



STATE OF NEW JERSEY  
COUNTY AND MUNICIPAL GOVERNMENT  
STUDY COMMISSION  
A Legislative Agency



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RECTIONS POLICY  
FOR THE '90s

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**State of New Jersey  
County and Municipal Government  
Study Commission**

**CORRECTIONS POLICY  
FOR THE '90s**

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**May 1989**

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**TO HIS EXCELLENCY GOVERNOR THOMAS A. KEAN AND HONORABLE  
MEMBERS OF THE SENATE AND GENERAL ASSEMBLY**

The County and Municipal Government Study Commission is pleased to submit its thirty-ninth report, *Corrections Policy for the '90s*.

This report addresses the issue of jail and prison overcrowding that has resulted both nationally and in the State of New Jersey in the last ten years. The "crisis in corrections" is primarily a result of toughened criminal codes that have been adopted in the majority of the states, including New Jersey.

The report stresses the need for additional prison cells for violent adult offenders, and the need to expand the use of cost-effective alternatives to incarceration for non-violent juvenile and adult offenders.

The most significant intergovernmental reform recommended in the report involves the delivery of county probation services. Currently, probation services are funded by the counties with administrative directives from the State Judiciary. With adoption of the recommendation proposed in this report, pre-dispositional probation services would remain function of the State Trial Court System to be funded by the State when the State takes over the funding of the State Trial Court System as has been recommended by the Commission in previous reports.

Post-dispositional probation services would be identified as an integral part of the correctional system with the counties having both financial and administrative control of the system.

The adoption of the recommendations contained in this report will

enhance the positive national reputation that New Jersey enjoys for its progressive endeavors regarding the correctional system.

Respectfully submitted by the members of the County and Municipal Government Study Commission.

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/s/ John A. Lynch, Jr.

/s/ Henry P. McNamara

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# EXECUTIVE SUMMARY

## OVERVIEW: *PRINCIPAL POLICY OBJECTIVES*

The overall thrust of this report is a recognition that overcrowding of the adult and juvenile correctional systems in New Jersey must be promptly addressed. In examining these two complex systems, it is apparent that *New Jersey must have additional secure facilities for violent adult offenders and needs to continue to devise cost-effective alternatives to incarceration for non-violent juvenile and adult offenders.*

This report recommends additional state beds for state prisoners. The report also recommends expanding New Jersey's already existing alternatives to incarceration and creating additional programs of this nature for non-violent offenders. Even with the building of additional cells and the expanding of alternatives to incarceration as recommended herein, New Jersey will be unable to keep up with the demand for state beds. In an effort to examine New Jersey's sentencing policy as it relates to the issue of prison and jail overcrowding, the Commission recommends that a Blue Ribbon Study Commission be appointed to examine the Criminal Code to determine whether changes are needed to improve the system.

The most significant intergovernmental reform proposed in this report involves the delivery of probation services to adult and juvenile offenders. This report recommends splitting pre-dispositional and post-dispositional probation services. Pre-dispositional probation services would continue to be a part of the Trial Court System to be transferred to the State as previously recommended by the Commission. Post-dispositional probation services are re-defined in this report to be a major component of the Correctional System and to remain funded by the counties with county budgetary and administrative control.

## CHAPTER I: *INTRODUCTION: THE "CRISIS IN CORRECTIONS"*

The nation is experiencing a "crisis in corrections" due to prison and jail overcrowding. Overcrowding exists primarily due to the impact of increased admissions and lengthier prison terms. Longer prison terms are an outgrowth of the states' enactment of tougher sentencing laws in the past ten years. In 1979, New Jersey became one of 37 states that have strengthened their criminal codes.

Nationally, state prisons are operating at approximately 106 percent of their capacity with 42 states under some form of court order to reduce state prison overcrowding. Because of this phenomenon, state-sentenced prisoners

are being held in local jails. New Jersey is not under a Federal court order to reduce prison crowding, however, this state is the second highest state in the number of state-sentenced prisoners held in county jails. While prison and jail overcrowding is an issue that must be addressed, it should be noted that nationally 75 percent of convicted offenders are being supervised in the community under probation or parole.

State and local correctional spending has increased at a greater rate than any other governmental expenditure. For this reason, alternatives to incarceration are becoming increasingly popular due to their cost-effectiveness. Numerous public opinion surveys have indicated that the public is supportive of alternatives to incarceration for non-violent and first-time offenders. When the public understands the high cost of building and maintaining new jails and prisons, they are even more inclined to support non-incarceration alternatives. There is a risk involved, however, in developing and expanding alternatives to incarceration. The correctional system must develop programs that protect the public, that hold offenders accountable and cost less than prison. If the alternatives fail, the public is likely to demand additional incarceration causing prison populations to increase even more.

In New Jersey, several measures have been adopted in the last 10 years that contribute to prison and jail overcrowding:

The 1979 Code of Criminal Justice provided for lengthier prison terms for similar offenses than under the previous criminal code. Mandatory minimum sentences were established during which time an offender is not eligible for parole or "good time" credits. Additional amendments have also been added which further strengthen the code.

The 1979 Parole Act was designed as a companion measure to the Code of Criminal Justice. The Parole Act consolidated parole jurisdiction which has led to less disparity, more uniformity and lengthier terms of imprisonment particularly with young adults and juveniles with indeterminate sentences.

The 1982 Statewide Speedy Trial Program reduced the time between arrest and disposition by 50 percent.

The 1982 Driving Under the Influence legislation stiffened the penalty for driving under the influence of alcohol or drugs.

The 1987 Comprehensive Drug Reform Act consolidated all of the former drug laws and transferred the offenses to the Code of Criminal Justice which establishes degrees of offenses and provides definitive sentencing ranges and presumptive terms for each degree.

## **CHAPTER II: INTERGOVERNMENTAL DIMENSIONS OF THE NEW JERSEY ADULT CORRECTIONAL SYSTEM**

New Jersey has vigorously addressed its prison and jail overcrowding crisis with a two-pronged approach: the building of more prison and jail cells and the developing of alternatives to incarceration.

The public has approved three bond referendums beginning in 1981 that have led to an addition of 5372 state beds for state-sentenced prisoners and

999 more county beds for state-sentenced prisoners under contract with the counties. Partial funding from two bond referendums also assisted counties in building 3100 beds for county-sentenced inmates. Even with the positive citizen response, New Jersey will have a 3000 bed deficit by 1991.

Municipal detention facilities and county jails have experienced severe overcrowding because of the backup of state-sentenced prisoners in the county jails. There are over 2,100 convicted offenders in the county jails who are awaiting transfer to the state prison system. Seven counties are under some form of Federal court order due to overcrowding. In addition, many municipalities have and are contemplating suing the counties for leaving arrestees in the municipal detention facilities for longer than the 24-hour period authorized by law.

New Jersey is a forerunner in the development of alternatives to incarceration and enjoys a national reputation in this regard. This chapter underscores the need to expand the already existing community-based programs and recommends the use of additional programs which are operating successfully in other states.

### ***Municipal Detention Facilities***

The municipal detention facilities are funded by municipal government and statutorily authorized to hold adult arrestees for a 24-hour period upon which time they are to be transported to the county jail unless bail is posted. Because of state prison overcrowding which has led to county jail overcrowding, some county jails have not abided by the law. In fact, in some of the municipalities, convicted inmates are actually serving time in municipal detention facilities. The continued housing of adult arrestees and convicted offenders has been very costly for municipalities whose detention facilities are ill equipped to handle long term incarceration. While the State pays a per diem rate to the counties for the housing of state-sentenced inmates beginning on the 16th day post-sentencing, the counties do not pay the municipalities for the housing of arrestees and convicted offenders.

### ***Recommendation II-1:***

***The Commission recommends that the counties pay the affected municipalities a per diem rate for the housing of offenders beginning on the second day of confinement.*** The per diem rate will be determined by averaging the municipal costs for the provision of this service.

### ***County Jails***

County jails are funded by the counties at a FY 1988 annual operating cost of approximately \$130 million. The jails are statutorily authorized to hold county-sentenced inmates with prison terms of 364 days or less. In addition to county-sentenced inmates, approximately 55 percent of the inmates held in the county jails are pretrial detainees. The next largest subgroup of inmates are the state-sentenced inmates awaiting transfer to the state prison system. This category represents approximately 19 percent of the county jail popu-

lation with over 2,100 offenders. The State is statutorily authorized to remove these offenders from the county jails to the state prison system within 15 days post-sentencing. Due to state prison overcrowding, however, approximately 70 percent of these offenders remain beyond the time. Beginning on the 16th day, the State pays the counties a \$45 per diem rate.

In addition to the county-sentenced inmates, the pretrial detainees and the state-sentenced prisoners awaiting transfer to the state prison system, the county jails house some state-sentenced prisoners in exchange for bond monies. Another small category of state-sentenced inmates are serving time in county jails under contract between the State and the participating counties. Authorization for this category comes from the Governor's Executive Order. There is also a special category of inmates serving time in the county jails with weekend sentences. These offenders are primarily convicted of driving under the influence (DUI) offenses.

To reduce the reliance on incarceration for some of the above described categories of offenders, the Supervised Pretrial Release Programs and the County Intensive Supervision Programs operational in Essex and Middlesex counties should be implemented in all the counties.

**Recommendation II-2:**

***The Commission recommends that the Governor's Executive Order allowing for a declaration of a state prison overcrowding emergency not be renewed and that the State and the counties continue to utilize contractual agreements for the housing of state prisoners in the county jails.*** A few counties house executive order state prisoners by agreement, whereas the majority house state prisoners by contractual agreement. The Commission is of the opinion that contractual agreements should be utilized in every county and that it is not necessary to have an executive order of this nature.

**Recommendation II-3:**

***The Commission recommends that house arrest be considered for county-sentenced inmates on work release and those persons serving weekend sentences.*** Both of these categories of inmates must be housed separately from the general population for safety and security reasons. This poses an administrative problem in that separate quarters must be available and staffed. In some counties, the jails are so overcrowded that there is no space available for persons serving weekend sentences and they are turned away. House arrest is a flexible cost-effective sanction in that it can be used as a sole sanction or as part of a package of sentencing conditions. A program of this nature would be operated by the county probation departments.

**Recommendation II-4:**

***The Commission recommends that county work release programs for county-sentenced inmates be identical to the State work release programs for state-sentenced prisoners.*** Presently, the Commissioner of the

Department of Corrections approves work release for state prisoners. For county-sentenced inmates, work release approval is by the court or the assignment judge. Since the procedure is more cumbersome, only those county-sentenced inmates with a current employer who agrees to continue employment after arrest and sentencing are on work release. The proposed change would give the authority for approval of work release to the chief correction administrator in each county and more county-sentenced inmates could be approved for work release who are unemployed prior to arrest.

### ***The State Prison System***

The FY 1989 budget for the State Department of Corrections is \$442 million which represents an 15.2 percent increase over the previous year. This executive department budget is escalating at a higher rate than the budget of any other department of State government. As a cost saving measure and for community reintegration, the Department of Corrections should have prisoners spend their last few months of confinement in a minimum security prison setting or in halfway houses. To reduce the reliance on incarceration, the following alternatives to incarceration need to be expanded: the State Intensive Supervision Program operated by the Administrative Office of the Courts and the Mutual Agreement Program developed by the Department of Corrections, the Parole Board and the Department of Health.

The state prison system is operating at 108 percent of capacity. The system is not under Federal court order as is the case in 42 other states. Nonetheless, the State will be unable to keep pace with the need for additional beds. Since 1980, the state prison system has increased 194 percent and the youth complex has experienced a 72 percent increase.

### ***Recommendation II-5:***

***The Commission recommends that the State Legislature approve Governor Kean's recommendation for a \$30 million bond referendum to build 500 additional prison beds.*** New Jersey is estimated to have a 3,000 bed deficit by 1991. This recommendation will further reduce the projected deficit.

### ***Recommendation II-6:***

***The Commission recommends that legislation be enacted to allow accelerated parole eligibility for non-violent prisoners in state prison overcrowding emergency situations.*** In 1982, New Jersey enacted the Emergency Powers Act which expired in 1984 because of a two year sunset provision. New Jersey is one of 10 states that enacted emergency release measures. New Jersey's legislation allowed for accelerated parole of up to 90 days prior to the parole release date upon the declaration by the Governor of an overcrowding state of emergency. This legislation did not apply to anyone serving a mandatory minimum term, an extended sentence, a term of life, a sentence for a crime of the first or second degree or criminal sexual contact.

## **Probation**

Probation supervision is the most widely used alternative to incarceration with over 55,000 adult offenders. County probation departments are administratively under the State Judiciary, however, they are primarily county funded. The counties spend approximately \$70 million annually for the provision of this service.

In New Jersey, probation is treated as a major part of two distinct systems—the trial court system and the correctional system. Probation includes both pre- and post-dispositional services. Pre-dispositional services include investigative work for the trial courts and the personnel responsible for this component are under the supervision of case managers in the Family Courts and Criminal Courts in each county. The annual cost of this part is estimated to be approximately \$22.7 million. Post-dispositional probation services include the supervision of offenders sentenced to probation and child support enforcement (Title IV-D). The net cost for providing post-dispositional probation services is approximately \$48 million annually with \$39.1 million for the supervision of probationers and \$8.9 million for Title IV-D. The Federal Government reimburses the counties approximately 70 percent of the cost for the Title IV-D program. Post-dispositional services are supervised by the chief probation officers who are appointed by the State Judiciary.

### **Recommendation II-7:**

***The Commission recommends that pre-dispositional probation services be transferred to the criminal and family courts and that post-dispositional probation services be considered part of the correctional system to remain funded by the counties with minimum standards developed by the Administrative Office of the Courts.*** The purpose of this recommendation is to organize the various probation activities in another manner. With this recommendation, counties will be responsible for a continuum of services to offenders with a major emphasis on community corrections. The county-administered services to offenders would include county jails, juvenile detention centers, probation, community service, supervised pretrial release programs, intensive supervision programs for county jail inmates and other programs to reduce jail and detention center overcrowding.

***The Commission further recommends that the chief probation officers be appointed by the respective appointing authority of the various counties.*** The purpose of this recommendation is to give county government both the administrative and financial responsibility to operate this program. With adoption of this recommendation, the assignment judges will cease to have any role in the budgetary process for probation programs.

### **Recommendation II-8:**

***The Commission recommends that adult probationers be charged a monthly fee based upon their ability to pay.*** The average caseload in New Jersey is 162. The optimum number of cases should be no more than 100 per probation officer in order to effectively supervise offenders. The purpose

of this recommendation is to help defray the county costs of reducing the caseloads. At least 18 states have some form of probation fee with an average of \$15 per month per probationer.

### **Parole**

Parole is a state-funded service which is the responsibility of two agencies: the New Jersey Parole Board, an autonomous agency, and the Department of Corrections.

The Parole Board considers parole eligibility and the Bureau of Parole within the Department of Corrections provides parole supervision.

### **Recommendation II-9:**

**The Commission recommends that the Bureau of Parole be elevated to Division status within the Department of Corrections.** Presently, the Bureau of Parole is administratively under the Division of Policy and Planning. Parole supervision is the last step for most offenders in the correctional system prior to community reintegration and needs to be recognized as an important component.

The Bureau of Parole has developed an Intensive Surveillance Supervision Program which began in 1986 in response to prison overcrowding. This program should be expanded to include certain parole violators. In addition, the State should pick up the Federal share of the program which is no longer available.

### **Recommendation II-10:**

**The Commission recommends that the State have more residential and outpatient treatment services for parolees with substance abuse addictions.** Many parolees are in need of these services and it sometimes takes up to six months to be admitted to a substance abuse program.

### **Other Recommendations**

#### **Recommendation II-11:**

**The Commission recommends that the Governor and the Legislature appoint a Blue Ribbon Commission for the purposes of examining New Jersey's correctional and punishment philosophy as they relate to the State's correctional system to determine whether changes are needed to improve the system.** Several states have appointed Blue Ribbon Commissions to study the problems of prison overcrowding and to look for sentencing alternatives. If the inmate population continues to increase as projected and the State continues to pass stringent laws requiring incarceration, it is only a matter of time before the state prison system will be faced with a Federal court order because the building of additional cells cannot keep pace with the demand.

**Recommendation II-12:**

***The Commission recommends that each county government appoint a County Corrections Advisory Board to meet on a regular on-going basis.*** The correctional system is a complex organization made up of many loosely connected components with different and sometimes conflicting goals. The purpose of this recommendation is to facilitate communications among all the relevant parties in the county correctional system and to develop and implement county correctional services.

**CHAPTER III: INTERGOVERNMENTAL DIMENSIONS OF THE  
NEW JERSEY JUVENILE CORRECTIONAL  
SYSTEM**

New Jersey's Code of Juvenile Justice became effective on December 31, 1983. The purpose of the Code was twofold: 1) to provide harsher penalties for juveniles who commit serious acts or who are repetitive offenders and, 2) to broaden family responsibility and the use of alternative dispositions for juveniles committing less serious offenses. The Code embodies such concepts as the preservation of the family unit and the rehabilitation of juveniles with protection for the public. Pursuant to the Code and by an accompanying constitutional amendment, the Family Court was established. The Family Court recognizes the juvenile as part of a total family unit and judges are permitted to involve the family or guardian in dispositions.

New Jersey's approach to juvenile delinquency involves both diversion from the Family Court process and the use of alternative dispositions for those juvenile offenders who have committed less serious crimes. For example, the municipal police handle over 42 percent of the juvenile complaints within their own departments. For those juveniles referred to court, 30 percent are diverted by the Court Intake Service to one of three programs: Juvenile Conference Committees, Intake Service Conferences, Juvenile-Family Crisis Intervention Units.

