to the Municipal Courts and similar purposes were simply continued in use for the weekenders. This process required no expenditure of additional monies for vehicles and involved only a limited increase in gas expense for the use to and from the work site. The weekenders were instructed to bring their own lunches since none was to be provided by the county. They were also instructed as to the type clothing to wear. As the weekend program proved to be successful, the number of persons allowed to serve their sentences on the farm on weekends increased and the Sheriff's Office purchased used school buses to transport the larger group of participants. Apparently these buses are available to county government and the cost is minimal.

Due to continuing success of the weekend program, some new concepts were tried. In Morris County as well as most counties, there are many major roads that are eyesores due to rubbish being thrown out of passing cars. In an attempt to help out the towns with this annoying problem, some of the weekend farm participants were taken by bus to other locations for purposes of picking up the garbage and disposing of it. This simple clean-up arrangement received immediate praise for the work effort and served as the genesis for the expansion of the farm program to other types of community service work. The expanded weekend alternative to incarceration was given the acronym "S.L.A.P." for the "Sheriff's Labor Assistance Program."

A great deal of caution was taken with each expansion of the S.L.A.P. For instance, at first the road cleanup crews were primarily used on large county roads in areas such as

parks or sparsely populated places in order to avoid concern on the part of residents. In all areas where work was being done the usual safety signs were posted as well as signs indicating that the workers were from the S.L.A.P. program. By working on county roads it was also easier to coordinate planning with the county road department and park commission rather than trying to work out the plans with any of the thirty-nine municipalities.

Letters from citizens to the newspapers and to the Sheriff were overwhelmingly supportive of the road clean up idea. As more and more roads were being cleaned around the county, municipalities began to inquire as to how they could become involved. With public acceptance, the S.L.A.P. program began to take off.

Further expansion provided all Municipal Court judges with the ability to sentence suitable defendants to serve their mandatory sentences on the weekend program. Also, the Municipal Courts soon followed by utilizing the program for a wide variety of motor vehicle sentences as well as the various minor criminal charges handled on the municipal level. The program grew from approximately a dozen participants in the 1980s, to nearly forty by the late 1980s. The program was then also expanded to Superior Court judges who used S.L.A.P. as an alternative form of incarceration for defendants who had committed nonviolent crimes which were not worthy of direct incarceration but still deserving of some type of restriction of freedom.

In 1989 it was decided to utilize the work crews in other ways. Requests for assistance from the S.L.A.P. crews were being received from most of the county's municipalities and other requests were coming in from churches, public housing associations, little league groups, libraries and other non-profit organizations. The program was being asked to provide the labor for readying baseball fields, painting churches, general landscaping, and many other useful forms of service to these needy and deserving organizations. In addition, recycling was becoming popular and many municipalities were requesting help with that type of work.

Four major problems had developed by 1989:

1. Noncompliance with service of the sentence;
2. Transportation of the defendants to the job sites;
3. Scheduling of work projects in relation to the amount of persons needed for the particular job versus the number of persons who not only were scheduled to show up on the day the job was promised to be done but, more importantly, the number who actually showed up;
4. Enforcement of the program not only from a correctional and judicial point of view, but also from a credibility point of view.

One of the more interesting sociological facts that the Sheriff and the court had learned throughout the growth of the program was that the recipients of this free labor and work product expected that their requests for help were going to be processed and

performed as though they were paying top dollar for it. If a baseball field was to be raked, weeded and seeded on a particular Saturday morning and the job required a crew of ten, the parents of the players were not interested that the van had broken down, that only fifty per cent of the weekenders had showed up at the train station and a smaller crew of four was all that could be spared, that a few corrections officers had called in sick and no one was available to drive the crew to the field, or any other rational explanation. All they knew was that the program had not delivered and that it was all promise and no performance. Unfortunately, these breakdowns in the delivery of promised performance affected the public perception and acceptance of the program.

The problem was magnified from the Sheriff's standpoint. If ten officers were scheduled to work a particular Saturday and less than half of the weekenders showed up that day, a significant labor cost had been needlessly incurred. Moreover, there had to be a residual effect on the weekenders who did show up that the program was sloppily run. One may also suspect that the officers were not enthused about the variation in attendance. From an economic point of view, purchase of new means of transportation, hiring of additional correctional and civilian personnel and many other dollar items could not be calculated or justified if the program was not much more predictable. It had become increasingly clear to the Sheriff and the court by early 1990 that if S.L.A.P. was going to be a significant program rather than merely the original small scale summer farm program, then something drastic was going to have to occur. By mid-summer 1990 attendance was down to about twenty per cent of all those defendants who were supposed to be doing their

sentence on the S.L.A.P. program. Without predictable attendance, job requests could not be filled as promised, the program would not be cost-effective and strict incarceration of all sentenced defendants was in the offing. Several meetings were held between the court and the Sheriff and discontinuation of the expanded program was seriously discussed. Further consideration of the problems involved led to the obvious conclusion that until attendance was predictable the program could not work. More importantly, unless the sentences which had been originally imposed were enforced, then the defendants who had been given the opportunity to avoid strict incarceration were being rewarded for working the system to their own advantage.

