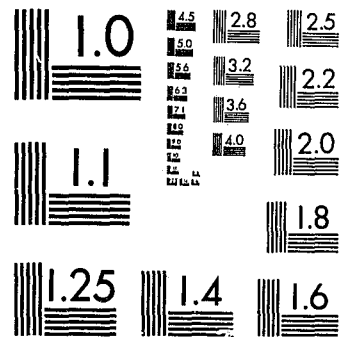


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EVALUATION OF THE IMPLEMENTATION
AND IMPACT OF THE NEW JERSEY
CODE OF CRIMINAL JUSTICE

FILE

Grant No.
79DF-AX-0043



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82380

An Evaluation of the Implementation and Impact of the
New Jersey Code of Criminal Justice

David Twain and Donald Rebovich

with the assistance of
Richard Berg

U.S. Department of Justice
National Institute of Justice

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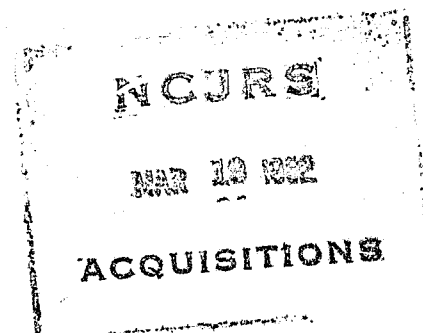
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State of New Jersey
Department of Law and Public Safety
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January 1981



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EXECUTIVE SUMMARY

The New Jersey Code of Criminal Justice represents an attempt to modernize the law and to provide greater rationality, increased fairness, and greater efficiency in the administration of justice. An attempt was made, through legal codification, to clarify offense definitions, severity of intent, and acceptable actions under the law. Also, a format for sentencing equity was provided and certain crime areas were either expanded or narrowed according to perceived public mood.

The present evaluation encompassed an assessment of the impact of changes in law, as well as the actual Code implementation effort. That effort included planning for Code implementation and the statewide training of criminal justice practitioners. The major findings of the evaluation are presented below.

Offense Related Issues

Interviews of key state criminal justice personnel and legal scholars indicated that the greatest substantive law changes occurred in the definitions of sex offenses, homicide, theft, gambling, white collar and inchoate offenses. Statute violations within these provisions were, therefore, studied to assess any criminal justice procedural changes under the Code.

While the data do not reveal the major changes in arrests, prosecutions and convictions that some key respondents had anticipated, it is nonetheless clear, at this early time, that some change can be noted. The data indicate a slight decrease in sex offense arrests as compared to prior Code arrest rates, with the County of Essex showing a significant decrease. More notably,

there was evidenced throughout counties sampled, a decrease in arrests for gambling and a decrease in dismissals in theft under the new Code.

Impact on Court Process

The present evaluation collected data relating to processing time, plea/sentence negotiation practices, the new presumptive sentencing scheme and other aspects of court process. Findings reveal no significant increase in overall court processing time under the new Code; in fact, some counties demonstrate a decrease in court processing time. There was no significant change in plea negotiation practices for the offenses examined. There was, however, some indication of a decrease in sentence negotiations for those offense areas.

In regard to the sentencing practices under the Code, several findings are noted. First, it was found that Code prescribed presumptive mid-points were not consistently imposed; however, the majority of sentences were within prescribed sentence ranges. Also, judges ordered that offenders serve a mandatory minimum incarceration in 24% of the cases sampled. The judicial option of imposing a combination of incarceration and restitution was found to be little used.

Impact on Other Agencies and Groups

It was hypothesized, prior to the inception of the present evaluation, that the new Code might have significant impact on a wide range of agencies and groups including corrections, practicing attorneys and the public. Results reveal an increase in county jail inmate populations since the enactment of the Code. This was especially evident in the urban counties sampled. The beliefs

of county jail superintendents were that these increases stemmed from a change in sentencing and bail practices. Comparisons of 1980 prison admissions and parole releases were made with those of the five prior years. Admissions were found to be highest in 1980 with the year 1975 proving to be quite comparable. It is uncertain, at this time, whether or to what extent the 1980 increase in admissions was a result of the Code's implementation. Parole releases were also very high in 1980, presumably as a result of the new Parole Act.

In regard to the impact on the private bar, the vast majority of sampled private attorneys demonstrated a high level of satisfaction with the changes implemented through the new Code. Commonly expressed improvements, brought about by the Code, were: increased uniformity in the law; improved clarity in definitions of offenses; and the modernization of law. The majority of attorneys sampled rated their training as adequate, although there were some variations according to the respective associations providing training. Recommendations for improvement generally centered on a desire for longer training sessions to attain comprehensive subject coverage.

A subcommittee of the Governor's Advisory Committee was charged with the responsibility of educating the public on the existence of the Code and general changes in the law. This awareness program was assessed to determine the extent to which the public had been informed. The present evaluation found that the number of public awareness activities completed fell short of the total number of activities planned by the subcommittee.

Implementation Activities

A documentation of Code implementation planning is provided in the Analysis of Evaluation Results Section of this report. Code training was assessed through an examination of the following indicators:

1. number of those trained;
2. preparation and distribution of training materials;
3. satisfaction with training materials;
4. extent and type of training;
5. satisfaction with training.

Findings indicate that about 28,000 criminal justice personnel have been instructed in the new Code. Although training materials were prepared, there was evidence that there may have been sporadic delays in delivery to some counties. Trainees expressed general approval of the materials, but with reservations regarding the clarity of specific sections, and the failure to include recent Code amendments.

The total hours of training provided for trainees proved to be consistent across counties, but the number of sessions varied between counties. In some cases, less than minimum training was provided for trainees. The training area receiving the most emphasis was a comparison of pre-Code statutes to new Code statutes. Areas requiring more emphasis were the rationale for legal changes in the Code, and the procedural impact of such changes. At the county level, a significant number of trainers received no training in instructional methods.

Overall, trainees believed their trainers to be well prepared and effective. Improvement suggestions centered on increased clarity and simplicity in presentations, as well as increased utilization of visual aids. Trainees also desired more training devoted to the manner in which changes will affect specific job functions. Trainers and trainees agreed that a continuation of training would facilitate a more comprehensive understanding of Code provisions and amendments.

As part of the implementation effort, model criminal justice procedure forms (i.e., complaint, indictment and juror instructions) were prepared for use by criminal justice personnel. The majority of relevant professional groups concurred that model forms were meeting their needs. However, model indictment forms were viewed with less enthusiasm than model complaint forms.

An assessment of perceived change, brought about by the Code, was also conducted in the present evaluation. Actual experiences of change were reported by only a minority of all practitioners; however, those directly involved in court prosecution (prosecutors and judges) reported greater procedural changes than did police. Confusion with the Code was attributed more to a lack of experience in its use than to actual Code content. In regard to the Code's statute on the use of deadly force in law enforcement, police generally believed the guidelines were helpful in clarifying acceptable actions and were not overly restrictive.

INTRODUCTION

This evaluation report is the result of a collaborative effort between the New Jersey Division of Criminal Justice and the Rutgers University School of Criminal Justice. The evaluation activity is one component of an effort to assist in the implementation of the new New Jersey Code of Criminal Justice and an attempt to assess that implementation effort as well as certain aspects of the possible impact of the new Code.

The present evaluation provides useful information to certain decision-making individuals and groups. Four such groups have been identified: the funders and monitors, both federal and state; the federal government, primarily interested in reference to pending federal criminal code revisions; other states, which are contemplating criminal code revisions and a fourth New Jersey group which incorporates a number of constituencies, needing various kinds of information.

The two general areas of information variously desired by the identified groups and intended by this evaluation effort, as previously indicated, focus on the implementation activities sponsored through the action project and on the operations and impact of the new Code.

In sum, the purpose of the evaluation activity is to develop and disseminate, in timely fashion, descriptive and analytic information to the identified potential users.

DEFINITION OF THE PROBLEM: NATIONAL FOCUS

The Model Penal Code

For many decades, there has been a concern with the piecemeal construction of criminal law in the United States. Codification has been viewed as a means of simplifying, organizing and rationalizing the criminal law in an effort to eliminate ambiguities and to foster public acceptance of the law.

From 1931 to 1951 the American Law Institute's agenda of unfinished business included a proposal to construct a Model Penal Code. The project was undertaken in 1951 and the Institute's final draft became available in 1962.

The intent of the Model Penal Code was to provide a contemporary format of criminal law that could serve as a guide for action across the United States. The primary goal of the drafters was to unify concerns and procedures related to public order and individual freedoms (civil liberties) into one code. The objectives were to create a rational, respectable, fair and efficient law that would enhance public respect for, and adherence to, the law. The drafters believed the following changes help attain the objectives of the code:

- 1) the creation of a rational, gradated and simplified system of offenses and sanctions through the elimination of inconsistent and overlapping penalties and the division of a limited number of felonies and misdemeanors into several classes with proportionate penalties; the assignment of a classification to each crime that reflects that crime's relative danger to society; and the

clarification of offense definition through the use of simpler language;

2) the narrowing and widening of selective areas of the criminal law into greater compliance with contemporary thought and the expansion of the boundaries of traditional offenses so as to better deal with new forms of antisocial behavior. (Wechsler, 1968).

The President's Commission on Law Enforcement and the Administration of Justice

The 1967 President's Commission on Law Enforcement and the Administration of Justice (President's Crime Commission) attempted to provide guidance toward improving the criminal justice system. Among its recommendations related to law reform were:

1) a review of substantive law and subsequent modernization of such laws according to society's current needs and expectations. The belief was that the improvement of criminal justice efficiency, via the other recommendations of the President's Crime Commission, would be diminished if the actual laws were outmoded.

2) methods to accomplish law reform which emulated those of the Model Penal Code. There was, however, a specific accentuation of the importance of limiting judicial discretion toward the objective of lessened disparity in sentencing. The intention was to promote fairness. Commission recommendations included provision for a rational and presumptive sentencing scheme based on the extent of the offender's culpability.

THE DEVELOPMENT OF THE NEW JERSEY CODE OF CRIMINAL JUSTICE

In New Jersey during the mid-1960's, there was a growing recognition that major problems existed in the criminal law. The existing criminal law, lacking a systematic foundation, was developed in reaction to specific concerns rather than on the basis of rational principles. Numerous criminal statutes had been adopted, increasing the severity of criminal sanctions in an effort to placate public concern. Along with the retention of antiquated statutes, there was an overlegalization that did not realistically reflect societal norms. (Knowlton, 1979).

Since the rationale of criminal law was unclear, the definition of 'justice' remained vague to the public. Offenses were arranged in alphabetical order, not in order of seriousness, and definitional terminology was often vague and inconsistent by virtue of its dependence on the common-law. Definitions of mental states of intent were imprecise and, therefore, fostered inconsistent judicial interpretation in jury instructions. The retributive component of criminal law suffered due to an inconsistent relationship between the gravity of the offense and the severity of punishment.

In response to increasing citizen concern, the New Jersey Legislature created the Commission to Study the Causes and Prevention of Crime in New Jersey. This Commission was introduced through Senate Bill 386 and passed in the Senate in May, 1966, and the Assembly in June 1966. The Commission was directed by Senate Concurrent Resolution No. 18, in May, 1967, to study the report of

the President's Crime Commission. In his annual message, delivered in January 1968, Governor Hughes emphasized the relevancy of the New Jersey Commission and its projected results. The work product of the Commission was completed in March, 1968, and was entitled A Survey of Crime Control and Prevention in New Jersey.

In March, 1968, the Special Joint Legislative Committee to Study Crime and the System of Criminal Justice was formed by the Legislature. That Committee found broad inadequacies in the existing New Jersey criminal law (Title 2A). They noted a lack of coordination between subsystems due to duplication and unclarity of laws. The system was characterized as arbitrary due to non-uniform judicial interpretation of statutory elements and sentencing procedure. In addition, there existed public confusion regarding laws and punishment. The Committee recommended the creation of the Criminal Law Revision Commission which would analyze and redraft the existing New Jersey criminal law. The Criminal Law Revision Commission was established by Assembly Bill 710, enacted in September, 1968.

The Revision Commission completed a draft report in January, 1971. It referred to the Model Penal Code and the President's Crime Commission reports to highlight the inadequacies of Title 2A. As identified by the Commission, the inadequacies were:

- 1) not dealing adequately with dangerous conduct that does not produce harm, as crime (negligence, recklessness);
- 2) unclarity as to elements of a criminal attempt;
- 3) vagueness in the doctrines of excuse and justification (considered irrational and inconsistent), including vagueness in the

provisions on justification defenses such as the authority of police officers to utilize force to effect an arrest and the right of private citizens to use force in self-defense and in other situations;

- 4) doctrines of intent that were confusing for certain crimes;
- 5) extension of the law into areas where the public did not have an actual definable and workable interest in proscribing conduct;
- 6) excessive discretion in sentencing;
- 7) non-uniformity in criminal justice procedures;

In October, 1971, the Final Report and Commentary of The New Jersey Code of Criminal Justice was published. It was distributed to the entire membership of the New Jersey Bar and selected law schools. The New Jersey Assembly passed a resolution in March of the following year that directed the Judiciary Committee to review the proposed code, and to issue a report by October, 1972. The Assembly subsequently granted the Judiciary Committee an extension until January, 1973.

From January, 1971, to January, 1978, incumbent governors attempted to achieve legislative priority for the proposed Code. However, due to perceived anomalies and inconsistencies in the proposed Code, little legislative progress was made between November, 1972, and January, 1978. During this period, the Code underwent a number of legislative readings and amendments. Finally, in August, 1978, the Code was enacted with an effective date of September 1, 1979. (Allen, 1979).

PURPOSE AND OBJECTIVES OF THE NEW JERSEY
CODE AND ITS ADMINISTRATION

Survey of Key Persons

Early in the development of the present evaluation effort, it was decided that information relevant to the purpose and objectives of the Code should be obtained via the interviewing of key state criminal justice system personnel and select members of the legal profession who had influenced the Code's content. A list of prospective interviewees was compiled with the assistance of the Division of Criminal Justice. A letter that explained the purpose of the interviews, including survey questions, was mailed to the prospective interviewees. Subsequently, sixteen individuals were personally interviewed by representatives of the Division of Criminal Justice.

To further assist in determining Code intent and issues, Code trainers from the Division of Criminal Justice were interviewed. Responses of all those interviewed have been integrated into the statement of purpose, objectives and critical issues which follows and which provides the basis for the present evaluation.

Purpose of the Code

To enhance the understanding, satisfaction, cooperation and compliance of the general public regarding the administration of justice in the State of New Jersey.

Broad Objectives

To realize through the provisions of the new Code:

- 1) modernization of the law to bring it closer to contemporary needs and beliefs;
- 2) increased fairness in the administration of justice;
- 3) a more rational and systematic codification of the criminal law;
- 4) increased efficiency in the administration of justice.

Specific Objectives

- 1) Clarification of offenses

The Code attempts to comprehensively and clearly define, and rationally categorize offenses according to the severity of specified degrees of intent.

- 2) Clarification of acceptable behavior under law

The Code attempts to provide for the exoneration of the accused where there is sufficient justification or excuse for what otherwise would be considered law violative behavior. This objective relates to police conduct, in the course of apprehension, as well as to public behavior.

- 3) Widening the scope of criminal law (Criminalization)

Provisions of the Code attempt to acceptably increase the scope of criminal law to include areas where it is believed that the public has exhibited increased interest in proscribing conduct. This occurs, most notably, through new provisions regarding certain sex offenses, white collar crime and political corruption. Widening of scope can also occur through the broadened definitions of offenses designated 'attempt' and 'conspiracy.'

4) Decriminalization

The Code revisions attempt to provide a reduction of prosecution in areas where the public has exhibited diminished concern. Sexual contact between consenting adults is one example.

5) Sentencing Equity

The Code attempts to provide for more equitable and less disparate sentences through matching seriousness of intent with appropriate sanctions.

6) Increased efficiency and effectiveness of criminal justice procedure

Code implementation includes an attempt to enhance efficiency and effectiveness in the administration of justice through the development and utilization of standardized criminal justice procedures throughout the State. This includes the use of model arrest forms, model indictment forms and model juror instruction forms.

Assumptions

Related to the specific objectives of the Code and its proper administration, it is expected that:

1) The availability of clearly defined and rationally categorized offenses should result in greater consistency in judicial and juror decision-making.

2) The availability of clearly defined and rationally categorized offenses should result in greater coordination between, and efficiency in, the police, the prosecutor and judicial subsystems.

3) Clarification of acceptable behavior under law

('affirmative defenses') should result in greater certainty on the part of the police as to appropriate police procedure in this area. This should be reflected in more appropriate police behavior in this regard.

4) Clarification of acceptable behavior under the law (affirmative defenses) should result in more consistent court decisions in this area (justification and excuse of action).

5) Presumptive sentencing procedures in the new Code should result in less disparity in sentencing.

6) The consolidation of offenses into categories which specify degrees of seriousness of intent should result in plea bargaining practices more acceptable to the public.

7) The combination of offense clarification, clarification of acceptable behavior under the law, modernization of the law, a lessening of sentencing disparity and improved efficiency should result in greater public satisfaction and cooperation with the law.

EVALUATION ISSUES

The following is an identification of the major evaluation issues and questions which have been raised in reference to the objectives and assumptions of the new Code, its implementation and its administration. An analytic frame which identifies evaluable Code objectives and assumptions, evaluation questions and the indicators and data sources utilized in the present evaluation is provided in the appendix: Data Analysis Format.

Pre-Implementation Activities

Pre-drafting and implementation of the Code has involved the efforts of several legislative and executive committees. Their efforts have included legislative activities in the amendment process, advisory assistance in the implementation of the Code and plans for Code training. It is important that an assessment be made of the responsibilities and actions of the Governor's Committee on the Implementation of the Code and further, that an assessment be made of state and county agency planning activities related to the Code.

Evaluation Questions:

What were the responsibilities of the Governor's Committee on the Implementation of the Code?

What actions were carried out by the Committee?

What was the nature and extent of planning for training carried out by county and state agencies?

What were the major legislative events contributing to implementation of the Code?

Development and Utilization of Criminal Procedure Forms

Implementation of the Code also included the attempt to achieve greater efficiency and coordination through the introduction of standardized criminal procedure forms (i.e. complaint, indictment and jury instruction forms).

Evaluation Questions:

To what extent are standardized criminal procedure forms prepared?

Are forms being utilized?

Is there evidence of practitioner satisfaction with and perceived reliance on standardized criminal procedure forms?

Do the forms meet requirements of the judicial system?

Training Activities

Code training has been and continues to be provided to police officers, prosecutors, defense attorneys, judges and other criminal justice personnel throughout the state to orient them to major criminal law and procedural changes. The following are the areas of training assessment: the effectiveness of the development, distribution and utility of training materials; the effectiveness of the training of both trainer and trainees; the relevance of training; and the number of those trained.

Evaluation Questions:

Were training materials prepared?

To what extent and in what fashion were practitioners trained?

Is there trainee/trainer satisfaction with training and training material?

Is there middle management satisfaction with training and training material?

Is there a practitioner awareness of Code provisions?

Is there evidence of confusion in the application of police procedure?

Offense Related Issues

Inasmuch as the new Code attempts to rationally categorize and systematically define proscribed criminal behavior, an assessment of these objectives is required. Also, since the Code attempts to variously broaden or constrict the present scope of the criminal law in order to reflect perceived alterations in public attitudes and interest, an assessment of these latter objectives must also be attempted.

In order to effectively evaluate the indicated objectives of the new Code, it is necessary to select those sections most closely tied to the attendant issues. In the determination of evaluative approach, two factors are of major concern. First, as mentioned, primary interest lies with those sections of the Code which most directly reflect those issues considered important by legislators, managers of the criminal justice system, and the public as a whole. Second, a very practical condition limits the choices which can be made.

In view of the fact that the Code took effect on September 1, 1979, the time frame of the present evaluation renders adequate analysis of several Code sections virtually impossible. For example, issues which are undoubtedly of major concern, such as corruption by public officials, may not generate sufficient data to enable valid evaluation due to the time required for criminal practice processing.

Taking into account the interests and limitations discussed, Code provisions related to selected offense areas have been assigned priority for evaluation at this time.

A) Sex offenses

The Code hopes to modernize provisions on sex offenses by decriminalization in some areas (fornication, statutory rape) and the broadening of scope in others (sexual assault of spouse). The Code sorts out various types of offenses and delineates elements of force and mental states necessary for offenses. The sex offense section also limits the admissibility of court examination of the prior sex history of the victim.

B) Criminal homicide

The definition of criminal homicide includes descriptions of affirmative defenses in felony-murder cases. These are cases in which a victim or bystander is killed by an offender in the commission of the offense or in the offender's attempt to flee after the commission of an offense (e.g., robbery, sexual assault, arson). The affirmative defenses present the elements required for the exoneration for criminal homicide of those participating in the underlying offense but not directly committing the homicide. In

effect, the provision narrows the scope of felony-murder in these instances.

In addition, an aggravated manslaughter offense is added to the manslaughter section. This is an offense of greater seriousness than manslaughter and lesser seriousness than murder. There has been some prosecutorial concern that convictions under this section would draw from possible convictions of murder and result in milder sanctions due to the lesser degree of severity under aggravated manslaughter. (It is a first degree offense punishable by imprisonment for a term between 10 and 20 years; murder is punishable for 10 to 30 years or life imprisonment).

C) Theft

The theft section consolidates offenses previously defined separately under Title 2A. Since offenses are presently combined into one concept (theft) it has been suggested that the attainment of convictions should be easier. Under Title 2A, cases were dismissed if the exact elements of the specific charged offense were not present. It has been stated that the consolidation would eliminate the need for such detailed element satisfaction because the offenses are explained in more generalized terms.

D) Gambling offenses

The scope of gambling offenses is narrowed due to the decriminalization of certain gambling activities. Also, definitions of gambling offenses are more detailed including explanation of terminology for participants, types of gambling and gambling devices. Due to the increased specificity of definitions, it has been suggested that evidentiary standards for the prosecution may be

difficult to satisfy and would result in an impeding of the attainment of convictions.

E) White collar crime

The Code broadens the scope of 'white collar crime.' In addition, the descriptive language of offenses has been made clear and allowances have been made for increased judicial discretion in the fining of corrupt corporations. The required evidence of specified elements of white collar crime offenses has been cited as a possible constraint to successful prosecution.

F) Inchoate crimes

The Code broadens the scope of inchoate crimes by providing for earlier law enforcement intervention. It also attempts to clarify definitional descriptions of offenses, although there has been some question as to whether Code language will improve or hinder the interpretation of offenses. In addition, the Code stresses personal culpability as opposed to group culpability and prohibits the conviction of conspiracy when the accused is convicted of the completed act.

Evaluation Questions:

Is there a relative increase in reports of sex offenses?

Is there a relative increase in arrests for white collar, inchoate and sex offenses?

Is there a relative decrease in arrests for gambling and felony murder offenses?

Is there a relative increase in prosecutions for white collar, inchoate and sex offenses?

Is there a relative decrease in prosecutions for murder associated with utilization of the new manslaughter provision?

Is there a relative increase in trials for inchoate offenses?

Is there a relative increase in dismissals for white collar, inchoate and gambling offenses?

Is there a relative decrease in dismissals for theft offenses?

Is there a relative increase in convictions for theft offenses?

Is there a relative decrease in convictions for gambling offenses?

Impact on Court Process

A) Plea/sentence negotiation

The Code provides support to the tendency for plea/sentence negotiations by instituting gradations of seriousness of intent and consolidating certain criminal offenses within crime areas. The goal is to facilitate wider acceptance of plea negotiation through an increase in charge bargaining within a crime area (i.e., sex offenses), rather than outside of the crime area (i.e., sexual assault bargained to simple assault). However, there are those who believe that sentence negotiation may be curtailed due to the more narrow ranges of the new presumptive sentencing scheme.

B) Extended sentences

The Code contains a provision for imposing extended terms of incarceration for murder, or when the offender is deemed to be a

persistent offender or a professional offender. Also the Code provides that the court may fix a minimum term of incarceration, during which these offenders, and those convicted of any first and second degree offenses, shall not be eligible for parole.

C) Sentencing equity

Subtitle 3 of the new Code introduces a presumptive sentencing scheme that departs from the minimum-maximum sentence range format of the prior 2A collection of statutes. Under the present Code, every category of crime has various degrees of seriousness based upon the criminal intent or the act committed.

The Code further mandates that judges may impose sentences not at the presumptive mid-point, but within the respective range, only if the preponderance of aggravating factors or preponderance of mitigating factors, weighs in favor of higher or lower terms within the limits provided in 2C:43-6 (2C:44-1F). Furthermore, where the defendant is convicted of a first or second degree offense, and the aggravating circumstances are outweighed by the mitigating circumstances, the judge is allowed to sentence a degree lower.

A second set of custodial sentence categorization exists, under the new Code, for extended sentences (2C:43-7). This sentencing criteria may be utilized if the court has determined the offender is a persistent offender (2C:44-3a), or a professional criminal (2C:44-3b) or has been convicted of murder (2C:11-3b).

As part of the new sentencing scheme, the judiciary is allowed some increased discretion in the controlling of parole for certain cases. In first and second degree cases, and in instances where extended terms are imposed, the judge has the option to fix a

minimum term up to one-half of the imposed sentence (2C:43-66 and 2C:43-76). In effect, this provision permits the judge to implement a 'mandatory minimum' sentence which could conceivably delay the offender's eligibility for parole.