The use of alternative dispositions for juvenile offenders with less serious offenses is a major element of the Code. The Code of Juvenile Justice mandated that the counties develop comprehensive service plans for the provision of community services and programs to meet the needs of juveniles under the jurisdiction of the Family Court. Some counties have developed community-based programs and services while others have been less responsive primarily due to limited fiscal resources and the lack of coordination among the many components of the State, local and private non-profit agencies responsible for the provision of services to troubled youth.

The Division of Juvenile Services within the State Department of Corrections has responded to the call for alternatives to incarceration by the development of residential and day treatment programs in lieu of commitment to one of the three training schools. There are currently 24 community residential treatment programs operating in 12 counties and 25 community day treatment programs operating in 17 counties. Residential treatment programs are

operated at half the annual cost of training schools and day treatment programs are even more cost-effective.

While the number of juveniles arrested has been declining in the last ten years, overcrowding exists at every level of the juvenile correctional system. This phenomena is due to the fact that committed juveniles are remaining for longer periods of time and more juveniles are being sent to the Division of Juvenile Services' community programs because of the void of programs by other agencies for special populations.

The major components of the juvenile correctional system include county juvenile detention centers, State training schools, State residential and day treatment programs, probation and parole. This chapter emphasizes the need for expanding the use of community-based programs, the need for coordination of services to juveniles at the local level and the need to serve trouble youth outside of the correctional setting whenever possible.

### ***County Juvenile Detention Centers***

The juvenile detention centers are statutorily authorized to hold juveniles charged with a delinquency if the judge or court intake service feels the juvenile may not appear for the court hearing or if the physical safety of persons or property of the community would be seriously threatened.

Juvenile detention centers are funded and administered by county government with minimum standards developed by the Department of Corrections. There are 17 centers operating in all but four counties. These four counties contract for services with other counties or the Department of Corrections. The counties FY 1988 cost is \$24.5 million.

Juvenile detention centers are severely overcrowded because of the back-up of juveniles awaiting placement in a State training school or one of the Division of Juvenile Services' community-based programs.

#### ***Recommendation III-1:***

***The Commission recommends that the State pay the \$45 per day per probationer beginning on the 16th day of confinement.*** The purpose of this recommendation is to reimburse the counties for the holding of probationers because of overcrowding in the same way as the State pays for the holding of committed juveniles. The State annual cost for this recommendation is approximately \$230,000.

#### ***Recommendation III-2:***

***The Commission recommends that in cases where a disorderly or petty disorderly persons offense is the most serious charge alledged, the use of detention should be strictly curtailed.*** The juvenile detention centers should be used to hold juvenile offenders who have committed violent crimes. Pursuant to the Code of Juvenile Justice, alternatives to detention should be developed and utilized whenever possible. The use of in-home detention or host homes would be appropriate for these juveniles as well as other categories of juveniles who are inappropriately incarcerated in juvenile detention centers.

## ***The Department of Corrections***

The Division of Juvenile Services was established within the Department of Corrections in 1978. Since the formation of the Division, there have been dramatic changes in the number and quality of juvenile correctional programs in New Jersey. Prior to the establishment of this Division, the State relied heavily on the use of training schools for juvenile offenders. The Division of Juvenile Services oversees the operations of three training schools, 24 residential treatment programs and 25 day treatment programs. The State's FY 1989 cost for these services is \$34.2 million.

### ***Recommendation III-3:***

***The Commission recommends that the Department of Corrections allocate a greater portion of any new monies to the Division of Juvenile Services for the purposes of increasing the number of residential and day treatment programs.*** While adult offenders are and should be a major emphasis of the Department of Corrections, the Commission is of the opinion that services for juvenile offenders should be funded to a greater extent in an effort to divert juveniles from the crime cycle before they wind up in the adult correctional system.

### ***Recommendation III-4:***

***The Commission recommends that the Division of Juvenile services set up a formalized structure for the purposes of evaluating the residential and day treatment programs within their jurisdiction.*** While these programs are cost-effective, it is also necessary to be sure they are effective in reducing recidivism at least to the same extent as training school commitment.

## ***Probation***

In New Jersey, probation is treated as a major part of two distinct systems—the trial court system and the correctional system. Probation includes both pre-dispositional and post-dispositional probation services. Pre-dispositional probation services include investigative work for the trial courts and post-dispositional probation services include both the supervision of adult and juvenile offenders and child support enforcement (Title IV-D). There are over 11,000 juvenile probationers. The FY 1988 county cost for providing probation supervision for juvenile offenders is approximately \$10 million.

The Commission recommends in Chapter II that pre-dispositional probation services be transferred to the criminal and family courts and that post-dispositional probation services (which includes the supervision of juvenile probationers) be considered a part of the correctional system with minimum standards developed by the Administrative Office of the Courts. The purpose of this recommendation is to provide for a continuum of services at the local level that are administered by county government. These services to juveniles include juvenile detention centers, probation, community service, and other programs that are community-based alternatives to incarceration.

To adequately supervise juvenile probationers, probation caseloads need to be reduced to the statewide average which is 75 cases per probation officer.

#### **Recommendation III-5:**

**The Commission recommends that the State fund a Juvenile Intensive Supervision Program similar to the Adult Intensive Supervision Program to reduce overcrowding in the State training schools.** Studies have concluded that approximately seven percent of the juvenile offenders are responsible for over 60 percent of all juvenile offenses committed. Twenty-nine states have intensive supervision programs for juvenile offenders. To implement this program statewide, the annual cost is estimated to be approximately \$1.5 million.

#### **Parole**

Parole supervision is operated and funded by the Bureau of Parole within the Department of Corrections. The Parole Board is an autonomous agency and is responsible for determining parole eligibility. All juveniles sentenced under the Code of Juvenile Justice receive indeterminate sentences. Parole officers supervise both adults and juveniles in the same caseload by geographical area. In Chapter II, the Commission recommends that the Bureau of Parole be elevated to Division status within the Department of Corrections.

The Bureau of Parole has implemented a Juvenile Aftercare Program which provides intensive supervision for "high risk" juvenile parolees who need extra support in order to successfully reintegrate into the community.

#### **Other Agencies/Departments**

##### **Recommendation III-6:**

**The Commission recommends that every effort be made on the part of the agencies and departments involved with special categories of troubled youth to serve these children outside the correctional system.** Many children enter the correctional system without ever having received preventive services. This is particularly true for the mentally ill and the mentally retarded as well as children who need out-of-home placement due to severe family dysfunction. The Division of Juvenile Services has been developing programs for special categories of juvenile offenders who could be served outside of corrections if there were programs available. Judges are committing some children because there is nowhere else to send them. In addition, the Parole Board is keeping some children in training schools longer because there are not enough aftercare services available in many communities.

Some county colleges and vocational schools have developed programs involving non-traditional classroom instruction and vocational training in the correctional system and after reentry to the community. These programs can be expanded to address the educational and vocational needs of juvenile offenders.

## **Other Recommendations**

### **Recommendation III-7:**

#### ***The Commission supports the Governor's Juvenile Justice Initiative.***

This initiative partially addresses the issue of gaps in appropriate services for juvenile offenders. The initiative recommends an appropriation of \$4.5 million to the Department of Corrections and contains four basic elements: the development of alternatives to detention; the expansion of vocational education and training for committed youth and for youth after they reenter the community; the expansion of services to emotionally disturbed juveniles; and, the expansion of services to sex offenders.

### **Recommendation III-8:**

#### ***The Commission recommends the establishment of Youth Services Commissions in all the counties and the appointment of at least one member of a municipal governing body and one member of the Bureau of Parole to each county Youth Services Commission.***

The juvenile correctional system is a complex system consisting of many agencies and levels of government. Coordination and cooperation are imperative in the development and delivery of an appropriate continuum of services to troubled youth. The purpose for adding two additional members to the Youth Services Commissions is in recognition of the vital role of the municipal police and parole officers in the complex juvenile justice system.



Participants in the State Intensive Supervision Program are renovating cabins at Voorhees State Park for use by the Department of Corrections as a residential treatment center for juvenile alcoholics. (Photo courtesy of the State Intensive Supervision Program.)

## CHAPTER I

# INTRODUCTION: THE "CRISIS IN CORRECTIONS"

New Jersey, as well as the rest of the nation, is facing a "crisis in corrections". The dictionary defines the word "crisis" as an unstable or crucial time or state of affairs whose outcome will make a decisive difference for better or worse. Viewed in this context, there is hope that the outcome of this crisis will be for the better.

What is this crisis and how did it occur? To begin with, one must understand the dimensions of the correctional system. The correctional system begins when an individual is held in a municipal detention facility, the county jail or a juvenile detention facility prior to arraignment and ends when the convicted offender has served his last day on parole. Thus, within this system are the pretrial detainees in the county jails and juvenile facilities, the sentenced inmates in the county jails and State prisons, the probation population and the parole population. Each one of these entities is a complex organization in its own right. In viewing the "crisis in corrections" from this perspective, it becomes clear that the correctional system is the end result of a larger system—the criminal justice system. The reason the current crisis is perceived as a "crisis in corrections" is because the "buck stops at the jailhouse door". There is no discretion as to who enters the correctional system by the many agencies and governmental entities responsible for administering and funding the system.

The criminal justice system is defined as beginning with the lawmakers who interpret what the public wants and needs and concludes with the execution of these directives by the police, courts, prosecution and legal defenses, public defense and corrections. While prison and jail overcrowding is defined as a "correctional crisis", many factors are causing the crisis and these issues cannot be resolved by the correctional subsystem alone. Little in the way of effective change is likely to occur if we continue to view prison crowding as a "crisis in corrections". **Prison crowding is a crisis in the entire criminal justice system, and the active, aggressive and coordinated efforts of the entire system are needed for its resolution.** Often a "solution" imposed at one level of the system only exacerbates the situation at another. Population ceilings on State prisons, for example, have had the unfortunate affect of backing up convicted offenders in county jails.

This study will address the intergovernmental dimensions of the correctional system. Chapter I provides a background of the correctional system from a national perspective, and focuses on the factors relevant to the current "crisis in corrections" in New Jersey.

Because the correctional system is so complex and within this system the adult and juvenile systems are virtually separate, Chapter II will describe New Jersey's adult correctional system with recommendations to enhance the system. Also included is a brief description of what many of the other states are doing in the way of alternatives to incarceration. Chapter III will describe New Jersey's juvenile correctional system with recommendations for improvement.

## **NATIONAL TRENDS IN THE CORRECTIONAL SYSTEM**

### ***Criminal Victimization***

One-fourth of the nation's households were touched by a crime of violence or theft in 1986.<sup>1</sup> The crimes measured were rape, robbery, assault, personal theft, household burglary, household theft and motor vehicle theft. As noted in Figure 1, there has been a steady decline in most of the crime per household since 1975, the first year in which statistics are available. While there is an apparent downward trend, caution should be utilized as fewer households may be victimized at a higher rate, thus skewing the statistics.

There are socioeconomic and demographic characteristics common to these households. In 1986, households with high incomes, households in urban areas, and black households were most vulnerable to crime. There are also regional differences: households in the northeast were the least vulnerable to crime in 1986 (19%), while those in the west were the most vulnerable (30%). About 25 percent of the households in the midwest and south were touched by crime in 1986.

Criminal victimizations in the United States dropped by nearly 700,000 to about 34.9 million in 1985 for persons age 12 and older according to the National Crime Survey.<sup>2</sup> This decline continued a trend in reduced criminal victimizations to its lowest level in the 13-year history of the NCS, about 16 percent below the 41.5 million victimizations recorded in the peak year of 1981. The National Crime Survey measures both crimes reported and crimes not reported. The survey has consistently shown that almost two-thirds of all NCS crimes, including about half of all violent crimes, are not reported to the police. In classifying the survey-measured crimes, each criminal incident has been counted only once, by the most serious act that took place during the incident.

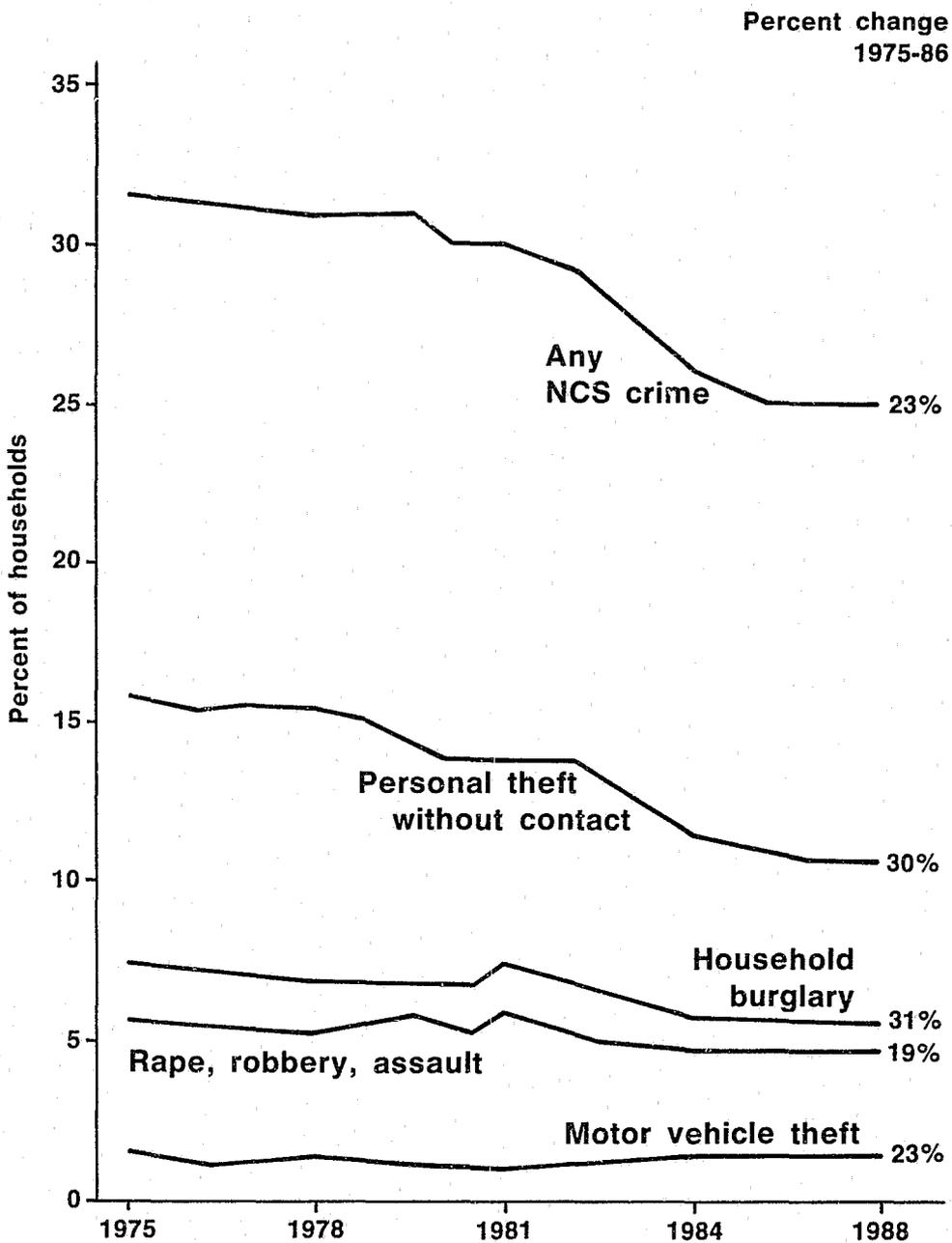
There are certain common characteristics of personal crime victims which have been identified by NCS: 77 percent of the victims were male; young persons age 12 to 24 had the highest victimization rates for crimes of violence and theft; blacks were victims of violent crimes at a higher rate than whites

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<sup>1</sup>"Households Touched by Crime, 1986." *U.S. Department of Justice, Bureau of Justice Statistics.*

<sup>2</sup>"Criminal Victimization 1985." *U.S. Department of Justice, Bureau of Justice Statistics.*

**Figure 1**  
**HOUSEHOLDS TOUCHED BY SELECTED CRIMES**  
**OF VIOLENCE AND THEFT, 1975-86**



SOURCE: U.S. Department of Justice, Bureau of Justice Statistics

or members of other minority groups; and, married and widowed persons had a lower rate of victimization than persons who were separated or divorced. There were no discernible patterns in rates of violent crime victimization across the various levels of educational attainment.

The National Crime Survey also gathers information on victim-offender relationships: of all crimes of violence in 1985, 61 percent were committed by strangers, males being more often victimized by strangers than females; three out of four robberies were committed by strangers; 58 percent of assaults and 57 percent of rapes were committed by strangers; a higher proportion of crimes against whites involved strangers compared with crimes against blacks; persons divorced or separated were more often victimized by non-strangers than were persons in other marital status categories; and, violent crimes committed against persons from higher-income families more often involved strangers than crimes against persons in lower-income families.

The crime index in New Jersey, the United States and the northeastern region is compared in New Jersey's 1987 Uniform Crime Report and can be seen in Table 1.<sup>3</sup> **In 1987, New Jersey had a lower increase in crimes reported than the rest of the nation:** the crime index in New Jersey increased one percent, the United States increased two percent and the northeast region increased three percent; violent crime in New Jersey decreased five percent,

<sup>3</sup>"1987 Uniform Crime Report," *State of New Jersey, Division of State Police Uniform Crime Reporting Unit.*

**TABLE 1**  
**CRIME IN NEW JERSEY, UNITED STATES AND THE**  
**NORTHEAST REGION**  
**INDIVIDUAL INDEX OFFENSES\***  
**Percent Change**  
**1986-1987**

	New Jersey	United States	Northeastern States**
Murder	-12	-4	N/C
Rape	+ 1	-1	+3
Robbery	-13	-5	-5
Aggravated Assault	+ 3	+2	+7
Burglary	- 5	-1	N/C
Larceny-Theft	+ 2	+3	+3
Motor Vehicle Theft	+11	+5	+7

\*United States and Northeastern states' statistics are preliminary

\*\*Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania

Source: 1987 New Jersey's Uniform Crime Report

the United States decreased one percent and the northeast increased one percent; nonviolent crime in New Jersey increased two percent, while the northeast region increased three percent and the United States increased two percent.