It is indisputable that law enforcement cannot enforce a sentence. The Probation Department cannot enforce a sentence, and, most obviously, the correctional authorities cannot enforce a sentence. It is the court and only the court that can enforce a sentence and that general lack of judicial enforcement is what appeared to be the problem with the breakdown with the S.L.A.P. program in the summer of 1990.

During the summer of 1990 one Superior Court judge was assigned to enforce the S.L.A.P. sentences. In the course of that assignment concerning these cases, most of which flowed from the Municipal Courts, it was decided that the same judge would also handle all other aspects of the S.L.A.P. participant's original sentence including payment of fines, fulfillment of community service obligations, restitution payments and other problems requiring enforcement.

This integrated enforcement hearing by the same judge immediately produced results. A consistent sanctioning policy towards S.L.A.P. violators went into effect, a unified bench warrant process was instituted and all other sentencing problems were dealt with at one hearing rather than being fragmented.

Within a few weeks S.L.A.P. attendance tripled, fines were being paid, community service work began to be done and credibility began to be given to the court enforcing its own orders. A unified, integrated enforcement procedure grew which used S.L.A.P. as its primary form for intermediate sanctioning.

VI. WEEKEND AND WEEKDAY S.L.A.P.

The S.L.A.P. program is available as a penalty option in criminal cases on the Superior Court and Municipal Court levels as well as cases involving motor vehicle and parking offenses, contempts of all kinds, and other offenses in which imposition of a jail term is authorized. There are two basic programs in existence.

The weekend program requires a defendant to serve the specified sentence on either Saturday, Sunday or both. Normally the defendant must opt for the particular day or days when sentenced and then the days selected cannot be changed. Because of the various changes which may occasionally occur in a defendant's work schedule, the schedule can be arranged at the time of sentencing to allow for alternate weekend service. Staff stresses to

the participant that the schedule must be absolutely adhered to that and any failure to do so will result in termination from S.L.A.P. and automatically being sentenced to serve the remainder of community service in the county jail. There is a prepared statement for the sentencing court to read to the defendant at the time of sentencing. The defendant is questioned as to whether he/she understands the sanctions to be employed for noncompliance. The program's staff has printed forms available concerning written requests for a change in the specific day or days required to serve the sentence plus for those very limited situations where a defendant will be excused from serving on a particular day for some legitimate personal reason. Obviously the excused day must be made up. No alteration in the schedule will be granted unless the request has been approved in advance by the program and the court.

Of the S.L.A.P. participants who have violated the terms of their sentence, over ninety-eight per cent have been sentenced to serve all or most of the remainder of the term in the jail. SLAP program statistics show that once a defendant starts working on the program it will be completed successfully. At present, on a typical Saturday or Sunday, about 120-150 persons appear to serve their sentence each day. On a poor attendance day perhaps three or four defendants fail to show up on time and a bench warrant for their arrest is issued by Tuesday of the next week. In many cases that bench warrant will lead to the defendant's voluntary or involuntary appearance in court within two weeks. Many persons appear in court on the Monday following the weekend to try to resolve the problem before a bench warrant is issued. This programmatic element has led to long-term

participants of the program advising new recruits that the rule is "no show, in you go!" The strictness of the attendance rules and their enforcement by the warrant squad and the court has been a substantial factor in the overall success of S.L.A.P. as a meaningful alternative to jail.

The second program available for use by the court is the weekday program. Defendants who have opted for this program appear in front of the jail at 7:00 a.m., are taken by bus to a work site and then returned to the jail at 3:00 p.m., at which time they may leave until their next scheduled workday. The weekend program meets at the Morristown train station at 8:00 a.m. and the defendant is returned after working at 3:00 p.m. In this period of unemployment and seasonal layoffs a number of defendants have requested to serve on the weekdays in order to complete the sentence as quickly as possible. If proper notice is given to the staff, participants can work on extra days from those they are required to appear on. Weekday participants primarily work at the Morris County recycling center in Dover, while the weekenders work at various locations each day performing a variety of jobs from painting to recycling to landscaping. Males and females participate in the programs; and females comprise about ten per cent of the overall program population.