The evaluation questions for this area are focused on the measurement of presumptiveness in sentencing, the incidence of court control in relation to parole eligibiity and the imposition of new forms of sentencing for certain offenses. Evaluation questions dealing with the frequency with which judges sentence at the presumptive mid-points and how often extended sentences are imposed, should present an indication of how presumptive the scheme is. That is, how assuredly can a defendant presume he will receive a particular sentence if he is convicted and is to receive a custodial sentence, and in the wider scope, how close does the scheme come to a sense of sentencing equity for offenders of like offenses?

D) Restitution

The Code permits the imposition of restitution, even in cases in which the offender is also sentenced to imprisonment. Prior to the Code, there was no authorization for the imposition of restitution in conjunction with a sentence of imprisonment.

E) Speedy trial

The intent of the Code is to increase court efficiency through codification, clarification of language within the Code and greater uniformity of procedures. Court efficiency is presumed to be realized through shortened time between arrest and trial, and shortened time of actual trial procedures. This projected outcome is questioned by some who contend that Code language is vague in

this area and, therefore, could produce confusion in Court proceedings. In addition, it has been argued that the projected certainty of sentences could lead to a greater number of trials and, therefore, greater Court backlog.

Evaluation questions:

Are plea/sentence negotiations entered with greater efficiency (shorter time between charge and plea)?

Is there a decrease in time between arrest and trial?

Is there an overall increase in court processing time?

Is there an increase in plea negotiation being conducted within the crime areas?

Is there an increase in the imposing of restitution, along with imprisonment, for certain crime types?

To what extent are sentence mid-points utilized by judges?

Is there a relative decrease in sentence negotiations?

To what extent are extended sentences employed by judges?

Do accused individuals demonstrate more unwillingness to accept guilty pleas?

Is there a relative increase in trials under the new Code and, hence, greater court backlogs?

Impact on Other Agencies and Groups

A) Impact on police

It has been suggested that the new Code will necessitate significant alterations in police performance. Along these lines, a collateral issue involves the possibility of confusion being

generated in police procedures as a result of the Code's implementation.

B) Impact on those currently incarcerated

The Code provides for a review of cases where the incarcerated person is serving a sentence for an offense decriminalized by the Code, or is serving a sentence with an offense maximum exceeding that described by the Code, or is otherwise entitled to resentencing under the Code.

C) Impact on corrections

It has been presumed that Code restrictions on judicial discretion, via presumptive sentencing, could affect the population of correctional institutions. That is, the combination of the suggested use of presumptive mid-points and the restrictions in the use of mitigating circumstances could result in longer sentences and a greater number of those incarcerated. Also, judicial power to mandate delayed parole could increase terms of incarceration. On the other hand, prison overcrowding could lead to earlier paroles.

D) Impact on the public

Implementation of the Code is intended to increase public understanding of crime and its control and to foster greater public cooperation with the criminal justice system and adherence to the criminal law. Code implementation included attempts to educate the public through the use of symposiums and the media.

E) Impact on the bar

With cooperation from Division of Criminal Justice personnel, the Institute for Continuing Legal Education and the American Trial Lawyers Association conducted training courses to

acquaint practicing attorneys with the Code. Of interest are participant assessments of that training, as well as their general perceptions of the Code as to inherent deficiencies or biases.

Evaluation questions

Is there an increase in prison populations?

Is there an increase in county jail populations?

To what extent has judicial discretion produced an increase in terms of incarceration?

Is there evidence of confusion in the application of police procedure?

How successful are motions for sentence reconsideration under the sentence review provision?

What is the impact of successful sentence reconsiderations on institutional populations?

To what extent and in what fashion was the public informed of the new Code?

Is there public awareness of the existence of the Code?

What deficiencies or strengths are noted in the Code by practicing attorneys?

How do private attorneys assess the process by which the Code was implemented?

EVALUATION DESIGN

The design of the present evaluation is presented in two sections. The first provides a general description of the procedures to be utilized while the second will indicate any methods which may be specific to various "Evaluation Issues" sections of this report.

General description

A) Target areas and populations

Various populations were assessed to provide the data of the present evaluation. With regard to certain issues such as resentencing, impact on corrections, etc., data is state-wide. Data for other indicators such as plea/sentence negotiation practices and other law enforcement behavior required analysis of primary data sources in a sample of county jurisdictions. Data was collected from six jurisdictions selected to be representative of the state as regards a number of demographic and other parameters (size, density of population, volume of criminal justice activities, etc.). The six counties are: Bergen, Burlington, Essex, Middlesex, Monmouth and Morris. Certain evaluation activities required a sample of occupational groups (police, prosecutors, etc.). Use of these groups will be detailed in the 'methods' section on training activities.

Methods of data collection

There were two primary methods of data collection: the use of archival data and interview. Use was made of existing data sets

available through the Administrative Office of the Courts (AOC) and the Division of Systems and Communications (SAC). This evaluation also developed original data sets from docket books and other court files in the sample jurisdictions.

Eight specifically trained graduate students collected data for specified statute offense activity. (see appendix - 2A-2C statutes). Other archival records were utilized in the creation of a narrative history of the development of the New Jersey Code. Attitudes and opinions were obtained by means of semi-structured interviews.

B) Statute Offense Data Collection

To aid in the collection of comparative groups of statute offense data, lists of appropriate statutes were developed for the crime areas of study. These lists indicated 2A statute crime areas and those statutes into which they were transposed under the new 2C Code. The transitional information was formed through use of code book source descriptions; a conversion table created by a Division of Criminal Justice staff member; and interviews with Division of Criminal Justice officials.

Each data collector was furnished with copies of 2A - 2C statute lists, coding instructions and coding materials. At each county of evaluative interest, coders collected criminal justice process data, from original charge to disposition, on all charges of the enumerated statutes. Material was collected on each charge and up to five counts of each charge. For example, data would be collected on a statute violation of theft by extortion (2C:20-5) and

up to five counts of the offense for that offender.

For every count, the charge identification source was the prosecutor docket book of original charges. The coder for Middlesex County used a combination of docket book information and accumulated computer printout data on original charges. Each coder collected data on entries from January to June and flagged each original target charge through statute list comparison. Data that could be collected from the docket book (i.e., date of arrest, bail information - etc.) was coded and the remainder of criminal justice process data was recorded from the corresponding prosecutor case files. When necessary, information was also procured from county clerks, particularly in regard to sentencing information. Information on those charges originating from grand jury actions, as opposed to original arrest, was also recorded to disposition.

This process was continued until all 'target' cases were recorded from docket book periods of January through June for the years of 1977 and 1980.

C) Data analysis

The preponderance of the hard data of the present evaluation is incorporated into a before-after analysis. A profile of criminal justice system indicators was developed for a ten month period in the years 1976-77 (before the implementation of the new Code) and for the same ten month period in 1979-80 (after).

Data processing was obtained through contract with the Educational Computer Network (ECN) of New Jersey. Standard software programs (e.g., SPSS) were utilized. Access was through the Rutgers University School of Criminal Justice.

The soft data, i.e., the attitude and survey results, were analyzed for themes which will be reported both descriptively and comparatively.

The design of the present evaluation is such that the present data collection and analysis activities represent, in part, a 'Phase I' in what could be a series of evaluative phases. All evaluation activities, e.g., computer programs, were established so that subsequent process and outcome analyses can be easily accomplished. It should be obvious that the impact of the new Code cannot be determined from an analysis which takes place in the first year subsequent to its implementation. There is, however, a foundation to be laid and much useful information on implementation and on impact to be generated during this first phase of evaluation activity.

D) Time frame

The evaluation effort was formally implemented in September of 1979. The evaluation activity terminated in December, 1980. As previously indicated, data was collected for a pre-code implementation period of September 1976 through June of 1977. The post-code implementation period for most intensive analysis was the ten months, September 1979 through June of 1980.

State-wide data collection was accomplished during the winter and spring of 1980. Intensive data collection in the sample of county jurisdictions took place in the summer of 1980.

Specific methods

A) Pre-Implementation activities

Answers to the questions relating to planning and other pre-implementation activities are provided through a report prepared by personnel of the Appellate Section of the Division of Criminal Justice who were directly involved in the implementation process. Information was obtained through examination of various records, documents, and minutes of the Governor's Advisory Committee for the Implementation of the Criminal Code. This Committee had several sub-committees: the Subcommittee on the Bar; Subcommittee on Law Enforcement; Subcommittee on the Courts; Subcommittee on Corrections; Subcommittee on Public Awareness; Subcommittee on Funding and Management; and Subcommittee on Legislation. Particular attention will be given to the responsibilities of the Subcommittees and the actions carried out by each.

Issues regarding the nature and extent of planning for the training process, carried out by county and state agencies, were examined by reviewing existing records, documents, and memoranda.

B) Development and utilization of criminal procedure forms

Evaluation questions relating to form design and utilization were answered through documentation of the existence of model forms and by a survey, accomplished through a questionnaire (see appendix - Trainers' Questionnaire) administered to a sub-sample of those currently utilizing such new forms. The sub-sample was chosen from users in the six counties comprising the evaluation sample. The questionnaire addresses issues of form satisfaction, usefulness and relevance.

C) Training activities

The methods employed to answer the questions relating to training are three-fold. There is an effort assessment, various survey questionnaires (see, e.g., Primary Trainer Questionnaire and Trainers' Questionnaire), and a comparison of the training experienced by the trainer and the trainee.

The effort assessment includes a compilation of the number of people from different agencies and departments that have taken part in training, as trainers and trainees. This, in turn, includes instructors and/or students who are police officers, prosecutors, defense attorneys, judges and other criminal justice personnel. The assessment also includes the hours of training received, the number that received training materials, the type of training materials used, and the number and type of persons doing the training.

Evaluation questions for training activities were researched through the execution of a questionnaire mail survey. The evaluation strategy was to survey samples of target county secondary trainers (who received training at the Sea Girt State Police Training Academy), tertiary trainers (those trained by secondary trainers), attorney and non-attorney law enforcement trainees, corrections trainees, probation trainees, judicial trainers and judicial trainees.

To promote content relevance of the questionnaires, open-ended interviews were conducted of a sample of primary trainers (those who trained secondary trainers). This was done to gain data on primary trainer self-assessment, as well as to assist, through primary trainer responses and recommendations, in the construction

of the specific trainee and trainer questionnaires

Through research of primary trainer rosters, it was discovered that primary trainers consisted of a combination of 19 deputy attorneys general of the Division of Criminal Justice (primarily from the Appellate Section) and four State Police trainers. It was decided that a sample of DAG's would be interviewed (50% - nine), and that all of the State Police trainers would be questioned. The nine DAG's were randomly sampled, while only three of the four State Police trainers could be interviewed due to the factor of time constraints.

The interview instrument (appendix - Primary Trainer Questionnaire) was divided into four areas: "Objectives of Training," "Adequacy of Training," "Training Issues," and "Retrospection on Training." The first two areas elicited viewpoints on training self-assessment; the third issue was included to gain information on the primary trainers' recommendations for proposed questions to trainees and lower-staged trainers; and the last area was to reveal any "second thoughts" primary trainers may have had on training procedure and/or organization.

With the completion of primary trainer interviews, answers were categorized to guide in the creation of trainer and trainee questionnaires. Although questionnaires were similar, some differences existed. First, trainee forms contained questions regarding the deadly force statute. Also, only trainer forms contained a section entitled "Training Administered," in addition to the "Training Received" section which was common to all forms. All trainee and trainer forms contained sections requesting employment

background data; general assessments of trainers, training and training material; and assessments of the implementation of the Code, as well as model form usage.

To obtain a sampling frame for the mail survey, lists of secondary degree trainers trained at the Sea Girt State Police Academy, and lists of locally trained law enforcement tertiary trainers and trainees were procured from the Division of Criminal Justice and the Police Training Commission. It was decided that the total population of secondary and tertiary trainers (226) from these lists would be surveyed for the research target counties. Included in these secondary and tertiary trainer lists were county prosecutors, municipal police, special police (including park police and college campus police), prosecutors' investigations, county sheriffs' officers and correction officers. At the State Police level, lists were obtained of secondary trainers, but due to a disagreement between the research staff and State Police administrators regarding the appropriateness of questionnaire content and method of administration, adequate sampling was severely limited.

For a representation of trainers of the Administrative Office of the Courts (AOC), a list of judicial trainers was obtained with the help of the AOC. Once again, the total number of listed trainers (six) was surveyed.

Lists of non-attorney law enforcement trainees, of target counties, were garnered from the Police Training Commission listings. Examination of the total population of non-attorney law enforcement personnel of the six counties determined that the mean

population per county was 1,355. Due to the unusually large population of non-attorney law enforcement personnel in Newark, that city was considered apart from the rest of Essex County. To sufficiently represent trainees within each of the six counties and Newark, a manageable sample of 150 trainees per county was decided upon. In total, 1,050 of a sampling population of 9,499 were included in the survey.

The sample was identified through random sampling, proportionate to size of each rank grouping (i.e. patrolmen, sergeants, etc.). That is, a stratified sample by rank was selected. The number selected in each rank stratum reflected the total number of police personnel occupying that rank throughout the county. After each subsample ranking size was determined, trainees were randomly sampled within each rank.

Lists of judicial and prosecution trainees for the target counties were obtained from the 1979 New Jersey Lawyer's Diary and Manual. All target county Superior Court-Law Division, County Court, and Municipal Court Judges were surveyed, along with all county prosecutors and assistant prosecutors employed in the target counties. Also, for the target counties, a list of probation officer trainees, acquired from the AOC, was obtained and all were surveyed. Likewise, all New Jersey State Parole Officers were surveyed with the assistance of a roster provided by the New Jersey Department of Corrections and Parole. As a result of the incompleteness of trainee rosters of State Corrections Officers, and research differences encountered with the State Police Administration, trainees in these two professions were not sampled.

After individual subsamples of 150 for each county, plus Newark, were assembled, packages were sent to each employee's business address containing a cover letter explaining the research purpose, the questionnaire and a return envelope. Questionnaires were to be anonymously completed and returned. A remailing was conducted to those not initially responding. For any of those found no longer to be employed at the mailing address (evidenced by the returned unopened material), a person of similar county and rank was randomly sampled and sent survey materials.

D) Impact on other agencies and groups

While an examination of certain impact indicators necessitated the employment of the previously noted pre-Code - post-Code method, certain indicators simply required the assessment of post-Code impact (e.g., public awareness, successful applications under the sentence review provision). For example, confusion in the application of police procedure was assessed through use of questions directed at the post-Code period. Public awareness of the existence of the Code and public understanding of crime and its controls was determined through the use of a telephone survey. Also, an accounting of motions for sentence review, heard by a special three-judge resentencing panel was required.

Data on prison inmate populations were provided by the Bureau of Correctional Information Systems of the Department of Corrections. Information regarding terms of incarceration was obtained from the N. J. State Parole Board's annual report. A

survey of criminal justice records was conducted at the county and municipal levels to satisfactorily answer evaluation questions related to impact on local jails. Evaluation questions related to impact on the Bar were addressed through a questionnaire sent to Bar members.

Evaluation Indicators

The following are the indicators utilized in the present evaluation. They are incorporated into the Data Analysis Format presented in that appendix.

- 1) Implementation Activities
 - a) prepared training materials
 - b) training materials provided
 - c) type of training methods
 - d) amount of training
 - e) trained criminal justice personnel
 - f) trainer and trainee opinions of training
 - g) prepared and standardized criminal procedure forms
 - h) utilization of standardized criminal procedure forms
 - i) practitioner satisfaction with standardized criminal procedure forms
- 2) Reports and Arrests
 - a) reports of crime
 - b) arrests

- 3) Prosecution
 - a) indictments/accusations
 - b) guilty pleas
 - c) trials
 - d) plea negotiations
 - e) sentence negotiations
 - f) convictions
 - g) dismissals
- 4) Court Process
 - a) amount of time between arrest and trial
 - b) amount of time between commencement of trial and disposition
 - c) amount of time between charge and negotiated plea
- 5) Sentencing
 - a) dispositions
 - b) number sentenced
 - c) sentencing disparity
 - d) imposition of restitution with imprisonment
 - e) number of extended sentences
 - f) incidence of mandatory minimum sentences
 - g) successful resentencing appeals
 - h) successful resentencing appeals leading to release
- 6) Incarceration
 - a) number incarcerated
 - b) inmate populations
 - c) number paroled

7) Public Understanding, Satisfaction and Compliance

- a) recognition of existence of the Code
- b) recognition of decriminalization and broadening of scope
- c) recognition of changed sentencing scheme

ANALYSIS OF EVALUATION RESULTS

Organization of the results of the present evaluation will follow the format of evaluation issues and questions presented in the preceding section of this report and summarized in the Data Analysis Format.

Pre-Implementation Activities

The development of the New Jersey Code of Criminal Justice occurred over a period of at least fourteen years and involved members of all three branches of state government, legislative, executive and judicial, as well as members of the bar, the law enforcement community and the public. This first section of evaluation results will endeavor to assess the efforts undertaken to draft and implement the Code, including the activities in the legislative process, the responsibilities and activities of the Governor's Committee on the Implementation of the Code, and the planning and training activities of state and local agencies. Planning and completion, by the Governor's Committee, of public education is reported in a later section of the evaluation report. The following information is a synopsis of a more detailed analysis of pre-implementation activities which can be found in the Division of Criminal Justice document, "Implementation Activities: An Effort Evaluation of the Implementation of the New Jersey Code of Criminal Justice."

Questions:

What were the responsibilities and actions of the Governor's Committee on the Implementation of the Code?

What actions were carried out by the committee?

Since the adoption of the code encompassed many disciplines and affected many agencies, it was deemed essential that a high level policy committee be appointed by the Governor to develop a coordinated approach regarding the implementation of the Code. This Governor's Advisory Committee was appointed in September 1978.

Development of the implementation plans began in earnest with the convening of the first meeting of the Governor's Committee on the Implementation of the Penal Code in September 1978. (see appendix - Implementation Committee for identification of members). The Committee would serve the following functions during this period:

- a) to insure that each agency is aware of the duties and responsibilities assigned to it under the Code and to guarantee that all provisions of the Code are properly and appropriately implemented;
- b) to develop a plan of action for implementation of the Code and educational programs and materials;
- c) to coordinate public awareness of the Code and its impact.
- d) to conduct periodic evaluations of the Code's impact prior to its effective date and of the Code's impact following its effective date.

- (e) to conserve limited resources and avoid duplication of efforts by insuring a uniform approach by all concerned agencies.

The first committee meeting included a wide-ranging discussion of the functions of the six subcommittees.

a) Law Enforcement Subcommittee - it was emphasized that the top priority of this subcommittee was the development of training programs.

b) Funding Coordination and Management Subcommittee - the Chairman instructed S.L.E.P.A. to coordinate all funding applications to L.E.A.A. for code implementation grants.

c) Corrections Subcommittee - the most significant issue of concern to the Corrections Subcommittee was the effect of the code on the population of prisons. Also of interest was the impact on mental hospitals and juvenile and social service programs.

d) Public Awareness Subcommittee - the public awareness function was also viewed as having primary importance.

The second meeting of the Governor's Implementation Committee was convened in October 1978. The meeting consisted primarily of preliminary oral reports by each of the subcommittee chairmen on the activities of their respective subcommittees.

a) The Law Enforcement Subcommittee reported on its plans for the training of law enforcement personnel.

b) The Defense Bar Subcommittee reported that its contemplated written training materials would be developed by the Institute for Continuing Legal Education (I.C.L.E.). While the major focus of these materials and proposed courses would be on the

defense bar, they would be available to all lawyers.

c) The Courts Subcommittee reported that the Supreme Court of New Jersey had established its own Coordinating Committee for Implementation of the Criminal Code. The activities of the Supreme Court's committee would include:

1) Model Jury Charges to be prepared by the Administrative Office of the Courts, Criminal Model Jury Charge Committee.

2) Court Rules to be analyzed with respect to the relationship of the Code to existing rules applicable to criminal practice by the AOC's Criminal Practice Committee; recommendations to be made if amendments are needed.

3) Sentencing to be examined with respect to the relationship of the Code to the Sentencing Guidelines which went into effect on October 23, 1978 in eleven areas of criminal offenses; a new Sentencing Manual to be prepared by AOC staff attorneys.

4) Educational Programs to be planned by the Judicial College and Seminars Committee.

5) Reference Materials to be distributed to judges including the I.C.L.E. Manual, a 50-page "Summary of the New Jersey Code of Criminal Justice" prepared by the Division of Criminal Justice and the 1971 two-volume Report of the New Jersey Criminal Law Revision Commission.

6) Rules of Evidence to be studied by a special committee established to study the relationship of the Code to the Rules of Evidence and to recommend appropriate revisions to the Supreme Court.

d) The Corrections Subcommittee reported that it would study the impact of the Code on the State's prison population, address substantive questions raised by the language of the Code which may require amendment, and determine the training needs of correction personnel.

The Defense Bar Subcommittee would prepare written materials and seminar programs in conjunction with the Institute for Continuing Legal Education. Through I.C.L.E., the subcommittee would present a six-hour seminar program on the Code at three different locations in the late spring. Another seminar to discuss issues and practical problems which might arise under the Code after its effective date, was planned for the spring of 1980.

Twenty-two new model jury charges, including charges on substantive offenses, culpability, defense and responsibility, were considered by the Supreme Court's Model Jury Charges Committee.

The Supreme Court's Judicial Education Committee had planned Code training programs for every full-time judge in the State, whether or not he was sitting on criminal matters. Seminars on the Code would be given to all judges assigned to criminal matters in April and May, 1979. These seminars would be followed up with special courses at the Judicial College in September. A less complex course on substantive and procedural aspects of the Code would be given to the judges assigned to civil matters at the

Judicial College.

The annual Municipal Court Conference to be held in June would include a special session on aspects of the Code which are relevant to the municipal courts. Additionally, the municipal court judges who sit full time would be invited to the spring seminar series discussed above.

The Department of Corrections planned to conduct two levels of training. First, there would be a course for trainers who would return to their respective institutions to conduct training sessions for the personnel there. Second, a curriculum would be developed for incorporation in the basic and in-service training programs at the Correction Officers Training Academy.

Question:

What was the nature and extent of planning for training carried out by county and state agencies?

The implementation of the new Code necessitated the training of approximately 28,000 criminal justice personnel in the substantive and procedural changes effectuated by the Code, to foster uniform Code provision enforcement. Centrally coordinated at the state level by the Attorney General's office, actual responsibility for training development was delegated to the Division of Criminal Justice. Assistance in training development was provided by the Law Enforcement Subcommittee of the Governor's Advisory Committee.

Besides training development, an additional responsibility of the Law Enforcement Subcommittee was the creation of model complaint forms for police use, and model indictments for prosecution use, to foster procedural uniformity under the Code. Preparation of model jury instruction forms for judicial use was allocated to the Model Jury Charges Development Subcommittee of the Supreme Court's Coordinating Committee for the Implementation of the Criminal Code. All model forms were to be included subsequently as part of respective Code training manuals, and model jury instruments were to be continually incorporated with indicated training materials as they were developed.

The target training groups, designated by the Law Enforcement Subcommittee and the Division of Criminal Justice, consisted of police (state, county and local), prosecution (state, county and local), defense attorneys (public defenders and private bar), judiciary (superior, county and local), probation officers and corrections personnel (including parole officers). The Defense Bar Subcommittee was responsible for coordinating training of the private bar through the participation of the Institute for Continuing Legal Education (I.C.L.E.) and the American Trial Lawyer's Association (A.T.L.A.). The Judicial Education Section and the Probation Officers Training Section of the AOC conducted training, respectively, for judges and probation officers. The Corrections Subcommittee assumed responsibility for the training of county and state corrections personnel through the utilization of the Correction Officer's Training Academy.

The training of law enforcement personnel would be accomplished through the combined efforts of the Division of Criminal Justice, the New Jersey State Police Training Academy and the Police Training Commission. The Law Enforcement Subcommittee estimated the non-attorney law enforcement group of trainees to include 21,000 investigative personnel, in addition to "attorney" law enforcement personnel encompassing county prosecutors and deputy attorneys general. A survey of every police department in the State was conducted by means of a questionnaire prepared by the Police Training Commission. It considered the difficulties involved in training during vacation periods and instructing police officers working in resort communities during the summer months. It also considered the cost of education and, more specifically, the identity of the entity which would bear the brunt of such expense.

The training facilities group of the Law Enforcement Subcommittee projected that a variety of training facilities would be available for implementation purposes.

Consistent with the traditional role of the county prosecutor and his legal status as chief law enforcement official of the county, it was decided that the delivery of Code training to law enforcement personnel would be coordinated on a county-wide basis by the county prosecutor of each of the 21 counties. Each county prosecutor agreed to designate two persons from his office (county penal code coordinator and alternate) who would assume major responsibilities for development of a training plan and for delivery of that program to the law enforcement community of that county. It was anticipated that designated police legal advisors within each

prosecutor's office would become the focal point for county implementation efforts such as coordinating course scheduling, curriculum content and distribution of materials.

The actual design of the courses was to be jointly planned by the central implementation staff at the Division of Criminal Justice together with other representatives of that agency and assistant prosecutors designated by each county prosecutor. For this purpose a series of meetings was envisioned with these officials. The preliminary plans called for the courses to be delivered by the same officials, i.e. a combination of representatives from the Attorney General's office and county prosecutors offices, in several single day sessions. Each presentation would have the capacity of reaching a particularly identified segment of the local law enforcement community, with each segment tailored to the needs of that particular group. For example, booking officers (or those advising in arrest procedures) would be offered a more detailed, in-depth review of applicable code provisions and procedural requisites. It was contemplated that those officers receiving detailed training would, in turn, be in the position to train and advise other officers within their departments in charging provisions, procedures and terminology. Insofar as the training program for line officers was concerned, it was proposed that the course would be tailored to their most immediate needs as determined by the Law Enforcement subcommittee of the Governor's Committee on Implementation.