The 24 hour crime cycle in New Jersey for 1987 is described in Figure 2 as follows: one murder, seven rapes, 49 robberies, 57 aggravated assaults, 211 burglaries, 602 larcenies, 177 vehicle thefts and seven arsons. These crimes are defined in New Jersey as follows:

- Murder                      the unlawful killing of a human being with malice aforethought
- Rape                        carnal knowledge of a female forcibly and against her will. Statutory rape is not included
- Robbery                    felonious and forcible taking of the property of another, against his will, by violence or by putting him in fear
- Aggravated assault      an attempt or offer, with unlawful force or violence, to do serious physical injury to another
- Burglary                    the unlawful entry of any structure to commit a felony or larceny
- Larceny                    the taking of the property of another with intent to deprive him of ownership such as shoplifting, purse-snatching, pocketpicking
- Vehicle theft              all thefts and attempted thefts of motor vehicles
- Arson                        any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### ***Arrestee and Offender Characteristics***

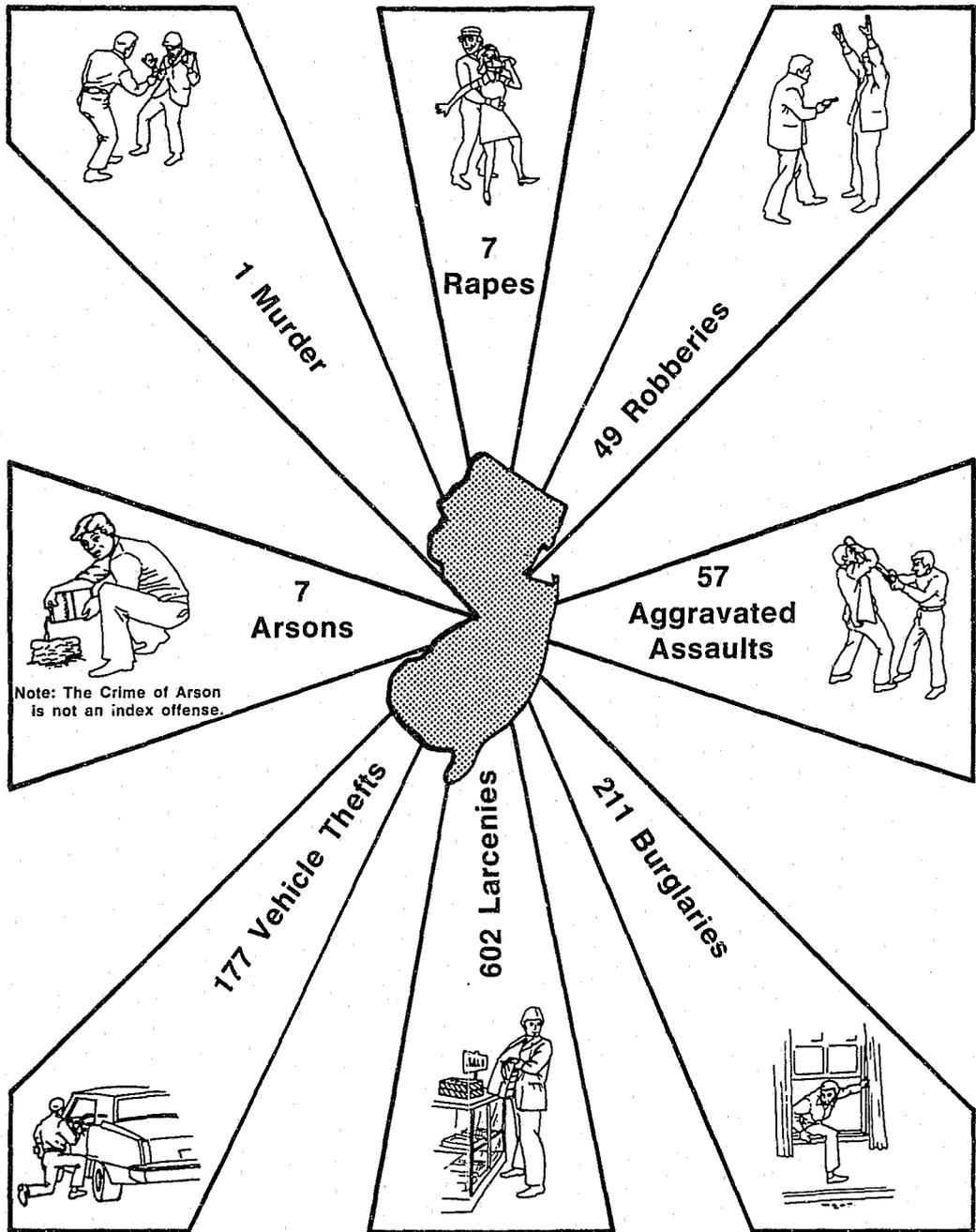
The characteristics and distribution of persons arrested is collected by the Federal Bureau of Investigation's Uniform Crime Reporting Program. An arrest is counted each time an individual is taken into custody for committing a specific crime; thus, the number of arrests is not simply a measure of persons arrested. In 1986, the estimated number of arrests was 12,487,500.<sup>4</sup> The rate of arrest per 100,000 inhabitants varies according to population size and whether the community is urban or rural. The average rate of arrest per 100,000 in 1986 was 5,231.9—the larger the city, the higher the rate. In cities over 250,000, the rate was 7,734.8. Conversely, rural counties had the lowest rate at 3,440.4.<sup>5</sup>

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<sup>4</sup>"Sourcebook of Criminal Justice Statistics-1987," *U.S. Department of Justice, Bureau of Justice Statistics*, 1987, p.368.

<sup>5</sup>*Ibid.*

**Figure 2**  
**24 HOUR CRIME CYCLE IN NEW JERSEY—1987**



SOURCE: 1987 New Jersey Uniform Crime Report

As can be seen by the list below, almost 80 percent of the arrestees were below the age of 35. The largest category are persons between the ages of 18 and 25.

**TABLE 2**  
**AGE OF ARRESTEE (1986)**

<u>AGE</u>	<u>PERCENTAGE</u>
Under 18 years of age	16.8 percent
18-25 years of age	31.9 percent
25-29 years of age	17.9 percent
30-34 years of age	12.4 percent
35-39 years of age	8.1 percent
40-45 years of age	4.7 percent
45-49 years of age	2.9 percent
50-54 years of age	2.1 percent
55-59 years of age	1.4 percent
60-64 years of age	.9 percent
65 and older	.9 percent

Source: "Sourcebook of Criminal Justice Statistics—1987"

In 1986, 82.6 percent of the persons arrested were male.<sup>6</sup> By race, 71.3 percent of the persons arrested were white, 27 percent black and 1.7 percent other minorities.<sup>7</sup> In New Jersey, 65.4 percent of the adults arrested in 1987 were white, 34.1 percent were black and .5 percent were other minorities.

The demographic characteristics of juveniles held in public facilities in 1985 were as follows:

**TABLE 3**  
**JUVENILES HELD IN PUBLIC FACILITIES (1985)**

<b>Sex</b>	<b>Percentage</b>
Male	86.3 percent
Female	13.7 percent
<b>Race</b>	<b>Percentage</b>
Black	60.8 percent
White	37.0 percent
Other	2.2 percent
<b>Age</b>	<b>Percentage</b>
Under 9 years of age	.01 percent
10-13 years of age	6.4 percent
14-17 years of age	82.4 percent
18-20 years of age	11.0 percent
21 years and older	.01 percent

Source: "Sourcebook of Criminal Justice Statistics—1987"

<sup>6</sup>Ibid., p.374.

<sup>7</sup>Ibid., p.376.

In 1986, the sex and race of adults incarcerated in jails were as follows:

**TABLE 4**  
**ADULTS INCARCERATED IN COUNTY JAILS (1986)**

<b>Sex</b>	<b>Percentage</b>
Male	92.0 percent
Female	8.0 percent
<b>Race</b>	<b>Percentage</b>
White	58.0 percent
Black	41.0 percent
Other	1.0 percent

Source: "Sourcebook of Criminal Justice Statistics—1987"

Prisoners under the jurisdiction of State and Federal authorities by sex and race in 1986 were as follows:

**TABLE 5**  
**ADULTS INCARCERATED IN STATE AND FEDERAL PRISONS (1986)**

<b>Sex</b>	<b>Percentage</b>
Male	95.4 percent
Female	4.6 percent
<b>Race</b>	<b>Percentage</b>
White	50.5 percent
Black	45.3 percent
Other	1.3 percent
Not Known	2.8 percent

Source: "Sourcebook of Criminal Justice Statistics—1987"

The black/white ratio varies depending upon the region of the country. In State institutions collectively, 49 percent of the inmates were white.<sup>8</sup> In a 1986 census, the regions are listed in descending order according to the percentage of whites incarcerated.

<sup>8</sup>The percentage of adult whites incarcerated in New Jersey's State prisons is lower (35%) than the national and regional averages.

**TABLE 6**  
**PERCENTAGE OF WHITES INCARCERATED IN**  
**STATE PRISONS BY REGION (1986)**

Region	Percentage White
West	66.2 percent
Midwest	50.4 percent
Northeast	47.4 percent
South	40.8 percent

Source: "Sourcebook of Criminal Justice Statistics—1987"

### ***Corrections Population Statistics***

An historical series of the number of offenders is useful in looking at the problems in the correctional system today, and planning for the future of the system.

### ***State and Federal Prison Population Statistics***

The number of persons sentenced to State and Federal correctional institutions has been recorded annually since January 1, 1926.<sup>9</sup> As can be seen by Figure 3, there has been a rapid growth in the prison population over the past 12 years.

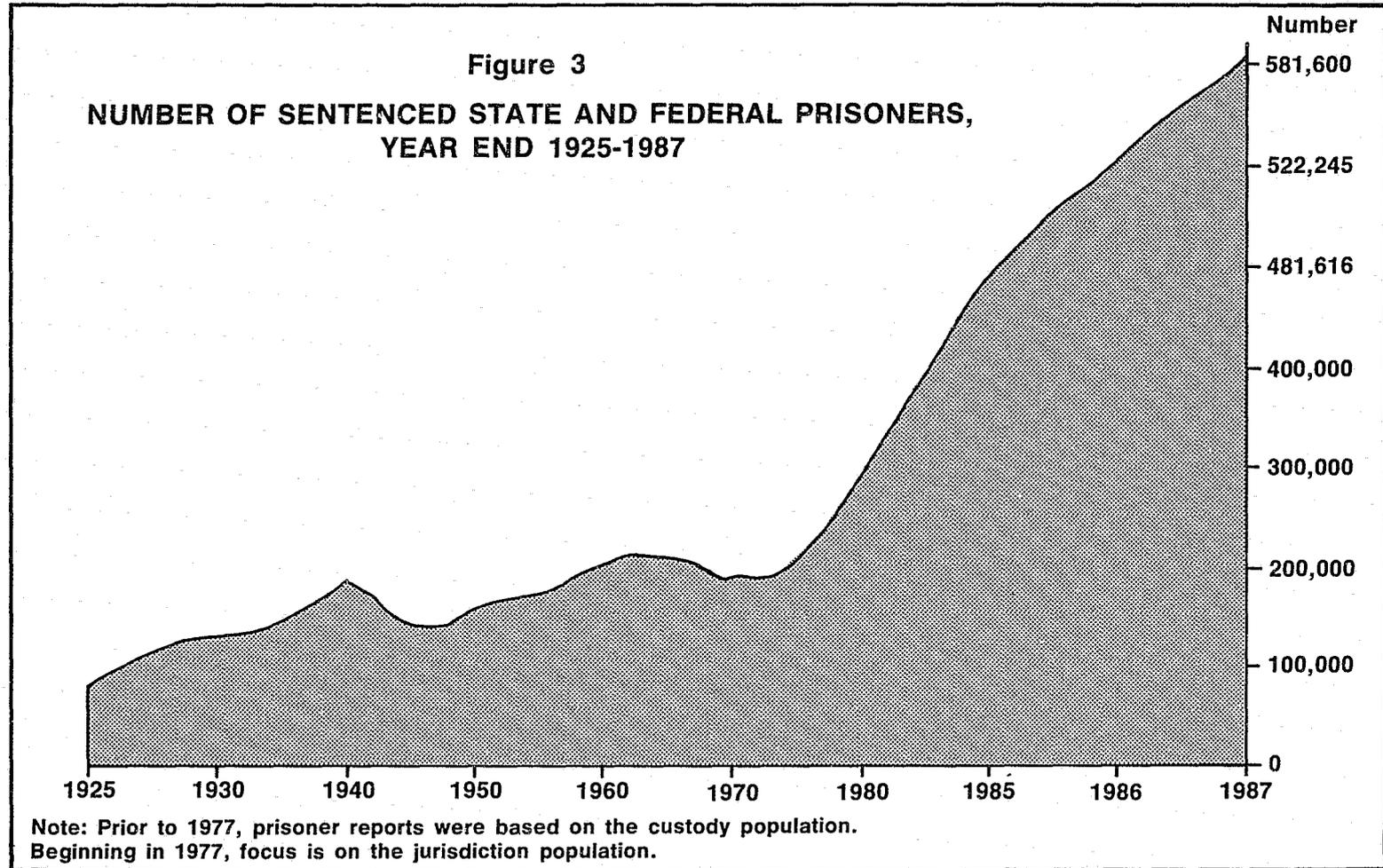
***The number of prisoners at year-end 1987 reached a record 581,609.***<sup>10</sup> State prisoners accounted for 92 percent of the population and Federal prisoners accounted for 8 percent of the population. The increase for 1987 brings total growth in the prison population since 1980 to nearly 252,000 inmates, an increase of about 76 percent in the seven-year period. In 1987, the prison population increased over 59,000 which is the second largest absolute increase recorded in the 60-year history of the National Prisoner Statistics Program. At the end of 1987, the number of sentenced prisoners per 100,000 residents was 228, the highest ever recorded. New Jersey incarcerated 171 per 100,000 population.

Overall, State prisons are estimated to be operating at approximately 106 percent of their highest reported capacities. ***Forty-two states are under some form of court order to reduce state prison crowding. Those states who have not had court intervention are: Alaska, Minnesota, Montana, Nebraska, New York, New Jersey, North Dakota and Vermont.***

Geographically, during 1986, the one-year percentage change for western states' prisoner population (14.5%) was higher than in the other regions of

<sup>9</sup>"State and Federal Prisoners, 1925-85," U.S. Department of Justice, Bureau of Justice Statistics, October 1986.

<sup>10</sup>"Prisoners in 1987," U.S. Department of Justice, Bureau of Justice Statistics, April 1988.



SOURCE: U.S. Department of Justice, Bureau of Justice Statistics

the nation: the northeast increased 8.8 percent, the midwest 7.8 percent and the southern states by 6.4 percent.

The female prison population has increased at a faster rate since 1981 than males. In 1986, the female prison population increased 15.1 percent and the male prison population increased 8.3 percent. The rate of incarceration for sentenced males (423 per 100,000 males), however, was about 21 times higher than for sentenced females.

**At the end of 1986, 17 states reported a total of 13,770 State prisoners held in local jails because of crowding in State facilities.**<sup>11</sup> Three states—Louisiana, New Jersey and California—accounted for more than half of the state-sentenced prisoners in local jails at year-end as can be seen in Table 7. **New Jersey was the second highest in the number of State prisoners held in county jails.**

### **County Jail Population Statistics**

There are 614 local jails nationwide with average daily populations of 100 or more according to the 1983 jail census.<sup>12</sup> Of these 614, 137 were under court order to reduce crowding in 1985. All of these jails were operating at 106 percent of capacity.

**On June 30, 1987, an estimated 295,873 inmates were held in local jails throughout the United States.**<sup>13</sup> This population represented an estimated increase of eight percent over 1986, and a 28 percent increase since 1983. **An estimated one-half of the inmates were unconvicted, that is, on trial or awaiting arraignment or trial.**

### **Probation and Parole Offender Statistics**

In addition to the number of adult offenders in the State prisons and local jails, the nation's adult probation and parole populations are steadily increasing. **During 1987, the adult probation population reached a record 2,242,053 adult offenders serving a sentence of probation supervision in the community.**<sup>14</sup> This figure represents a six percent increase over 1986. **The number of adult offenders under parole supervision climbed by 11 percent to 362,192—also a new record population at year-end.**

Including those serving sentences in local jails or State or Federal prisons, the number of adults in the United States under some form of correctional supervision at the end of 1987 reached 3.4 million, an increase of 6.8 percent since 1986 and 40 percent since 1983.<sup>15</sup> **Of the 3.4 million adults under the care or custody of a correctional agency at the end of 1987, three out of four were being supervised in the community.**<sup>16</sup>

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<sup>11</sup>Ibid.

<sup>12</sup>"Jail Inmates 1985," U.S. Department of Justice, Bureau of Justice Statistics, July 1987.

<sup>13</sup>"Sourcebook of Criminal Justice Statistics—1987".

<sup>14</sup>"Probation and Parole 1987," U.S. Department of Justice, Bureau of Justice Statistics, January 1987.

<sup>15</sup>Ibid.