Procedurally, the judge takes special steps in sentencing an offender to SLAP. On the Superior Court level, the standard jail commitment form is used and the word "SLAP" is prominently written in the upper right-hand corner. This activity permits S.L.A.P. paperwork to be distinguished at the jail from regular incarceration paperwork. The

commitment sheet (copy attached) explains the proper use of the form. The original form is given to the Sheriff's officer in court at the time of sanctioning and a copy is provided to the defendant. The court instructs the participant to immediately bring the form the S.L.A.P. headquarters which is near the Courthouse to schedule a processing date.

The Municipal Court uses a different form but the procedure is similar except that the defendant is instructed to report for processing a few days after sentencing. It takes at least a week after sentencing before the participant can usually start to serve the sentence. Defendants are informed that they are subject to urinalysis testing at the time of processing and during the entire time they are on the program and that any positive indication of drug use will result in immediate incarceration. The remainder of the rules are on a written form provided to the defendant by the S.L.A.P. personnel. Additional questions are answered at that time.

VII. CONVERSION OF FINES INTO S.L.A.P.

One of the most appealing aspects of S.L.A.P. is the flexibility it gives the sentencing court with respect to the payment of court ordered fines. It is critical at this point to differentiate between a fine and other court-ordered financial obligations such as a D.E.D.R. penalty, a forensic lab fee, a V.C.C.B. penalty, a P.T.I. application fee, restitution and other types of monetary sanctions that cannot be waived. A fine of a thousand dollars, even though mandated as a penalty by statute, is still a "fine" and, as such, the defendant can be

ordered to satisfy that fine by serving time in jail in lieu of actually paying the money. The usual rate of satisfaction is that one day in jail eliminates twenty dollars worth of fines. Fifty days in jail would satisfy a thousand dollar fine. Both the prevailing law against incarcerating persons who cannot afford to pay a fine and the practicalities of the situation, e.g., jail crowding, the typical daily incarceration costs to a county of sixty dollars, and the tremendous amount of valuable court time necessary to hold a hearing and justify a finding that the jail sentence is appropriate, have led to the ineffective enforcement of financial obligations.

It is against this backdrop that a S.L.A.P. sentence surfaces as a simple yet practical solution. If a person is sentenced to jail in lieu of fines there is virtually no opportunity for that offender to pay while incarcerated. Moreover, the fact that the defendant will undoubtedly be released from jail upon completion of the sentence without having a job and no particular prospect of obtaining one further compounds the problem. Finally, the short term and long term non-economic impact on the offender and family is often catastrophic including loss of insurance coverage, housing or mortgage problems, the psychological effect of incarceration not only on the offender but on family members and, more particularly, children.

On the other hand, if a defendant is sentenced to S.L.A.P. with time to be served on weekends or weekdays in lieu of fines, the person still has the chance to be employed during the remainder of the week or after 3:00 pm, earn funds to support the family, pay taxes,

limit the non-economic impact of incarceration, provide a source of labor to the general public from the defendant, eliminate both jail overcrowding and attendant cost, and, in many respects, significantly raise the likelihood of the defendant making the fine payment rather than spend a number of days working on S.L.A.P. It should be noted that in order to make a "S.L.A.P. in lieu of fines" sentence effective, the offender is given the opportunity to "buy" a way out of the S.L.A.P. time by paying off all or a portion of the fine. For example, using the aforementioned thousand dollar or fifty days example, if after a few days on S.L.A.P. the defendant had five hundred dollars available towards the fine, then upon payment, twenty-five days would be reduced from the end of the sentence. The S.L.A.P. sentence would continue to be served until the combination of days worked and money paid equalled the original thousand dollar fine. The frequency of this split service and partial payment in satisfaction of sentence is far more frequent than one would imagine. This is especially true with offenders who do seasonal work such as landscaping, and who will be serving on S.L.A.P. when they are unemployed. They then opt to pay off the remainder of their fines as soon as work becomes available because they can earn more in a day working than the twenty dollar credit towards fines they receive on S.L.A.P.