It was determined that the best format for the training

would be live lectures with provision for videotaping to serve as refresher or makeup training for those unable to participate. It was also contemplated that video taped or tape recorded mini courses would be produced to provide training on specific and specialized provisions of the code. Other "public" officials would be utilized for delivery of training materials and programs. Specifically, it was anticipated that public radio and television facilities within the State of New Jersey would be utilized on a regular basis. For example, panel discussions could be conducted for detailed exposure to specific code provisions and procedures.

As an adjunct to the training program, telephone "hot lines" were planned at the Attorney General's office and in each of the county prosecutor's offices to provide legal assistance and procedural guidelines to the police community on all aspects of the code revision.

Each county coordinator addressed the problems which he foresaw in his county and some of the possible solutions to those difficulties. From those reports several matters of concern were discerned. In general, most counties expressed the desire to complete preliminary code training by June 1, 1979, especially those counties which have large resort communities. The availability of funding for training was conceived as a major problem, as well as a scheduling of training for police officers. In recognition of that concern the plans of action for many counties reflected training both during on-duty and off-duty hours. The availability of training facilities appeared to present no problem since police academies, community colleges, and training rooms in local police

departments seemed to be readily available. The coordinators were given a deadline of December 27, 1978 for submission of an outline of the plan for training for the particular county.

The Law Enforcement subcommittee planned that in the latter part of February and the early part of March 1979 five to eight day training courses would be given to those who would train the trainers. One of these courses would be for assistant prosecutors and prosecutors and an adjunct course for police officer trainers would be offered. During the month of March the actual training of police officers would commence. It was expected that two courses would be available. One would be a one day concentrated summary of the code. It would be based upon the function of the police officer to be trained. The actual presentation for patrol officers would concentrate on street crimes. Another variety of the course would be offered for detectives who would receive training in the more complex offenses. The second type of course to be offered would involve in-depth training and it would be of longer duration. This type of course would be offered to in-house booking officers as well as police supervisory personnel. A third course would be given to prosecutors, assistant prosecutors and deputy attorneys general of the Division of Criminal Justice. This training would be geared to prosecutorial functions and needs and would include education in every area of the penal code.

At a meeting on December 27, 1978, of the Special Committee, composed of the county penal code coordinators and representatives of the Division of Criminal Justice, each county coordinator verbally presented a plan for his county, and all but

four counties submitted a required written outline of plans for delivery of training in each county.

While the statewide training plan retained a certain degree of flexibility based upon the needs and fiscal constraints of each county, the core of the program was the same in each county. In drafting their training outlines the Special Committee members utilized the data compiled by questionnaires received from police departments in each county. The outlines specified the number of trainers who would attend a one week trainers' course in February or March 1979. Generally, each county planned to send at least two assistant prosecutors who would have responsibility for instructing the legal staff of the county, and senior police officials who together with the prosecutors would organize and conduct secondary trainer programs in their localities. The local trainers program would be directed to training officers in each county and municipal police department, who would receive extensive indoctrination for five days. The training outlines planned for the number of local trainers required to effectively educate all components of the law enforcement community on the local level. The number of trainers designated to attend this training was determined by the size of the department as indicated by the questionnaire data. The trainers programs would be completed in March and April 1979. To assist with the selection of local trainers the State Police provided the Special Committee with a list of all officers who had graduated from its Instructional Training Courses (ITC).

The training outlines also contained detailed plans for training individual members of every police department in the

State. Generally, the plans required line officers to receive eight hours of training in a one day course. Detectives, superior officers and booking/complaint officers were required to receive a minimum of 24 hours of training in a three day course. It should be noted that the length of these two courses was the required minimum numbers of hours of training, and each county was free to include plans for a greater number of training hours. Thus, in some counties, police departments planned to send all or a large segment of their personnel to a more comprehensive three day course. This training was to be delivered at the police department of each municipality or at other available facilities such as county police academies or colleges. The training outlines specified the time of training. All counties were required to complete this program by June 1, 1979.

There were also plans for specialized instructional courses with respect to such crimes as sex offenses, homicide, fraud offenses, corruption and organized crime offenses. These courses would be offered on a regional basis commencing in May or June 1979.

The Division of Criminal Justice was responsible for the training materials. Staff members studied the educational materials devised by other jurisdictions which implemented a statewide criminal code. For example, the materials utilized in the State of Kentucky were studied; further, the Port of New York and New Jersey Authority Police provided their New York Penal Code reference guide.

In view of the diverse needs of the various components of the law enforcement community, it was recognized that course

materials would have to be designed to meet these diverse needs. The project staff developed the educational materials in consultation by the Law Enforcement subcommittee, the Special Committee and the State Police. As originally conceived, these materials were to be published in looseleaf form to permit maximum flexibility when supplying specific groups with relevant segments. Thus, these manuals could be tailored to such audiences as police officers, prosecutors, judges, etc.

1. Police Officers Manual

The core of the manual was developed for educating the police. This manual would contain the following sections:

a. Introduction to the New Jersey Code of Criminal Justice and General Provisions

This section would include a description of Subtitles I and III of the code with a brief synopsis of the sentencing provisions, appropriate definitions, necessary procedure and an explanation of the degrees of culpability under the penal code, including a brief consideration of pertinent defenses. In addition, a detailed explanation as to the appropriate use of force and firearms would be included.

b. Definition of Specific Offenses.

A detailed description of the substantive offenses of Subtitle II of the code would be provided, including identified significant changes in the law. This section would cover an offense-by-offense analysis listing the pertinent elements of each with an appropriate explanation of the definitions.

c. Forms.

Complaint forms for each offense would be included. On a companion sheet the elements and the necessary factual assertion would be provided whereby provisions of Title 2A would be correlated with the provisions of Title 2C.

Insofar as section 1 through 3 are concerned, an index would be provided at the end of each section so that particular provisions could be located in the index and found in the text of the explanatory portions of the manual.

This police officers manual would be distributed to every police officer. The manual would be the text book for the training courses.

2. Prosecutors Manual

In addition to the materials which were to be included in the police officers manual, Subtitles I and III of the code would be considered in some detail; these titles deal with procedural provisions and legal defenses, and sentencing, respectively. In addition, form indictments for each offense in the Penal Code would be contained in the prosecutor manual.

3. Police Officers Pocket Manual

This ready reference manual would concentrate on the identified vital offenses, explaining the elements of these crimes and providing appropriate complaint forms. It was anticipated that the emphasis of this pocket manual would be on street-police officers' responsibilities, essentially the index offenses.

For the purpose of the secondary trainers' courses, specific instruction materials would be included, including lesson plans, outlines and formats.

In addition to the training materials, the secondary trainers at the Sea Girt training, would receive copies of Title 2C: the New Jersey Code of Criminal Justice published by Gann Law Books. The Division of Criminal Justice would supply these trainers (192) and Division trainees (316) with the codebooks while respective counties would assume individual responsibility for dissemination.

Plans had also been made for continuing education. Specifically, a hot-line network would be available in each county and at the Division of Criminal Justice to provide quick advice with respect to questions involving the penal code. Furthermore, in order to fulfill the continuing educational obligation, there would be offered, on a voluntary basis, courses that present more specialized training in the code. It was contemplated that such courses would involve training in homicide, rape, and other areas of specific concern. Also, there would be offered general courses which would augment and supplement the initial training.

The Law Enforcement Subcommittee determined that it would be appropriate to have an article concerning the penal code published in the New Jersey League of Municipalities Monthly Magazine. It was thought that this article would be a vehicle to inform the governing bodies of the municipalities of the need for providing for penal code training in their 1979 budgets. [This article was in fact prepared by the chairman of the Law Enforcement Subcommittee and published in the January 1979 issue of the magazine.]

The New Jersey Supreme Court's Coordinating Committee for Implementation of the Criminal Code was charged with the

responsibility for planning and coordinating efforts to implement the Model Penal Code as regards the judiciary. This Committee was involved in the following activities and work:

a) Efforts were underway by committee staff to acquire model charges and criminal statutes from those states which had adopted the Model Penal Code to assist the Criminal Model Jury Charge Committee in the preparation of model charges.

b) An analysis was being undertaken of the relationship of the Code to existing rules applicable to criminal practice, in order that recommendations could be drafted if amendments were needed.

c) An examination was being made of the relationship of the Code to the new Sentencing Guidelines.

d) A new Sentencing Manual was being prepared by AOC staff attorneys. It would be advisory in nature since binding interpretation would be lacking at the outset.

e) The Judicial College and Seminars committee formulated plans for:

- 1) seminars to be held the following spring; and
- 2) devoting a portion of the expanded September 1979 Judicial College meeting to lectures on the Code, complementing the earlier seminars.

f) Reference materials were developed:

1) A manual was being prepared by Howard Kestin, Director of ICLE, comparing the present Code provisions with preexisting law and the penal code proposed by the N.J. Criminal Law Revision Commission in its 1971 Final Report.

- 2) A "Summary of New Jersey Code of Criminal

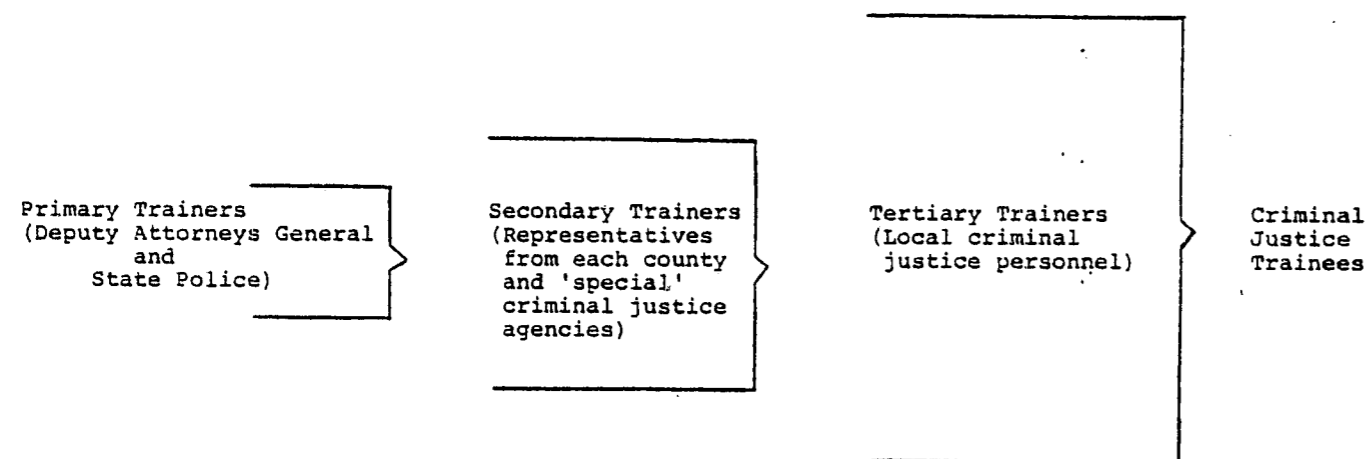
Justice," prepared by Deputy Attorney General John DeCicco, distributed to all judges to serve as a general introduction to the Code.

3) The 1971 two-volume Report of the N.J. Criminal Law Revision Commission, which included the original draft proposal and extensive, useful commentary relating the proposed Code to existing New Jersey law, was distributed to judges in office at that time.

Survey Instrument Development

The training format instituted by the Law Enforcement Subcommittee of the Governor's Advisory Committee and adopted by the Corrections Subcommittee is illustrated in Figure 1.

Figure 1. Code Training Format



As shown, this format was to develop a cadre of primary trainers (deputy attorneys general and state police officers) knowledgeable in the Code. This cadre would then train representatives from each county (secondary trainers) who would, in turn, train remaining local criminal justice personnel and/or train others (tertiary trainers) to train remaining local personnel.

Also adopting this method, the Department of Corrections trained secondary trainers to subsequently train those at respective correctional institutions. Defense attorneys, the judiciary and probation officers were trained without the dependence on various levels of trainers.

The evaluation design for training activities includes a series of interviews with the primary trainers. The interviewing of primary trainers was conducted to serve the twofold purpose of providing the basic information for the creation of questionnaires for other personnel involved in the overall training effort, and to obtain primary trainer assessments of the training they administered.

The primary trainers indicated unanimous agreement with Division of Criminal Justice and State Police training objectives for the Sea Girt training, but ten of the twelve interviewed stated that they had tailored objectives to meet the projected needs of the various professional groups trained. On the subject of their perception of the learning of those they trained, nine of the primary trainers believed that the actual learning was predicated upon motivation to serve as Code trainers or individual views regarding the Code. Of these nine, three speculated that some

management trainees, present as representatives and not to conduct subsequent training, displayed little motivation during training.

A majority of primary trainers interviewed (10 of 12), believed they were selected to act as trainers due to their expertise in the prescribed training areas. Ten stated that they had some form of prior teaching experience. The median preparation time for primary trainers was stated as one week. Eight of twelve trainers believed that they were allotted enough time to conduct training.

Information on problems relating to training materials was also gathered. Of the twelve, three stated that Code statute manuals did not arrive in timely fashion for their sessions, three stated that amendments were not included in materials, and three believed that model procedure forms were either unclear or inaccurate.

Primary trainers offered a number of thoughts on what could have been done differently in the training they administered. Suggestions were varied, but most dealt with training structure. The five most prevalent suggestions were:

1. longer time spans for training;
2. pre-training availability of training materials for trainers;
3. greater "tailoring" of training by profession;
4. retention testing of those trained;
5. better screening of those trained.

Finally, the primary trainers interviewed were asked to comment on what questions they would like to see presented to trainees and secondary and tertiary trainers. Replies were varied, but can be categorized under several main topics. It was hoped that subjects would be questioned on how adequate they believed the primary trainers were in their presentations. An assessment of secondary and tertiary trainers were also desired. The opinions of those trained on what should have been done differently and an assessment of materials were also proposed as survey themes. It was suggested that data in conjunction with Code implementation difficulties should be elicited from survey subjects. These suggestions were incorporated into a series of questionnaires. The results of various surveys are reported below.

Response Breakdown

The total number of trainees sampled (including professional groups of police, prosecution, judiciary, probation and parole) for the questionnaire survey was 1,585. There were 732 (46%) responses. The breakdown, by profession and area employed, can be seen in Tables 1 and 2.

Table 1. Number of Trainee Survey Respondents by Profession by County or State

| Profession | Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | State | Tot. |
|-------------|---------|-------------|-------|------------|-----------|---------|-------|------|
| Police | 94 | 54 | 112 | 85 | 94 | 80 | | 519 |
| Prosecution | 7 | 1 | 13 | 4 | 4 | 3 | | 32 |
| Judiciary | 25 | 10 | 19 | 15 | 20 | 6 | | 95 |
| Probation | 12 | 7 | 29 | 16 | 8 | 7 | | 79 |
| Parole | | | | | | | 7 | 7 |
| Total | 138 | 72 | 173 | 120 | 126 | 96 | 7 | 732 |

Table 2. Trainees Responding by Jurisdiction (%)

| Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | State |
|---------|-------------|-------|------------|-----------|---------|-------|
| 60 | 50 | 38 | 54 | 60 | 48 | 37 |

The two highest response rates, by profession, were within probation (52%) and police (49%). It should be noted that the police category represented non-attorney law enforcement personnel that consisted of municipal, park and campus police as well as prosecutor's investigators and county sheriff's officers.

Tables 3 and 4 report the response breakdown of secondary and tertiary trainers. The total trainer response rate was 60%. As can be seen from examination of Table 3, the majority of trainers

responding were police (66%). Prosecutor trainers made up 21% of those responding.

Table 3. Number of Trainer Survey Respondents by Profession by County or State

| Profession | Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | Sta te | Tot. |
|-------------|---------|-------------|-------|------------|-----------|---------|--------|------|
| Police | 21 | 4 | 20 | 18 | | 5 | | 68 |
| Prosecution | 3 | 1 | 2 | 12 | 3 | 1 | | 22 |
| Judiciary | | | | | | | 2 | 2 |
| Corrections | | | | | | | 11 | 11 |
| Total | 24 | 5 | 22 | 30 | 3 | 6 | 13 | 103 |

Table 4. Trainers Responding by Jurisdiction (%)

| Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | State |
|---------|-------------|-------|------------|-----------|---------|-------|
| 63 | 42 | 56 | 70 | 75 | 67 | 68 |

Development and Utilization of Criminal Procedure Forms

Questions:

1. To what extent are standardized criminal procedure forms prepared?
2. Are forms being utilized?
3. Is there evidence of practitioner satisfaction with and perceived reliance on standardized procedure forms?
4. Do the forms meet requirements of the judicial system?

Through examination of the Governor's Advisory Committee records, it was found that model complaint forms and model indictment forms had been prepared, by January 1979, by the subcommittees responsible. These forms were incorporated into the profession-specific training manuals for police and prosecutors. According to Governor's Advisory Committee reports, model juror instruction forms, which were to be used in judicial training materials, underwent initial review by Division staff in February 1979. Some drafts of some model juror instructions were still under consideration, by the Supreme Court's Model Jury Charges Subcommittee, for projected use in judicial training in September 1979. These forms were disseminated on a continual basis incorporating an ongoing revision process which employed judicial input.

To discern if forms are being utilized at this time, answers to related survey questions were analyzed. Form usage varied in regard to county and profession. Model complaint forms would ostensibly hold the most utility for police officers with court clerk responsibilities; therefore, police became the focus of analysis. Police trainers report an 84% usage rate. Of the police trainees, 57% indicated they had used the forms.

Prosecutor trainee respondents indicated that 40% had used the model indictment forms. Prosecutor trainers reported a 76% rate of usage. The disparity between trainee and trainer utilization of model forms appears to be a function of a degree of need according to individual professional responsibilities. Due to the variability of model complaint and indictment form need according to jurisdiction

(i.e., many jurisdictions assign complaint and indictment form responsibilities to specified personnel), it is difficult to discern actual rates of utilization. But, considering this phenomenon, it appears such forms are receiving wide utilization rates.

Evidence of the extent of satisfaction with the forms was arrived at through survey questions on improvement in procedural uniformity, accuracy and efficiency as a result of form usage. The results of questionnaire items measuring perceptions of procedural improvement, facilitated by model complaint and indictment forms, are presented in Table 5.

Table 5. Form Usefulness by Profession and Form Type (%)

| | Police - Model Complaint | | | | Prosecutors - Model Complaint | | | |
|---------------------|--------------------------|----------|--------|-------|-------------------------------|----------|--------|-------|
| | Agree | Disagree | Undec. | Total | Agree | Disagree | Undec. | Total |
| Improved Accuracy | 80 | 10 | 10 | 100 | 67 | 25 | 8 | 100 |
| Improved Efficiency | 78 | 9 | 13 | 100 | 50 | 31 | 19 | 100 |
| Improved Uniformity | 83 | 8 | 9 | 100 | 55 | 31 | 14 | 100 |

As can be seen from the table, which combines responses of trainees and trainers, police report very high ratings of model complaint forms in all three levels of assessment. Improvement agreement rates for model indictment forms, as illustrated by prosecutor responses, was less substantial for all assessment levels. This was especially notable in the area regarding improved

efficiency.

A general question was asked as to the usefulness of the forms. 91% of total respondents concurred that the forms did meet needs. Of the responding judges, 85% agreed that model forms had proved sufficient. Of municipal judges, 81% found forms met needs while all responding Superior Court judges answered positively.

An open-ended question was provided, in each questionnaire, to ascertain why any of the model forms may not be meeting specific needs. In only two cases did subjects respond, but both responses were identical in nature. A judge and a prosecutor expressed a concern that the forms might in their simplicity, omit valuable and relevant material pertaining to criminal cases. It is unclear if the respondents perceived the model forms as a replacement for prior materials or correctly conceptualized them as a supplemental instrument.

Summary

Evaluation results indicate that model forms had been prepared for utilization in respective training programs. Model juror instruction forms were not received in the same manner as other model forms due to the unique nature of utilizing trainee suggestions as bases for form revision. These forms, therefore, underwent a constant process of change throughout the training process.

Actual use of the forms varied between counties, profession and trainee-trainer status. It is possible that inconsistent utilization of forms was due to autonomous jurisdictional procedures

in the selective allocation of those responsible for form use.

The majority of relevant professional groups concurred that model forms were meeting their needs. In the more specific ratings of forms by uniformity, efficiency and accuracy, model indictment forms were viewed with less enthusiasm than model complaint forms. Prosecutors did not appear to endorse the forms as improving efficiency.

Training Activities

Questions - Training Materials

1. Were training materials prepared?
2. Is there trainee/trainer satisfaction with training material?
3. Is there middle management satisfaction with training material?

Through Division of Criminal Justice records, it was found that training material had been prepared and disseminated to primary trainers in time for commencement of their training in February 1979 with the disclaimer provided by the primary trainer interviews previously noted. Of the trainee materials, 2C Statute Manuals* and Code Training Manuals** were prepared in February, although some delays had been experienced due to a paper shortage. Police Pocket Manuals had not been prepared in time since arrangements for contract publication had not been resolved until March 1979. Also, delays were experienced in an attempt to include relevant amendments into the Police Pocket Manuals.

* Book of 2C Code provisions.

** Training materials as described on pp. 49-50.

Table 6. Training Material Distribution by Profession (%)

| Material | Occupation | | | | | Total |
|-----------------|------------|-------------|-----------|-----------|--------|-------|
| | Police | Prosecution | Judiciary | Probation | Parole | |
| 2C Manual | 76 | 86 | 71 | 18 | 80 | 69 |
| Training Manual | 65 | 79 | 61 | 26 | 40 | 62 |

As Table 6 displays, the 2C Statute Manual was distributed to 69% of the trainees and the Code Training Manual distributed to 62% of the trainees. These findings were consistent across counties, with the exception of Essex County, which reported a slightly greater absence of both materials. Reviewing the respondents by profession, it is clear that probation officers made up the bulk of those who reported that neither manual was provided.*

It is uncertain, at this point, whether the rate of material absence is indicative of difficulties in material delivery to agencies, problems in agency delivery to trainees or trainee misinterpretation of questionnaire descriptions of materials. Comparing material orders received (appendix - "Training Manual Orders Received") and the number of those trained leads one to conclude that agencies did in fact receive needed materials. However, timeliness in the receipt of materials may be at issue

* Probation officers were discovered to have received an atypical training in comparison to other "targeted" professional groups. Their training was limited due to training officials' perceived marginal applicability of Code provisions to probation job functions. Therefore, probation officers generally received shorter sessions and fewer training materials.

here. In any event, the findings should indicate a need for further research in the matter.

In addition to the 2C Statute Manual and Code Training Manual, secondary trainers were to be supplied with lesson plans to aid uniformity in training. Of the secondary trainer respondents, 43% indicated that they were provided with the two manuals and the lesson plans at their trainings. For 16%, the lesson plans were not received.

Trainees and trainers were asked, on survey questionnaires, to relate any problems they may have encountered with training materials. 80% of responding trainees found no problems, 76% of secondary and tertiary trainers found no problems, nor did 83% of judicial trainees. Neither of the two responding judicial trainers reported any difficulties.

Among dissatisfied trainees, 166 explained their problems via open-ended essay questions. Table 7 enumerates the most frequently mentioned reasons for trainers' dissatisfaction.

Table 7. Reasons for Dissatisfaction by Profession (%)

| Profession | Materials Unavailable | Dissatisfaction | | | Other | Total |
|-------------|-----------------------|--------------------------|--------------------|---------------------------------------|-------|-------|
| | | Material Content Unclear | Materials Outdated | Materials Unavailable For Prior Study | | |
| Police | 25 | 23 | 32 | 10 | 10 | 100 |
| Prosecution | 50 | 50 | 0 | 0 | 0 | 100 |
| Judiciary | 15 | 20 | 25 | 10 | 30 | 100 |
| Probation | 68 | 15 | 12 | 5 | 0 | 100 |
| Parole | 0 | 0 | 50 | 0 | 50 | 100 |
| Total | 34 | 21 | 24 | 8 | 11 | 100 |

As presented, the highest rates of dissatisfaction were regarding unavailability of materials, unclear content and the outdated nature of some materials in light of Code amendments. (Initial amendments were enacted in August 1979, after publication of materials and training courses). Questionnaire responses were analyzed by occupational level (middle management and staff), but no discernable differences in response patterns between these two levels were apparent.

Summary

Overall, some discrepancies appear in the assessment of the preparation and delivery of training materials (i.e., statute manuals, training manuals, etc.). While historical documentation implies that the delivery of materials was completed expeditiously, the nature of survey responses indicate unexplained irregularities in the process of material delivery.

Question - Extent of Training

1. To what extent were practitioners trained?

A detailed accounting of training provided at the county level and in selected agencies is presented in the appendix, "County and Agency Level Training Activities." As indicated in that appendix 28,181 personnel were trained in total. What follows is a continued analysis of the extent of training via responses to the trainer and trainee questionnaires.

Table 8. Trainee Training Hours by Profession (%)

| Profession | Hours of Training Received | | | Total |
|--------------|----------------------------|-----------|-------------|------------|
| | Less than 8 | 8 | More than 8 | |
| Police | 5 | 32 | 63 | 100 |
| Prosecution | 5 | 14 | 81 | 100 |
| Judiciary | 34 | 22 | 44 | 100 |
| Probation | 58 | 28 | 14 | 100 |
| Parole | 20 | 20 | 60 | 100 |
| Total | 14 | 29 | 57 | 100 |

Table 8 indicates the amount of training hours trainees received. The time spans receiving the highest percentages were eight hours and more than eight hours. Most counties followed this pattern with some minor disparity. Of police trainees, the vast majority received eight or more hours of training. The most hours of training received by a trainee was 16.