<sup>16</sup>In New Jersey, approximately 80 percent of adult offenders are supervised in the community.

**TABLE 7**  
**NUMBER OF STATE PRISONERS HELD IN LOCAL JAILS BECAUSE**  
**OF PRISON CROWDING, BY STATE, YEAREND 1985 AND 1986**

States housing prisoners in local jails	Prisoners held in local jails		As percent of all prisoners	
	Number 1985	Number 1986	1985	1986
Total	10,143	13,770	2.2%	2.7%
Alabama	398	514	3.6	4.4
Arkansas <sup>a</sup>	115	458	2.5	8.9
California	1,122	1,566	2.2	2.6
Colorado <sup>a</sup>	245	343	6.8	8.5
Idaho	9	0	.6	0
Illinois	43	48	.2	.2
Kentucky	791	886	13.7	14.0
Louisiana	2,923	3,449	21.0	23.7
Maine	51	36	4.2	2.7
Massachusetts	2	1	-	-
Mississippi	933	1,169	14.6	17.3
<b>New Jersey<sup>a</sup></b>	<b>1,486</b>	<b>2,244</b>	<b>11.6</b>	<b>13.2</b>
South Carolina	429	451	4.1	3.9
Tennessee <sup>a</sup>	628	1,201	8.3	14.3
Utah	33	77	2.1	4.2
Vermont <sup>b</sup>	11	8	1.7	1.2
Virginia	786	1,257	6.5	9.7
Washington	49	62	.7	.9
Wisconsin	89	0	1.6	0

-Less than 0.05%.

<sup>a</sup>For States not including jail backups in their jurisdiction counts, the percentage of jurisdiction population was calculated on the combined total of jail and prison.

<sup>b</sup>Vermont reported 8 inmates in local lockups.

Source: U. S. Department of Justice, Bureau of Justice Statistics.

**TABLE 8**  
**PERCENTAGE OF ADULTS UNDER CUSTODY**  
**OF A CORRECTIONAL FACILITY (1987)**

Supervised in the	Community	75.2 percent
	Probation	64.7 percent
	Parole	10.5 percent
Incarcerated		24.8 percent
	Jail	8.5 percent
	Prison	16.3 percent

Source: "Probation and Parole 1987," *U.S. Department of Justice*

### ***Juvenile Correctional Facilities Population Statistics***

The number of juveniles in the custody of the correctional system is also substantial. On February 1, 1985, a total of 1,040 publicly operated State and local juvenile detention, correctional and shelter facilities held 49,322 juvenile residents, an increase of one percent since that same date in 1983.<sup>17</sup> There were 185 juveniles confined in public juvenile facilities per 100,000 juveniles at least 10 years old in the general population, up five percent from 1983. The west had the highest confinement rate (327 per 100,000), followed by the midwest (166), the south (162), and the northeast (99). In 1985, 18 percent of public juvenile facilities had more residents than they were designed to hold, down from 21 percent in 1983. Juveniles detained pending adjudication, disposition or placement stayed an average of 12 days in custody; those committed by court authorities stayed an average of 163 days; those who were voluntarily admitted stayed an average of 32 days.

### ***National Corrections Expenditures and Employment***

In 1985, the total correctional system employed 394,677 persons distributed amongst the levels of government as follows:

**TABLE 9**  
**CORRECTIONAL SYSTEM EMPLOYMENT (1985)**

<b>Level of Government</b>	<b>Number Employed</b>	<b>Percentage</b>
Federal	14,448	3.7 percent
State	240,856	61.0 percent
Total local	139,376	35.3 percent
County	111,963	28.4 percent
Municipal	27,410	6.9 percent

Source: "Justice Expenditure and Employment, 1985"

<sup>17</sup>"Children in Custody," *U.S. Department of Justice, Bureau of Justice Statistics*, October 1986. It should be noted that in New Jersey juveniles held in shelter facilities are not in the correctional system.

In 1985, the total correctional system expenditures amounted to over \$16.8 billion distributed amongst the levels of government as follows:

**TABLE 10**  
**CORRECTIONAL SYSTEM EXPENDITURES (1985)**

Level of Government	Expenditures	Percentage
Federal	\$ 862,000,000	5.1 percent
State	10,771,000,000	64.0 percent
Total local	5,203,000,000	30.9 percent
County	4,045,000,000	24.0 percent
Municipal	1,158,000,000	6.9 percent

Source: "Justice Expenditure and Employment, 1985"

In comparing the State and local expenditures for the correctional system in 1985-86, the states averaged 67.4 percent and the local governments averaged 32.6 percent. ***New Jersey was below the average for State expenditures with 63.4 percent, and above the local governments' average with 36.6 percent.***<sup>18</sup>

The rate of increase for corrections spending varied considerably from State to State between 1979-1983, as can be seen in Table 11. Between 1979 and 1983, the national average percentage change was 78.9 percent. New Jersey's spending increased 133.8 percent, making this State the seventh highest in percentage increase between these years. In descending order, the other states are: New Mexico, Washington, Alaska, Utah, North Dakota and Texas.<sup>19</sup> Even with this considerable increase in New Jersey's expenditures for corrections, New Jersey's per capita expenditure for 1983 was \$43.60 while the national average was \$41.80 which ranked New Jersey fourteenth in per capita expenditures.<sup>20</sup>

In 1984, the national average per capita expenditure was \$53.78. New Jersey ranked thirteenth with \$55.93 per capita expenditures for corrections.<sup>21</sup>

Table 12 outlines the per capita State and local expenditures for corrections for 1985-86.<sup>22</sup> The national average was \$62.04, and New Jersey had climbed to eleventh place with a per capital expenditure of \$67.20 representing a 20 percent increase from 1984, while the national average percentage increase was 15.4 percent.

<sup>18</sup>Ibid., p.77.

<sup>19</sup>"Recent Trends in State Corrections Spending," *National Conference of State Legislatures*, Legislative Finance Paper #51, December 1985, p.11.

<sup>20</sup>Ibid., p.16.

<sup>21</sup>"Government Finances in 1984-85," *U.S. Department of Commerce, Bureau of the Census*, December 1986, p. 109.

<sup>22</sup>"Government Finances in 1985-86", p.101.

**TABLE 11**  
**PERCENTAGE CHANGE IN CORRECTIONS SPENDING—1979-1983**

	1979-81	1981-83	1979-83		1979-81	1981-83	1979-83
National Average	35.1	32.4	78.9				
<b>NEW ENGLAND</b>				<b>SOUTHEAST</b>			
Connecticut	30.8	27.2	66.3	Alabama	47.5	24.3	83.3
Maine	41.4	26.2	78.3	Arkansas	16.2	57.2	82.7
Massachusetts	55.1	23.8	92.0	Florida	15.7	30.5	51.0
New Hampshire	37.1	32.1	81.2	Georgia	21.5	21.8	47.9
Rhode Island	-9.3	63.0	47.7	Kentucky	24.8	6.0	32.3
Vermont	18.0	9.7	29.4	Louisiana	36.5	32.1	80.3
				Mississippi	23.9	16.9	44.9
<b>MID-ATLANTIC</b>				North Carolina	27.7	-4.7	21.7
Delaware	80.6	-11.6	59.7	South Carolina	25.9	18.1	48.6
Maryland	45.2	24.0	80.1	Tennessee	19.4	16.1	38.7
<b>New Jersey</b>	<b>42.5</b>	<b>64.1</b>	<b>133.8</b>	Virginia	40.3	29.9	82.2
New York	27.0	53.8	95.2	West Virginia	-4.2	13.2	8.5
Pennsylvania	25.6	27.3	59.9				
<b>GREAT LAKES</b>				<b>SOUTHWEST</b>			
Illinois	49.7	15.0	72.2	Arizona	79.9	19.7	115.4
Indiana	59.3	10.5	76.0	New Mexico	57.9	23.0	252.0
Michigan	35.3	15.4	56.2	Oklahoma	36.5	62.5	121.8
Ohio	10.3	57.3	73.4	Texas	56.6	66.1	160.1
Wisconsin	30.8	25.9	64.7	<b>ROCKY MOUNTAIN</b>			
				Colorado	41.3	-2.3	38.1
<b>PLAINS</b>				Idaho	52.1	29.0	96.3
Iowa	20.8	34.4	62.4	Montana	-2.2	28.3	25.4
Kansas	28.7	17.6	77.1	Utah	23.2	128.1	181.2
Minnesota	28.1	-4.1	22.8	Wyoming	38.7	-10.4	24.3
Missouri	45.6	-9	44.2				
Nebraska	22.5	17.4	43.8	<b>FAR WEST</b>			
North Dakota	25.4	115.7	170.4	California	37.6	36.3	87.5
South Dakota	17.1	30.8	53.2	Nevada	107.4	-15.4	75.4
Oregon	34.5	5.3	41.6	Washington	72.8	82.9	216.0
				Alaska	60.1	96.3	214.3
				Hawaii	12.4	32.8	49.2

Source: Recent Trends in State Corrections Spending, P. 11.

**TABLE 12**  
**STATE AND LOCAL GOVERNMENT 1985-1986 PER CAPITA**  
**EXPENDITURES FOR CORRECTIONS IN RANK ORDER**

	United States	\$62.04		
1. District of Columbia	332.56		26. Ohio	49.40
2. Alaska	203.27		27. Connecticut	48.43
3. Nevada	108.88		28. Illinois	47.01
4. New York	101.69		29. Oklahoma	46.94
5. California	100.04		30. Pennsylvania	46.75
6. Arizona	95.27		31. Tennessee	45.09
7. Maryland	92.98		32. Minnesota	43.82
8. Delaware	72.24		33. Alabama	41.60
9. Washington	71.58		34. Rhode Island	41.02
10. Michigan	68.29		35. Montana	40.54
11. <i>New Jersey</i>	<b>67.20</b>		36. Nebraska	38.75
12. New Mexico	67.16		37. Indiana	37.69
13. Hawaii	65.79		38. Wisconsin	36.72
14. Virginia	62.97		39. Kansas	36.69
15. Florida	61.96		40. Kentucky	36.30
16. Colorado	60.59		41. Vermont	35.32
17. Wyoming	58.19		42. Missouri	34.96
18. Georgia	56.23		43. Iowa	34.70
19. South Carolina	55.68		44. Maine	34.30
20. Maryland	52.74		45. South Dakota	32.17
21. Texas	50.56		46. New Hampshire	31.75
22. Oregon	50.07		47. Mississippi	30.50
23. Louisiana	49.87		48. Arkansas	29.54
24. North Carolina	49.82		49. Idaho	28.61
25. Utah	49.45		50. North Dakota	21.17
			51. West Virginia	18.39

Source: Government Finances in 1985-86.

Table 13 notes the trends in State and local government expenditures from 1971-72 to 1985-86.<sup>23</sup> As noted, while corrections only accounts for a small percentage of the total government expenditures (2.1% in 1985-86), corrections is the largest growth expenditure of State and local governments with a 16.5 percent increase from 1984-85 to 1985-86, and a 15 percent increase between the years of 1971-1972 and 1985-86.

<sup>23</sup>Ibid., p.xi.

**TABLE 13**  
**TRENDS IN STATE AND LOCAL GOVERNMENT EXPENDITURE: 1971-72 TO 1985-86**

Item	Percent distribution				Average annual percentage increase	
					1984-85 to 1985-86	1971-72 to 1985-86
	1985-86	1981-82	1976-77	1971-72		
Expenditure, total .....	100.0	100.0	100.0	100.0	9.2	10.0
Education .....	29.3	29.6	31.8	34.4	9.4	8.8
Public welfare .....	10.7	11.1	11.1	11.2	7.3	9.7
Utility and liquor stores .....	9.1	9.2	6.9	6.0	9.2	13.3
Health and hospitals .....	7.5	7.7	7.0	6.8	7.9	10.7
Highways .....	6.9	6.6	7.2	10.1	9.7	7.0
Insurance trust .....	6.5	7.5	8.1	5.6	5.1	11.2
Interest on general debt .....	5.2	3.8	3.5	3.2	14.3	13.9
Governmental administration .....	4.4	4.3	4.1	3.9	10.1	10.9
Police protection .....	3.2	3.1	3.2	3.2	8.3	10.0
Sanitation and sewerage .....	2.7	2.9	2.7	2.5	10.0	10.5
<b>Correction</b> .....	<b>2.1</b>	<b>1.6</b>	<b>1.3</b>	<b>1.1</b>	<b>16.5</b>	<b>15.0</b>
Housing and community development .....	1.6	1.5	1.1	1.5	8.7	10.5
All other .....	11.0	11.0	11.9	10.6	9.4	10.3

Source: Government Finances in 1985-86, page XI.

When looking at the increase in county government expenditures for corrections, the percentage change from 1984-85 to 1985-86 is 16.7 percent as can be seen below.

<b>1982-83</b>	<b>1983-84</b>	<b>1984-85</b>	<b>1985-86</b>
\$2.8 billion	\$3.1 billion	\$3.5 billion	\$4.0 billion

Source: "County Government Finances in 1985-86", U.S. Department of Justice

Table 15 indicates that the construction of prisons will increase at a rapid pace. During 1984, states were building 130 prisons, including 56,000 beds at a cost of approximately \$2 billion.<sup>24</sup> An additional 49,000 beds over and above the ones under construction are in the planning stages through 1989.

### ***Public Perception of Crime and Punishment***

Historically, the public has not concerned itself with corrections issues, except as crises, disturbances or tragedies temporarily gained their attention through newspaper accounts. Changes that did take place occurred when public opinion appeared to be neutral, not necessarily supportive of changes. Until recently, political leaders have remained aloof from corrections, gaining nothing by involving themselves one way or the other. According to Allen Breed, Chairman of the National Council on Crime and Delinquency, starting in the mid 1960's, a combination of factors forged today's "get tough" attitudes towards offenders among the public and in the government:<sup>25</sup>

- Crime rose astronomically and became more violent;
- Media coverage of crime increased dramatically;
- Civil rights issues were being addressed;
- Prison riots brought new advocates for offenders as well as hardened attitudes towards inmates;
- The courts intervened in prison matters, reversing more than a century of "hands off";
- The Warren Court's increased due process protections (for those accused of crimes) angered law enforcement personnel, prosecutors, and the general public;

<sup>24</sup>"Recent Trends in Corrections Spending," p.9.

<sup>25</sup>Allen Breed, "The State of Corrections Today: A Triumph of Pluralistic Ignorance," *The Edna McConnell Clark Foundation*, February 1986.

**TABLE 15**  
**CORRECTIONAL FACILITIES UNDER CONSTRUCTION OR PLANNED,**  
**1987 to 1989**

	Facilities or Add/Renovations	Under Construction (In 1984)	Cost	Planned (Through 1989)
		Beds	(Thousands of Dollars)	Beds
Alabama	2	1,850	36,855.8	400
Alaska	4	290	25,000.0	125
Arizona	2	310	1,814.0	1,570
Arkansas	1	87	200.0	916
California	12	19,400	1,159,640.0	16,000
Colorado	1	380	16,063.4	250
Connecticut	0	0	0.0	1,400
Delaware	1	104	335.0	300
Florida	26	5,676	79,407.0	60
Georgia	3	700	988.3	1,700
Hawaii	1	32	82.5	408
Idaho	1	116	1,000.0	399
Illinois	12	3,289	127,650.0	1,950
Indiana	2	940	52,000.0	636
Iowa	3	508	11,936.9	0
Kansas	1	303	15,672.2	656
Kentucky <sup>1</sup>	2	322	6,700.0	100
Louisiana	1	50	1,200.0	1,200
Maryland	1	720	30,000.0	1,500
Massachusetts	2	325	17,400.0	428
Michigan	1	80	1,200.0	500
Minnesota	0	0	0.0	100
Mississippi	3	1,080	35,150.0	1,157
Missouri	0	0	0.0	1,390
Montana	0	0	0.0	192
Nebraska	1	240	12,000.0	0
Nevada	4	372	1,856.4	0
New Hampshire	2	400	23,000.0	120
<b>New Jersey</b>	<b>3</b>	<b>977</b>	<b>48,000.0</b>	<b>1,394</b>
New Mexico	4	952	—	0
New York	7	2,572	155,000.0	3,144
North Dakota	0	0	0	100
Ohio	4	4,900	67,800.0	5,820
Oklahoma	4	480	6,574.2	0
Oregon	0	0	0	350
Pennsylvania	0	0	0	2,800
Rhode Island <sup>2</sup>	1	450	5,000.0	160
South Carolina	1	576	25.8	576
South Dakota	0	0	0	192
Tennessee	2	240	4,000.0	2
Texas	4	3,942	—	444
Utah	2	328	16,700.0	192
Vermont	1	50	2,700.0	0
Virginia	2	1,024	44,843.1	0
Washington	5	1,852	116,025.2	420
Wyoming	1	90	9,000.0	142
<b>TOTALS</b>	<b>130</b>	<b>56,007</b>	<b>2,132,819.9</b>	<b>49,193</b>

<sup>1</sup>Renovations will result in loss 363 beds

allow continued usage of these beds per Federal Court Order.

<sup>2</sup>E: Only states with actual expenditures in these categories are included.

- The Vietnam War and Watergate dramatically reduced the public's trust in government; and,
- Researchers attacked the concept of rehabilitation, and politicians urged reduced expectations.

Numerous public opinion surveys have been conducted across the nation in recent years. **According to most of the results, the public is supportive of alternatives to incarceration for non-violent and first-time offenders.** Listed below are summaries of some of the surveys.