Having discussed S.L.A.P. as an option with the municipal courts in the county, it was determined permissible for the municipal court to involuntarily sentence the non-payer to the S.L.A.P. program rather than direct incarceration in lieu of fines. In addition, Municipal Court Judges were allowed to sentence persons owing fines to S.L.A.P. in lieu of payment at the defendant's request. The rate is twenty-five dollars per day. More importantly, as

word of this option became known to offenders, an increasing number of defendants are voluntarily returning to court and asking the judge to sentence them to S.L.A.P. in lieu of fines so that they can work off their debt. These voluntary conversions of fines to S.L.A.P. time have become popular and are expected to show a dramatic increase in the positive aspects of a non-incarceratory sentence while eliminating the costs to corrections and the courts of a jail term. They are also adding credibility to the enforcement ability of the courts, probation and corrections.

An analysis of the financial effects of converting fines to S.L.A.P. time demonstrates its economic utility. First, a day in jail costs the county about sixty dollars. A day on S.L.A.P. costs six dollars, or ten per cent. Second, a person in jail provides no tangible benefit to the public. A person assigned to S.L.A.P. works at least five billable hours a day and using the minimum wage contributes over twenty dollars of free labor to the public. Much of the work done by S.L.A.P. would be far more costly in the private sector. Third, a person in jail generally does not earn any money. A person on S.L.A.P. can earn his own living and most do since less than ten per cent of all S.L.A.P. participants are chronically unemployed. Fourth, inmates pay no income taxes for the time they are locked up because they have no income. An employed S.L.A.P. participant continues to pay taxes. Fifth, putting people in jail in lieu of fines exacerbates the jail crowding dilemma. The S.L.A.P. program keeps people out of jail. Sixth, incarceration often results in loss of a job. S.L.A.P., with its flexible scheduling, allows offenders to return to and maintain their jobs. Seventh, jail in lieu of fines proceedings can be a lengthy court procedure. A voluntary

S.L.A.P. conversion is a perfunctory matter taking a few minutes at most for the court. (A copy of the conversion order and the accompanying letter from the municipal court is attached.) Finally, inmates usually complete their entire sentence in jail because they have no funds to pay the fine while incarcerated. A S.L.A.P. participant has the potential to "buy" back at least a portion of the S.L.A.P. time.

VIII. CHANGE OF SENTENCE ORDER

Adherence to the schedule that the defendant has chosen for purposes of serving the sentence is required. Changes may take place only for a legitimate reason, and they must be requested and approved in writing in advance. S.L.A.P. is restrictive so the defendant is constantly made aware that no one is let out of jail for a vacation, wedding, graduation, job interview or any other reason. Discipline is one of the reasons for the high compliance rate in S.L.A.P. These procedures ensure that staff keep control of changes, not the defendant.

All participants are made aware of the service change order. Out of the hundreds of requests for the change, only a few have been denied. Documentation of airline tickets, wedding invitations, job interviews and the like are sometimes requested from participants who have not established any credibility with the staff. The S.L.A.P. program and personnel make it very clear to those in the program that no one is trying to crush them or ruin their personal lives. It is important for the program, the participants, and society in general, that

a defendant get a better job or to switch from both days on weekends to only one day because of a chance to work overtime.

The appreciation by the participants of this limited flexibility by the program is obvious by the attendance after a change by those who have been granted their requests. The officers and personnel can tell one positive story after another about postcards received and photographs shown by those defendants who have been allowed to take a vacation with their family. When defendants have attempted to abuse the opportunity, they have been sentenced to complete their jail term.

IX. COMMUNITY SERVICE CONVERSIONS TO S.L.A.P.

One of the most utilized sanctions in the criminal justice system in the last decade is the concept of sentencing certain offenders to do community service as part of their punishment. With many community-based programs, the issue of enforcement eventually arises since noncompliance becomes a problem. Community service sentences place a level of trust and responsibility on the defendant to complete a specified number of hours of work for a public or non-profit cause in a timely fashion. The concept is a worthy one. However, about seventeen per cent of those offenders sentenced to perform community service fail to meet their obligations.

From a judicial perspective there are three major elements that contribute to noncompliance with community service orders. First, offenders believe that there is virtually no sanction for not only breaking the law initially but for failing to pay the penalty for that offense. Second, most offenders who are sentenced to community service are ordered to perform it at different public or non-private sites such as libraries, hospitals, recycling centers and the like. Once assigned to a location the offender and the site administrators work out a schedule when the work will be done. The site then can expect that certain work will be done at that time and can plan accordingly. When the defendant does not appear the site's planning is disrupted. More importantly, if the defendant never appears, the site administrators may very well take a dim view not only of the concept of community service but also of the justice system. Finally, assume a defendant took the community service sentence seriously and completed the work on time. When this offender discovers that many others who have been similarly sentenced have not completed their community service without penalty, he may lose any recently gained respect for the law. Thus the system may have failed the compliers and rewarded the noncompliers. This situation may engender the greatest disrespect for the system.