Table 9. Trainee Training Hours by Occupational Level (%)

| Occupational Level | Hours of Training | | | | | Total |
|--------------------|-------------------|----|---------|----|--------------|-------|
| | Less than 8 | 8 | 9 to 23 | 24 | More than 24 | |
| Supervisory | 11 | 14 | 17 | 32 | 26 | 100 |
| Line | 15 | 42 | 22 | 11 | 10 | 100 |

When analyzed by occupational level (Table 9), supervisory trainees indicated that most received 24 or more hours of training. Of the supervisory trainees, 42% received less than the minimum of 24 hours training stipulated for superior officers. Of the line trainees, a much smaller proportion received less than the stipulated minimum (11%).

Among all trainer respondents, 72% indicated receiving 40 hours of training. Of police trainers, 94% received 40 or more hours of training. Of prosecutor trainers responding, 70% received 40 or more hours of training. Seventy-five percent of all trainers stated their training entailed five sessions.

Trainees indicating the number of training sessions received, showed the greatest percentages of the following pattern: 1 session - 35%; 2 sessions - 16%; 3 sessions - 23%; 5 sessions - 16%. Essex and Monmouth counties showed a greater propensity for one session (50% and 53%), while 81% of Bergen County training was between two and five sessions. Virtually all police and prosecutor trainers received between one and five sessions.

Summary

The amount of training provided for trainees proved to be consistent across counties in the number of total hours trained, but the number of sessions varied between counties. Some counties opted for a limited number of sessions per trainee, while other counties preferred to expand the amount of sessions.

Within counties, the amount of training hours provided per trainee was not consistent. Obvious differences existed between

occupational levels due to training requirements, but disparity was also seen within respective positions (i.e., line and management). Also, there was evidence of the provision of less than minimum training.

The trainers' training appeared to have more consistency as to hours, meeting of minimum training requirements and the number of sessions attended.

Questions - Trainee/Trainer Assessment

1. In what fashion were practitioners trained?
2. Is there trainee/trainer satisfaction with training?
3. Is there middle management satisfaction with training?

Trainees and trainers were provided with four major training objectives and asked to indicate which received significant attention at their respective training sessions. The objectives were:

- a) a comparison of 2A and 2C statutes;
- b) the legal rationale behind changes in the law;
- c) learning how to train others (applicable only to trainers)
- d) the effect of law changes on criminal justice procedures.

Trainees indicated that the objective most emphasized was the comparison of 2A and 2C statutes. This was expressed by three quarters of the respondents. The effect of law changes on criminal

justice procedures was found to be the second most emphasized objective. Rationale behind the changes in law seemed to receive the least amount of attention during training.

When secondary and tertiary trainers were surveyed, it was found that for 60% there was no emphasis on specific instructional methods. Training in instructional methods was found to be present in training of secondary trainers but lacking amongst tertiary trainers at the county level.

Trainers and trainees were also invited to rate the adequacy of training provided in relation to each of the objectives. The results of trainee ratings are presented in the following table.

Table 10. Trainee Assessment of Training Adequacy (%)

| <u>Objectives Covered</u> | <u>Rating</u> | | | <u>Total</u> |
|---------------------------|---------------|-------------|-------------|--------------|
| | <u>Poor</u> | <u>Fair</u> | <u>Good</u> | |
| 2A-2C Statute Comparison | 9 | 28 | 63 | 100 |
| Rationale Behind Changes | 16 | 38 | 46 | 100 |
| Effect of Law Changes | 13 | 32 | 55 | 100 |

The pattern displayed was fairly consistent by county, but Essex and Morris demonstrated a greater tendency to see the 2A-2C Statute comparison as fair (37% and 39% respectively).

Of trainee respondents in supervisory positions (295), 71%

believed the comparison to be good. Overall, the objectives of legal rationale and effect on criminal justice procedure did not attain the ratings given the 2A-2C comparison.

Table 11. Trainer Assessment of Adequacy of Training Received (%)

| <u>Objectives Covered</u> | <u>Rating</u> | | | <u>Total</u> |
|---------------------------|---------------|-------------|-------------|--------------|
| | <u>Poor</u> | <u>Fair</u> | <u>Good</u> | |
| 2A-2C Statute Comparison | 0 | 17 | 83 | 100 |
| Rationale Behind Changes | 5 | 29 | 66 | 100 |
| Effect of Law Changes | 6 | 23 | 71 | 100 |
| How to Train | 28 | 30 | 42 | 100 |

It is clear that the training objective receiving the poorest rating was the trainer-specific objective of learning to train others. As can also be seen in Table 11 above, trainers reacted more favorably to training they received, regarding the 2A-2C comparison, than did the trainees (83% vs. 63%).

Trainees were also asked if there was enough training emphasis on areas of particular occupational interest; 63% of whom replied affirmatively as did 70% of the judicial trainees. The professional group that indicated the greatest dissatisfaction in this area was probation officers; 58% reported that there was not enough emphasis on areas of particular interest.

The 37% of trainees, and 30% of judicial trainees who were dissatisfied with training emphasis were given an opportunity, via

an open-ended question, to detail neglected areas. Respondents were free to note as many areas as they deemed of the 343 necessary responses to that item, the highest concentration of responses (13%) dealt with a desire for increased emphasis on disorderly persons offenses. The bulk of these respondents were police and judges. They expressed concern related to their perception of Code language as being unclear in regard to disorderly persons offenses. Of police responses, 11% desired more training emphasis on offense degree severity, especially in the disorderly offense area.

Changes in sentencing procedure, brought about by the new Code, was also an area of desired training emphasis. Of judicial trainees, 23% desired greater explanatory emphasis in this area. For probation officers, the greatest single request was for specific offense change emphasis in the areas of theft, burglary and criminal assaults.

Respondents to trainee and trainer questionnaires were requested to signify any perceived problems with trainer performance and/or training structure, and to include suggestions for improvement. Overall, 70% of trainee respondents viewed the trainers as prepared, as did 86% of the responding trainers, and 86% of responding judicial trainees. By county, Middlesex trainees indicated the highest county rating for trainer preparedness, while Morris exhibited the lowest.

Table 12. Trainee Rating of Trainer Preparedness by County or State

| | Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | State | Total |
|------------------|---------|-------------|-------|------------|-----------|---------|-------|-------|
| Trainer Prepared | 77 | 66 | 67 | 83 | 68 | 48 | 95 | 70 |

A more detailed sketch of trainees' assessment of trainers' performances was obtained through open-ended responses. Of 227 individual responses, most either suggested that trainers were not sufficiently knowledgeable of Code content, or that they did not relate Code content to "real life" encounters. Of these respondents, most were police officers. Suggestions for improvement included the use of less complicated language, more objectiveness in presentations, avoidance of the trainer "reading" from the manual, greater trainer background knowledge in the Code and more time allocated for training.

In an assessment of training they provided, secondary and tertiary trainers indicated that they would have preferred more time for instruction. Only three respondents indicated a belief that greater preparation would have been beneficial. In an examination of secondary and tertiary trainer responses, regarding training they received from primary trainers, enumerated concerns were similar to those stated by trainees. Two added suggestions were that primary trainers present clearer rationale for changes, and present material concerning instructional methods and skills.

In conveying suggestions for future training, reactions by trainers and trainees were similar. Both respondent groups included suggestions for increased discussion time, use of visual aids,

smaller classes and longer time periods for training. In addition, there appeared to be a leaning, expressed in the open-ended questions, toward strict separation of training groups by profession to facilitate greater training concentration on profession-applicable material.

Table 13 describes trainee suggestions for training improvement. Of the 676 suggestions, most requested either additional training for a more thorough understanding, or to assist in amendment updates. This pattern existed throughout professions, and for trainers as well. When directly asked if more Code training would be necessary, 73% replied affirmatively.

Table 13. Trainee Suggestions for Training Improvement by Profession (%)

| Profession | Suggestions | | | | | | Total |
|-------------|-----------------|-----------------------------|-----------------------------|----------------------|---------------------|-------|-------|
| | Longer Sessions | More Training-Understanding | More Training-Amend. Update | More Discussion Time | Classes Overcrowded | Other | |
| Police | 18 | 34 | 31 | 5 | 2 | 10 | 100 |
| Prosecution | 29 | 18 | 53 | 0 | 0 | 0 | 100 |
| Judiciary | 11 | 30 | 31 | 12 | 16 | 0 | 100 |
| Probation | 9 | 25 | 40 | 5 | 8 | 13 | 100 |
| Parole | 0 | 50 | 50 | 0 | 0 | 0 | 100 |
| Total | 17 | 33 | 33 | 6 | 4 | 7 | 100 |

To assist in determining the methods by which trainees were trained, several survey questions focused on the use and rating of visual aids (flip charts, overhead projectors... etc.) and videotapes as training tools. It was found that of 655 trainee respondents, 47% reported no use of visual aids. Of those exposed

to visual aids during their training, 83% rated them helpful. Of the trainers, two thirds of the 75% who experienced visual aids in their training found them helpful.

Minimal use of videotapes was found for trainers, judicial trainers and trainees. The assessment of videotapes was not as favorable as for visual aids. Of the trainees responding, only 22% had viewed training videotapes; of those, only about one third rated them favorably. Probation trainees experienced the greatest incidence of video tape training (87%). Less than one in five rated them favorably.

Closed-ended and open-ended survey questions afforded trainees and trainers the opportunity to indicate the extent of satisfaction with training facilities. Results of the closed-ended questions revealed an overwhelming approval of physical conditions by both trainees and trainers. Of the trainees, 94% believed conditions adequate as did a similar percentage of judicial trainees. Among the trainers, 87% also stated satisfaction with the facilities where they received training. In addition, trainers corroborated the trainees' satisfaction ratings by stating satisfaction with the facilities where they administered training.

Summary

To summarize the fashion in which practitioners were trained, it can be concluded that the training area receiving the most emphasis, for both trainers and trainees, was the comparison of 2A statutes with 2C Code provisions. Judicial trainees did express some added emphasis on the procedural effects of law changes along

with statute comparisons. A significant proportion of trainers received no training on actual instruction methods. Where such instruction was given, secondary and tertiary trainers were unenthusiastic about the adequacy of presentations.

While the adequacy of the highly stressed 2A-2C comparison was favorably viewed, the less emphasized areas of change rationale and procedural effects were seen as less than adequate by trainees. In comparison, adequacy levels in these areas, as viewed by trainers, were somewhat higher.

Dissatisfaction with area emphasis was manifested in a desire for more training time devoted to the way changes will affect specific job functions. Probation officers clearly expressed a need for this training.

On the matter of training facility satisfaction, trainees and trainers opinions were, for the most part, consistent. The reaction of approval was also evident across counties.

Although there was some disparity between counties, trainees and trainers generally thought their respective trainers to be adequately prepared for their presentations. Suggestions for improvement focused on increased clarity and simplicity in presentations. Suggested techniques to achieve these goals were increased use of job-related analogies, homogeneity of training groups by profession, and increased use of discussion time and visual aids. Indeed, those who had experienced visual aid utilization expressed consistent approval.

A sizeable percentage of trainees saw a need for (a) more time for training (b) increased benefits resulting from keenly-honed

skills in instruction methods and (c) change-rationale explanation. Trainers and trainees generally agreed that continued training would be necessary to provide for a more comprehensive understanding of Code provisions and amendments.

In regard to any envisioned distinctions by occupational level (i.e., management and staff) as to training satisfaction, there was little distinction between such groups.

Questions - Practitioner Awareness

1. Is there a practitioner awareness of Code provisions?
2. Is there evidence of confusion in the application of police procedure?

A number of survey questions attempted to discern the extent to which trainees and trainers were aware of Code provisions and to establish their assessment of the nature of changes incurred due to the implementation of Code provisions. To discover any attempts, at the county level, to evaluate Code provision knowledge, trainees were asked if they were required to undergo any retention tests. Of the trainees responding, 82% replied negatively. Analysis by county, however, reveals that 78% of the Middlesex trainees did complete retention tests.

Several survey questions explored the extent to which both trainees and trainers were cognizant of ongoing amendments to the Code. The Division of Criminal Justice's Educational and Legislative Services Section had instituted a policy of relaying amendments to each county prosecutor. Also, some county prosecutor's newsletters periodically featured changes in the law.

Responses to the question, "Are you up-to-date on amendments to the Code?" presented widely varying results between counties and professions.

Table 14A. Trainees "Up-to-Date" on Amendments by Area (%)

| | Ber gen | Burl ington | Essex* | Midd lesex | Mon mouth | Mor ris | State | Newark | Total |
|-----------------------------------|------------|----------------|--------|---------------|--------------|------------|-------|--------|-------|
| Believed to be "Up-to-Date" | 50 | 65 | 36 | 55 | 47 | 45 | 37 | 61 | 49 |

*Newark not Included

Table 14B. Trainees "Up-to-Date" on Amendments by Profession (%)

| | Police | Prosecution | Judiciary | Probation | Parole |
|-----------------------------------|--------|-------------|-----------|-----------|--------|
| Believed to be "Up-to-Date" | 50 | 72 | 95 | 32 | 0 |

As can be seen through examination of the above tables, trainees from Burlington County felt most up-to-date among counties, while judicial trainees felt strongly up-to-date and prosecutor trainees indicated confidence with knowledge of amendments.

When further analyzed by occupational level, another pattern is shown to exist. Of supervisory trainees, 65% were up-to-date, while only 40% of line trainees were of like awareness. Trainers also indicated a trend of greater amendment awareness in

that 71% viewed themselves as up-to-date as compared with 49% of trainees.

A greater percentage of trainers than trainees believed superiors had encouraged updates (66% and 50% respectively). The vast majority of judicial trainees (86%) also believed this to be the case. Overall both among trainees and trainers, more prosecutors (71%) indicated encouragement of superiors than did police respondents (55%).

This data is consistent with answers derived from a question on whether trainees and trainers received information on new Code amendments. Judicial trainee responses indicated 92% received pertinent information, as did 73% of prosecutorial personnel, and trainers and 61% of supervisory trainees. For police trainees, 55% received information, for police trainers, 68%.

To assess perceived impact of Code provisions on criminal justice procedures, a series of survey questions "2C Code Implementation," was included in all questionnaires. Trainee responses indicated that only 22% had experienced significant changes in court related processes since the implementation of the Code. This was consistent throughout counties, but among professions, police trainee respondents showed the lowest experience with change (17%), and prosecutors displayed the most experience of change (34%). Judicial trainees reported a 33% experience rate.

When asked to specify any changes experienced, respondents provided a range of responses. The most frequently indicated changes were with regard to sex offenses and theft. The preponderance of the remaining change indications were in the areas

of criminal assault, disorderly persons offenses, burglary, sentencing and offense degree severity.

An even distribution of concern was noted, throughout professions, in the area of sentencing and offense degree severity. The perceived sentencing change most often expressed was that a greater percentage of offenders were being incarcerated under the new Code's sentencing scheme, and being sentenced overall to more severe penalties. Judicial respondents believed that there were extreme limitations on sentencing discretion under the Code, thereby increasing the severity of punishment. Of those judicial and police trainees who cited offense degree severity as a major change area, the expressed concern was that many offenses were being downgraded from serious indictable offense to either less severe or non-indictable offenses.

Since, prior to questionnaire construction, changes in the area of the use of deadly force were stipulated as a major Code innovation, specific questions on the subject were asked. Police trainees were asked to rate the effectiveness of the state-uniform rules on the use of deadly force. As reported in Table 15, there was a general approval of the statute by police trainees.

Table 15. Police Trainee Rating of Deadly Force Statute (%)

| | Poor | Fair | Good | Undecided | Total |
|---------------------------------------|------|------|------|-----------|-------|
| Effectiveness of Deadly Force Statute | 10 | 22 | 56 | 12 | 100 |

Police trainees also responded to an open-ended question on the use of deadly force. Results presented in the following table clearly indicate most police trainees viewed the deadly force provisions as helpful in clarifying acceptable actions.

Table 16. Police Trainee Elaboration on Deadly Force Statute (%)

| Too Restrictive | Too Liberal | Clarifies Acceptable Actions | Too Ambiguous | Other | Total |
|-----------------|-------------|------------------------------|---------------|-------|-------|
| 20 | 5 | 61 | 12 | 2 | 100 |

The evaluation effort attempted to assess the extent of confusion trainees and trainers had encountered since the implementation of the Code. Confusion could result from Code content or from lack of experience with the new Code. Trainees (34%) reported confusion due to lack of experience with the Code. Judicial trainees and probation officer trainees reported a higher rate of confusion due to lack of experience (50% and 47% respectively).

Those who did find fault with Code content were urged to elaborate on the sources of confusion. Of those responding to the survey, 19% indicated some degree of confusion due to Code content. Of those indicating confusion, 51% expressed the belief that Code language is ambiguous. These responses focused on perceived ambiguities caused by poor grammar and descriptive word choice, especially in the areas of degree severity, affirmative defenses, and differences between probation and sentence suspension.

CONTINUED

1 OF 3

Summary

To conclude, results in this section have indicated that systematic efforts had been instituted to inform personnel of Code amendments. The degree of perceived awareness of amendments differed by county, trainee-trainer status, profession and occupational level. Trainers, judicial and prosecution trainers, and supervisory personnel appeared to possess the greatest degree of Code amendment awareness through receipt of amendment update data and encouragement to keep abreast of Code changes. Police line officers seemed to be the group that received the least amount of updates on Code amendment activity and the least encouragement from superiors.

Actual court-related change experiences were reported by a minority of respondents, but the degree varied between trainers and trainees and professional groups. Those directly involved in court prosecution (prosecutors and judges) reported greater procedural changes than police.

Respondents tended to attribute confusion with the new Code more to a lack of experience with its use than to Code content. For those who did elaborate on Code confusion, most identified "ambiguous language," predominantly in descriptions of offense seriousness, as the reason for uncertainty as to Code content.

Offense Related Issues

Data collection related to criminal justice system activities produced information on more than 13,000 charges and

counts within six crime categories for the two periods of time utilized in the evaluation design. The time periods are September through June, 1976-77 (2A-data) and 1979-80 (2C-data).

Data on original charges is presented in Tables 17A and 17B.

Table 17A. Original Charges by County: 2A

| Type of Crime | Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | Total |
|---------------|---------|-------------|-------|------------|-----------|---------|-------|
| Homicide | 3 | 12 | 52 | 25 | 3 | 2 | 97 |
| Sex | 28 | 71 | 122 | 40 | 37 | 6 | 304 |
| Theft | 427 | 369 | 957 | 817 | 287 | 264 | 3121 |
| Gambling | 58 | 1 | 162 | 48 | 12 | 7 | 288 |
| Inchoate | 0 | 53 | 1 | 101 | 57 | 43 | 255 |
| White Collar | 8 | 58 | 4 | 173 | 38 | 74 | 355 |
| Total | 524 | 564 | 1298 | 1204 | 434 | 396 | 4422 |

Table 17B. Original Charges by County: 2C

| Type of Crime | Ber gen | Burl ington | Essex | Midd lesex | Mon mouth | Mor ris | Total |
|---------------|---------|-------------|-------|------------|-----------|---------|-------|
| Homicide | 5 | 8 | 57 | 7 | 6 | 3 | 86 |
| Sex | 26 | 72 | 105 | 38 | 39 | 12 | 292 |
| Theft | 558 | 557 | 652 | 598 | 376 | 278 | 3019 |
| Gambling | 61 | 0 | 56 | 26 | 2 | 21 | 166 |
| Inchoate | 0 | 104 | 0 | 74 | 93 | 36 | 307 |
| White Collar | 0 | 81 | 0 | 105 | 62 | 36 | 284 |
| Total | 650 | 822 | 870 | 848 | 578 | 386 | 4162 |

Question:

Is there a relative increase in reports of sex offenses?

To gain an impression of any significant increase in the incidence of the reporting of sex offenses, comparisons were made of New Jersey Uniform Crime Reports for the January to June periods of 1977, 1978, 1979 and 1980. The reports indicate an upward trend in reports of forcible rape of 8% between 1977 and 1978; 14% between 1978 and 1979; and 15% between 1979 and 1980. But, as will be noted later in the evaluation report, the sex offense arrest comparison shows no significant change for the evaluated counties. This latter factor, coupled with the progressive trend noted in the 4 year time span increase in reports, indicates that the Code has demonstrated no significant influence upon the reporting of sex offenses.

Question:

Is there a relative decrease in gambling and felony murder arrests?

Is there a relative increase in arrests for sex offenses?

Is there a relative increase in arrests for white collar and inchoate offenses?

Figure 2. Change in Arrests* for Type of Crime by Code Type

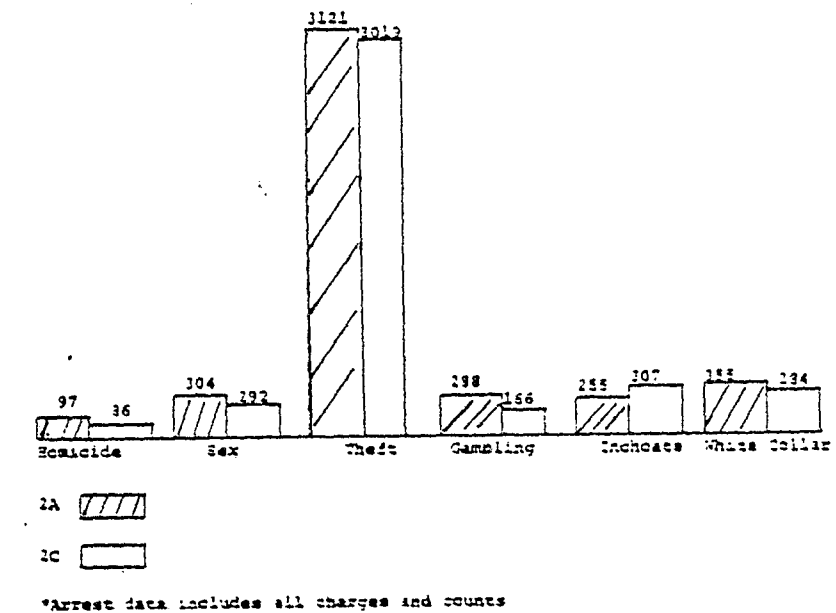


Figure 2 shows that the change of largest magnitude for 2A-2C arrest data occurred in relation to gambling. There was a decrease in gambling arrests. Analysis of counties shows that the decrease holds true for all sampled counties except Morris. As to "felony murder", the data revealed very few cases under both 2A and 2C. There is therefore no evidence of a decrease in "felony murder" arrests.

The data indicate a slight decrease in sex offense arrests. Essex county shows a significant decrease.

There was a greater number of arrests for inchoate but not for white collar offenses. While most of the sample counties showed an increase in arrests for inchoate offenses, two counties did not.

So far as white collar arrests are concerned, one county did show an increase.

In summary, since the effective date of the new Code, the data reveal a significant decrease in gambling arrests under 2C. This finding is relatively uniform across the State. The data do not support any additional impact of 2C on arrest activity.

Question:

Is there a relative increase in prosecutions for white collar, inchoate and sex offenses?

In order to insure valid data comparisons in the two time periods and recognizing the fact that the majority of 2C cases were not disposed of by the time of this report, it was established that the data analyzed, except for analysis of arrests, would be limited to those cases which reached disposition within the ten months of each evaluation time period. Since a large number of cases did not reach disposition during that time period, data analysis will be limited to a much smaller sample as indicated in Table 18A and 18B.

Table 18A. Evaluation Population by County and by Type of Crime: 2A

| <u>County</u> | <u>Total</u> | <u>Type of Crime</u> | <u>Total</u> |
|---------------|--------------|----------------------|--------------|
| Bergen | 154 | Homicide | 30 |
| Burlington | 322 | Sex | 86 |
| Essex | 289 | Theft | 888 |
| Middlesex | 121 | Gambling | 33 |
| Monmouth | 222 | Inchoate | 107 |
| Morris | 151 | White Collar | 83 |
| | | Other | 32 |
| <u>Total</u> | <u>1259</u> | | <u>1259</u> |

Table 18B. Evaluation Population by County and by Type of Crime: 2C

| <u>County</u> | <u>Total</u> | <u>Type of Crime</u> | <u>Total</u> |
|---------------|--------------|----------------------|--------------|
| Bergen | 137 | Homicide | 26 |
| Burlington | 256 | Sex | 93 |
| Essex | 269 | Theft | 844 |
| Middlesex | 43 | Gambling | 4 |
| Monmouth | 209 | Inchoate | 66 |
| Morris | 156 | White Collar | 59 |
| | | Other | 28 |
| <u>Total</u> | <u>1120</u> | | <u>1120</u> |

Table 19 reports prosecutions under 2A and 2C. Relative change in prosecution is analyzed through prosecutions being reviewed in terms of their being a percentage of arrests for the specific crime category.

Table 19. Change in Prosecutions for Type of Crime by Code Type

| Type of Crime | Prosecution: 2A | | Prosecution: 2C | |
|---------------|-----------------|--------------|-----------------|--------------|
| | n | % of arrests | n | % of arrests |
| Homicide | 19 | 20 | 13 | 21 |
| Sex | 48 | 16 | 29 | 10 |
| Theft | 508 | 16 | 322 | 11 |
| Gambling | 11 | 4 | 0 | |
| Inchoate | 43 | 17 | 24 | 8 |
| White Collar | 73 | 21 | 17 | 6 |
| Total | 702 | | 412 | |

Table 19 clearly shows that 2C has not produced an increase in prosecutions for white collar, inchoate and sex offenses. This finding is relatively uniform across all counties sampled. That is, the finding holds for five of six counties for each of the crime categories assessed.