In a recently completed study commissioned by the Edna McConnell Clark Foundation, "Crime and Punishment: The Public's Opinion", it was a surprise to the Clark Foundation to discover that people want assurances of safety much more than they want assurances of punishment.<sup>26</sup> The results indicated that the public wants prisons to promote rehabilitation as a long-term means of controlling crime, however, the public is pessimistic about the chances of rehabilitating most offenders and the prisons' ability to accomplish this goal. Of interest is the fact that while the public is aware of prison crowding, they do not recognize its impact on the criminal justice system nor on the ability of prisons to meet the public's rehabilitation goal. Americans believe that prison crowding is caused by an increase in crime, not by mandatory and stiffer sentences. Americans strongly favor the use of alternatives to incarceration for non-violent and first-time offenders. When the public understands the high cost of building and maintaining new jails and prisons, they are even more inclined to support alternatives to incarceration.

Another public opinion survey conducted in the State of Maryland concluded that of the four traditional goals for correctional practice, (incapacitation, punishment, deterrence, rehabilitation), the goals that received the most support from the public were deterrence and rehabilitation.<sup>27</sup> The survey sample compared the opinions of the public, the policymakers, and justice system personnel. As Figure 4 illustrates, there is complete agreement among these samples that punishment is the least proper of these four correctional goals studied.

In April of 1986, findings were released from the University of South Carolina's "Fear of Crime Poll".<sup>28</sup> Given a choice between imprisonment or community-based alternatives for non-violent offenders, more than 80 percent of the respondents chose community based programs such as restitution, community service and closely-supervised probation. Moreover, the survey found that 53 percent of those interviewed supported the early release of non-violent offenders to reduce prison crowding, while 54 percent accepted the use of electronic bracelets as alternatives to prison.

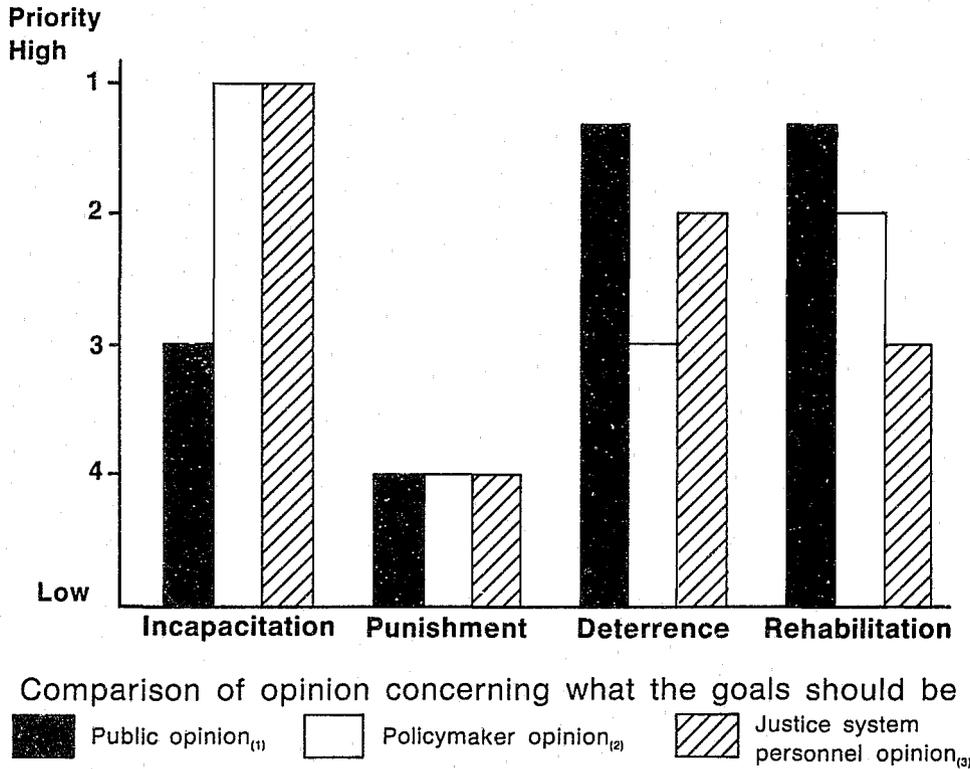
<sup>26</sup>"Crime and Punishment: The Public's View," *The Edna McConnell Clark Foundation* (New York: 1987).

<sup>27</sup>Gottfredson and Taylor, "The Correctional Crisis: Prison Populations and Public Policy" (Washington, D.C.: United States Department of Justice, National Institute of Justice, June 1983).

<sup>28</sup>"1986 Fear of Crime Poll," (Columbia, S.C.: The College of Criminal Justice, University of South Carolina, April 1986).

Figure 4

**COMPARISON OF OPINION CONCERNING WHAT THE GOALS OF THE CORRECTIONAL SYSTEM SHOULD BE WITH PERCEPTIONS OF WHAT THE GOALS ARE IN FACT**



SOURCE: Gottfredson and Taylor, "The Correctional Crisis"

In May 1986, the North Carolina Center for Crime and Punishment released the findings of another citizen survey which found strong support for prison alternatives for non-violent offenders.<sup>29</sup> When citizens received basic factual information about the cost of prison, the number of non-violent offenders in prison, and the nature of current community punishment programs, support for these alternatives to incarceration dramatically increased.

Similar public opinion surveys have been conducted in Ohio, Illinois, Texas and Michigan, and by Figgie International, Inc. of Richmond, Virginia.

<sup>29</sup>Hickman-Maslin Research, "Confidential Analytical Report prepared for North Carolina Center on Crime and Punishment based on a Survey of Registered Voters in the State of North Carolina," (Washington, D.C.: March 1986).

These studies suggest a significant existing pool of support for alternatives to confinement, particularly the use of community service, restitution and intensive supervision for non-violent property offenders.

The only trend in the public views that appears to be truly consistent is on the death penalty. As noted in Figure 5, support for the death penalty has been increasing since the mid-1960's. In 1985, 70 percent of the respondents in a public opinion survey conducted by The Gallup Poll supported the death penalty for persons convicted of murder.<sup>30</sup> Thirty-seven states have the death penalty. The method of execution can be seen in Table 16. Seven states executed 18 prisoners during 1986, bringing the total number of executions to 68 since 1976, the year that the United States Supreme Court reinstated the death penalty after having declared the death penalty unconstitutional four years earlier.<sup>31</sup>

## CURRENT PROBLEMS AND ISSUES

The "crisis in corrections" is one of the most serious facing our nation today. Not only is there a shortage of space, but many institutions fall far short of the minimum federal standards for space, sanitation, safety and medical facilities. Many inmates do not have access to the kinds of vocational programs that would provide needed skills for employment in their communities.

The overcrowding crisis has produced an unprecedented national spending binge on corrections spending. The cost of construction, staggering as it is, is only the beginning. Reported cost figures generally do not include architects' fees or financing costs, which can double or triple the cost to taxpayers. Moreover, the cost of building a prison is only the down payment; operating costs will soon outstrip it.

As the prisons have become more crowded, jails have taken much of the overflow, with the result that county jails are now as crowded as prisons. Much of the problem rests with State legislatures whose get-tough-on-crime laws in recent years have been primarily responsible for putting and keeping large numbers of offenders locked up.

The pressure is now on states to try alternative punishments, and most experts agree that such programs will grow in popularity over the next few years. It is the financial factor that many legislators believe is the bottom line when deciding what to do with lawbreakers. In most states, it costs about \$6,000 per year to keep an offender on intensive probation—\$8,000 to \$10,000 less than the cost of prison incarceration—and the cost is less if the offender has a job and helps to pay for his own supervision.

Alternatives to incarceration are important to U.S. sentencing policy in general. If community-based programs prove successful, the system will have

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<sup>30</sup>George Gallup, Jr., *The Gallup Report*, Report Nos. 23/233 (Princeton, N.J.: The Gallup Poll, January/February 1985), p.4.

<sup>31</sup>"Capital Punishment, 1986," *U.S. Department of Justice, Bureau of Justice Statistics*, September 1987.

Figure 5

**ATTITUDES TOWARD THE DEATH PENALTY  
FOR PERSONS CONVICTED OF MURDER  
UNITED STATES, SELECTED YEARS 1953-85**

Question: "Are you in favor of the death penalty for persons convicted of murder?"

Percent

100

80

60

40

20

0

Favor the death penalty

Oppose the death penalty

No opinion

1953 60 65-66 69 71-72 76 78 81 85

1953 60 65-66 69 71-72 76 78 81 85

1953 60 65-66 69 71-72 76 78 81 85

SOURCE: Sourcebook of Criminal Justice Statistics

**TABLE 16**  
**METHOD OF EXECUTION, BY STATE, 1986**

<b>LETHAL INJECTION</b>	<b>ELECTROCUTION</b>	<b>LETHAL GAS</b>	<b>HANGING</b>	<b>FIRING SQUAD</b>
Arkansas <sup>a</sup>	Alabama	Arizona	Delaware <sup>a</sup>	Idaho <sup>a</sup>
Delaware <sup>a</sup>	Arkansas <sup>a</sup>	California	Montana <sup>a</sup>	Utah <sup>a</sup>
Idaho <sup>a</sup>	Connecticut	Colorado	New Hampshire <sup>a</sup>	
Illinois	Florida	Maryland	Washington <sup>a</sup>	
Mississippi <sup>a</sup>	Georgia	Mississippi <sup>a</sup>		
Montana <sup>a</sup>	Indiana	Missouri		
Nevada	Kentucky	North Carolina <sup>a</sup>		
New Hampshire <sup>a</sup>				
<b>New Jersey</b>	Louisiana	Wyoming <sup>a</sup>		
New Mexico	Nebraska			
North Carolina <sup>a</sup>	Ohio			
Oklahoma	Pennsylvania			
Oregon	South Carolina			
South Dakota	Tennessee			
Texas	Vermont			
Utah <sup>a</sup>	Virginia			
Washington <sup>a</sup>				
Wyoming <sup>a</sup>				

<sup>a</sup>Authorizes two methods of execution.

Source: U.S. Department of Justice, Bureau Justice Statistics.

demonstrated that it can design and operate programs that are safe, that hold offenders accountable and that cost less than prison. In that case, probation and parole are likely to return to public favor. If the programs fail, the public is likely to further embrace incarceration as the only sure way to forestall crime, causing prison populations to increase even more. Thus, this policy issue has significant implications for the nation as a whole, in terms of both economics and human capital.

Recidivism is one of the most important issues facing those who formulate and administer sentencing and corrections policies. Time served in prison has no consistent impact on recidivism rates. The U.S. Department of Justice reports that two-thirds of released prisoners return to prison within two years; and most of the rearrests take place within a year of the prisoner's release, while the offender is still on parole. It should be noted that the recidivism rate is lower for intermediate sanctions (alternatives to incarceration) than in the prison population. It is not possible to determine whether the low recidivism rates reported by the programs result from the programs themselves or reflect the unique characteristics of the selected participants.

Deinstitutional reforms have diverted many mentally ill and retarded persons, once under the purview of traditional social service providers and institutions, to the correctional system. Thus, a great number are found in jails and prisons; yet, most jails and prisons have no expertise in dealing with this group's problems.

With the determinate sentences and mandatory minimums that have become popular over the last ten years, the needs of the geriatric inmate will have to be addressed in the not too distant future.

The disease of AIDS is already causing tremendous problems in the correctional system as institutions must isolate those infected with the active virus, and struggle with the question as to whether to have mandatory testing for the entire offender population.

There are social costs which must be considered as an indirect effect of prisons on our society. Many observers find prisons to be cesspools of race and class bias, of psychological degradation and dehumanization, that do little honor to society. Reliance on a policy of heavy imprisonment for the poor offers the prospect of increasing the divisiveness of society. In recent years, the implications of imprisonment policy for race relations have come into focus. Blacks are 6.6 times as likely to be in prison as whites.<sup>32</sup> This has a serious impact on the social structure of black communities.

Many reformers believe that focusing on crime control through imprisonment ignores the conditions that really affect crime rates. William Nagel sums up this position: "We can have order without new prisons if we pursue social and economic justice. We will have chaos, even with a thousand new prisons, if we deny it."<sup>33</sup>

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<sup>32</sup>"Time to Build?," *Edna McConnell Clark Foundation*, 1984, p.23.

<sup>33</sup>*Ibid.*

## **RECENT STATE SIGNIFICANT INITIATIVES IMPACTING NEW JERSEY'S ADULT CORRECTIONAL SYSTEM**

In the last ten years, several measures have been adopted that have had a considerable impact on prison and jail overcrowding. Listed below are the most visible examples.

### ***The New Jersey Code of Criminal Justice***

New Jersey's new Code of Criminal Justice became effective September 1, 1979. Title 2C contains the comprehensive revision of the old Title 2A. Title 2C was drafted by the Criminal Law Revision Commission. The new Criminal Code is a response to the "get tough" philosophy that was sweeping the nation in the 1970's. According to the Bureau of Justice Statistics, during the 1970's, 37 states adopted new stricter codes.

Title 2C generally provides for lengthier prison terms for similar offenses than under the old 2A criminal code. The goals of the new Code are that the punishment fit the crime, not the criminal, and that there be a predictable degree of uniformity in sentencing.

The new Criminal Code categorizes crimes by four degrees, plus disorderly persons offenses and petty disorderly persons offenses. First and second degree crimes are violent crimes such as murder, rape, robbery and aggravated assault. There is a presumption of imprisonment for first and second degree crimes. Third and fourth degree crimes are non-violent crimes such as burglary, larceny-theft and motor vehicle theft. For first-time offenders who are convicted of third or fourth degree crimes, there is a presumption of nonimprisonment.

The Code specifies the range of prison terms by degree and presumptive sentence. Presumptive sentencing is included in an effort to encourage uniform sentencing.

First degree except murder and kidnapping	—10 to 20 years with a 15 year presumptive sentence
Second degree	—5 to 10 years with a 7 year presumptive sentence
Third degree	—3 to 5 years with a 4 year presumptive sentence
Fourth degree	—maximum 18 month presumptive sentence
Disorderly	—maximum 6 months
Petty disorderly	—30 days

It should be noted that the court, upon application by the prosecuting attorney, may extend the term of imprisonment if the defendant is a persistent offender, professional criminal, or second offender with a firearm.

One of the sections of the new Code that has been confusing and has led to sentencing disparities is N.J.S.A. 2C:44-1 which sets forth the aggravating and mitigating factors that are to be considered when sentencing an offender. An example of an aggravating factor would be that the crime was committed in an especially heinous, cruel or depraved manner. In this same statute, an example of a mitigating factor would be that the defendant has no history of prior delinquency or criminal activity.

If the mitigating factors outweigh the aggravating factors, the court may reduce the sentence by one degree. Where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, the court may impose a mandatory minimum term not to exceed one-half of the term set, during which time the offender is not eligible for parole or "good time" credits.

For example, an offender sentenced to a 10 year maximum term without minimum parole eligibility can achieved parole eligibility after serving approximately two years (one-third of the total term minus credits earned).<sup>34</sup> If the offender is sentenced to a 10 year term with a five year mandatory minimum, the term is increased two and one half times.

Table 17 is a comparison of sentencing patterns from 1984-1988. As noted, in 1988, 53 percent of the total sentencings were incarcerations which represents a slight annual increase since 1985. The percent of State prison terms with minimum parole eligibility sentences has decreased from 46 percent in 1984 to 35 percent in 1988.

Since 1979, the Criminal Code has been amended, imposing stiffer terms for certain crimes. Most notably is the 1981 Graves Act, N.J.S.A. 2C:43-6(c), which states that whenever a firearm is used in the commission of a crime a mandatory minimum term is imposed. The minimum term is fixed between one-third and one-half of the sentence imposed or three years, whichever is greater, or 18 months in the case of a fourth degree crime.

A 1983 amendment, N.J.S.A. 2C:11-3, increased the prison term for first degree murder to at least 30 years without parole. Prior to this amendment, a convicted murderer could have been eligible for parole in 15 years. This same statute reinstated the death penalty for first degree murder under certain circumstances.

### ***The Parole Act of 1979***

The Parole Act of 1979 became effective in April, 1980. N.J.S.A. 30:4-123.1 to 123.44 replaced the Parole Act of 1948.

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<sup>34</sup>N.J.S.A. 30:4-123.51.

**TABLE 17**  
**COMPARISON OF SENTENCING PATTERNS FROM 1984-1988**

Title 2C and Title 2A Combined					
	1988*	1987	1986	1985	1984
Total Sentencings	15,384	21,243	20,842	19,285	19,930
Percent Non-Custodial	47%	49%	50%	51%	51%
Percent Incarcerated	53%	51%	50%	49%	49%
Percent of Total Cases Sentenced to					
County Institutions	25%	22%	22%	23%	21%
YRCC**	4%	4%	5%	5%	6%
State Prison	24%	24%	23%	21%	22%
Percentage of Total Convictions by Degree					
1st Degree	4%	4%	5%	5%	5%
2nd Degree	8%	7%	7%	7%	8%
3rd Degree	63%	43%	43%	44%	45%
4th Degree	9%	8%	8%	8%	8%
All other***	16%	38%	37%	36%	34%
	100%	100%	100%	100%	100%
Percent of State Prison Terms with Minimum Parole Eligibility Sentence	35%	34%	39%	43%	46%

\*Represents the period from January 1, 1988-September 30, 1988.

\*\*Youth Reception and Correction Center

\*\*\*This category includes all other sentences rendered, such as sentencings under 2A, or sentences rendered pursuant to statutes not contained in Title 2C (e.g., drug offenses).

Source: Administrative Office of the Courts

The 1979 legislation was designed as a companion measure to New Jersey's Code of Criminal Justice which established crimes by degrees and specified the severity of the penalty as outlined in the previous section.