Offenders who fail to perform their community service sentences should know that noncompliance brings them closer to jail. The judicial procedure to accomplish this is a contempt hearing (a copy of the materials prepared by the probation department is attached). The defendant is notified by mail of the hearing and if no appearance is made the bench warrant is issued (a copy of the notice is attached). If the court finds the

defendant guilty of the contempt, the conversion to S.L.A.P. is a simple calculation of six hours community service equals one day of S.L.A.P. If the community service sentence was phrased in terms of days then the S.L.A.P. sentence would reflect that same number of days. If some community service has been performed, the court may choose to give the defendant credit for that time. The defendant is not entitled to credits for good behavior, work credits or any other credits.

The conversion to S.L.A.P. accomplishes a significant number of objectives. First and foremost, the defendant is now sentenced to jail but the mode of service for the time being in S.L.A.P. Second, it is a highly structured sentence requiring the defendant to comply or serve the jail time. Third, the defendant is no longer accountable to the personnel at the community service site to monitor performance. Rather the offender is accountable to the corrections staff of the S.L.A.P. program. Finally, the S.L.A.P. program is the last step between the defendant and the jail.

It is for these reasons that S.L.A.P. works well as an alternative sentence in obtaining compliance with the court's order. As the S.L.A.P. conversion hearings have become publicized, the probation community service staff has noted a marked increase in compliance. Some defendants whose files had been closed out because they could not be located have now surfaced and want to complete the service. Apparently the conversion is achieving a general as well as a special compliance effect.

Many motor vehicle offenses carry with them significant mandatory periods of community service. It is common for a S.L.A.P. conversion sentence to amount to thirty to ninety days which would put a tremendous strain on the jail if this alternative were not available. Preliminary indications are that the S.L.A.P. conversion participants have a greater percentage rate of compliance than those offenders who have been sentenced directly to S.L.A.P.

A number of persons who have been in the program and who still owe community service time as part of a different sentence have asked for a voluntary conversion of their community service to S.L.A.P. The primary explanation given is that they prefer the more structured program with S.L.A.P. because they know where to go, when to get there, who they will deal with and what the rules are. They feel they need the threat of jail to make them comply. Conversion orders are prepared by the community service staff and submitted to the court for approval. The defendant is then directed to the S.L.A.P. personnel for processing as though they had been sentenced in court.

X. THE BENCH WARRANT PROCESS

One of the major compliance problems anticipated by S.L.A.P. was that the same irresponsibility which caused most of the participants to be in trouble with the courts would carry forward concerning their showing up on the program as scheduled. Initially, it appeared that the bench warrant process could cripple the sheriff's warrant squad. This

continuation of irresponsibility certainly had been the practice involving compliance with Superior Court sentences. Despite the fear, the contrary has been the case with S.L.A.P. Over 90% of all warrants result in the violators turning themselves in. The reasons appear to be that, unlike indictable cases, most minor offenders seem to live within a reasonable distance of the county which issues the warrant, they are not going to flee the area because of a minor offense, and the likelihood of serious punishment is remote.

While effectuating a warrant involves paperwork and warrant squad effort, the problems have been far less than expected. In most cases the warrant squad advises the violator by phone of the issuance of the warrant and a request is made to come in voluntarily. The violator's response gives the court another safeguard as to whether some administrative difficulty has occurred. With the high volume of cases coupled with a great deal of court paperwork, mistakes can result. If the possibility of a mistake exists the warrant squad first checks out the problem with the S.L.A.P. administrators and then the court decides what to do. In the meantime the warrant is not executed since the defendant is available and likely to show for the court hearing. Out of the thousand or so warrants processed in this fashion there have been relatively few problems. The safeguards of this warrant procedure appear to be well worth the effort.

Other benefits of the warrant process include:

1. The voluntary surrender allows the warrant squad to coordinate with the jail on the number of violators who will appear in court on any given day. Jail space is still at a premium and a wholesale surrender by thirty violators would put a tremendous strain on the jail. This is particularly true if the squad was scheduling a large drug raid or non-support raid. Since the squad is most aware of these they are best at coordinating large S.L.A.P. surrenders or other activities which might affect the jail population.