Question:

Is there a relative decrease in prosecutions for murder, associated with utilization of the new aggravated manslaughter provision?

The data of this evaluation show that the aggravated manslaughter provision under 2C is not being utilized at this time. There is, therefore, no reduction in prosecutions of murder under 2C, due to this provision.

Question:

Is there a relative increase in trials for inchoate offenses?

There were very few trials for inchoate crimes during the time frame for this evaluation. Apparently, it takes an unusually long time to bring this type of case to trial. The data show that there were less inchoate offenses brought to trial under 2C in a comparable period of time. The answer to the question posed is no.

Questions:

Is there a relative increase in dismissals for white collar, inchoate and gambling offenses?

Is there a relative decrease in dismissals for theft offenses?

Table 20 reports the data on dismissals. Dismissals are reported as a percentage of all cases of that offense type reaching disposition during the evaluation time frame.

Table 20. Change in Dismissals* for Selected Offenses by Code Type

| Type of Crime | Dismissals: 2A | | Dismissals: 2C | | Change % |
|---------------|----------------|----|----------------|----|----------|
| | n | % | n | % | |
| Theft | 294 | 49 | 155 | 21 | -28 |
| Gambling | 22 | 76 | 2 | 40 | -36 |
| Inchoate | 57 | 62 | 37 | 65 | +3 |
| White Collar | 16 | 20 | 9 | 24 | +4 |

*Dismissals reported as a percentage of all such cases reaching disposition.

The table shows a minor increase in dismissals for inchoate and white collar crimes. The data clearly show a relative decrease

in dismissals for theft offenses. These findings hold true for most of the sampled counties. Two counties showed a small decrease in dismissals for inchoate crime. Two counties did not show a decrease in theft offense dismissals.

In summary, while there is an increase in dismissals for inchoate and white collar offenses under 2C, the magnitude of the change is too small to warrant positive conclusions as to the impact of the new Code for these crimes. There is evidence however, that 2C may have had an impact on dismissals of theft offenses.

Questions:

Is there a relative increase in convictions for theft?

Is there a relative decrease in convictions for murder and gambling offenses?

Table 21 reports the data on convictions for selected offense categories.

Table 21. Change in Convictions* for Selected Offenses by Code Type

| Type of Crime | Convictions: 2A | | Convictions: 2C | | Change |
|---------------|-----------------|----|-----------------|----|--------|
| | n | % | n | % | |
| Homicide | 14 | 50 | 12 | 46 | -4 |
| Theft | 154 | 26 | 94 | 13 | -13 |
| Gambling | 5 | 17 | 0 | - | - |

*Convictions reported as a percentage of all such cases reaching disposition.

The data indicate a decrease in convictions for theft. This finding tends to hold for most counties studied. One county showed an increase in convictions for theft. The question on gambling convictions cannot be answered at this time. It seems reasonable to conclude that 2C has not had the proposed impact on rate of convictions.

Question:

Has the new Code had an impact on offense related issues?

Earlier sections of this report have detailed how the new Code was designed to have an impact on arrests, prosecutions and convictions in certain offense areas. While the data do not reveal the major changes which some respondents have proposed, it is clear that at this early time in the existence of the new Code that some significant change can be noted - namely, a relative decrease in arrests for gambling and in dismissals for theft.

Impact On Court Process

This section reports the evaluation results related to the possible impact of the new Code on aspects of court process.

Questions:

Are plea/sentence negotiations entered with greater efficiency?

Is there a decrease in time between arrest and trial?

Is there an overall increase in court processing time?

Table 22. Court Processing Time: Charge to Plea/Sentence Negotiation by Code Type

| Code Type | Elapsed Days | | | | | | |
|--------------|--------------|-------|-------|--------|---------|---------|------|
| | 0-30 | 31-60 | 61-90 | 91-120 | 121-150 | 151-180 | 181+ |
| 2A cases - % | 13 | 17 | 21 | 19 | 14 | 5 | 12 |
| 2C cases - % | 15 | 25 | 15 | 19 | 14 | 6 | 6 |

Table 22 shows that cases processed under 2C tend to reach plea/sentence negotiation at a somewhat faster rate. Analysis of county data indicates, however, that this is not uniformly the case. Some counties were faster under 2C, some slower and some the same. The most reasonable statement then is that under 2C, some counties are dealing with their cases somewhat faster.

Table 23. Court Processing Time: Arrest to Trial by Code Type

| Code Type | Elapsed Days | | | | | | |
|--------------|--------------|-------|-------|--------|---------|---------|------|
| | 0-30 | 31-60 | 61-90 | 91-120 | 121-150 | 151-180 | 181+ |
| 2A cases - % | 4 | 7 | 27 | 33 | 13 | 11 | 4 |
| 2C cases - % | 3 | 13 | 34 | 18 | 25 | 5 | 2 |

Table 23 reports elapsed days from arrest to trial. The findings are complex. The table shows faster processing for some 2C cases but also slower processing for a small percent of cases. Analysis of county data reveals that the faster processing basically

occurs in two counties with the others indicating no significant change.

Table 24. Court Processing Time: Arrest to Disposition by Code Type

| Code Type | Elapsed Days | | | | | | |
|--------------|--------------|-------|-------|--------|---------|---------|------|
| | 0-30 | 31-60 | 61-90 | 91-120 | 121-150 | 151-180 | 181+ |
| 2A cases - % | 14 | 20 | 24 | 21 | 11 | 6 | 5 |
| 2C cases - % | 25 | 28 | 16 | 11 | 8 | 4 | 7 |

Table 24 reports the data on elapsed time from arrest to disposition. The table once again shows somewhat faster processing under 2C. Other data analysis shows no significant change in processing from trial to disposition. Any change reflected in Table 24, then, is basically repeating the findings in Table 23 - faster processing under 2C from arrest to trial. Analysis of county data relating to arrest-to-disposition processing shows several counties processing faster under 2C, with others showing no change.

In summary, it seems reasonable to say that 2C has not produced a significant increase in overall court processing time. However, in some counties there is evidence of faster court processing.

Question:

Is there an increase in plea negotiation being conducted within the crime areas?

Tables 25A and 25B present the data on plea/sentence negotiations. The tables are designed to show the extent to which the charge at disposition varied from the original charge. In this manner the extent to which plea/sentence negotiations are conducted outside of the original charge area can be noted.

Table 25A. Extent of Plea/Sentence Negotiation Within and Outside of Crime Type: by 2A

| <u>Type of Crime</u> | <u>Charge at Disposition</u> | | | | | | | Total | |
|----------------------|------------------------------|-------------------|------------|--------------|-------------------|-------------------|---------------------|-------|--------------|
| | <u>Original Charge</u> | <u>Homi- cide</u> | <u>Sex</u> | <u>Theft</u> | <u>Gamb- ling</u> | <u>Incho- ate</u> | <u>White Collar</u> | | <u>Other</u> |
| Homicide | | 11 | | | | | | | 11 |
| Sex | | | 17 | | | | | | 17 |
| Theft | | 1 | | 201 | | | 3 | 16 | 221 |
| Gambling | | | | | 5 | | | 1 | 6 |
| Inchoate | | | | 1 | | 19 | 2 | 2 | 24 |
| White Collar | | | | 3 | | | 48 | | 51 |
| Total | | 12 | 17 | 205 | 5 | 19 | 53 | 19 | 330 |

Table 25B. Extent of Plea/Sentence Negotiations Within and Outside of Crime Type: 2C

| <u>Type of Crime</u> | <u>Charge at Disposition</u> | | | | | | | Total | |
|----------------------|------------------------------|-------------------|------------|--------------|-----------------|---------------------|--------------|-------|-----|
| | <u>Original Charge</u> | <u>Homi- cide</u> | <u>Sex</u> | <u>Theft</u> | <u>Inchoate</u> | <u>White Collar</u> | <u>Other</u> | | |
| Homicide | | 7 | | | | | | | 7 |
| Sex | | | 14 | | | | | | 14 |
| Theft | | | | 143 | | | | 15 | 158 |
| Inchoate | | | | | 3 | | | 1 | 4 |
| White Collar | | | | | | 9 | | | 9 |
| Total | | 7 | 14 | 143 | 3 | 9 | 15 | | 192 |

Table 25A reflecting the experience under 2A shows that negotiations tend to remain within the area of original charge. There is evidence of negotiations outside of the original charge in the areas of theft, inchoate and white collar crime.

Table 25B, reporting the data for 2C, shows negotiations outside of the original charge for theft and inchoate crime. The extent of 'outside' negotiation is relatively the same as that under 2A. It can be concluded that 2C has produced no significant change in plea/sentence negotiation practices.

Question:

Is there an increase in the imposing of restitution, along with imprisonment for certain crime types?

Within the stated parameters of the present evaluation there was only one instance of incarceration with restitution imposed under 2A; none under 2C. There is no evidence of an increased use of this type of sentence.

Questions:

To what extent are sentence mid-points utilized by judges?

To what extent are extended sentences employed by judges?

The Administrative Office of the Courts (AOC) sentencing study section was the prime source for obtaining data related to sentencing equity issues. Information on judgment orders was generated for all sentences, in all counties, between January 1, and June 30th, 1980. Data included the degree of the offense and any special conditions imposed.

Table 26. Sentence Disparity by Crime Type and Degree

| Degree | n | Homicide | | n | Sex Offenses | |
|--------------|---|----------|---------------------|----|--------------|---------------------|
| | | Sentence | Mid-Point Disparity | | Sentence | Mid-Point Disparity |
| <u>*1st</u> | 4 | 15 | 0 years | 2 | 20 | +5 |
| | 2 | 5 | -2 | 3 | 7 | 0 |
| | 1 | 15 | +8 | | | |
| <u>2nd</u> | 2 | 1 | -6 | 3 | 5 | -2 |
| | 2 | 5 | -2 | 3 | 7 | 0 |
| | 1 | 15 | +8 | | | |
| <u>3rd</u> | | | | | | |
| <u>4th</u> | 1 | 2 | +1.25 | 1 | 4 | 0 |
| <u>Total</u> | 6 | | | 13 | | |

| Degree | n | Theft | | n | Gambling | |
|--------------|----|----------|---------------------|---|----------|---------------------|
| | | Sentence | Mid-Point Disparity | | Sentence | Mid-Point Disparity |
| <u>3rd</u> | 15 | 1 | -3 years | 4 | 1 | -3years |
| | 1 | 2 | -2 | 2 | 3 | -2 |
| | 2 | 3 | -1 | 1 | 4 | 0 |
| | 4 | 4 | 0 | | | |
| <u>4th</u> | 14 | 1 | + .25 | 1 | 1 | + .25 |
| <u>Total</u> | 36 | | | 8 | | |

| Degree | n | White Collar | |
|--------------|---|--------------|---------------------|
| | | Sentence | Mid-Point Disparity |
| <u>4th</u> | 3 | 1 | + .25 years |
| | 1 | 2 | +1.25 |
| <u>Total</u> | 4 | | |

*There were 14 murder sentences encountered in the sample, but not included in the examination of mid-point disparity. Under the new Code, there is no presumptive mid-point for murder.

Table 26 is a display of sentences by duration, offense category and degree of severity. This format presents any possible trends of mid-range use within offense categories or degrees.

It can be seen that 13 (19%) of the 67 sentences correspond to the respective mid-points. Inspection by offense degree reveals that of the 6, first degree offenses, 4 (67%) were sentenced at the mid-point.

Theft and gambling offenses consisting of third and fourth degree offenses, show a respective four (11%) of 36 and 1 (13%) of eight mid-point sentences. Of the white collar offenses (4) there were no sentences imposed at the mid-point. All of the white collar offenses were of fourth degree severity.

Twenty-seven (40%) sentences were found to have had durations imposed outside of the suggested presumptive sentencing ranges. Within the sample, third degree offenses had the greatest incidence of sentences imposed outside the prescribed range (20-30%). Of those 20, 16 (80%) were theft offenses.

Among those sentences falling within the respective sentence ranges, eight (73%) of the 11 second degree offenses were within the prescribed parameters as were 19 (95%) out of twenty fourth degree offenses. All of the sex offenses sentences (13) were located within the range's boundaries.

Through research of the judgment orders of the total sentences, including 14 murder offenses previously excluded in the disparity assessment, it was determined that in no instance was the combined sentence of incarceration and restitution imposed. Also, in only one case did research discover the imposing of an extended

sentence term. The incidence of mandatory minimum imposition, however, was much more frequent. Of the 81 sentences, 19 (24%) had mandatory minimum conditions as part of the sentence.

In summary, 81% of the sampled sentences were not sentenced at the Code-proposed mid-points. The dispersion around the mid-points varied according to degree and offense. Additionally, 40% of all of the sentences were imposed outside the boundaries of the relevant ranges; most of these being third degree thefts. All of the third degree offenses outside of the boundaries were situated below the lower limit. There seems to be a propensity for judges to recognize certain mitigating conditions in lower level offenses (e.g., third degree theft and gambling) in sentencing lower than the mid-points.

It seems apparent that although the Code's parameters for presumptive sentencing have allowed for such discretion, via the use of the mitigating-aggravating format, the use of prescribed mid-points, delineated in 2C:43-6, has not been effectively realized. However, the research indicates that mitigating and aggravating circumstances cannot be clearly identified from judgment order explanations. Indeed, only in one instance were AOC researchers confident in concluding that the mitigating circumstances had sufficiently outweighed aggravating circumstances to justify the imposition of non mid-point sentence.

This, consequently, leads to difficulty in determining the actual incidence of extended sentence utilization. In only one case was the extended sentence scheme positively identified as being implemented.

Question:

Is there a relative decrease in sentence negotiations?

The data show that of those cases reaching disposition under 2A, 227 or 18% involved a negotiated sentence. Under 2C, 124 or 11% of the dispositions involved a negotiated sentence. The data indicate, then, that there has been a decrease in sentence negotiations under 2C.

Question:

Do accused individuals demonstrate more unwillingness to accept guilty pleas?

The data show plea tendencies under 2C similar to those of 2A. This finding holds when analyzing by type of crime. The answer to the question is no.

Question:

Is there a relative increase in trials under the new Code and, hence, greater court backlogs?

There has been an increase in trials under 2C. For the same time period, procedures under 2A produced 45 trials, or 4% of those reaching disposition. In the 2C time period there were 67 trials or 6% of those reaching disposition. While this percentage increase is substantial, it is too early in the implementation of the new Code to accurately assess the implications of this finding.

Question:

Has the new Code had an impact on court process?

The present evaluation has developed data relating to processing time, plea/sentence negotiation practices, the new presumptive sentencing scheme and other aspects of court process. The basic finding is that, at this early time in the implementation of the new Code, there is no evidence that 2C has had significant impact on most aspects of the court process. There is evidence of possible impact on the practice of sentence negotiation.

Impact On Other Agencies And Groups

Earlier sections of this report have indicated the belief that the new Code may have significant impact on a wide range of criminal justice agencies and practices. This section of the report provides the evaluation results related to the police, corrections, practicing attorneys and the public.

Question:

Is there an increase in prison populations?

To determine the impact that the Code's presumptive sentencing provisions might have on prison populations and parole rates, monthly reports of the New Jersey State Bureau of Correctional Information Systems were examined.

Cumulative monthly figures for admissions and parole releases were studied for the periods of 1975, 1976, 1977, 1978, 1979 and 1980. Comparisons were conducted to ascertain any

significant changes that may have been brought about by the implementation of the Code. Results were based upon admissions and parole release statistics of Rahway, Leesburg and Trenton State prisons while resident count figures also included Clinton Correctional Institution, adult halfway houses and the Adult Diagnostic Treatment Center as combined by Bureau of Corrections Information Systems. Data was also obtained through the examination of the Bureau's report entitled "Court Commitments to the Department of Corrections Under Title 2C: The First Year's Effects".

The analysis is affected by the early timing of the present study. For the period between January and June of 1980, as obtained from the Bureau's report of 2C court commitments, only 33% of state prison admissions were for 2C offenses. This imposes limitations on a study of 2C impact until a future time at which all state prison admissions are sentenced under the new Code. The institution of the New Jersey Parole Act of 1979, which became law on April 21, 1980, could also conceivably have a distorting effect on an evaluation of parole releases under the Code. The corrections data is presented in Table 27.

Table 27. Admissions and Parole Releases for 1975-1980

| | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 |
|-----------------|------|------|------|------|------|------|
| Admissions | 1963 | 1660 | 1575 | 1736 | 1793 | 2044 |
| Parole Releases | 1003 | 884 | 901 | 1178 | 1180 | 1835 |

Source: "Admissions, Releases and Residents Reports" Bureau of Correctional Information Systems, by New Jersey Department of Corrections.

It can be seen from Table 27, that as of this point in time, 1980 has seen a significant rise in admissions as compared with four of the preceding years (1976-1979). However, 1975 total admissions are comparable to 1980. It is difficult to determine, at this early stage, if the present increase is due to the Code or part of a fluctuating trend.

There has been significant increase in the area of parole releases. A more detailed assessment of parole releases by month reveals a sharp increase of the parole releases for 1980 took place after May (post Parole Law implementation).

It would be presumptuous to attribute the rise in parole releases to the implementation of the new Code, due to the concurrent implementation of the new Parole Act of 1979 within the study time frame. Indeed, as indicated in the results, paroles rose sharply after May of the 1980 time frame. Since the new Parole Act of 1979 places the burden of establishing a basis to deny parole on the Parole Board, it is likely the upsurge of paroles is a result of the initial stages of the act's implementation and not a counter to an expected increase in prison population.

Question:

Will county jail populations increase?

To answer the above question, a survey was conducted of all superintendents of county correctional institutions. The population included superintendents of county jails, county detention centers

and county corrections centers. The survey instrument (see appendix - County Jail Questionnaire) is a combination of closed-ended and open-ended questions concentrating on the purported influence the 2C presumptive sentencing procedures would have on the number of offenders incarcerated in county corrections facilities.

Questionnaires were mailed to superintendents in all 21 counties.

Of the 24 superintendents sent questionnaires, 17 responded. To the first question, "Has there been a significant change in your county jail inmate population size since the adoption of the Code?", ten answered yes and seven answered no. Of the ten affirmative responses, eight were from northern counties, one was mid-Jersey and one south-Jersey. Eight superintendents reported an increase in inmate population.

To the question "Has there been a significant change in county jail incarceration time for state prison inmates awaiting transfer to the State Prison Reception Center?", five responded yes and twelve responded no.

Among respondents to the third question, "What factors do you believe have contributed to any change(s) indicated in 1 and/or 2?", one superintendent believed that since the inception of 2C, there had been somewhat of a departure from non-custodial sentencing in favor of custodial sentencing. Two respondents stated that the imposition of longer sentences had contributed to an increase in inmate population in their counties. Another superintendent stated that the sentenced population, in his county, was running 30% to 40% above the sentenced population of 1979. Although one respondent was uncertain of the causes, he related that he had witnessed a 10%

increase in sentenced commitments and over a 20% increase in detention commitments during the first of 1980 as compared to 1979. One respondent attributed a county jail increase to less plea bargaining.

The issue of bail was presented as a factor of importance by four superintendents. Of the four, three believed that higher bail was being set under the new Code. According to one of these respondents, the average bail amount established for shoplifting charges had increased by 500% (from a \$370 average to an average of \$1,750). The implication was that higher bail had contributed to greater rates of incarceration prior to trial. Another superintendent attributed his population decrease to the combined effects of his county's special bail project and the strict scheduling of sentenced inmates to state prison.

Changes in bail practices under the new Code are noted in the following table on target county statute offense data.

Table 28. Post Arrest Status by Code Type (%)

| <u>Status</u> | <u>Code Type</u> | |
|----------------------------|------------------|-----|
| | 2A | 2C |
| Jail (awaiting plea/trial) | 31 | 40 |
| Bail | 39 | 32 |
| ROR | 28 | 27 |
| Confinement (non-jail) | 2 | 1 |
| Total | 100 | 100 |

In summary, results of the county jail superintendent survey indicate that there has been some increase in inmate populations since the inception of the Code. Of 17 responding superintendents, eight reported an increase, four of which were urban northern counties. Three of these urban counties also reported an increase in State prison inmate incarceration time within their county institutions.

Among those factors thought to contribute to increased inmate populations, sentencing and bail practices were considered of equal importance. It is possible that greater numbers of custodial sentences in addition to greater restrictions on bail could result in jail population increases. It is possible that these increases could be more noticeable in urban counties due to their larger court caseloads.

Question:

To what extent has judicial discretion produced an increase in terms of incarceration?

The data indicate that judges have a tendency to utilize the mandatory minimum discretionary option. The AOC data indicate that in 19 cases (24%), judges stipulated that the offender must remain incarcerated for a specified amount of time. This result is closely corroborated with results found by the AOC's "September Report of Sentencings under the Code of Criminal Justice" in which 25% of incarceration sentences were found to include 'mandatory minimums'. The New Jersey Department of Corrections' report on "Court Commitments to the Department of Corrections under Title 2C"

showed that of 626, 2C offenders committed to the prison complex from September 1979 to November 1980, 141 or 23% were sentenced with mandatory minimum terms.

As reported by the Department of Corrections, of the 141 mandatory minimum sentences, 123 (87%) were for violent offenses and 104 (74%) of the 141 were mandatory minimum sentences for one-half of the maximum sentences. This practice may result in a significant amount of inmates experiencing delays of initial parole eligibility dates. At the present time, it is difficult to discern, however, to what extent the inmate population will experience such delays and, consequently, the impact on prison space conditions.

Questions:

How successful are motions for sentence reconsideration under the sentence review provision?

What is the impact of sentence reconsideration on institutional populations?

The three-judge resentencing panel of the Superior Court, Law Division was instituted to implement the Code resentencing provision. The activities of this panel have been assessed. Data was provided by the office of a panel member. The sentencing panel data includes the number of total reviews and those disposed of by resentencing. Data on those immediately released, due to actual resentencing, was obtained through cumulative records of the Administrative Office of the Courts.

The data reveal that during the period Sept. 1, 1979 -

Nov. 1, 1980, the resentencing panel reviewed 730 cases. Of those cases 123 (17%) were resentenced. This means that in those 123 cases there was some reduction of sentence.

As of the time of this report, the exact number of inmates released from prison due to resentencing, can not readily be assessed. But, through interviews with sources from the AOC and the resentencing committee recordkeeper, it appears that fewer than fifty inmates had achieved early release as of November 1, 1980. At present, then, the impact of the resentencing on prison populations has been negligible.

Question:

Is there public awareness of the existence of the Code?

The implementation of the Code included efforts to educate the public about the Code. These efforts involved newspaper articles, television broadcasts and public lectures. To gain some indication of the public's awareness of the Code, a modest survey was conducted.

The public awareness survey was conducted in October of 1980 to allow the optimum amount of time for the development of public awareness. Since only a portion of planned public awareness activities have been implemented, it was decided that a limited survey would be conducted to discern the present extent of public awareness.

The method used was a telephone survey. The six 'target' counties were used as the sample counties. It was decided that a

sample of up to twenty subjects per county would be telephoned. The survey conductor was instructed to terminate each respective county survey if he received ten consecutive responses indicating non-awareness of the Code.

Of the six counties polled, three were limited to ten contacts due to the extent of non-awareness exhibited by the respondents. The total sample was ninety and of those, eight (9%) were cognizant of the existence of the Code. Five of the eight resided either in Morris or Burlington counties.

All of the respondents who knew of the Code had become aware of it through media coverage of the Code's lowering of the age of consent. One woman had actively lobbied against this particular statute. Four of the eight also expressed a belief that the new Code is, in some way, more severe on criminal offenders. One believed the Code to be more lenient toward criminal offenders. All were quite vague in their explanations for their respective beliefs.

The final stage of the interview focused on possible improvements effectuated by the Code. The four who interpreted the Code as being severe in sanctioning, believed this change would be favorable. One assailed the Code as being too lenient in punishing and, therefore, expected it would be detrimental.

The results of the public awareness survey presents evidence of a very low public awareness of the existence of the new Code and its implications.

Question:

To what extent and in what fashion was the public informed of the new Code?

Through the use of symposia and the media, implementation of the Code was designed to include education of the public in the Code and its functions. The Public Awareness subcommittee, of the Governor's Advisory Committee, was instructed to coordinate public awareness of the Code and its impact. The following areas were declared as the subcommittee's primary objectives:

1. New Jersey Public Television broadcast of a Code Symposium.
2. Code newspaper series or articles were to be prepared.
3. UHF station presentation of Code information.

The following were secondary objectives:

1. Central telephone and office for speaker and educational matters.
2. Creation of a speakers bureau.
3. Utilization of State Police educational series units.
4. Development of printed materials.
5. Community/student public affairs sessions.
6. Development of presentations.
7. Development of additional radio, videotape and documentary film programs.

The evaluation has produced the following documentation of public education activities. Primary objectives:

1. Code symposium - To assist in the organization of a

Code symposium, a representative from New Jersey Public Television worked closely with the subcommittee. The symposium included representatives from the Attorney General's office, the Public Advocate, the N.J. Bar Association, as well as representatives from the courts and the academic community. The tape was prepared and made available to the public stations in the area for their use, but, according to N.J.P.T. officials, has not been broadcast.

2. Code newspaper series - A Rutgers Law professor was hired to prepare explanatory materials about the Code. These materials were to be released to newspapers to provide the basis for newspaper articles. The professor, however, did not fully complete all of the materials and only those finished products were released to the press. The coverage the Code received, therefore, was not comprehensive and tended to emphasize the change in the age of consent laws. "New Jersey Municipalities" magazine published an article submitted by the Division of Criminal Justice Director on changes brought about by the Code.