Prior to the 1979 legislation, parole jurisdiction for inmates committed to State institutions was vested in four independent paroling authorities made up of part-time institutional Boards of Trustees. The Parole Act of 1979 consolidated parole jurisdiction into a seven member (now nine member) full-time Board for the purposes of coordinating operations, improving policy and fostering consistent decision-making. While the Parole Board has limited discretion with determinate sentencing and mandatory minimums, indeterminate sentencing, particularly with the young adults and juveniles, is discretionary to a certain extent. **Consolidation has led to less disparity and more uniformity and to lengthier terms of imprisonment in certain instances.**

### **Statewide Speedy Trial Program**

The right to a speedy trial is a constitutional right of the defendant. The New Jersey **Constitution**, Article I, paragraph 10, states that "In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury . . . ." However, with burgeoning criminal calendars and the resulting system delay caused by this increase, the focus has been on the needs of the overall system.

On January 1, 1981, The Administrative Office of the Courts implemented the speedy trial program. Prior to the inception of the speedy trial program, the average (median) criminal case took 378 days between arrest and disposition. The median for all convictions was cut by more than 50 percent to 163 days in 1986.<sup>35</sup> In some counties, the time is much less.

### **Driving Under the Influence Legislation**

In 1982, the Legislature stiffened the penalty for driving under the influence of alcohol or drugs (N.J.S.A. 39:4-50). For the first time, community service was authorized as a disposition, and the use of jail was considerably increased. For conviction of a second offense, a person is fined \$500 to \$1,000; ordered to perform community service for 30 days or sentenced to imprisonment for up to 90 days; and, sentenced to forfeit his driving privileges for two years. For conviction of a third or subsequent offense, he is fined \$1,000; sentenced to imprisonment for at least 180 days, which can be decreased each day, not exceeding 90 days served performing community service; and, sentenced to forfeit his driving privileges for 10 years.

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<sup>35</sup>"Report of the Committee on Speedy Trial 1980-86," 1986 Judicial Conference Task Force on Speedy Trial.

This legislation has impacted heavily on the county jails. Many of the offenders, if employed, are serving their sentences on the weekend. The county jails must have separate quarters for these offenders for security reasons. The impact on community service has also been felt by this legislation with 4,000-5,000 DUI offenders currently performing community service.

### ***Comprehensive Drug Reform Act***

The Comprehensive Drug Reform Act, N.J.S.A. 2C:35-1 et seq., became effective in July, 1987. The most important feature of this legislation was the transfer of criminal offenses from Title 24, the Controlled Dangerous Substance Act, to the Code of Criminal Justice. The consolidation of these offenses and provisions into the penal code limits the courts' sentencing discretion, and ensures more uniform, consistent and predictable sentencing practices. In contrast to the old drug laws, the penal code establishes degrees of offenses and provides definitive sentencing ranges and presumptive terms for each degree. The new law takes into account the nature and dangerousness of the specific controlled substance involved, the amount and purity of the substance and the defendant's role in the drug distribution hierarchy. Key provisions have been outlined by the Juvenile Delinquency Commission as follows:<sup>36</sup>

- forfeiting of driving privileges and minimum \$500 cash penalty for all convicted drug offenders;
- imposing of case fines ranging from three to five times the street value of drugs;
- authorizing for a judge to order drug dependent offenders to undergo treatment in rehabilitation programs;
- creating drug free zones within 1,000 feet of elementary and high schools;
- doubling punishments for drug sales to minors; and,
- creating several new offenses: "employing a juvenile in a drug distribution scheme" and "drug distribution within school safety zone" which both carry mandatory sentences.

As a result of the legislation, guidelines from the Attorney General's office and local police enforcement, drug arrests are up considerably.

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<sup>36</sup>"The New Drug and Alcohol Initiatives—The Impact on Youth," *Juvenile Delinquency Commission*, February 12, 1988.

## SUMMARY

This chapter presents a national overview of the correctional system with a descriptive analysis of the sociodemographic and socioeconomic characteristics of crime victims and offenders.

Prison overcrowding has become a national problem as discussed in this chapter. Of particular significance is the fact that New Jersey is one of only eight states that is not under some form of court order to reduce prison overcrowding. In addition, jails are operating beyond their capacity because of the backup from overcrowded prisons. In 1986, New Jersey was the second highest State in the number of prisoners held in county jails because of prison overcrowding.

In the last several years, State and local correctional spending has increased at a greater rate than any other expenditure. From 1979-1983, New Jersey increased corrections spending by 133.8 percent, making this State the seventh highest in percentage increase for that time period.

Several states have conducted public opinion polls on crime and punishment. Overwhelmingly, Americans favor the use of alternatives to incarceration for non-violent and first-time offenders.

New Jersey has experienced several initiatives that have impacted on the adult correctional system. Beginning in 1979, the new Code of Criminal Justice was enacted which provided for lengthier prison terms than under the old 2A Criminal Code. The Parole Act of 1979, designed as a companion measure to the new Code, provided for less disparity and more uniformity in the parole system and to lengthier terms of imprisonment in certain instances.

In addition to the above, in 1981, the statewide speedy trial program was implemented which has reduced the time from arrest to disposition by more than 50 percent.

Enacted in 1982 was the driving under the influence legislation which provided for stiffer penalties for driving under the influence of alcohol or drugs.

More recently is the Comprehensive Drug Reform Act which became effective in July, 1987. This legislation provided for stiffer penalties by consolidating these offenses into the new Code of Criminal Justice.

## CHAPTER II

# INTERGOVERNMENTAL DIMENSIONS OF THE NEW JERSEY ADULT CORRECTIONAL SYSTEM

## INTRODUCTION

New Jersey's adult correctional system is a complex organization consisting of many loosely connected components with different and sometimes conflicting goals. Administrative and financial responsibility for the parts are split among different levels of government and various agencies within the same level of government. Accountability is difficult and coordination is lacking in some areas. That is not meant as a criticism, but rather an observation. There is no evidence to support the notion that New Jersey's correctional system is less effective than that of any other state. In fact, New Jersey enjoys a national reputation, particularly in the development of alternatives to incarceration. Alternatives to incarceration or intermediate sanctions for certain offenders are becoming increasingly popular in recent years because they address two major concerns of the public: the need to spend less money on offenders and simultaneously feel safe in their community.

This chapter addresses the issue of prison and jail overcrowding. Recommendations are made to increase the number of prison beds for violent offenders and reduce the reliance on incarceration by expanding the use of alternatives to incarceration for non-violent offenders. Included in this chapter is an administrative and financial description of the State Department of Corrections, the municipal detention facilities, the county jails, the State prisons and pre and post-trial alternatives to incarceration. There is particular emphasis on the intergovernmental dimensions and complexities of the New Jersey adult correctional system.

It should be noted that the Federal government also has a correctional system operating in a similar way to the State correctional system. There are Federal prisons and probation services. Parole services were eliminated in 1984. Some county jails hold Federal prisoners pretrial for a per diem rate of \$40-\$45. Presently, there are no Federal prisons in New Jersey, however, a 550 bed Federal prison is in the process of being built in Vineland City, Cumberland County.

## THE DEPARTMENT OF CORRECTIONS

Since the Department of Corrections will be mentioned numerous times throughout this chapter, it seems appropriate to begin with an overview of the purposes and functions of the Department.

The Department of Corrections was established as a separate department of State government on November 1, 1976. Prior to 1976, corrections was a part of the Department of Institutions and Agencies.

N.J.S.A. 30:1B establishes the Department of Corrections and specifies the purposes of the Department. The Department is responsible for the custody, care, discipline, training and treatment of persons committed to State correctional institutions or on parole, and the supervision of, and assistance in the treatment and training of persons in local correctional and detention facilities so that such persons may be prepared for release and reintegration into the community. In addition, the Department is to cooperate with other law enforcement agencies of the State to encourage a more unified system of criminal justice.

The Department is organized into four separate divisions and several administrative units. The four divisions are Administration, Adult Institutions, Juvenile Services and Policy and Planning. The FY 1989 adjusted appropriation for the Department of Corrections is \$441.7 million which represents an 15.2 percent increase over FY 1988's adjusted appropriation as can be seen in Table 18. There are approximately 8,333 employees in the Department of Corrections. Overall, New Jersey's executive branch departments increased 8.5 percent between FY 1988 and FY 1989. The Governor's proposed 1990 budget recommends an overall decrease of 0.4 percent for executive branch departments, however, the Department of Corrections reflects a 7.7 percent increase. ***New Jersey, like the rest of the nation, is increasing its corrections spending at a higher rate than any other single departmental expenditure.***

The Department of Corrections has 12 correctional facilities, 11 for men and one for women. These include a facility for sex offenders and a reception center where all new male admissions go for classification. This facility also houses youthful offenders with indeterminate sentences between the ages of 16-30. Legislation enacted in 1987 changed the names of some of the institutions effective November 1988. For purposes of this report, the facilities will

**TABLE 18**  
**DEPARTMENT OF CORRECTIONS ANNUAL EXPENDITURES**

<b>Categories</b>	<b>FY 1986</b>	<b>FY 1987</b>	<b>FY 1988</b>	<b>FY 1989</b>
System-Wide Program Support	\$ 26,551,000	\$ 34,852,000	\$ 53,126,000	\$ 68,861,000
New Jersey State Prison	40,602,000	46,664,000	51,758,000	55,193,000
East Jersey State Prison	23,769,000	26,873,000	31,273,000	40,522,000
Bayside State Prison	19,753,000	22,599,000	27,078,000	29,528,000
Southern State Correctional Facility	20,504,000	23,736,000	26,337,000	28,848,000
Mid-State Correctional Facility	10,587,000	4,422,000	13,188,000	14,193,000
Riverfront State Prison	9,310,000	10,847,000	12,633,000	13,955,000
Edna Mahan Correctional Facility for Women	10,134,000	11,513,000	14,406,000	17,720,000
Northern State Prison	737,000	10,688,000	22,081,000	23,528,000
Adult Diagnostic and Treatment Center, Avenel	5,816,000	6,568,000	10,524,000	11,316,000
Garden State Reception and Youth Correctional Facility	16,657,000	18,527,000	21,195,000	22,818,000
Albert C. Wagner Youth Correctional Facility	14,989,000	17,019,000	18,789,000	24,319,000
Mountainview Youth Correctional Facility	14,589,000	17,167,000	18,327,000	19,821,000
Lloyd McCorkle Training School for Boys and Girls	4,998,000	5,488,000	5,881,000	6,567,000
New Jersey Training School for Boys	8,873,000	10,013,000	11,087,000	11,605,000
Juvenile Medium Security Center	3,358,000	3,977,000	4,506,000	4,804,000
Juvenile Group Centers and Community Programs	6,485,000	7,375,000	9,117,000	11,193,000
Office of Parole and Community Programs	10,446,000	11,297,000	12,676,000	14,393,000
State Parole Board	4,260,000	5,127,000	5,537,000	6,788,000
Division of Management and General Support	9,794,000	12,046,000	13,801,000	15,746,000
<b>Total</b>	<b>\$262,212,000</b>	<b>\$306,798,000</b>	<b>\$383,320,000</b>	<b>\$441,718,000</b>
<b>Percent Change</b>		<b>17.00%</b>	<b>24.94%</b>	<b>15.23%</b>

Source: State Budgets

be referred to by their new names. Listed below are the current and new names of the facilities:

<b><i>Current Names</i></b>	<b><i>New Names</i></b>
Trenton State Prison	New Jersey State Prison
Rahway State Prison	East Jersey State Prison
Leesburg State Prison	Bayside State Prison
Riverfront State Prison	Riverfront State Prison
Northern State Prison	Northern State Prison
Southern State Correctional Facility	Southern State Correctional Facility
Mid-State Correctional Facility	Mid-State Correctional Facility
Correctional Institute for Women, Clinton	Edna Mahan Correctional Facility for Women
Youth Correctional Center, Yardville	Garden State Reception and Youth Correctional Facility
Adult Diagnostic and Treatment Center, Avenel	Adult Diagnostic and Treatment Center
Youth Correctional Institution, Bordentown	Albert C. Wagner Youth Correctional Facility
Youth Correctional Institution, Annandale	Mountainview Youth Correctional Facility

The location of each of these facilities can be seen in Figure 6.

## **PROFILE OF A "TYPICAL" ADULT OFFENDER**

The "typical" offender whom we will track through the adult correctional system is described below:

Hello, my name is John Doe. I am a single black 23 year old male. I have been getting into trouble since my early teens. I have a juvenile record. I live in a poor urban area and my family is poor. I come from a broken home. I never saw my dad much as a child and my mom was gone a lot. I dropped out of school in the ninth grade. I started hanging in the street with my buddies. I needed their approval and I would do anything to get it.

It should be noted that while criminal behavior must be addressed with the "appropriate" punishment, most of the offenders are either emotionally disturbed, have drug or alcohol problems, or have been abused as a child either emotionally, physically, or sexually. In some cases, these young adults fit into more than one of the above categories.

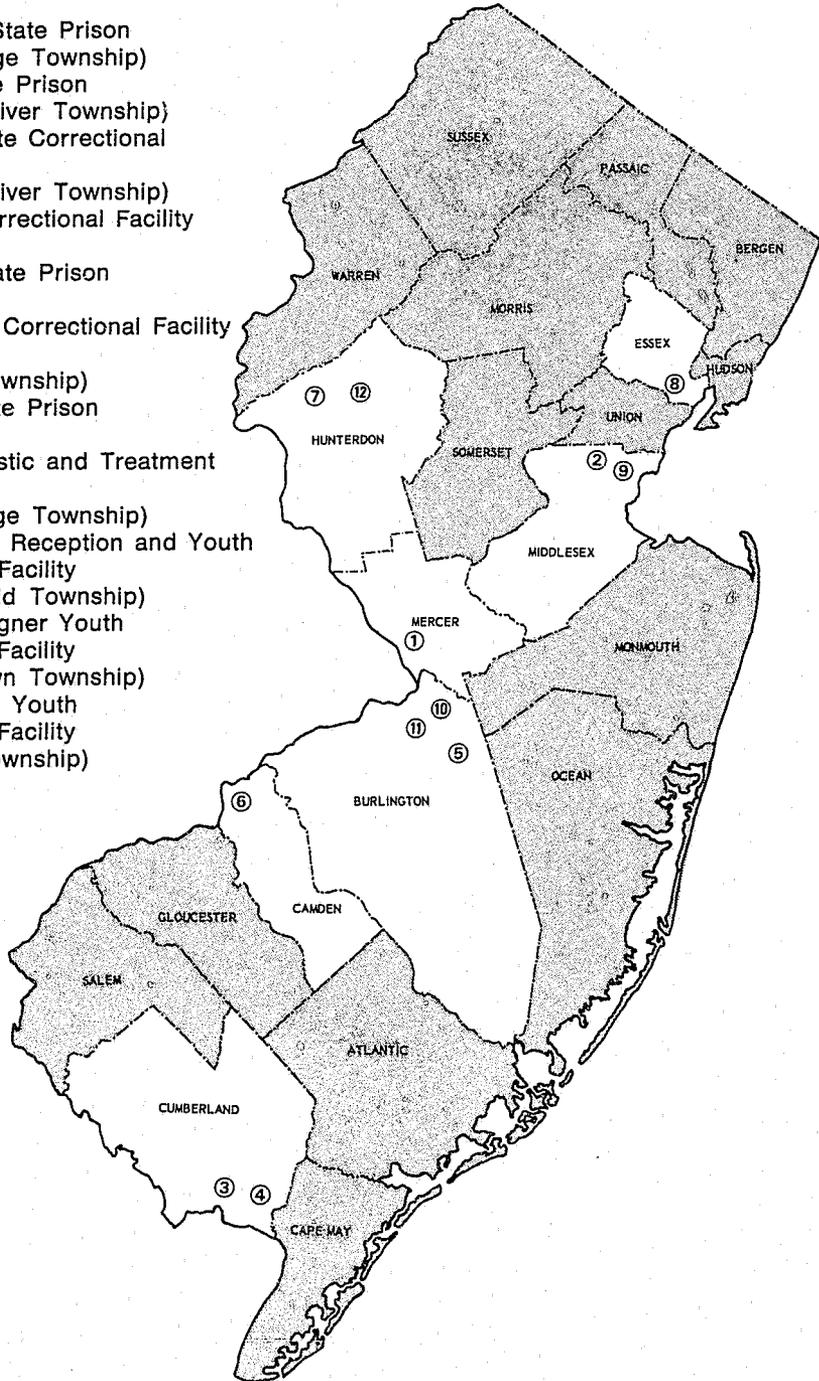
## **THE MUNICIPAL DETENTION FACILITY**

The first place an arrestee such as John Doe could come into contact with the correctional system is through confinement in a municipal detention facility.

Figure 6

LOCATIONS OF ADULT CORRECTIONAL FACILITIES

1. New Jersey State Prison  
(Trenton)
2. East Jersey State Prison  
(Woodbridge Township)
3. Bayside State Prison  
(Maurice River Township)
4. Southern State Correctional Facility  
(Maurice River Township)
5. Mid-State Correctional Facility  
(Fort Dix)
6. Riverfront State Prison  
(Camden)
7. Edna Mahan Correctional Facility for Women  
(Clinton Township)
8. Northern State Prison  
(Newark)
9. Adult Diagnostic and Treatment Center  
(Woodbridge Township)
10. Garden State Reception and Youth Correctional Facility  
(Chesterfield Township)
11. Albert C. Wagner Youth Correctional Facility  
(Bordentown Township)
12. Mountainview Youth Correctional Facility  
(Clinton Township)



A municipal detention facility is a holding or lockup facility, in most instances located in and operated by a municipal police department. New Jersey has 361 municipal lockups located in every county except Hunterdon. In Hunterdon County, an arrestee is taken directly to the county jail from all the municipalities. The facilities are for the temporary detention of arrestees—24 hours or less excluding holidays and weekends. Arrestees are either awaiting release upon the posting of bail, or awaiting transfer to the county jail or other facilities.