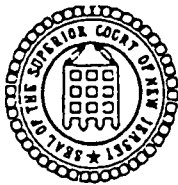
2. The proceedings are conducted in the presence of many other offenders who are in noncompliance with the court's orders concerning collection of monies owed, community service violations and S.L.A.P violators. This arrangement provides the court with the opportunity to educate offenders about the seriousness of the court in terms of enforcing its orders. If the nonpayers and non-performers of community service have failed to take their obligations seriously, then sitting in court awaiting disposition of their case and watching a C.P.A. who failed to complete a S.L.A.P. sentence being ordered to serve the sentence in jail and being led out of court in handcuffs will certainly catch an offender's attention. Similarly, observing an absconder being brought into court in handcuffs and sentenced in the same fashion will have the same effect. Statistics indicate that Morris County is experiencing higher compliance rates with those offenders who have witnessed this sentencing procedure than with those who have not.



SAMPLE FORMS

1. **Pre-Sentencing Notice to Defendant**
2. **Recommended Payment Schedule for Sentencing Judge**
3. **Assignment of Bail Toward Payment of the Financial Sanction**
4. **Order for Wage Attachment**
5. **Payment Instructions to Defendant after Sentencing**
6. **Confirmation to Judge that Defendant is Aware of Money Owed**
7. **Reminder Notice to Defendant of Financial Obligation**
8. **Enforcement Court Summons to Appear Upon Failure to Meet
Obligation**
9. **Enforcement Court Criminal Order at Conclusion of Hearing**





SUPERIOR COURT OF NEW JERSEY
Probation Services Division
Morris County

Jude Del Preore
Vicinage Chief Probation Officer

Courthouse
P. O. Box 900
Morristown, New Jersey 07963-0900

Date: _____

Dear _____:

You are scheduled to be sentenced before the Superior Court of New Jersey on _____
_____. As you have already been informed, various mandatory financial penalties will
be imposed on you as part of your sentence. The Court strongly encourages you to pay as
much as possible at the time of sentencing.

You are hereby instructed to bring a minimum payment of \$ _____ to Court
as your Initial Payment on these penalties. It is to your advantage that you pay more. This
payment **MUST BE CASH, CERTIFIED CHECK, POSTAL/BANK/COMMERICAL
MONEY ORDER PAYABLE TO MORRIS COUNTY PROBATION SERVICES.** Or, you
may pay with the cash advance option of your Mastercard or VISA.

We have advised the Judge that this letter was sent to you. If you have any questions about
this letter please telephone the undersigned immediately.

PROJECT FORCE
(201)285-6564 or 285-8366

FOR 098.1





SUPERIOR COURT OF NEW JERSEY
Probation Services Division
Morris County

Jude Del Preore
Vicinage Chief Probation Officer

Courthouse
P.O Box 900
Morristown, New Jersey, 07963-0900

MEMORANDUM

TO: THE HONORABLE

FROM:

PROBATION OFFICER, PROJECT FORCE

DATE:

IN RE:

RECOMMENDED PAYMENT SCHEDULE TO APPEAR FOR MANDATORY FINES

This Defendant will be appearing before the Court on _____. Projected mandatory financial penalties are as follows:

VCCB	_____	\$
RUT	_____	\$
PTI	_____	\$
LAB	_____	\$
DEDR	_____	\$
REST	_____	\$
FINE	_____	\$
OTHER	_____	\$
TOTAL	_____	\$

It is recommended that the client's _____ payment be set at \$ _____. The defendant has been instructed to bring this amount to the sentencing hearing.



ASSIGNMENT OF BAIL

RE: STATE VS.

Ind. No. #

I hereby direct the Morris County clerk and any other individual or government entity, at such time as bail of \$_____ in the above-entitled matter is exonerated or released, to immediately tender such bail to the Morris County Probation Department. This direction is irrevocable and I hereby hold harmless any person or government entity acting under instructions of same.

Date: _____

STATE OF NEW JERSEY]
] ss.:
COUNTY OF MORRIS]

BE IT REMEMBERED, that on this _____ day of _____, 19 _____ before me, the subscriber, _____ personally appeared

_____ who, I am satisfied, is the person named in and who executed the within Instrument, and there upon she acknowledged that she signed, sealed and delivered the same as her act and deed, for the uses and purposes therein expressed.



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
(Criminal)

STATE OF NEW JERSEY)
)
VS.)
)
)

ORDER FOR WAGE EXECUTION

IT APPEARING that _____
was ordered to pay _____ through the Probation Services Division,
Morris County; and ...

IT FURTHER APPEARING it was ordered that the monies be collected by way of
a wage execution;

IT IS, THEREFORE, on this _____ day of _____, 19____,
ORDERED that an execution issue against the wages/salary of _____ for
_____ dollars per _____ until the balance of _____
is satisfied; and ...