3. UHF station presentation - The public television representative again assisted by allotting time from UHF commercial television stations to air parts of the symposium and other Code related programs as part of their public affairs commitment. As of this date, the symposium has not been broadcast.

Of the secondary objectives the following were completed:

1. & 2. Creation of a speakers bureau - the New Jersey Bar Association coordinated a speakers bureau and incorporated it within their already established office.

3. Utilization of State Police Educational service units - Each of the State Police troops has an educational service unit. The head of these units committed the incorporation of Code information into presentations to be administered in the future.

4. Development of printed materials - As was previously noted, a portion of the materials had been completed but some Code topic areas were not completed.

5. Community college student materials - The objective was to promote and advise N.J. Community Colleges to develop civics courses on the Code. The Chancellor of Higher Education wrote to the respective presidents and asked them to construct such programs. As of this point, there is little evidence that courses were developed.

6. Development of presentations - Presentations were developed by the Public Awareness Subcommittee and conducted by the Division of Criminal Justice). Among the presentations made were those at the meetings of Drug Treatment Centers, the N.J. Civil Rights Association, the N.J. Bankers Association, the N.J. Food Council, the League of Municipalities, the Security Officers' Association and at a meeting of a prison visitation group. Also conducted was a workshop sponsored by the Institute for Political and Legal Education (I.P.L.E.) for high school students across the state.

7. Development of additional radio, videotape and documentary film programs - Numerous radio programs were

produced, some simply rebroadcasting the Code symposium and others in which the Attorney General and central staff spoke informally about the Code.

One central staff attorney appeared on a television program, and a studio script and a grant from the National Endowment for the Humanities were available for a documentary film. Plans for the production of the film have not proceeded further.

Questions:

What deficiencies or strengths are noted in the Code by practicing attorneys?

How do private attorneys assess the process by which the Code was implemented?

In order to assess the perceived impact of the Code as well as Code educational programs on the private Bar, the evaluation staff sampled attorneys who had attended the courses or seminars offered to the Bar by the Institute for Continuing Legal Education (ICLE) and the New Jersey Chapter of the American Trial Lawyers Association (ATLA). In June 1980 a survey questionnaire (see appendix - Questionnaire - Private Bar) was mailed to 757 attorneys whose names were obtained from rosters of participants at these programs. A follow-up inquiry was made in August 1980 to those attorneys who had not returned the completed questionnaire. As a result, 284 attorneys responded to the survey.

The initial questions on the questionnaire elicited basic

information concerning the setting and type of practice in which the attorney engaged. 77% of respondents reported involvement in criminal law practice. Of that group, their employment was as follows: firm - 69%; self-employed - 15%; Government Agency - 10%. Others included the judiciary, legal aid/public defenders and company attorneys.

Eight-five percent attended the ICLE courses; 7% participated in the ATLA seminars. Additional programs mentioned were Bar Association conferences, the Municipal Court Judges course, the County Prosecutors courses, the Special Prosecutions training session, and the Public Defenders course.

Of those responding, 269 believed that significant changes are needed to better implement the new Code and specified recommendations which may be categorized as follows: legal and statutory changes in the criminal justice system (the primary recommendation of 32% of respondents); changes in the court rule process (22%); the elimination of ambiguities (19%); changes in roles* (17%); changes in the prosecutorial process (8%); and constitutional changes (2%).

Respondents were also asked whether the Code has made a significant improvement in the law. Those who answered this question, a total of 89% of the respondents, expressed a high level of satisfaction with the Code.

* The category of "changes in roles" includes all responses recommending improvements in the functions of judges, prosecutors, public defenders and the public within the criminal justice system.

When asked to comment upon the Code's effect on the law, 25% of the respondents complied. The more positive responses included statements that the Code provides uniformity (mentioned by 21% of respondents), modernizes (17%), clarifies (12%), provides precision (3%), permits greater creativity (1%), and offers a responsible individual approach to offenses and offenders (1%). More negative responses included statements that the Code is confusing (mentioned by 9% of respondents), causes interpretation problems (9%), offers no change from Title 2A (4%) and contains loopholes (1%). Sentencing was mentioned by 9%; of this number, 33% felt that new sentencing procedure was a negative point of the Code, while 67% viewed it as an improvement.

The questionnaire asked respondents which specific provisions they viewed as significant improvements and why. 40% of the respondents answered this question. Improvements mentioned those who did respond included sentencing (cited as the most significant improvement by 39% of respondents), the repeal of archaic laws (17%), gradation of offenses (14%), the incorporation of general principles of criminal law (10%), violent crimes (7%), offenses against property (2%), and offenses against public order (2%). An additional 4% stated that it is too early to judge the Code, and 2% believed that the Code has not made any significant improvements.

In explaining why they considered the cited provision(s) as improvements, a majority of 62% of all respondents stated that the provision(s) modernized and clarified the law. Other reasons

mentioned were uniformity (stated as the first significant reason by 28%) and more sensible gradation (6%).

Respondents were asked: "What provisions of the Code do you feel need significant revision and why?" 38% of the attorneys surveyed responded to this question. These responses identified sentencing (designated a primary need for significant revision by 21% of respondents), offenses against the public order (12%), offenses against property (11%) and crimes against persons (10%).

Respondents were also asked why the provisions they had cited are in need of revision. Of those who did respond, 34% stated that the main reason a revision is necessary is a lack of clarity in the law.

Another major area of the private bar survey was an assessment of respondent satisfaction with the training programs. Each respondent was asked to rate the total effectiveness of the training course he or she attended. Of the ICLE attendee respondents, 43% believed the training to be good, 39% felt it fair and 18% rated it "poor". ATLA respondents were considerably less positive about their training (7% good, 49% fair and 44% poor). Of Bar Association respondents, 51% rated the training as good, 21% fair and 28% poor.

Respondents were asked what areas covered in the course should have been allotted more time. 39% of the attorneys answered this question. Among respondents, 15% felt that substantive provisions required additional time, while 15% also stated that sentencing should have received more time. Other areas mentioned as having been allotted insufficient time were trial strategy and other

practical aspects (cited by 13% of respondents), and legislative background and theory (cited by 9%). Furthermore, 12% stated that the entire course was too rushed and all areas should have been given more time.

In general, various groups agreed that substantive provisions and sentencing were most in need of extra time, but there were several exceptions. Government employees, for example, stated that trial strategy and other practical aspects of the Code should have received more time; 27% of them felt that trial strategy was the most neglected area. In addition, 47% of those not involved in criminal practice commented that legislative background and theory was the area that most needed extra time.

Respondents were also asked which areas covered by their course should have been allotted less time. 21% of the attorneys surveyed answered this question. 23% of those who replied stated that less time should have been spent on substantive provisions. Other areas mentioned as having occupied too much time included Code implementation (cited by 15%), and legislative background and theory (cited by 13%).

Ninety percent of the attorneys surveyed responded to an invitation to rate the quality of course instruction. Of the respondents, 49% rated instruction as good, 38% - average and 13% - poor.

Those involved in criminal practice were most critical of the course instruction. Opinions of the instruction also varied with the specific program the respondent had attended.

In general, attorneys responded favorably to the educational materials, with 63% of respondents rating them good, 29% rating them average and 8% rating them poor. The respondents were asked to describe the good points of the educational materials. Of the respondents, 24% believed that organization was the strongest point of the educational materials. Further good points cited were legislative background and theory (described as the strongest point by 15%) and analysis (14%).

The final question asked was whether enough time had been devoted to the educational materials during the training course. Those who responded (29%) seemed pleased with the apportionment of time in the course; 72% stated that the materials had received sufficient time.

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New Jersey Criminal Code Evaluation
County and Agency Level Training Activities

Atlantic County

The Atlantic County Prosecutor's Office provided a final progress report for its penal code training on July 2, 1980. As of that date, 797 individuals had been instructed by 36 trainers. Of the instructors, two assistant prosecutors and five members of various municipal police departments had attended the primary trainers course in Sea Girt. These seven then conducted a 32 hour secondary training course for 29 training officers of the municipal police departments. A total of 590 officers received training in this manner. This figure includes individuals from all municipal police departments and the sheriff's office.

In addition, 15 chiefs of police attended a 16 hour course on June 4 and 6, 1979. Thirteen members of the legal staff of the Atlantic County Prosecutor's Office were given a thirty-two hour course instructed by three deputy attorneys general from the Division of Criminal Justice and by the two assistant prosecutors who had attended the Sea Girt primary trainers' course. In June, 1979, 40 county investigators attended a 16 hour training session. The investigators were divided into three groups and each of these groups was instructed by three assistant prosecutors. Sixty-seven municipal detectives who had already received the basic eight hour class attended an addition series of three 3-hour seminars. Finally, in August, 1979, a member of the prosecutor's staff conducted a seminar attended by thirty-five members of the Atlantic County Bar Association.

Bergen County

On May 2, 1980, the Bergen County Prosecutor's Office reported that it had completed its penal code training. They employed a total of 192 instructors, 12 of whom had been trained in the Sea Girt primary trainers' course. These 12 trained 180 local police officers, who in turn assumed the responsibility of providing each member of their respective departments with at least an eight hour course. The Prosecutor's Office reports that 1978 criminal justice personnel were trained in this manner. The lists provided to the Police Training Commission identify 1533 police officers. Of these, 1358 were municipal police, 78 were detectives and investigators, 37 were park police, and 30 were assistant prosecutors. In addition, 20 investigators in the Bergen County Narcotic Task Force completed a training course in June, 1979.

Burlington County

On May 9, 1980 the Burlington County Prosecutor's Office reported that 199 criminal justice personnel had been trained directly by the Prosecutor's Office. For the most part, these trainees were law enforcement officers and court clerks. One hundred fifty-eight individuals received 23 hours of code training; the remaining 41 attended an 8 hour course. There were ten instructors, nine of whom had attended the Sea Girt primary trainers' course. The trainers consisted of six assistant prosecutors, two investigators, and two detectives.

An additional 305 Burlington County police officers received training that was not administered directly by the Prosecutor's

Office. Some were instructed at the Burlington County Police Academy as part of their fourteen week basic police course. The remainder were taught within their local departments, using instructors who had been trained by the Prosecutor's Office. The Prosecutor's Office also provided the lesson plans for these local training sessions.

Camden County

The rosters from the Sea Girt primary trainers' course reveal that ten individuals representing Camden County were in attendance. In a December 12, 1979 report, the Camden County Prosecutor's Office informed the Police Training Commission of the completion of their training program. They identified 1224 criminal justice personnel who had been instructed; among these were 1081 municipal police, 16 hospital guards, and 4 park police. No further training activities have occurred since that report was made.

Cape May County

On May 2, 1980, the Cape May County Prosecutor's Office reported the completion of its penal code training. The Prosecutor's Office sent ten individuals to the Sea Girt primary trainers' course in February and March, 1979. Eight of the ten later conducted classes for other criminal justice personnel throughout the county. A total of 284 people were trained. This group consisted of 274 municipal police, 3 sheriff's officers, 3 assistant prosecutors, 3 municipal prosecutors, and 1 detective.

Cumberland County

The final progress report from Cumberland County was received on June 24, 1980. This report consisted of the rosters from police officer training classes held in Vineland, Millville, and Bridgeton. Altogether, 189 individuals received training in the penal code. Of this number, 74 attended a basic eight hour session, 55 participated in an intensive 40 hour course, and 10 attended the Sea Girt primary trainers' program. Five of the ten Sea Girt graduates were later directly involved in instructing law enforcement officers at the local level.

Essex County

The Essex County Prosecutor's Office reported on April 18, 1980 that it had completed the penal code training. A total of 82 instructors were used. Of these, 12 individuals (6 prosecutors and 6 police) received training at the Sea Girt primary trainers' course; the remaining 70 (13 prosecutors and 57 police) were instructed at the Essex County Police Academy secondary trainers' course. Altogether, 3,644 Criminal Justice personnel were trained. A report submitted by the Essex County Prosecutor's Office to the Police Training Commission reveals the identity of 2,899 trainees. Included in this figure are 2,550 municipal police, 99 detectives and investigators, 80 sheriff's officers, 102 county police, 21 Amtrak and Conrail guards, and 38 campus police. The campus police are employed at Rutgers University, Montclair State College, the New Jersey Institute of Technology, and Essex County College.

Gloucester County

On April 18, 1980, the Prosecutor's Office of Gloucester County reported that it had completed code training for all criminal justice personnel. The prosecutor and six assistant prosecutors attended the Sea Girt primary trainers' course; the Prosecutor's Office reports that four of these assistant prosecutors later conducted training sessions. Ultimately, 426 individuals were trained, including police officers, county detectives, and court clerks. Gloucester County's report to the Police Training Commission identifies 389 trainees. Of these, 359 were municipal police, 15 were sheriff's officers, and fifteen were detectives.

Hudson County

Statistics concerning Hudson County's training program were primarily obtained from the county prosecutor's report to the Police Training Commission. That report identified 1958 trainees throughout the county. Included in this figure are 1918 municipal police and 40 assistant prosecutors. Rosters from the Sea Girt primary trainers' courses reveal that 20 representatives of Hudson County attended the sessions. Apparently, seven of these actually taught courses within their respective departments.

Hunterdon County

In a letter dated December 5, 1979, the Hunterdon County Prosecutor's Office made their final progress report to the Police Training Commission. Basically, their penal code training program consisted of two courses. The first was an advanced, nine hour course for full-time municipal police officers. It was administered in two sections, each comprising three 3-hour sessions. Section A was held on April 2, 5, and 9, 1979; Section B on April 3, 10, and 12, 1979. In addition, on June 23, 1979, the Prosecutor's Office

provided a five hour basic training course for special police officers. Altogether, 119 individuals received training. This number includes 89 municipal police, 22 sheriff's officers, 3 assistant prosecutors, 3 state school guards and 2 corrections officers. Hunterdon County used six instructors for its training sessions: three assistant prosecutors, two investigators, and one chief of police.

Mercer County

The most recent report from the Mercer County Prosecutor's Office is dated May 19, 1980. Between February 26, 1979 and May 2, 1979, five members of the Prosecutor's Office were trained at the Sea Girt primary trainers' course.

Throughout Mercer County, there were 36 eight hour sessions and 11 three-day sessions between April 16, 1979 and August 23, 1979. During this period, 1,006 persons were trained. Those participating included assistant prosecutors, county detectives and investigators, municipal police officers, sheriff's officers, and members of college security departments. A roster submitted to the Police Training Commission by the Prosecutor's Office identifies 905 trainees. Of these, 850 were municipal police, 35 were detectives and investigators, and 20 were assistant prosecutors.

Middlesex County

Police Training Commission records reveal that the Middlesex County Prosecutor's Office trained a total of 1590 individuals. The students included in this number were 1286 municipal police, 125 sheriff's officers, 50 detectives and investigators, 32 assistant prosecutors, 71 campus police, and 26 park police.

Classes were instructed by 16 assistant prosecutors who had attended the Sea Girt primary trainers course and were thereafter certified as trainers in Title 2C.

Monmouth County

Information regarding Monmouth County was obtained from a final progress report forwarded by the Monmouth County Prosecutor's Office to the Police Training Commission on January 23, 1980. Its penal code training sessions were conducted by four men, three of whom had completed the Sea Girt primary trainers' course. Three of the instructors were assistant prosecutors; the other was a former assistant prosecutor. Altogether, 1,200 criminal justice employees received some form of training. Among the participants were 1,019 municipal police, 22 assistant prosecutors, 30 detectives, 19 campus police, and 10 hospital guards. Of the detectives and municipal police, 671 attended an 8 hour class for lower ranking officers; the remaining 378 were involved in a 24 hour course. Furthermore, the Monmouth County Bar Association offered a training session which was attended by 100 municipal judges.

Morris County

In a final progress report dated April 23, 1980, the Morris County Prosecutor's Office reported the completion of its Title 2C training. Eight individuals representing Morris County attended the Sea Girt primary trainers' course. Of these eight, five assistant prosecutors and a deputy attorney general from the Division of Criminal Justice were directly involved in training police officers and other law enforcement personnel. Altogether, 935 criminal justice employees were trained. This figure represents 809 municipal police, 46 detectives and investigators, 42 sheriff's

officers, 33 park police, and 5 assistant prosecutors.

Ocean County

On May 5, 1980, the Ocean County Prosecutor's Office reported that a total of 783 individuals had participated in penal code training. The law enforcement personnel trained were 702 municipal police, 35 detectives, 22 sheriff's officers, 14 park police, and 10 assistant prosecutors. Supervising the training were four instructors, all of whom had attended the primary trainers' course at Sea Girt.

Passaic County

The final progress report from the Prosecutor's Office of Passaic County was dated April 21, 1980. It reported that a total of 1,497 individuals had been trained throughout the county. 1393 of these trainers were described as "law enforcement officers." Under this category are included 952 municipal police, 27 park police, 33 housing guards, 24 campus police, 6 sheriff's officers, 8 Wanaque Reservoir guards, and 3 New Jersey Training School officers. In addition to the "law enforcement officers," the Prosecutor's Office instructed 70 detectives and investigators, and 34 assistant prosecutors. 20 individuals from Passaic County attended the Sea Girt trainers' course; 14 of them were actually utilized in the training process.

Salem County

On June 3, 1980, the final progress report of the Salem County Prosecutor's Office was submitted. Between March 21, 1979 and May 9, 1979, 186 Criminal Justice personnel were trained. This figure includes municipal police officers, sheriff's officers,

county detectives and investigators, court clerks, and assistant prosecutors. Twenty-eight individuals attended a 21 hour course, 13 received 14 hours of training, and 145 participated in an 8 hour session. The rosters from the Sea Girt primary trainers' courses reveal that 10 representatives of Salem County were in attendance. Four of these later taught local classes; three of the teachers were investigators and the other was an assistant prosecutor.

Somerset County

The rosters from the Sea Girt primary trainers' courses show that 14 individuals representing Somerset County attended the trainers' program. The Prosecutor's Office states that 10 instructors were actually involved in training law enforcement personnel. Somerset County's report to the Police Training Commission identifies 447 individuals who have completed the penal code training. Among those are 394 municipal police, 23 detectives, 15 park police, and 11 assistant prosecutors.

Sussex County

The most recent communication from Sussex County is dated May 16, 1980. In its penal code training program, the Prosecutor's Office utilized 12 trainers. Each of these instructors had attended the Sea Girt primary trainers' course in February or March. Altogether 159 Criminal Justice personnel were trained. 41 of the students attended a basic 8 hour session. 19 were involved in a 12 hour class, while 10 others participated in the 16 hour course. The remainder, 77 individuals, attended a 24 hour training course.

Union County

Information regarding Union County's training program was obtained primarily from its report to the Police Training Commission. Throughout the county, 1506 individuals received penal code training. Included in this figure are 1,320 municipal police, 63 detectives and investigators, 32 sheriff's officers, 38 prosecutors, 33 county police, and 20 campus police employed at Kean College. On May 2, 1980, the Prosecutor's Office reported that the training sessions were conducted by six instructors. In addition, eight deputy attorneys general from the Division of Criminal Justice assisted with the instruction at the 8 hour training sessions.

Warren County

On April 18, 1980, the Prosecutor's Office of Warren County reported that it had completed the penal code training. Its program was conducted by four instructors. Altogether, 123 Criminal Justice employees were trained. This figure includes all of the police officers in Warren County and some municipal clerks. Warren County's report to the Police Training Commission identifies 98 trainees. Within this group, 94 were municipal police, 2 were assistant prosecutors, 1 was a prosecutor, and 1 was a detective.

Miscellaneous

Penal code training programs were conducted by a variety of state agencies as well as by the Prosecutor's Office of each county. Among the individuals present at the Sea Girt primary trainers' course were fifteen representatives of miscellaneous departments. These included the New Jersey Marine Police, the

Delaware River Port Authority, the Department of Corrections, the Division of Law and various state parks. Nine State Police officers were also certified as instructors in Title 2C. Within the Division of Criminal Justice, approximately 300 employees were trained. Sixteen instructors from the Division were utilized in the program. These trainers also provided instruction for various other agencies.

On September 12 and 13, 1979, nine of the aforementioned trainers conducted a 6 hour class for Division of Law deputies. Approximately 35 individuals attended this seminar.

Further training within the Division of Law was provided for the armed and uniformed officers of the Department of Environmental Protection. Included in this category are State Rangers, Marine Police, and Conservation Officers. The deputy attorney general who conducted this training reported that he tailored the training program to fit the specific requirements of each training group. As of June 5, 1979, approximately 210 individuals had received a basic 8 hour training session.

On August 6 and 7, 1979, 52 individuals from the Division of Gaming Enforcement were given Title 2C instruction. Training was also completed within the Division of Taxation. Approximately 75 individuals were trained. Participants included attorneys from the Division of Taxation, special agents of the Cigarette Tax Section, and the Special Investigations Unit.

On June 19, 1980, the Department of Corrections reported its progress with the Code training program. Altogether, 481 individuals have been trained in Title 2C. Of this number, 114 attended a 16 hour instructors' class conducted by deputy attorneys general from the Division of Criminal Justice. Most of these individuals were county and state trainers and administrators from

state correctional institutions. The remaining 367 trainees participated in a 3 to 4 hour seminar. Members of this group included county and state correction officers and juvenile officers.

The Administrative Office of the Courts reported on training activities in a letter dated April 3, 1980. Three training courses were offered for state judges, and deputy attorneys general from the Division of Criminal Justice assisted with this training. The first course, held in April and May, 1979, provided an introduction to and analysis of the Code. This 18 hour course was attended by approximately 247 state judges. In addition, one day of the annual New Jersey Judicial College (September 4, 1979), was devoted to a seminar emphasizing amendments to the code. Approximately 300 state judges participated in this program. Finally, in March and April, 1980, over 150 state judges attended 2 courses addressing the issue of sentencing under the penal code.

A one day seminar held in June, 1979 provided instruction to some 350 municipal judges. In addition, a portion of the annual Municipal Court Judges Conference (October 17, 1979) was devoted to discussion of penal code amendments. Municipal court clerks and deputy court clerks were instructed in a 3 hour seminar. A total of 1,150 clerks attended the programs, which were held in May and June, 1979.

Throughout May and June, 1979, 1,162 probation officers attended training sessions held in 11 locations throughout the state. On June 25 and 26, 1979, a 12 hour course was given for Pretrial Intervention Program personnel. Approximately 175 individuals attended this course. Trainees included Pretrial Intervention Directors, Pretrial Intervention Counselors, designated Pretrial

Intervention judges, and prosecutors.

All of the penal code training programs conducted by the Administrative Office of the Courts used the Manual on the New Jersey Code of Criminal Justice prepared by the Attorney General's Office. Materials developed by seminar speakers were also utilized.

The Institute for Continuing Legal Education (I.C.L.E.) and the American Trial Lawyer's Association (A.T.L.A.) conducted seminars to familiarize practicing attorneys. ICLE and ATLA were assisted in this training effort by Division of Criminal Justice personnel. Between June, 1979 and November, 1979, six I.C.L.E. courses were held throughout the state. On June 23, 1979, 141 individuals were trained at a session in Morristown. In Woodbridge, 136 attorneys received penal code training on June 28, 1979, and 62 received this training on November 3, 1979. Furthermore, 148 trainees attended a June 30, 1979 class in Cherry Hill. Another 63 individuals were instructed in Bellmawr on November 9, 1979. Finally, a course conducted in Newark on November 17, 1979 was attended by 132 attorneys. The basic instructional material for the I.C.L.E. programs was the Manual on the New Jersey Code of Criminal Justice.

On October 20, 1979, the American Trial Lawyers Association conducted a seminar entitled "Prosecution and Defense Tactics under the New Jersey Criminal Code." This course was attended by 79 members of the Bar.

Course attendance rosters reveal that at least 761 attorneys participated in the I.C.L.E. and A.T.L.A. programs. This figure does not, however, represent all attorneys who received penal code

training. Training sessions for the Bar were also conducted by the Bar Association of various counties and by local prosecutors' offices.

As of July 2, 1980, a final progress report had been received from every county. Computation of the totals for all of New Jersey reveals that 26,002 criminal justice personnel were trained by 662 instructors.*

*When two figures were available (i.e. one obtained from the Police Training Commission report and one stated by the Prosecutor's Office), the larger of the two was used in obtaining the total.

| COUNTY | TOTAL NUMBER OF INDIVIDUALS TRAINED ¹ | NUMBER OF INSTRUCTORS ² | MUNICIPAL POLICE | DETECTIVES AND INVESTIGATORS | SHERIFF'S OFFICERS | PROSECUTORS | PARK POLICE | CAMPUS POLICE | COUNTY POLICE | HOUSING GUARDS | HOSPITAL GUARDS | OF | |
|------------|--------------------------------------------------|------------------------------------|------------------|------------------------------|--------------------|-------------|-------------|---------------|---------------|----------------|-----------------|-----|---|
| Atlantic | 797 | (9) 36 | | 107 | | | | | | | | 48 | |
| Bergen | 1978 (1503) | (12) 192 | 1358 | 78 | | 30 | 37 | | | | | 20 | 2 |
| Burlington | 504 (199) | (9) 10 | | | | | | | | | | | |
| Canden | (1224) | (10) | 1081 | 78 | 30 | | 4 | 16 | | | | 16 | |
| Cape May | 282 (204) | (10) 8 | 274 | 1 | 3 | 6 | | | | | | | |
| Cumberland | 189 | (10) 5 | | | | | | | | | | | |
| Essex | 3,644 (2,899) | (12) 82 | 2559 | 99 | 80 | | | 38 | 102 | | | 21 | 2 |
| Gloucester | 426 (389) | (6) 4 | 359 | 15 | 15 | 7 | | | | | | | |
| Hudson | (1958) | (20) 7 | 1918 | | | 40 | | | | | | | |
| Hunterdon | (119) | 6 | 89 | | 22 | 3 | | | | | | 5 | |
| Mercer | 1006 (905) | (5) 25 | 850 | 35 | | 20 | | | | | | | |
| Middlesex | (1590) | (16) | 1286 | 50 | 125 | 32 | 26 | 71 | | | | | |
| Monmouth | (1200) | (3) 4 | 1019 | 30 | | 22 | | 19 | | | 10 | 100 | |

¹ Figures in () were obtained from Police Training Commission reports; other figures were provided by the Prosecutor's Offices of the individual counties.