While the municipal detention facilities are fully funded by the municipalities, minimum standards are promulgated by the Department of Corrections pursuant to N.J.S.A. 30:1B-10. In accordance with the statutory authority provided in N.J.S.A. 30:1-15, the Department has the authority to inspect and observe the following: physical conditions of the facility; management and operation methods; and, physical care and treatment of arrestees.

If the municipal detention facility is found to be in non-compliance with the Department's minimum standards, written notice is given with a period of time for officials to comply with any standards which are in non-compliance. In accordance with N.J.S.A. 30:1-16, if non-compliance continues, the Department of Corrections has the authority to institute a civil action in the Superior Court of the county in which the facility is located to remedy improper conditions.

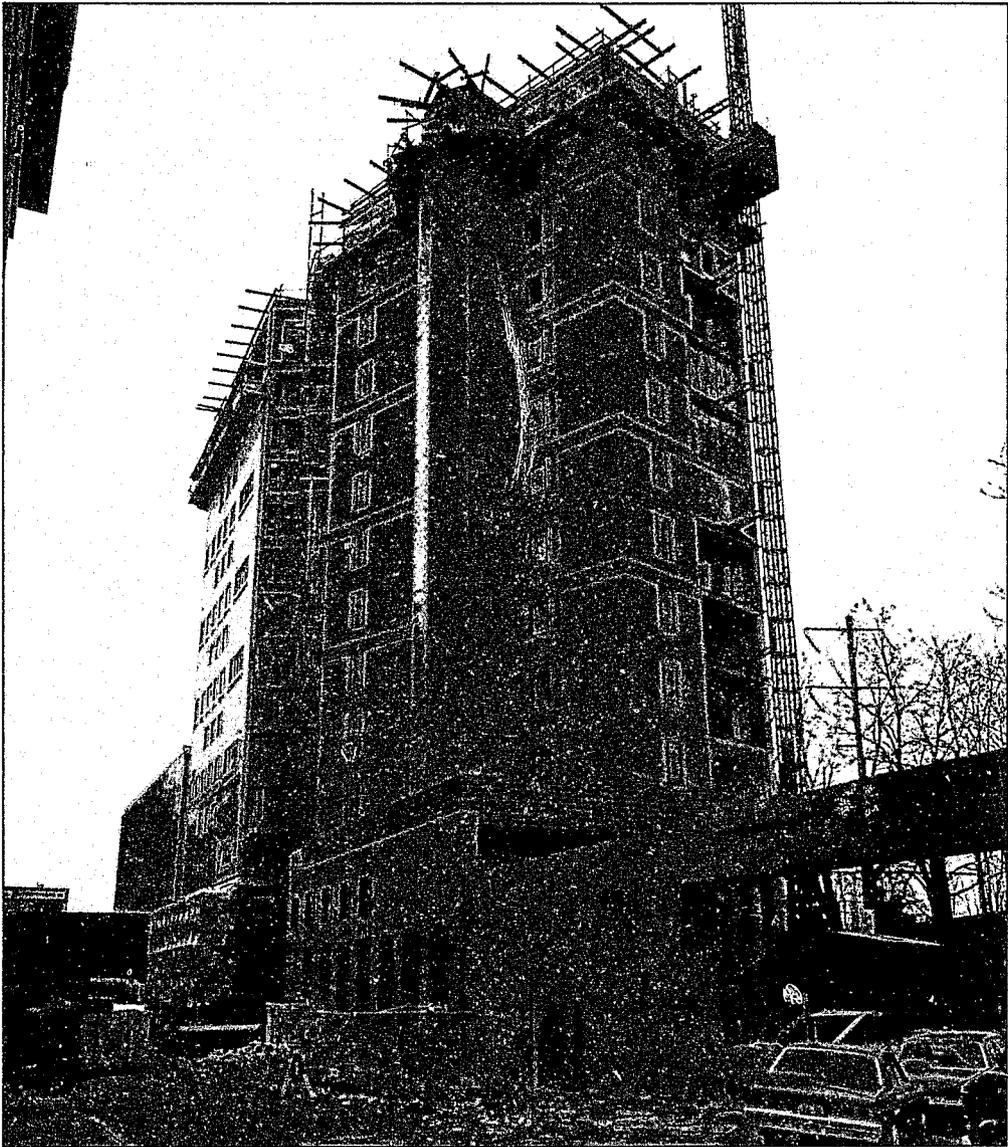
***The problem of jail and prison overcrowding has a detrimental affect on municipal detention facilities, particularly in urban counties.*** For example, in 1986, the city of Orange sued the County of Essex for failure to take arrestees within the 24-hour time period. The city of Newark had even more county inmates housed in it's lockup at the same time. The county jail was under a court-ordered cap and could not take the arrestees. The reason the jail was under court order was because of the back-up of state-sentenced prisoners that the State could or would not take into the State prison system.

Since October 1987, several municipalities in Union County have been housing offenders that should be in the county jail. The City of Elizabeth filed suit against Union County on December 13, 1988 to recoup thousands of dollars in costs to house prisoners at the municipal lockup who were turned away from the overcrowded county jail. Of the 25 to 30 prisoners per day in the Elizabeth lockup, two-thirds of the inmates were "doing time" after being sentenced to the county jail.

As noted above, municipal detention facilities have become overcrowded due to the overcrowding in the county jails and State prisons. The State pays the counties \$45 per day per state-sentenced prisoner housed in the county jail beginning on the 16th day post-sentencing. Statutorily, the Department of Corrections is required to take the state-sentenced inmates within a 15 day period. Municipalities receive no payment from the counties for county jail sentenced inmates serving time in municipal detention facilities which are designed for holding arrestees for a statutorily authorized 24-hour period. Therefore, ***the Commission recommends that the counties pay the affected municipalities a per diem rate for the housing of offenders beginning on the second day of confinement.*** The per diem rate will be determined by averaging the municipal costs for the provision of this service.

## THE COUNTY JAIL

A judge of the criminal court will send a defendant such as John Doe to the county jail from either a municipal detention facility or off the street for any of the following reasons: if the defendant cannot post 10 percent of his or her bail; if bail is not set because of the seriousness of the alledged crime; or, if the judge feels the defendant will not appear for his or her court date. ***He will be one of over 50 percent of the county jail population who are pretrial detainees.***



The Union County jail (520 beds) is scheduled for completion in July 1989. The cost is approximately \$42 million of which \$4.7 million is from State bond monies. The county has been under Federal Court Order since 1982 due to overcrowding. (Photo courtesy of Union County.)

What is a jail? In New Jersey, a jail is a county institution that primarily confines individuals awaiting trial or adults serving short sentences, generally one year or less.

In New Jersey, a jail may be under the control of the sheriff or the board of chosen freeholders. In optional charter counties, the jail may be under the control of the county executive or county manager. As can be seen in Figure 7, ten of the county jails are under the control of the sheriffs. In the other 11 counties, six counties have transferred control of the jail to the board of chosen freeholders. This may be done by resolution as provided in N.J.S.A. 30:8-19. Of the six optional charter counties, five have transferred control of the jail to the county executive or county manager through the administrative code. Bergen County is the only optional charter county that has kept the sheriff in control of the jail. The most recent counties to exercise this option are Ocean and Hunterdon in 1984 and Atlantic in 1985.

County government is responsible for the cost of operating the jails. In 1988, the counties will spend \$129.8 million, excluding fringe benefits, to operate the jails. As noted in Table 19, the costs are growing rapidly with a 17.4 percent increase from 1987 to 1988.

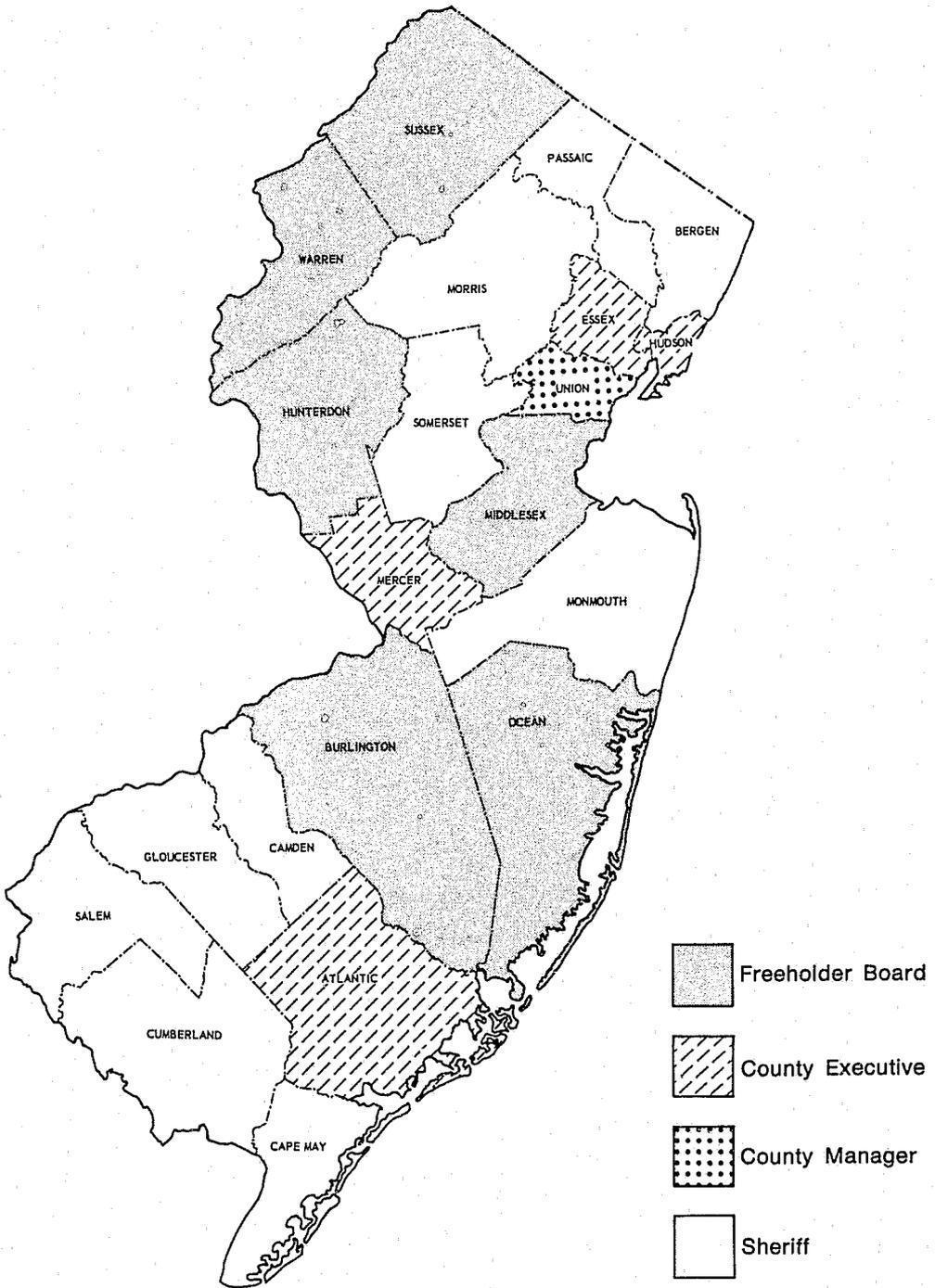
In addition to jail operating costs, counties are responsible for building and maintaining the jails. In 1982, the County Correctional Policy Act was passed by the Legislature for the purpose of providing State grants to participating counties under the county assistance program in exchange for the placement of certain State prisoners in medium and minimum security jails.<sup>1</sup> The program is funded through bond monies. The amount of the grant can cover the full cost of capital construction and renovation for space for State prisoners and 22 percent of the cost for space for the housing of county prisoners. The most recent bond referendum approved by the voters for prison and jail construction was in November 1987, for \$198 million. Of this amount, \$48 million is for county assistance. The monies will be used to partially fund construction of 2231 beds for county inmates and fully fund construction of 359 beds for State prisoners in county jails. For the 2231 beds for county prisoners, the counties share will be \$104.2 million. The following counties have requested an allocation: Bergen, Hudson, Mercer, Middlesex, Morris, Ocean, Passaic, Salem and Somerset.

From prior bond monies, the participating counties have been allocated approximately \$60 million in exchange for 640 beds for State prisoners, and partial funding for over 3,100 beds for county inmates. Thirteen counties utilized this assistance. The counties are: Atlantic, Bergen, Camden, Cumberland, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic and Union. The county cost for funding the state and county beds was \$124.5 million. The total number of State beds from the three bond referendums is 5372. From the last two referendums which included monies for county beds, the total number of county beds for State prisoners is 999.

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<sup>1</sup>N.J.S.A. 30:8-16.3 *et seq.*

**Figure 7**  
**CONTROL OF JAILS**



**TABLE 19**  
**COUNTY JAIL COSTS**

County	1986	1987	1988
Atlantic	\$ 3,784,282.00	\$ 4,883,267.00	\$ 4,412,052.00
Bergen	6,397,259.00	6,319,000.00	9,987,977.00
Burlington	3,474,747.00	3,627,162.00	3,981,974.00
Camden	5,329,240.00	5,524,050.00	8,089,216.00
Cape May	1,129,876.00	2,045,053.00	2,287,946.00
Cumberland	1,939,426.00	2,124,325.00	2,854,873.00
Essex	19,630,732.00	24,843,035.00	24,884,145.00
Gloucester	2,603,363.00	2,708,308.00	2,944,386.00
Hudson	4,649,937.00	6,365,500.00	7,364,261.00
Hunterdon	916,286.00	896,536.00	1,191,378.00
Mercer	2,083,006.00	5,503,423.00	6,608,409.00
Middlesex	8,987,310.00	11,724,260.00	13,615,760.00
Monmouth	5,410,455.00	6,247,522.00	8,692,618.00
Morris	2,962,015.00	3,192,745.00	3,690,655.00
Ocean	3,080,000.00	3,630,000.00	4,700,000.00
Passaic	7,500,000.00	8,320,750.00	10,150,000.00
Salem	1,156,750.00	1,325,218.00	1,562,186.00
Somerset	1,538,936.00	1,909,851.00	2,232,987.00
Sussex	1,818,050.00	2,059,502.00	2,418,954.00
Union	4,677,316.00	5,725,576.00	6,260,840.00
Warren	1,254,755.00	1,597,632.00	1,833,057.00
<b>Total</b>	<b>\$90,323,741.00</b>	<b>\$110,572,715.00</b>	<b>\$129,763,674.00</b>
<b>% change</b>		<b>22.42%</b>	<b>17.36%</b>

Note: Does not include fringe benefits

Source: County Budgets

Jail overcrowding is and has been in a state of crisis for some time. Seven counties (Atlantic, Camden, Essex, Hudson, Monmouth, Ocean, Union) are under Federal court order to reduce overcrowding. These orders place a cap on the number of persons a jail may hold. There are 26 county jails, 23 of which are above 100 percent capacity and five of these are above 200 percent. In December, 1988, Somerset county was the highest with 334 percent above rated capacity.<sup>2</sup> In many of the jails visited for the purposes of this study, inmates were seen sleeping on mattresses on the floor in gymnasiums that could no longer be used for recreational purposes with three to four men assigned to cells that were designed to accommodate one or two men.

<sup>2</sup>"County Jail Population Delineation," Administrative Office of the Courts, December 27, 1988. The other four counties at over 200% of their rated capacity were: Passaic (291%), Salem (252%), Middlesex (216%), Hudson (203%).

## ***Minimum Standards***

The Commissioner of the Department of Corrections is authorized to promulgate rules and regulations to establish minimum standards for the care, treatment, government and discipline of inmates in county jails (N.J.S.A. 30:1B-10). The county jails are inspected on a regular basis. If the Commissioner determines that a county jail or workhouse is in willful and continuous disregard of the minimum standards, he may order a phased restriction of admission of new inmates to that facility (N.J.S.A. 30:8-57). If no appropriate action is taken within 60 days, he may cease to admit persons sentenced to State penal facilities. After 90 days, no persons would be admitted to the facility. While at least some of the jails do not meet the minimum standards primarily because of severe overcrowding, the Commissioner has not chosen to restrict the admission of new inmates.

## ***Services***

In the county jail, services vary considerably from county to county. Services can involve educational and vocational training, library access, recreation, counseling and others. The provision of services is more difficult in a county jail than in a State prison because of the transient population. For instance, vocational and educational training need to have continuity for positive results. Recreation is a very important service and often the gym must be used as a dormitory.

One of the serious problems existing with regard to the level of services offered is the rights of the State prisoner housed in the county jail. By and large, a State prisoner assigned to the county jail does not have as many services available as he would if he were assigned to a State prison.

## ***Staff Training and Staff Turnover***

Many of the people interviewed during the course of this study were concerned with the high volume of custody staff turnover in county facilities. One of the main reasons is that the pay is less than that of a municipal police officer or a State correction officer.

Some observers indicated that staff training is inadequate which leads to high staff turnover. Presently, State and county correction officers are required to attend an eight week training course provided by the Department of Corrections as well as 40 hours per year of in-service training. Some counties have implemented their own training courses and feel that their courses are superior to those offered by the State. It is not cost-effective for the counties to each develop their own training program, however, correction officers need the best possible training for such a highly stressful job. The Police Training Commission in the Division of Criminal Justice in the Department of Law and Public Safety must approve and authorize schools for the training of police officers. The Governor has recently signed legislation that expands the role of the Police Training Commission to include the authority to approve and authorize schools for the training of county correction officers and juvenile detention officers.