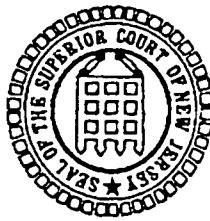
IT IS FURTHER ORDERED that said monies are to be directed to the Probation
Services Division, P.O. Box 9188, Morristown, N.J. 07963-9188.

IT IS FURTHER ORDERED that the employer of _____ may
make a one dollar (\$1.00) deduction to defray the bookkeeping expense for each paycheck
so levied.

IT SHALL be unlawful for any employer to discharge an employee because his wages
are subject to this execution.

Judge, Superior Court





SUPERIOR COURT OF NEW JERSEY
Probation Services Division
Morris County

Jude Del Preore
Vicinage Chief Probation Officer

Courthouse
P. O. Box 910
Morristown, New Jersey 07963-0910

PAYMENT INSTRUCTIONS

1. You have been ordered by the Court to pay the following money:

V.C.C.B.	\$	D.E.D.R. PENALTY	\$
URINE MONITORING	\$	RESTITUTION	\$
P.T.I. FEE	\$	FINES	\$
FORSENIC LAB FEE (LAB)	\$	OTHER	\$
TOTAL \$		<i>Personal Checks Will Not Be Accepted</i>	

2. Today, you have made an initial payment of \$
3. The Court has ordered you to pay \$ _____ per
4. Payments must be made to: **MORRIS COUNTY PROBATION SERVICES**
P.O. BOX 9188
MORRISTOWN, NJ 07963-9188
5. Payments **MUST** be **CASH, CERTIFIED CHECKS, or MONEY ORDER** (postal, bank or commercial) payable to **MORRIS COUNTY PROBATION SERVICES.**
6. Your account number should be written on your money order or check.
7. The Court and the Probation Department consider this financial obligation to be a serious matter. Additional enforcement procedures will commence immediately if you miss any scheduled payments. It is your responsibility to advise the Probation Department of changes in your financial situation that might require a modification of the payment schedule.

I have received a copy of these instructions, they have been explained to me, and I understand them.

 SIGNED

 WITNESS SIGNATURE

 DATE OF SIGNATURE
 FOR-007.1 07/92

Office Hours: 8:30 a.m. to 5:00 p.m. - Open Evenings to 8 p.m. by Appointment
 Telephone: Morristown - (201) 285-6510; Dover - (201) 989-6000; Boonton - (201) 316-6180
 Fax: Morristown - (201) 455-7437; Dover - (201) 989-0165; Boonton - (201) 335-0583



MORRIS COUNTY PROBATION SERVICES
CONTEMPT OF COURT MEMO

TO: HONORABLE

INDT/ACC/COMP# _____

FROM:

Municipality _____

RE:

APMIS# _____

ACCOUNT #'S _____

SUBJECT WAS PLACED ON PROBATION/PTI _____ AND ASSESSED AS FOLLOWS:

	TOTAL ASSESSED	PRESENT BALANCE	LAST PAYMENT	DATE
VCCB				
PTI				
RESTITUTION				
SSCP				
LAB				
DEDR				
FINE				
*SUPERVISION				
OTHER				
GRAND TOTAL				

* May vary due to end of term.

EMPLOYER _____
 UNEMPLOYED () RECEIVING UNEMPLOYMENT COMPENSATION ()
 RECEIVING PUBLIC ASSISTANCE () OTHER _____

() SUBJECT HAS SIGNED CONDITIONS OF PROBATION AND IS AWARE OF MONEY OWED.
 ADDITIONAL COMMENTS:

 PROBATION OFFICER

NUMBER OF PAST CONTEMPTS: _____





SUPERIOR COURT OF NEW JERSEY
Probation Services Division
Morris County

Jude Del Preore
Vicinage Chief Probation Officer

Courthouse
P. O. Box 900
Morristown, New Jersey 07963-0900

Re: Financial Obligations

Dear

The Court has imposed certain financial obligations against you. You have been ordered to pay \$ _____ per _____ beginning _____ and each _____ thereafter.

Payments must be made by money or certified check. Please write account # _____ on the payment and mail to:

Morris County Probation Services
P.O. Box 9188
Morristown, New Jersey 07963-9188

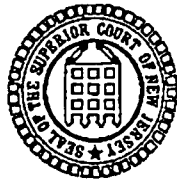
Should your circumstances change, please contact the undersigned immediately.

Very truly yours,

Project Force
(201)285-6564 or 285-8366

FOR 096.1 7/92





SUPERIOR COURT OF NEW JERSEY
Probation Services Division
Morris County

Jude Del Preore
Vicinage Chief Probation Officer

Courthouse
P.O Box 900
Morristown, New Jersey, 07963-0900

SUMMONS TO APPEAR FOR CONTEMPT OF COURT HEARING

Dear Sir/Madam:

You are hereby notified that you are in violation of an order of the Superior Court of New Jersey - Morris County.