² Figures in () represent individuals present at Sea Girt trainer's course. Other figures were provided by the Prosecutor's Offices.

| COUNTY | TOTAL NUMBER OF INDIVIDUALS TRAINED | NUMBER OF INSTRUCTORS | MUNICIPAL POLICE | DETECTIVES AND INVESTIGATORS | SHERIFF'S OFFICERS | PROSECUTORS | PARK POLICE | CAMPUS POLICE | COUNTY POLICE | HOUSING GUARDS | HOSPITAL GUARDS | OT |
|----------|-------------------------------------|-----------------------|------------------|------------------------------|--------------------|-------------|-------------|---------------|---------------|----------------|-----------------|----|
| Morris | 935 | (8)5 | 809 | 46 | 42 | 5 | 33 | | | | | |
| Ocean | (783) | (4)4 | 702 | 35 | 22 | 10 | 14 | | | | | |
| Passaic | 1497 (1393) | (22)14 | 952 | 70 | 6 | 34 | 27 | 24 | | 33 | | 11 |
| Salem | 186 | (10)4 | | | | | | | | | | |
| Somerset | (447) | (14)10 | 394 | 23 | | 11 | 15 | | | | | |
| Sussex | 159 | (12)12 | | | | | | | | | | |
| Union | (1506) | 6 | 1320 | 63 | 32 | 38 | | 20 | | 33 | | |
| Warren | 123 (98) | 4 | 94 | 1 | | 3 | | | | | | |

| Other Agencies | Total Number of Individuals Trained | Number of Instructors |
|-----------------------------------------------|-------------------------------------------|--------------------------|
| Others Attending Sea Girt Trainer's Course | | (15) |
| State Police Officers | 2,179 | 9 |
| Division of Criminal Justice | (a) 300 | 16 |
| Division of Law | (a) 35 | 1 |
| Department of Environmental Protection | (a) 210 | |
| Division of Gaming | 52 | |
| Division of Taxation | (a) 75 | |
| Department of Corrections | 481 | 114 |
| Administrative Office of the Courts: | | |
| 1. State Judges | 696 | |
| 2. Municipal Court Judges | 350 | |
| 3. Municipal Court Clerks | 1,150 | |
| 4. Probation Officers | 1,162 | |
| 5. Pretrial Intervention Personnel | 175 | |
| Practicing Attorneys | | |
| 1. ICLE courses | 682 | |
| 2. AELA course | 79 | |
| TOTALS: ³ | <u>Individuals Trained</u> | <u>Instructors</u> |
| | 28,131 | 662 |

³ When two figures were available, the higher of the two was used in obtaining the total.

NEW JERSEY CRIMINAL CODE EVALUATION

TRAINING MANUAL ORDER RECEIVED

First Printing - 26,000

| COUNTY | ORDERS |
|--------------------------------|--------|
| Atlantic | |
| Bergen | 845 |
| Burlington | 2,425 |
| Camden | 315 |
| Cape May | 1,420 |
| Cumberland | 305 |
| Essex | 332 |
| Gloucester | 3,705 |
| Hudson | 478 |
| Hunterdon | 2,358 |
| Mercer | 140 |
| Middlesex | 910 |
| Monmouth | 1,745 |
| Morris | 1,350 |
| Ocean | 950 |
| Passaic | 900 |
| Salem | 1,513 |
| Somerset | 196 |
| Sussex | 420 |
| Union | 152 |
| Warren | 1,570 |
| State Police | 133 |
| NY-NJ Port Authority | 2,300 |
| Del. Riv. Pt. Authority Police | 1,200 |
| Park Rangers | 150 |
| Marine Police | 140 |
| Conservation | 91 |
| Corrections | 55 |
| SCI | 250 |
| Courts | 30 |
| PATCO | 1,550 |
| Div. of C.J. | 30 |
| | 225 |

Second Printing - 4,000

| | |
|----------------------|-------|
| Passaic | |
| Mercer | 288 |
| Bergen | 260 |
| Corrections | 625 |
| State Police | 144 |
| Courts | 1,100 |
| Div. of C.J. | 200 |
| Governor's Committee | 200 |
| NY-NJ Port Authority | 30 |
| | 500 |

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NEW JERSEY CRIMINAL CODE EVALUATION

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NEW JERSEY CRIMINAL CODE EVALUATION

PRIMARY TRAINER QUESTIONNAIRE

1. Objectives of Training

As a primary trainer, what were your training objectives?

Did you agree with those objectives?

Were the objectives the same for all of your trainees?

Who were your trainees?

2. Adequacy of Training

How would you assess the adequacy of your training efforts?

How well do you believe secondary trainers learned from your training sessions?

Why do you believe this?

Why do you believe you were selected to conduct training sessions?

What prior experience have you as an instructor?

How much time was spent on training preparation?

Were there any problems with training materials?

What were they?

Was there enough time?

Were physical conditions adequate?

3. Training Issues

What questions (issues) should we raise with the:

a) secondary trainers?

b) trainees?

4. Retrospection on Training

With the benefit of hindsight, what, if anything (concerning training), would you do differently?

NEW JERSEY CRIMINAL CODE EVALUATION

TRAINER'S QUESTIONNAIRE

Instructions: Please circle the number corresponding to your response and/or write in your response when appropriate.

Background Information

1. In what county are you currently employed?

- | | | |
|---------------|--------------|-------------------|
| 1. Bergen | 4. Middlesex | 7. State Employee |
| 2. Burlington | 5. Monmouth | |
| 3. Essex | 6. Morris | |

2. With what type of organization are you currently employed?

- | | |
|----------------|---------------------------------|
| 1. Police | 3. Judicial |
| 2. Prosecution | 4. Corrections |
| | 5. Other (Please specify) _____ |

3. What is your current position?

- | | |
|---------------------------|-------------------|
| 1. Supervisory/Management | 2. Line Personnel |
|---------------------------|-------------------|

Training Received

4. The 2C training you received took place at:

- | | |
|----------------------------|---------------------------|
| 1. Sea Girt | 3. Other (please specify) |
| 2. Local/County Facilities | _____ |

5. How many hours of training did you receive? _____

6. How many sessions of training did you receive? _____

7. Which of the following training objectives received significant attention in the training you received? (More than one option may be circled.)

1. Comparison of 2A statutes and 2C statutes
2. The rationale behind changes in the law
3. Learning how to train others in the Code
4. The effect of law changes on criminal justice procedures
5. Other (please specify) _____

8. How would you assess the adequacy of training provided you in the following areas?

1. Comparison of 2A statutes and 2C statutes

1 2 3 4 5
poor fair good excellent not applicable

2. The rationale behind changes in the law

1 2 3 4 5
poor fair good excellent not applicable

3. Learning how to train others in the Code

1 2 3 4 5
poor fair good excellent not applicable

4. The effect of law changes on criminal justice procedures

1 2 3 4 5
poor fair good excellent not applicable

5. Other (please specify)

9. Were physical conditions (space, acoustics, etc.) adequate in the training you received?

1. Yes 2. No

10. If no, please explain.

11. Which of the following materials were provided at the training you received? (More than one option may be circled.)

1. 2C Statute Manual
2. Code Training Manual (containing 'Model Forms')
3. 'Lesson Plans' of Training Sessions
4. Code Pocket Manual
5. Other (please specify) _____

12. Were there any problems with the training materials?

1. Yes 2. No

13. If yes, what are they?

14. If 'visual aids' (flip charts, diagrams, etc.) were used in the training you received, were they helpful?

1. Yes 2. No 3. Not applicable

15. If videotapes were used in the training you received, how would you assess them?

1 2 3 4 5
poor fair good excellent not applicable

16. On the whole, do you believe the trainers were well prepared in their presentations?

1. Yes 2. No.

17. With the benefit of hindsight, what, if anything (concerning training you received), would you have suggested the trainers do differently?

18. Do you believe there is a necessity for additional training in the Code?

1. Yes 2. No

19. If yes, why?

20. Are you "up-to-date" on amendments to the Code?

1. Yes 2. No

21. Have your superiors encouraged you to keep abreast of new amendments to the Code?

1. Yes 2. No

22. Have you been receiving information on new amendments to the Code?

1. Yes 2. No

Training Administered

23. Approximately how much training did you offer as an instructor?

_____ hours
_____ sessions
_____ groups

24. Approximately how many hours did you spend on preparation for training? _____

25. How would you assess the adequacy of training you administered in the following areas?

1. Comparison of 2A statutes and 2C statutes

1 2 3 4 5
poor fair good excellent not applicable

2. The rationale behind changes in the law

1 2 3 4 5
poor fair good excellent not applicable

3. The effect of law changes on criminal justice procedures

1 2 3 4 5
poor fair good excellent not applicable

4. Other (please specify)

26. Did you find the 'model' lesson plans helpful?

1. Yes 2. No

27. Do you believe you were provided with enough time for your presentations?

1. Yes 2. No

28. Were facilities and physical conditions (space, acoustics, etc.) adequate in the training you administered?

1. Yes 2. No

29. If no, please explain.

30. With the benefit of hindsight, what, if anything (concerning training that you administered), would you have done differently?

2C Code Implementation

31. Have you experienced any significant changes in court-related processes (arrests, prosecutions, convictions, sentencing, etc.) since the implementation of the 2C Code?

1. Yes 2. No

32. If yes, briefly explain.

33. Have you experienced any confusion with the Code that you would attribute to lack of experience with it?

1. Yes 2. No

34. If yes, briefly explain.

35. Have you experienced confusion with the Code that you believe is due to the content of the Code?

1. Yes 2. No

36. If yes, briefly explain.

37. Please suggest any improvements for the reduction of confusion.

38. From your experience, how well has the 2C Code worked in "charging" situations?

1 2 3 4 5
poor fair good excellent don't know

39. Please indicate if you have used any of the following 'model forms' as devised by the Division of Criminal Justice for use under the new 2C Criminal Code.

| | used | not used |
|---------------------------------|------|----------|
| a. Model Complaint Form | 1 | 2 |
| b. Model Indictment Form | 1 | 2 |
| c. Model Juror Instruction Form | 1 | 2 |

If you have not used any of the above forms, disregard the rest of the questionnaire. If you have used any, continue to next question.

Thank you for your participation.

40. Please rate the 2C model forms you have had experience with, according to the following objectives of usage.

1. Model Complaint Forms:

| | strongly disagree | disagree | undecided | agree | strongly agree |
|-------------------------------------------------------------------------|-------------------|----------|-----------|-------|----------------|
| a. Improved uniformity in complaint procedures | 1 | 2 | 3 | 4 | 5 |
| b. Improved accuracy in complaint procedures (less procedural mistakes) | 1 | 2 | 3 | 4 | 5 |
| c. Improved efficiency in complaint procedures | 1 | 2 | 3 | 4 | 5 |

2. Model Indictment Forms:

| | strongly disagree | disagree | undecided | agree | strongly agree |
|-------------------------------------------------|-------------------|----------|-----------|-------|----------------|
| a. Improved uniformity in indictment procedures | 1 | 2 | 3 | 4 | 5 |
| b. Improved accuracy in indictment procedures | 1 | 2 | 3 | 4 | 5 |
| c. Improved efficiency in indictment procedures | 1 | 2 | 3 | 4 | 5 |

3. Model Juror Instructions:

| | strongly disagree | disagree | undecided | agree | strongly agree |
|----------------------------------------------|-------------------|----------|-----------|-------|----------------|
| a. Improved uniformity in instructing jurors | 1 | 2 | 3 | 4 | 5 |

3. Model Juror Instructions (continued):

| | strongly disagree | disagree | undecided | agree | strongly agree |
|----------------------------------------------|-------------------|----------|-----------|-------|----------------|
| b. Improved accuracy in instructing jurors | 1 | 2 | 3 | 4 | 5 |
| c. Improved efficiency in instructing jurors | 1 | 2 | 3 | 4 | 5 |

41. Do these forms meet your needs for form and structure as necessitated by your role in the criminal justice system?

1. Yes 2. No

42. If these forms are not meeting your needs, please briefly explain.

Thank you for your cooperation in the completion of this questionnaire.

NOTE: The following two survey questions were not asked of trainers, but were included in the trainee questionnaire.

How would you rate the use of deadly force statute?

1 2 3 4 5
poor fair good excellent don't know

Please elaborate on your response to the previous question.

NEW JERSEY CRIMINAL CODE EVALUATION - DATA ANALYSIS FORMAT

| Objectives/Assumptions | Questions* | Indicators | Data Elements | Data Values |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------|-------------------------|
| <u>Implementation Activities</u> | To what extent were standardized criminal procedure forms prepared? | Prepared standardized criminal procedure forms | Documentation | Item 39; values 1, 2, 3 |
| Clarification of criminal justice procedure | Are forms being utilized? | Utilization of standardized criminal procedure forms? | Model Form Use** | Description |
| | Is there evidence of practitioner satisfaction with and perceived reliance of standardized criminal procedure forms? | Practitioner satisfaction with standardized criminal procedure forms. | Stated opinion on usefulness** | |
| | Do the forms meet requirements of the judicial system? | Practitioner satisfaction with standardized criminal procedure forms | Meeting of practitioner needs** | Yes, no |

*See the Evaluation Issues section of this report for the rationale underlying the evaluation questions

**See Appendix - Trainer's Questionnaire

| Objective | Assumptions | Questions | Indicators | Data Elements | Data Values | |
|---------------------------------------------------------------------------------------------------|-------------|-------------------------------------------------------------------------------|------------------------------------|--------------------------|---------------------------------|----------------------------------------------|
| <u>Training Activities</u> | | | | | | |
| An objective of Code implementation was the training of a range of criminal justice practitioners | | Were training materials prepared? | Prepared training materials | Documentation | | |
| | | To what extent and in what fashion were practitioners trained? | Trained criminal justice personnel | Documentation | | |
| | | | Amount of training | Documentation | How many hours did you receive? | Description** |
| | | Is there trainee/trainer satisfaction with training and training material? | Opinion | Type of training methods | Visual aids assessment | Yes, no, not applicable |
| | | | | | Videotape assessment | Poor, fair, good, excellent, not applicable |
| | | | | | Materials provided** | Item 11; values 1, 2, 3 and 4** |
| | | Is there middle management satisfaction with training and training materials? | | | Training adequacy** | Poor, fair, good, excellent, not applicable* |
| | | | | | Objective Emphasis | Item 7; values 1, 2, 3, 4 and 5 |
| | | | | | Training emphasis** | Yes, no** |
| | | | | | Areas not emphasized** | Description** |

**See Appendix - Trainer's Questionnaire

| Objectives/Assumptions | Questions | Indicators | Data Elements** | Data Values |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------|-------------------------------|
| An objective of Code implementation was the training of a range of criminal justice practitioners | <p>Is there satisfaction with training and training material?</p> <p>Is there middle management satisfaction with training and training materials?</p> | Opinion | <p>Physical conditions adequacy</p> <p>Elaboration on physical conditions</p> | <p>Yes, no</p> <p>Yes, no</p> |

**See Appendix - Trainer's Questionnaire

| Objectives/Assumptions | Questions | Indicators | Data Elements** | Values |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| An objective of Code implementation was the training of a range of criminal justice practitioners | <p>Will there be satisfaction with training and training materials?</p> <p>Will there be middle management satisfaction with training and training materials?</p> | Opinion | <p>Trainer preparation</p> <p>Hindsight suggestions</p> <p>Additional training necessity</p> <p>Elaboration on training necessity</p> <p>'Model' lesson plan helpfulness</p> <p>Presentation time</p> <p>Physical conditions in training administered</p> <p>Elaboration on physical conditions</p> <p>Hindsight - change of actions</p> | <p>Yes, no</p> <p>Description</p> <p>Yes, no</p> <p>Yes, no</p> <p>Yes, no</p> <p>Yes, no</p> <p>Description</p> <p>Description</p> |

**See Appendix - Trainer's Questionnaire

| Objectives/Assumptions | Question | Indicators | Data Elements** | Data Values |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------|---------------------------------------|-----------------------------------------|
| An objective of the Code implementation was the training of a range of criminal justice practitioners | Is there evidence of practitioner awareness of Code provisions? | Opinion | Retention test | Yes, no |
| | | | Amendment 'up-date' | Yes, no |
| | | | Superior encouragement | Yes, no |
| | | | Receipt of information | Yes, no |
| | | | Process, change experience | Yes, no |
| | | | Elaboration on change experience | Description |
| | | | Crime area change experience | Description |
| | | | Use of 'deadly force' opinion | Poor, fair, good, excellent, don't know |
| | | | Elaboration on 'deadly force' opinion | Description |
| | | | Confusion | Yes, no |
| Elaboration on confusion | Description | | | |

**See Appendix - Trainer's Questionnaire

| Objectives/Assumptions | Questions | Indicators | Data Elements | Data Values |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------|
| Offense Related Issues | | | | |
| Clarification of acceptable behavior and decriminalization | Is there a relative decrease in gambling and 'felony murder' arrests? Will there be a decrease in 'felony murder' prosecutions? | Arrests Indictments/ Accusations | Original charge Charge at Indictment or Accusation | Statute number Statute number |
| Clarification of offenses | Is there a relative increase in reports of sex offenses? | Reports of crimes | Monthly State Uniform Crime Reports - "County Crime Index Trends Percent Change" | Forcible Rape |
| Widening the scope of criminal law and decriminalization | Is there a relative increase in arrests for sex offenses? Is there a relative increase in prosecutions for sex offenses? | Arrests Indictment/ Accusations | Original Charge** Charge at Indictment or Accusation** | Statute number Statute number |

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**See Appendix - New Jersey Criminal Code Evaluation Coding Instructions

| Objectives/Assumptions | Questions | Indicators | Data Elements | Data Values |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------|------------------------------------------------------------------|-------------------------------------------------------------|
| <p>Clarification of offenses</p> <p>and</p> <p>The availability of clearly defined and rationally categorized offenses should result in greater consistency in judicial and juror decision-making.</p> <p>and</p> <p>The availability of clearly defined and rationally categorized offenses should result in a greater coordination between and efficiency in the police, prosecution and judicial subsystems.</p> | <p>Is there a relative increase in convictions for theft?</p> | <p>Convictions</p> | <p>Disposition of Charge**</p> <p>Disposition of Charge**</p> | <p>Item 8, 9, 12, 14, 18, 19**</p> <p>Statute number</p> |

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**See Appendix - New Jersey Criminal Code
Evaluation Coding Instructions

| Objectives/Assumptions | Questions | Indicators | Data Elements | Data Values |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clarification of offenses and widening the scope of criminal law and Widening the scope of criminal law | Is there a relative increase in arrests for white collar and inchoate offenses? Is there a relative increase in prosecutions for white collar and inchoate offenses? Is there a relative increase in trials for inchoate offenses? Is there a relative increase in dismissals for white collar and inchoate offenses? | Arrests Indictments/ Accusations Trials Dismissals | Original Charge** Charge at Indictment or Accusation** Disposition of Charge** Disposition of Charge** | Statute Number Statute Number Item 8; values Dismissal at trial found guilty at trial Found not guilty at trial Item 8; values 01, 03 and 05, 06 |

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**See Appendix - New Jersey Criminal Code Evaluation Coding Instructions

| Assumptions | Questions | Indicators | Data Elements** | Data Values |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------|
| Clarification of offenses and The availability of clearly defined and rationally categorized offenses should result in greater coordination between efficiency in the police, prosecution and judicial subsystems. | Is this manslaughter provision being appropriately utilized? | Arrests Indictments/ Accusations Dispositions | Original Charge Charge at Indictment or Accusation Charge at Disposition | Statute number Statute number Statute number |
| | Is there a relative decrease in gambling convictions? | Conviction | Disposition of Charge | Item 8, 9, 12, 14, 18, 19 |
| | Is there a relative decrease in dismissals for cases involving theft? | Dismissals | Disposition of Charge | Statute number Item 8; 01, 03 and 05, 06 |
| | Is there a relative increase in dismissals in gambling offenses? | Dismissals | Disposition of Charge | Item 8; values 01, 03, 05, and 06 |

**See Appendix - New Jersey Criminal Code
Evaluation Coding Instructions

| Assumptions | Questions | Indicators | Data Elements** | Data Values |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impact on Court Process | | | | |
| Clarification of offenses and The availability of clearly defined and rationally categorized offenses should result in greater coordination between and efficiency in the police, prosecution and judicial subsystems. | Are plea/sentence negotiations entered with greater efficiency (shorter time between charge and plea)? Is there a decrease in time between arrest and trial? Will there be an overall increase in court processing time? | Amount of time between charge and negotiated plea Amount of time between arrest and trial Amount of time between commencement of trial and disposition | Disposition of charge Date of Disposition Date of Original Arrest Date of Plea Negotiation Post Arrest Status Date Trial Began Date of Disposition | Item 8; values 07, 08, 09, 10, 11, 18 and 19 Date Date Date Item 5; values 01, 02, 03 and 04 Item 8; values 07, 08, 09, 10, 11, 18 and 19 |
| Clarification of offenses and the consolidation of offenses into categories which specify degrees of seriousness of intent should result in plea/sentence negotiations more acceptable to the public. | Is there an increase in plea negotiations being conducted within the crime areas? | Plea negotiations | Disposition of Charge Charge at Disposition Original Charge | Item 8; Statute number Statute number |

**See Appendix - New Jersey Criminal Code Evaluation Coding Instructions

CONTINUED

2 OF 3

| Assumptions | Questions | Indicators | Data Elements ** | Data Values |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------|-------------------------------------------------|
| Widening the scope of criminal law | Is there an increase in the imposing of restitution, along with imprisonment, for certain crime types? | Imposition of restitution with imprisonment | Charge at Disposition Sentence for this offense | Statute number Item 12; values 02, 06 and 07 |
| Sentencing Equity and The availability of clearly defined and rationally categorized offenses should result in greater consistency in judicial and juror decisionmaking. and Presumptive sentencing procedures in the new Code should result in less disparity in sentencing | To what extent are sentence 'mid-points' utilized by judges? | Sentence Disparity | Fixed Terms sentences Charge at Disposition | Sentence Offense Degree |
| -165- Sentencing Equity and The consolidation of offenses into categories which specify degrees of seriousness of intent should result in plea/sentence negotiations more acceptable to the public | Is there a relative decrease in sentence negotiations? | Sentence negotiations | Disposition of Charge | Item 8; values 08, 09, 11 and 18 |

**See Appendix - New Jersey Criminal Code
Evaluation Coding Instructions

| Assumptions | Questions | Indicators | Data Elements | Data Values |
|--------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------|----------------------------------|-----------------------------------------|
| Sentencing Equity | To what extent are extended sentences employed by judges? | Extended sentences | Incarceration** sentence type | Item 18; values 2** sentencing study |
| | Do accused individual demonstrate more unwillingness to accept guilty pleas? | Guilty pleas | Disposition of Charge** | Item 8; value 12** |
| | Is there a relative increase in trials under the new Code and, hence, greater court backlogs? | Trials | Disposition of charge** | Item 8; values 06, 14 and 15** |
| <u>Impact on Other Agencies and Groups</u> | | | | |
| Sentencing Equity | Is there an increase in prison populations? | Number incarcerated | Admissions and resident count*** | Corrections statistics |
| | | Number paroled | Parole releases | Corrections statistics |

**See Appendix - New Jersey Criminal Code Evaluation Coding Instructions
 ***See Appendix - New Jersey Criminal Code Evaluation County Jail Questionnaire

| Objectives/Assumptions | Questions | Indicators | Data Elements | Data Values |
|------------------------|----------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------|
| Sentencing Equity | Is there an increase in county jail populations? | Opinions | Do you believe any features of the Code have contributed to this change?* | Yes, no** |
| | | | If yes, what are these features?* | Description** |
| | | Inmate population | Has there been a change in incarceration time for prison inmates who would normally be transferred to prison?* | Yes, no |
| | | | If yes, has there been an increase or decrease?* | Increase, decrease** |
| | To what extent has judicial discretion produced an increase in terms of incarceration? | Incidence of mandatory minimum sentences | Paroled eligibility established** | Item 15; values 01 and 02*** |

**See Appendix - New Jersey Criminal Code Evaluation Coding Instructions
 ***See Appendix - Trainer's Questionnaire

| Objectives Assumptions | Questions | Indicators | Data Elements | Data Values |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Clarification of Criminal Justice Procedure</p> <p>and</p> <p>The availability of clearly defined and rationally categorized offenses should result in greater coordination between and efficiency in the police, prosecutor and judicial subsystems.</p> <p>-168-</p> <p>and</p> <p>Clarification of acceptable behavior under law ('affirmative defenses') should result in greater certainty on the part of the police as to appropriate police procedure in this area. This should be reflected in more appropriate police behavior.</p> | <p>Is there evidence of confusion in the application of police procedure?</p> | <p>Practitioner opinion</p> | <p>Experienced confusion due to Code content**</p> <p>Briefly explain**</p> <p>How well worked in charging situations**</p> <p>How would you rate the use of 'deadly force' statute?**</p> <p>Please elaborate on your responses.**</p> | <p>Yes, no**</p> <p>Explanation**</p> <p>Poor, fair, good, excellent, don't know**</p> <p>Poor, fair, good, excellent, don't know**</p> <p>Description**</p> |

**See Appendix - Trainer's Questionnaire

| Objectives/Assumptions | Questions | Indicators | Data Elements | Data Values |
|----------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------|------------------------------------|
| Impact on those currently incarcerated | How successful are motions for sentence reconsideration under the sentence review provision? | Successful re-sentencing appeals | Resentencing dispositions | Appeals granted Appeals refused |
| | What is the impact of successful sentence reconsiderations on institutional populations? | Successful resentencing appeals leading to release. | Resentencing dispositions | Immediate releases |

| Objectives Assumptions | Questions | Indicators | Data Elements** | Data Values |
|------------------------|-----------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Public Awareness | Is there public awareness of the existence of the Code? | Opinion | <p>Are you aware that a new Code of Criminal Justice was adopted in New Jersey in September, 1979?</p> <p>Can you tell me about any features of the new Code that you consider especially important?</p> <p>Do you believe the new Code will improve criminal justice in the State?</p> <p>Why do you feel that way?</p> | <p>Yes, no</p> <p>Yes, no</p> <p>Yes, no</p> <p>Statement</p> |
| | To what extent and in what fashion was the public informed of the new Code? | Documentation | | |

**See Appendix - New Jersey Criminal Code Evaluation Public Survey

| Private Bar | Assumptions | Questions | Indicators | Data Elements | Data Values |
|-------------|-------------|--------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------|-------------|
| | | What deficiencies or strengths are noted in the Code by practicing attorneys? | Opinion | Do you feel the Code as a whole has made a significant improvement in the law? | Yes, no |
| | | | | What provisions of the Code do you feel are significant improvements? | Description |
| | | | | What provisions of the Code do you feel need significant revision and why? | Description |
| | | How do private attorneys assess the process by which the Code was implemented? | Opinion | Are any significant changes necessary in the criminal justice system to implement the Code? | Yes, no |
| | | | | If yes, what are they? | Description |
| | | | | Did you read any publications, articles or comments on the Penal Code? | Yes, no |
| | | | | List those that were most valuable to you: | Description |

| Assumptions | Questions | Indicators | Data Elements | Data Values |
|-------------|--------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private Bar | How do private attorneys assess the process by which the Code was implemented? | Opinion | <p>Do you think additional publications are necessary?</p> <p>What kind?</p> <p>How effective was (your training) course?</p> <p>What areas should have been given more time?</p> <p>What areas should have been given less time?</p> <p>What was the quality of the instruction?</p> <p>What did you feel was good in these materials?</p> <p>What did you feel was lacking in these materials?</p> <p>Was sufficient time given to the materials?</p> | <p>Yes, no</p> <p>Description</p> <p>Very poor, poor, average, good, very good</p> <p>Description</p> <p>Description</p> <p>Very poor, poor, average, good, very good</p> <p>Description</p> <p>Description</p> <p>Yes, no</p> |

NEW JERSEY CRIMINAL CODE EVALUATION
CODING INSTRUCTIONS

Prior to the coding of respective variable values, the Offender Name and Indictment Number must be entered into the appropriate lines in the upper right hand corner of the Code Sheet. If there is no indictment number, leave blank.

1. County (1)

1. Bergen
2. Burlington
3. Essex
4. Middlesex
5. Monmouth
6. Morris

2. Case Identification Number (2-11)

Record case docket number beginning at first space from left and working right. Code extra boxes with zeros. Example: #415785 would be entered as 4157850000.

3. Original Charge (Statute Number) (12-21)

Record original charge statute number as it appears in docket book or complaint form and follow coding procedure of 2.

4. Date of Original Arrest (22-27)

99 - Missing data

Record month, day and last two digits of year. Example: January 1, 1979 would be recorded as 010179. If 88 or 99, enter zeros into extra boxes.

5. Post Arrest Status (28-29)

- 01 - Jail awaiting plea/trial
- 02 - Release on bail
- 03 - ROR
- 04 - Non-jail confinement
- 77 - Other
- 99 - Missing data

Record 04 if offender is confined to a mental institution or somewhere other than a county jail prior to plea or trial.

6. Date Trial Began (30-35)

- 88 - Not applicable
- 99 - Missing data

Follow same procedure as 4. Enter 88 if no trial.

7. Charge at Indictment or Accusation (Statute Number) (36-45)

- 88 - Not applicable
- 99 - Missing data

Enter the statute number at the point of indictment or, if the defendant has waived his/her right of indictment, at the point of accusation. Follow the same procedure as 2.

8. Disposition of Charge (46-47)

- 01 - Pre-indictment dismissal, no negotiations
- 02 - Disposition pending, awaiting indictment or accusation
- 03 - Grand jury dismissal, no negotiations
- 04 - Indicted or accused, awaiting trial
- 05 - Post-indictment/accusation dismissal, no negotiations
- 06 - Dismissal at trial, no negotiations
- 07 - Dismissed as part of a plea negotiation, not sentence negotiation
- 08 - Dismissed as part of a plea negotiation and sentence negotiation
- 09 - Plea to charge, negotiated sentence
- 10 - Plea to downgraded charge, not negotiated sentence
- 11 - Plea to downgraded charge, negotiated sentence
- 12 - Plea to charge, not negotiated sentence
- 13 - Returned to lower court
- 14 - Found guilty at trial
- 15 - Found not guilty at trial
- 16 - Conditional discharge, or PTI
- 17 - Other
- 18 - Plea to charge, dismissal or downgrading of other charge(s), and negotiated sentence
- 19 - Plea to charge, dismissal or downgrading of other charge(s), not negotiated sentence
- 88 - Not applicable
- 99 - Missing information

Record 01 - if the charge is dismissed prior to grand jury hearing (an "administrative dismissal") and it was not a condition of a plea agreement.

Record 02 - if the charge has not yet come before the grand jury or reached accusation stage.

Record 03 - if the charge is dismissed ("no billed") at grand jury hearing and it was not a part of a plea agreement.

Record 04 - if there has been an indictment or accusation on the charge and trial has not yet occurred.

Record 05 - if dismissed after indictment or accusation, but prior to trial, and it was not part of plea agreement.

Record 06 - if dismissed at trial and it was not part of a plea agreement.

Record 07 - if dismissed in exchange for guilty plea(s) to other charge(s) with no prosecutorial sentence recommendation as part of a plea agreement.

Record 08 - if dismissed in exchange for both guilty plea(s) to other charge(s) and a prosecutorial sentence recommendation as part of a plea agreement.

Record 09 - plea to "targeted" charge in exchange for only a prosecutorial sentence recommendation as part of a plea agreement.

Record 10 - if there is a guilty plea to a lesser charge, with no prosecutorial sentence recommendation, as part of a plea agreement.

Record 11 - if there is a guilty plea to a lesser charge, with a prosecutorial sentence recommendation, as part of a plea agreement.

Record 12 - if there is a guilty plea to the charge without a plea agreement.

Record 13 - if the charge is remanded to municipal court.

Record 14 - if guilty at trial.

Record 15 - if not guilty at trial.

Record 16 - if there was a conditional discharge or pre-trial intervention.

Record 18 - if there was a guilty plea to the targeted charge in exchange for the dismissal of other charges or the downgrading of other charges, and a prosecutorial recommendation for sentencing.

Record 19 - same as 18 except that there is no sentence recommendation.

9. Charge at Disposition (Statute Number) (48-57)

88 - Not applicable
99 - Missing data

Record statute number at disposition and follow coding instructions of 2. If charge is pending, record 88.

10. Date of Disposition (58-63)

88 - Not applicable
99 - Missing data

Follow same procedure as 4. If charge is pending, record 88.

11. Date of Plea Negotiations (64-69)

88 - Not applicable
99 - Missing data

If there is evidence of a plea agreement, enter the date of the agreement. Follow same procedure as 4.

12. Sentence of this Offense (70-71)

01 - Incarceration
02 - Incarceration and restitution
03 - Incarceration and probation
04 - Incarceration and fine
05 - Incarceration, fine and probation
06 - Incarceration, fine and restitution
07 - Incarceration, fine, restitution and probation
08 - Suspend sentence
09 - Suspend sentence, impose probation
10 - Suspend sentence, impose restitution
11 - Suspend sentence, impose probation and restitution
12 - Fine
13 - Fine and restitution
14 - Fine and probation
15 - Suspend fine, impose probation
16 - Suspend fine, impose restitution
17 - Suspend fine, impose probation and restitution
18 - Probation
19 - Probation and restitution
20 - Probation with special conditions
21 - Incarceration weekend and/or nights
22 - Conditional discharge
23 - Halfway house
24 - Community service
25 - Awaiting sentencing
77 - Other
88 - Not applicable
99 - Missing data

For 01 to 07, "incarceration" is defined as any sentence of confinement that would be expressed in year and/or months. The sentence may be stated, in county records, as running concurrently or consecutively with other sentences. Enter 20 if conditions such as attendance in an alcoholism treatment program, drug treatment program, etc., accompany probation. For 12 through 17, court costs may be included within the definition of "fines."

Through the use of the "plea agreement form" or "judgment orders" determine the degree of offense at sentencing. This may be evidenced as the actual stating of the degree (1st, 2nd, 3rd, 4th) or the display of the possible maximum sentence of the charge:

- 1st - 20 years, \$100,000 fine
- 2nd - 10 years, \$100,000 fine
- 3rd - 5 years, \$7,500 fine
- 4th - 18 months, \$7,500 fine

When the degree is determined, enter the appropriate degree of severity in variable 9 ("Charge at Disposition") in the last space (space 57 on the "Evaluation Data Form"). If the degree cannot be determined, leave the space as a zero (for 2C cases only).

13. If the sentence called for Incarceration, was it for (72-73)

- 01 - Fixed term-Standard sentence
- 02 - Fixed term-Extended sentence
- 03 - Indeterminate sentence
- 04 - Sentence Range
- 88 - Not applicable
- 99 - Missing data

Record 01 if the sentence is determinate (e.g., 8 years). Enter 02 if the sentence is determinate and is stipulated as being "extended" via the "judgment orders." Indication of an extended term may be evidenced as the use of the phrase "extended" or as being sentenced as a "professional" or "persistent" offender under statute 2C:44-3. Enter 03 if the sentence is a youth sentence (e.g., indeterminate - 5 years). Enter 04 if the sentence is a range (e.g., 5 to 10 years). (For 2A cases options will be limited to 03 or 04.)

14. If the sentence was for a fixed term, how many years was it? (74-75)

- 00 - Less than one year
- 88 - Not applicable
- 99 - Missing data

Record digits of sentenced years (e.g., 8 years would be entered as 08). If the sentence is between years (e.g., 18 months), enter next highest year (for 2A cases, record 88).

15. In this instance, did the judge set a parole eligibility date? (76-77)

- 01 - Yes
- 02 - No
- 88 - Not applicable
- 99 - Missing data

Record 01 if the judge sets a parole eligibility date in the judgment orders. This question is applicable only to "fixed" terms (for 2A cases, record 88).

16. Coder (78-79)

- 01 - Arnie Bernat
- 02 - Ken Gallagher
- 04 - Shellee Fisher
- 05 - Jody Klein
- 06 - Lela Keels
- 07 - Steve Switzer
- 08 - Sally Manning

17. Case type (80)

- 1 - 2A
- 2 - 2C

NEW JERSEY CRIMINAL CODE EVALUATION

2A - 2C STATUTES

2A Statutes

Criminal Homicide

- 113-1 (Murder)
- 113-2 (Degrees of Murder)
- 113-5 (Manslaughter)
- 113-9 (killing by driving carelessly...)

Sex Offenses

- 114-1 (Incest)
- 114-2 (Incestuous Conduct Between Parent and Child)
- 115-1 (Lewdness or indecency)
- 138-1 (Rape and Carnal Abuse)
- 138-2 (Carnal Knowledge of Inmates...)
- 142-1 (Seduction...by married man)
- 142-2 (Seduction...by single man)
- 143-1 (Sodomy)
- 143-2 (Sodomy with children 16)

Theft

- 102-1 (Embezzlement - Public Officers)
- 102-2 (Embezzlement - Trustee)
- 102-3 (Conversion of Property)
- 102-4 (Embezzlement - Bank Employees)
- 102-5 (Embezzlement - Employers, Agents...)
- 102-6 (Embezzlement - Carriers)
- 102-7 (Purchasing)
- 102-8 (Embezzlement - Operatives)
- 102-9 (Misappropriation of Funds - Mortgagee)
- 102-10 (Misappropriation of Funds - Building)
- 102-11 (Misappropriation of Funds - Building)
- 102-12 (Misappropriation of Funds - Public Improve.)
- 105-1 (Unlawful Takings)
- 105-3 (Sending Threatening Letters)
- 105-4 (Threatening - Extortion)
- 105-5 (Threatening - Loans, Payment)

*111-1 to 111-46 are "fraud", "misrepresentation" and "false pretense" offenses. Specifically they are:

- 2A:111-1 Obtaining money, property, etc., by false pretense.
- 2A:111-2 Obtaining money or property by falsely pretending to be poor or unemployed.
- 2A:111-3 Obtaining medical treatment or financial assistance by false representations.

- 2A:111-4 Furnishing improper supplies...
- 2A:111-5 Obtaining execution of valuable security or affixing name thereto by false pretense
- 2A:111-6 Obtaining money by fraudulent game or device.
- 2A:111-7 Making or furnishing device to defraud owner, etc., of slot machines or coin receptacles.
- 2A:111-8 Making false reports as to solvency; obtaining property thereby; confirming false reports previously made.
- 2A:111-9 Destruction or alteration of, or false entries in, books or papers of corporation, partnership or association.
- 2A:111-10 Keeping fraudulent accounts by directors, officers, etc., of corporation, partnership or association.
- 2A:111-11 Making or circulating false statements by officers, etc., of corporation, partnership or association.
- 2A:111-12 Issuing false stock.
- 2A:111-13 Incorporation for fraudulent purposes.
- 2A:111-15 Overdrawing credit or checking account.
- 2A:111-16 Issuing bad check as evidence of intent to defraud.
- 2A:111-17 "Credit" defined.
- 2A:111-18 False personation.
- 2A:111-19 Defrauding hotel keepers and landlords; evidence of intent.
- 2A:111-20 Removal or sale of mortgaged property.
- 2A:111-21 Fraudulent disposition of borrowed or leased property.
- 2A:111-21.1 Fraudulent disposition of personal property subject to security interest.
- 2A:111-22 False statements as to pedigree of animals.
- 2A:111-23 Misrepresentations in regard to redemption of tax sale certificate and holder's rights.
- 2A:111-24 Misrepresentation that articles were made for or acquired from federal government or its armed forces.
- 2A:111-25 Removal of means of identification of machine, device, appliance or product by one in business of selling or repair of property.
- 2A:111-26 Acquisition for resale of machine or device having means of identification removed.
- 2A:111-28 Soliciting contributions for charitable organizations; misrepresentations.
- 2A:111-29 Nonexistent organizations, soliciting contributions for.
- 2A:111-30 Use of funds contributed for charitable purposes for other purposes.
- 2A:111-32 Advertising commodity or service with intent not to sell at price stated; misdemeanor; punishment.
- 2A:111-34 Renting motor vehicle with intent to defraud; evidence of intent; defense.
- 2A:111-35 Abandonment, sale, failure to return after demand, etc., as misdemeanor; defense.
- 2A:111-37 Renting or leasing personal property by false representation; defense.

- 2A:111-38 Failure to return rented or leased personal property; service of demand; defense.
- 2A:111-39 Dual contracts for purchase or sale of real property; violations.
- 2A:111-41 False statements made in procuring issuance of credit card.
- 2A:111-42 Credit card theft.
- 2A:111-43 Intent of cardholder to defraud; penalties; knowledge of revocation.
- 2A:111-44. Intent to defraud by person authorized to furnish money, goods, or services; penalties.
- 2A:111-45 Incomplete credit cards; intent to complete without consent.
- 2A:111-46 Receiving anything of value knowing or believing that it was obtained in violation of § 2A:111-43.

- 119-1 (Larceny from the person)
- 119-A-2 (Force or Fear in connection with loan)
- 119-2 (Stealing money, chattels...)
- 119-3 (Stealing...by false statements, bank bills...)
- 119-4 (Stealing deeds, leases...written statements)
- 119-5 (Stealing or Fraudulent destruction of wills)
- 119-5.3 (Theft, embezzlement...trade secrets)
- 119-7 (Stealing ice...)
- 119-8 (Taking boats...)
- 119-8.1 (Stealing narcotic drugs...)
- 139-1 (Buying or receiving stolen property...)
- 139-2 (Buying or receiving silk or silk fabrics)
- 139-3 (Purchasing or receiving stolen motor vehicles)
- 139-4 (Purchasing certain articles for children)

Gambling Offenses

- 112-1 (Gaming; playing slot machine...)
- 112-2 (Keeping slot machine...)
- 112-3 (Bookmaking...gambling resort)
- 112-5 (horse racing...)
- 112-6 (Making purse for horse races...)
- 112-7 (holding stakes...)
- 112-8 (Permitting land use for horse races)
- 121-1 (Selling lottery tickets...)
- 121-2 (Advertising lotteries...)
- 121-3 (Permitting lotteries on premises; possessing lottery paraphernalia; working for lottery business)
- 121-4 (Transmitting messages...related to lotteries).

Inchoate Offenses

- 85-5 (Attempts to Commit Offenses)
- 98-1 (Conspiracy)

White Collar Offenses*

- 91-3 (False reports as to solvency of banks)
- 91-5 (False entries by bank officers and employees)
- 91-6 (Bank an trust companies; False statements to examiners)
- 91-7 (Building & loan...False statements to examiners)
- 91-8 (Building & loan...misrepresentation)
- 99-2 (Holding court at unauthorized place)
- 108-1 (Sale of unwholesome provisions)
- 108-4 (Advertising...oleomargarine, etc., as natural butter or cheese)
- 108-5 (Falsely representing nonkosher foods as kosher)
- 108-6 (Misrepresentation as to kosher and nonkosher meats)
- 109-1 (Forgery or uttering forged records..)
- 109-2 (Selling or possessing counterfeit promissory notes...)
- 109-3 (Making or possessing plate for counterfeiting...)
- 109-4 (Forging or using forged passenger tickets)
- 109-5 (Using false passage tickets)
- 109-6 (Counterfeiting gold or silver coins)
- 109-7 (Counterfeiting or possessing counterfeit foreign coins)
- 109-8 (Uttering bills of insolvent banks)
- 109-9 (Advertising counterfeit money, stamps...)
- 109-10 (Using fictitious name or address in promoting counterfeit schemes)
- 109-11 (Writings or papers as presumptive proof of fraudulent character of scheme)
- 119A-1 (Charging or receiving excessive interest; penalty)
- 119A-3 (Business of making prohibited loans or forbearances; penalty)
- 119A-4 (Control over records of prohibited loans or forbearance; penalty)
- 147-1 (Counterfeiting trade-marks...)
- 135-3 (Public officers unlawfully obtaining...funds)
- 135-5 (Disbursing moneys or incurring obligations in excess of appropriations...)

* These offenses may be listed in docket books as fraud, forgery or counterfeiting.

2C Statutes

Criminal Homicide

- 11-2 (Criminal Homicide)
- 11-3 (Murder)
- 11-4 (Manslaughter)
- 11-5 (Death by Auto)

Sex Offenses

- 14-2 (Sexual Assault)
- 14-3 (Criminal Sexual Contact)
- 14-4 (Lewdness)

Theft Offenses

- 20-2 (Consolidation of theft offenses)
- 20-3 (Theft - Unlawful taking)
- 20-4 (Theft - Deception)
- 20-5 (Theft - Extortion)
- 20-6 (Theft - Property Lost or Mislaid)
- 20-7 (Receiving Stolen Property)
- 20-8 (Theft of Services)
- 20-9 (Theft - Property Disposition)
- 20-10 (Unlawful Taking of Means of Conveyance)

Gambling Offenses

- 37-2 (Promoting Gambling)
- 37-3 (Possession of Gambling Records)
- 37-4 (Maintenance of Gambling Resort)
- 37-7 (Possession of Gambling Device)

Inchoate Offenses

- 5-1 (Criminal Attempt)
- 5-2 (Conspiracy)

White Collar Offenses*

- 21-1 (Forgery and Related Offenses)
- 21-3 (Frauds Relating to Public Records...)
- 21-4 (Falsifying or Tampering with Records)
- 21-6 (Credit Cards)
- 21-7 (Deceptive Business Practices)
- 21-9 (Misconduct by Corporate Official)
- 21-10 (Commercial Bribery...)
- 21-12 (Defrauding Secured Creditors)
- 21-13 (Fraud in Insolvency)
- 21-14 (Receiving Deposits in Failing Institution)
- 21-15 (Misapplication of Entrusted Property...)
- 21-19 (Wrongful Credit Practices)

Public Officials

- 27-2 (Bribery in Official and Political Matters)
- 27-3 (Threats and Improper Influence in Official & Political Matters)
- 27-4 (Compensation for Post Official Behavior)
- 27-5 (Retaliation for Past Official Action)
- 27-6 (Gifts to Public Servants)
- 27-7 (Compensating Public Servant...)
- 30-2 (Official Misconduct)
- 30-3 (Speculating or Wagering on Official Action or Information)

* These offenses may be listed in docket books as "fraud," "forgery," or "counterfeiting".

Public Official Offenses

- 93-1 (Bribery of judge or magistrate; acceptance of
bribe)
93-2 (Bribery of legislators; acceptance by legislators
or other persons)
93-4 (Soliciting or receiving award for official vote)
93-6 (Giving or accepting bribes in connection with
government work, service..)
103-1 (Embracery)
103-2 (Acceptance of reward by juror; disqualification)
105-2 (Public officer or employee, judge or magistrate
taking fees in criminal cases)

NEW JERSEY CRIMINAL CODE EVALUATION
COUNTY JAIL QUESTIONNAIRE

1. Has there been a significant change in your county jail
inmate population size since the adoption of the new
New Jersey Criminal Code?

_____ yes _____ no

If yes, has there been an increase or decrease?

_____ increase _____ decrease

2. Has there been a significant change in county jail
incarceration time for state prison inmates awaiting
transfer to the State Prison Reception Center?

_____ yes _____ no _____ not applicable

If yes, has there been a significant increase or decrease?

_____ increase _____ decrease

3. What factors do you believe have contributed to any
change(s) indicated in 1. and/or 2.?

Do you believe any features of the Code have contributed
to this change(s)?

_____ yes _____ no

If yes, what are these features?



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

13 ROSZEL ROAD
CN 14
PRINCETON, NEW JERSEY 08540
TELEPHONE 609-452-9500

EDWIN H. STIER
DIRECTOR

JOHN J. DEGNAN
ATTORNEY GENERAL

QUESTIONNAIRE - PRIVATE BAR

Implementation of the New Jersey Code of Criminal Justice
Laws of 1978, c.95
(effective September 1, 1979)

Introduction

This questionnaire is part of a statewide study to evaluate the implementation of the recently enacted New Jersey Code of Criminal Justice. We are particularly interested in your opinions concerning the provisions of the code and the efforts made to familiarize the bar with these provisions. Your answers to this questionnaire will facilitate further reforms and allow us to assess the effectiveness of educational efforts.

1. Name and address (optional) _____

2. Which do you work for? (check one)
Firm _____, Company _____, Government Agency _____,
Judiciary _____, Other _____ (please specify)
3. No. of years in bar _____
4. Are you involved in criminal practice? _____ (yes or no)
5. Are any significant changes necessary in the criminal justice system to implement the Code. _____ (yes or no)
If yes, what are they?
1. _____
2. _____
3. _____

6. Do you feel the Code as a whole has made a significant improvement in the law? _____ (yes or no)

Comments _____

7. What provisions of the Code do you feel are significant improvements?

| <u>Provision</u> | <u>Reason</u> |
|------------------|---------------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |

8. What provisions of the Code do you feel need significant revision and why?

| <u>Provision</u> | <u>Reason</u> |
|------------------|---------------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |

9. Did you read any publications, articles or comments on the Penal Code? _____ (yes or no)

List those that were most valuable to you:

1. _____
2. _____
3. _____

10. Do you think additional publications are necessary? _____ (yes or no)

What kind? _____

11. Did you attend any course or conference on the New Jersey Code of Criminal Justice? _____ (yes or no)

Where? _____ (e.g., ICLE, ATLA, Bar Assoc.)

12. How effective was this course?

| | | | | |
|-------------|--------|-----------|--------|-------------|
| 1 | 2 | 3 | 4 | 5 |
| (very poor) | (poor) | (average) | (good) | (very good) |

12. (continued)

a. What areas should have been given more time?

1. _____
2. _____
3. _____

b. What areas should have been given less time?

1. _____
2. _____
3. _____

13. What was the quality of the instruction?

1 2 3 4 5
(very poor) (poor) (average) (good) (very good)

14. Did you receive educational materials? _____ (yes or no)

15. What was the quality of these materials?

1 2 3 4 5
(very poor) (poor) (average) (good) (very good)

16. What did you feel was good in these materials?

1. _____
2. _____
3. _____

17. What did you feel was lacking in these materials?

1. _____
2. _____
3. _____

18. Was sufficient time given to the materials? _____ (yes or no)

Thank you for your assistance with this study.

Please return this questionnaire to:

Penal Code Evaluation Project
Division of Criminal Justice
P.O. Box CN24
Princeton, New Jersey 08540

END