You have failed to meet the obligation imposed upon you. As of _____ the unpaid balance is \$_____.

TAKE NOTICE: You are being charged with Contempt of Court relative to your willful failure to make payments on a regular basis toward the above-noted obligations. You are, hereby, directed to appear in the Superior Court of New Jersey before the Honorable Donald G. Collester, J.S.C. on _____ at 9:00 am.

FAILURE TO APPEAR AS DIRECTED WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST. BE ADVISED: (reference: Title 2C:43-3.1 (d), N.J. Criminal Code): At this hearing, the undersigned will apply to the Court to **SUSPEND** (or delay the restoration/issuance of) **YOUR MOTOR VEHICLE DRIVER'S LICENSE** or non-resident inter-state reciprocity privilege.

You may be represented by counsel, and you are strongly urged to bring with you to said hearing payments on the above-noted obligation and/or any documents you feel may mitigate your failure to satisfy the above-noted obligation.

Kindly contact the undersigned officer at (201) 285-_____ should you wish to discuss your case.

FOR-094.1 07/92



STATE OF NEW JERSEY		Superior Court of New Jersey Criminal Division	
vs		COUNTY OF MORRIS	CRIMINAL ORDER
(Specify Defendant Full Name)			
HEARING DATE ___ / ___ / ___	PROBATION ACCT #	INDICTMENT #	COMPLAINT # (Municipality)
This matter has been opened to the Court by <input type="checkbox"/> Court <input type="checkbox"/> Defendant <input type="checkbox"/> Probation Division for an ORDER			

IT IS HEREBY Recommended/Ordered that: The defendant shall pay through the Probation Division in this County, in the amount of:

	<u>Payable</u>		<u>Effective</u>	
Amount		Frequency		Date

The remainder, if any, shall be payable as follows:

<input type="checkbox"/> FINANCIAL OBLIGATION FULFILLED
<input type="checkbox"/> INCOME WITHHOLDING is hereby Recommended/ORDERED, and is binding on current and future income sources, including: Name of income source: _____ Address of income source: _____
DEFENDANT SHALL, however, make payments AT ANY TIME the full amount of arrears are not withheld.
<input type="checkbox"/> AN EMPLOYMENT SEARCH must be conducted by the Defendant. Written records of at least _____ employment contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division.
<input type="checkbox"/> THIS ORDER IS ENTERED BY DEFAULT, the Defendant was properly served for Court Appearance on ___ / ___ / ___ and failed to appear. (Service noted below)
<input type="checkbox"/> A BENCH WARRANT for the arrest of the Defendant is hereby Recommended/ORDERED. The Defendant was properly served for Court appearance on ___ / ___ / ___ and failed to appear. (Service noted below). A payment of \$ _____ shall be required to purge the warrant.
<input type="checkbox"/> SERVICE upon which this order is based: <input type="checkbox"/> Personal Service Date: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Refused <input type="checkbox"/> Regular Mail (Not returned) <input type="checkbox"/> Other <input type="checkbox"/> Returned Unclaimed <input type="checkbox"/> Signed by: _____
<input type="checkbox"/> FUTURE MISSED PAYMENT(S) numbering _____ or more may result in the issuance of a warrant, without further notice or hearing for the arrest of the Defendant.
<input type="checkbox"/> A LUMP SUM PAYMENT OF \$ _____ must be made by the Defendant by ___ / ___ / ___, or a bench warrant for the arrest of the Defendant shall be issued.
<input type="checkbox"/> Community Service Obligations (Case No.: _____) It is further recommended/ORDERED that the obligation on _____ hours is modified as follows: <input type="checkbox"/> Served on S.L.A.P. for _____ days on _____ <input type="checkbox"/> Reinstated into C.S. Program <input type="checkbox"/> Obligation fulfilled <input type="checkbox"/> Other

I hereby declare that I understand all provisions of this Recommendation/ORDER and do not wish to appeal:

Date ___ / ___ / ___ Defendant _____

Date ___ / ___ / ___ Attorney _____

Date ___ / ___ / ___ Witness _____

Copies provided to above at hearing. Copies to be mailed to the parties.

So Recommended to the Court by the Hearing Officer.
Date ___ / ___ / ___ Name _____ Signature _____

So ORDERED by the Court:
Date ___ / ___ / ___ Name _____ Signature _____