## CATEGORIES OF INMATES IN THE COUNTY JAILS

There are several categories of inmates in the county jails. They include the following: pretrial detainees; pre-sentenced inmates; inmates sentenced to the county jail; weekend-sentenced inmates; state-sentenced prisoners awaiting transfer to the State prison system; state-sentenced inmates under the county assistance program; and, state-sentenced inmates housed under the Governor's emergency order. As can be seen in Figure 8, next to the pretrial detainees, the largest single category of inmates are the state-sentenced inmates awaiting transfer to the State prison system. Each group will be described below with any accompanying recommendations.

### *Pretrial and Pre-Sentenced Detainees*

The largest single category of jail inmates are the pretrial detainees. As of December 27, 1988, the counties housed 11,656 inmates, of which, 6380 (54.7%) were pretrial detainees.<sup>3</sup> There were 397 (3.4%) pre-sentenced inmates.<sup>4</sup> One must keep in mind that most of the inmates who are sentenced to State prison were once pretrial detainees in the county jails. Thus, no matter how heinous the crime or what kind of criminal background the defendant may have, he or she spends considerable time in the county jail. Included in this particular subgroup of pretrial detainees, however, are the defendants who could not raise 10 percent of their bail, and are charged with much less severe crimes such as shoplifting.

A 1987 study, conducted by the Office of Inmate Advocacy, indicated that 27 percent of the pretrial detainees who could not raise bail were held on bail of \$1000 or less.<sup>5</sup> According to the Office of Inmate Advocacy, the continued detention of these individuals is solely the product of their impoverishment. In addition, persons who spend time in jail as pretrial detainees are more likely to get a jail or prison sentence. Thus, the poor continue to face discrimination throughout the correctional system. While there are no statewide figures available according to race, one can assume that the black males are heavily represented in this subgroup because of the data available regarding inmates in the State prisons which will be discussed in a later section of this report.

In the field interviewing part of this study, it was noted that there is considerable county variation in the types of crimes for which persons are detained. Also, professionals had differing opinions as to whether there were pretrial detainees in their jails that should be released if they had the money to post bail. For example, in a suburban county, a woman had been held for four months on a shoplifting charge because she could not post \$100 bail. In an urban county visited, persons were not held for a "minor" crime such

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<sup>3</sup>Ibid.

<sup>4</sup>Pre-sentenced inmates have been to trial but have not yet received their sentence.

<sup>5</sup>"1987 Annual Report," *Office of Inmate Advocacy*, New Jersey Public Defender, Department of the Public Advocate, page 19.

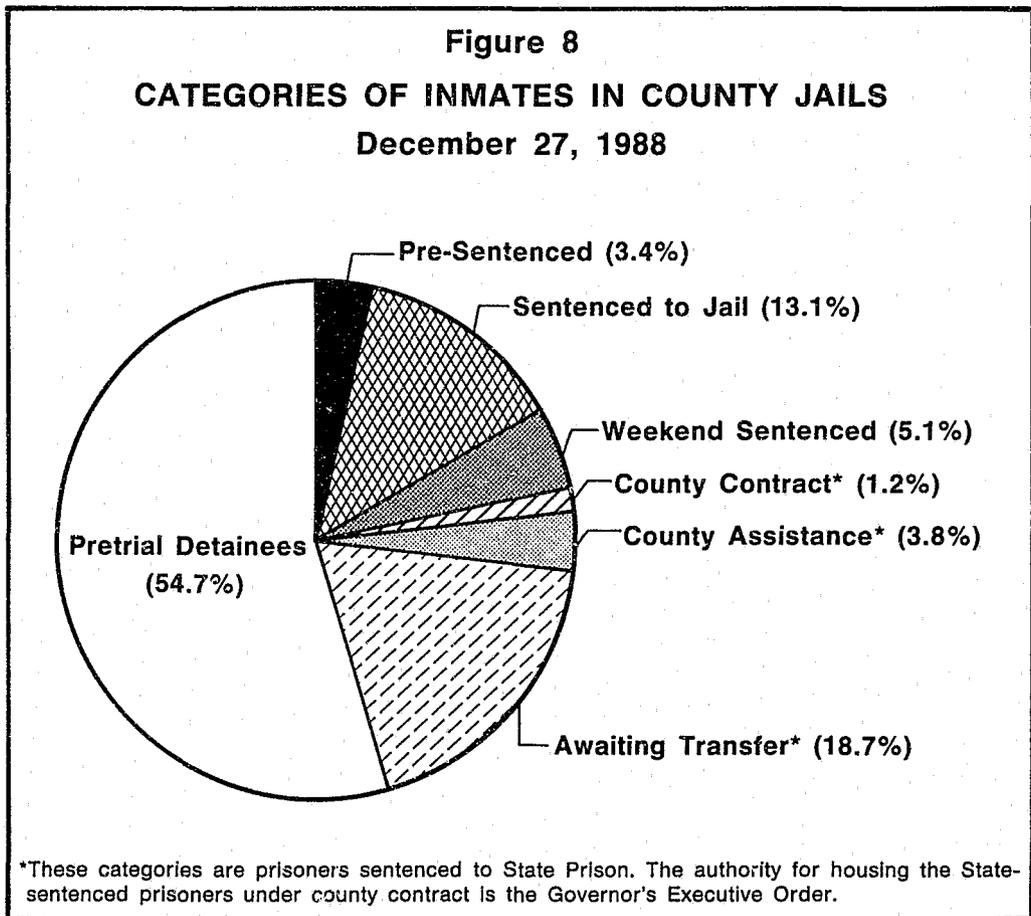
as shoplifting. According to the spokesperson, there were no non-violent first time arrestees held as pretrial detainees in that particular jail.

Two counties (Essex and Middlesex) have implemented supervised pretrial release programs for defendants who are unable to post bail. An expansion of this program to all the counties will be discussed in greater detail under a later section of this report entitled "Alternatives to Incarceration".

### County-Sentenced Inmates

The county jails had 1,528 inmates sentenced directly to the county jail on December 27, 1988 for short term commitments of 364 days or less. Generally, these persons have been found guilty of disorderly and petty disorderly persons offenses. This category of inmates included 13.1 percent of all the inmates housed in county jails.

Two counties (Essex and Middlesex) have implemented county intensive supervision programs which divert a portion of county sentenced inmates to



SOURCE: Administrative Office of the Courts

a rigorous program of intensive supervision. This program could be expanded to all the counties and is discussed in the section entitled "Alternatives to Incarceration".

### ***Weekend-Sentenced Inmates***

Another category of offenders in the county jails are the weekend-sentenced inmates. Generally speaking, these are the people who have been sentenced under the 1982 driving under the influence legislation. Sentencing usually involves community service and/or restitution in addition to a weekend sentence. On December 27, 1988, the county jails had a total of 589 persons or 5.1 percent of the total serving weekend sentences.<sup>6</sup> This subgroup poses a problem for county jails because these people need to be kept separate from the rest of the population for safety and security reasons.

This category of inmates could be placed on house arrest as is discussed in a later section of this report entitled "House Arrest".

### ***State-Sentenced Prisoners in County Jails Awaiting Transfer***

The second largest subgroup of inmates housed in the county jails are the state-sentenced prisoners awaiting transfer to a State prison. In December 1988, 18.7 percent of the population (2179) were in this category.<sup>7</sup> ***The county jail waiting list increased from 945 in December 1981 to 2179 in December 1988 as can be seen in Figure 9. This is an increase of 130 percent in eight years.***

Of this subgroup, 1,420 or 65 percent exceed 15 days post sentencing. At the present time, the State begins paying the counties \$45 per day beginning on the 16th day for the housing of these State prisoners. The first 15 days are solely a financial liability for the counties.<sup>8</sup> The counties receive approximately \$20 million annually for the housing of this category of prisoner.

### ***State-Sentenced Inmates under Contract and Executive Order***

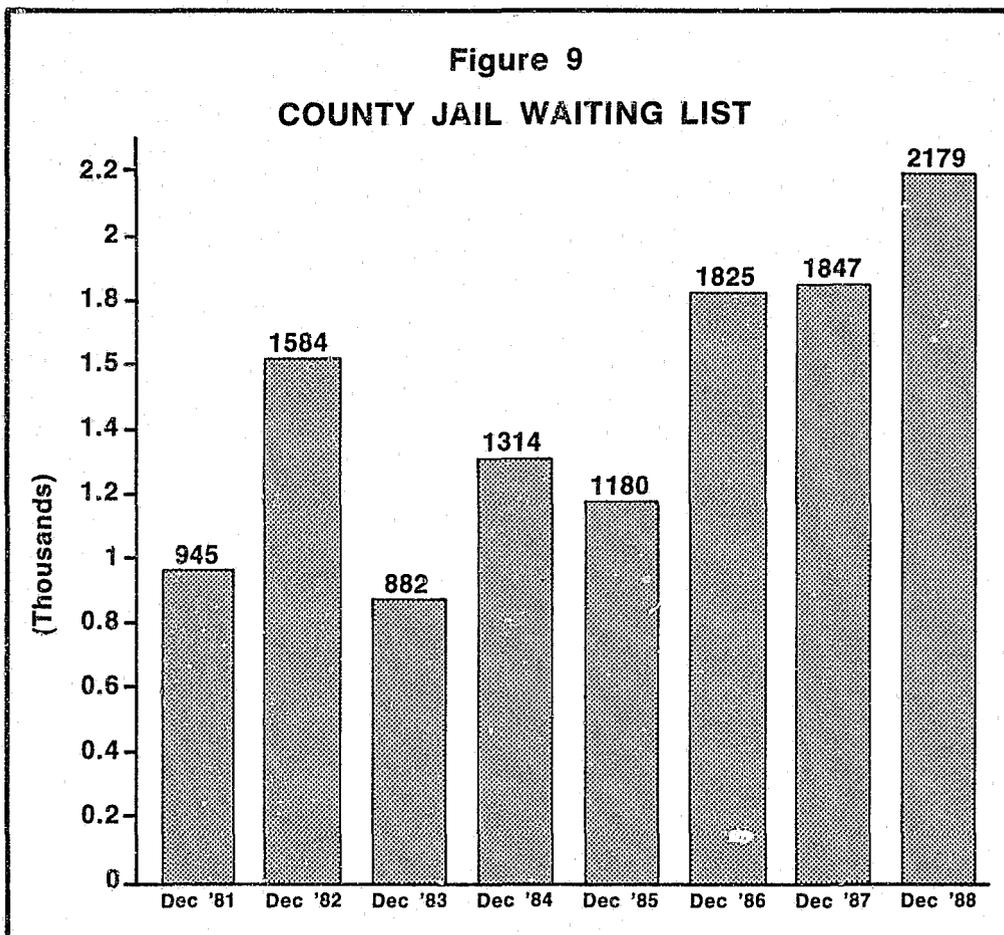
The State housed 583 additional state-sentenced prisoners in the county jails as of December 27, 1988. This included 441 prisoners held by the counties under State contract in which the counties are paid a certain per diem rate for housing these prisoners under the county assistance program in exchange for bond monies for construction of cells. The other 142 prisoners (75 in Mercer County, 31 in Sussex County, 17 in Hunterdon County and 19

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<sup>6</sup>Ibid.

<sup>7</sup>"County Jail Population Delineation," December 27, 1988.

<sup>8</sup>N.J.S.A. 2C:43-10(e) states that state-sentenced prisoners must be transported to a State prison within 15 days after sentencing.



SOURCE: Department of Corrections

in Cape May County) were housed for the State under an agreed upon contract between the counties and the State, however, the authority for housing this category of prisoner in the county jail comes via the Governor's Executive Order.<sup>9</sup> This annual order began in 1981 under Governor Byrne and allows for declaring the existence of an emergency and conferring upon the Department of Corrections the power to use county correctional institutions for the housing of State prisoners. ***The Commission recommends that the Governor's Executive Order allowing for the declaration of a State prison overcrowding emergency not be renewed and that the State and the counties continue to utilize contractual agreements for the housing of State prisoners in the county jails.***

<sup>9</sup>The per diem rate is the same as that for state-sentenced prisoners awaiting transfer.

## **Work Release**

In the sentenced population, there were approximately 176 inmates statewide on work release. This category of inmates poses a problem for the jails just as the weekenders because these people must be confined separately from the general population for safety and security reasons. Like the weekend sentenced inmates, these inmates could be placed under house arrest as is described in a later section of this report entitled "House Arrest".

Work release is operated differently for inmates in the county jails than it is for prisoners in the State prison system. As defined in N.J.S.A. 30:8-44, work release for county inmates must be approved by order of the court or the assignment judge in the county in which the sentence was imposed. For this reason, the only inmates on work release are those who already had a job prior to conviction. For State prisoners, work release is defined in N.J.S.A. 30:4-91.3 and allows the Commissioner of the Department of Corrections to approve work release, thus making the system more flexible and less difficult to administer and expand. Therefore, **the Commission recommends that the county work release program be identical to the State work release program.** This change would give the authority for approval of work release to the chief correction administrator in each county.

## **Special Categories of Offenders**

There are certain categories of inmates that are housed in the county jails and do not get the services needed. For example, the mentally ill are sometimes arrested and charged with disorderly conduct to get them off the street even though jail is not an appropriate placement for these people. Others who are mentally ill and convicted of a crime do not receive adequate mental health services.

Another category of persons with special needs are the physically ill. Each county must contract with a local hospital for the care of these people. With the spread of AIDS within this population, the situation is becoming increasingly difficult and costly.

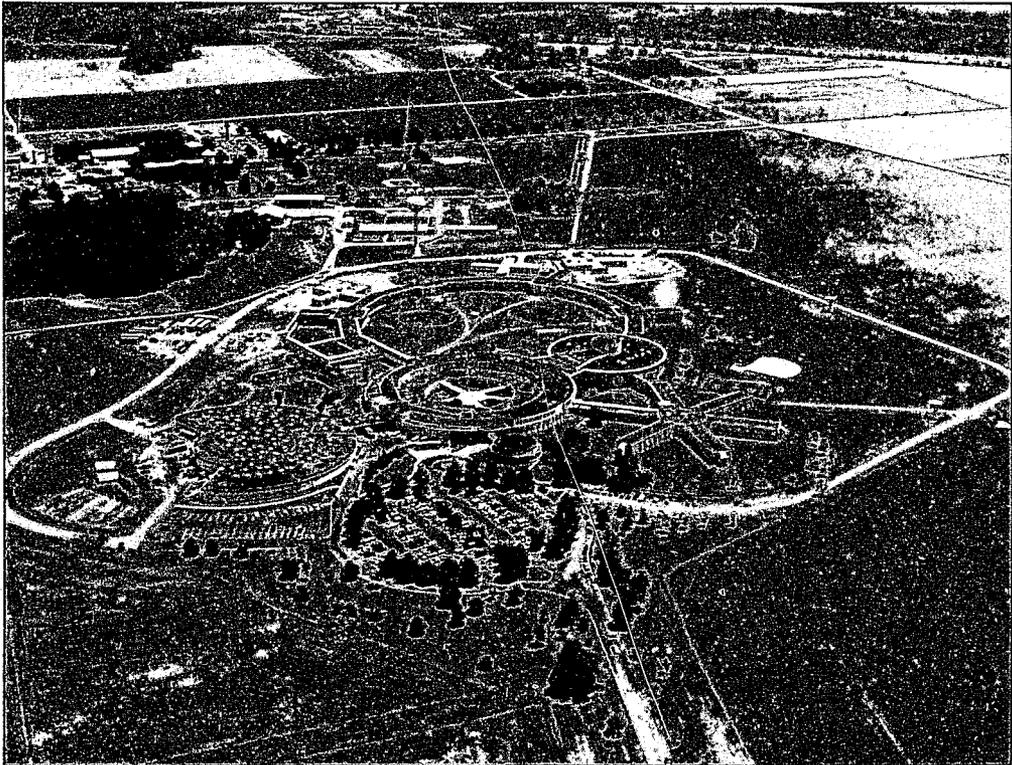
The sex offender population is increasing because of more public awareness and stiffer sanctions against the non-reporting of this offense. If the person does not fall within the category established for treatment at the Adult Diagnostic and Treatment Center, a State facility, or is awaiting placement at this overcrowded facility, he may spend his entire confinement in the county jail with little or no counseling and rehabilitative efforts. The Department of Corrections is providing pre-admission and orientation services to the state-sentenced prisoners awaiting placement at the ADTC.

There are other categories of persons with special needs that county jails are ill equipped financially and administratively to handle on a county by county basis. **Regionalizing services for the purpose of caring for the physically and mentally ill inmates would be a cost-effective way of providing care for these categories of offenders.**

## THE STATE PRISON SYSTEM

If John Doe is convicted of a crime and receives a sentence of longer than one year he will be remanded to the Department of Corrections. His first stop will be the Garden State Reception and Youth Correctional Facility which is located in Chesterfield Township, Burlington County. There he awaits classification which must take place within a prescribed period of time. If he has received an indeterminate sentence and is below the age of 26 years, he will spend his confinement at that facility or one of the youth correctional facilities listed below. In some cases youthful offenders with determinate sentences are housed in youth correctional facilities because the classification committee determines that they are too passive or youthful to survive in a prison environment. It should be noted that convicted females remanded to the Department of Corrections are sent directly to the Edna Mahan Correctional Facility for Women located in Clinton.

If an adult male offender receives a determinate sentence (unless considered too passive or youthful) or an indeterminate sentence and is over the age of 25 years, he will be referred by the classification committee to one of the other State facilities depending upon his crime and the length of his incarceration.



The Garden State Reception and Youth Correctional Facility located in Chesterfield Township, Burlington County. (Photo courtesy of the Division of Policy and Planning, Department of Corrections.)

The 12 State correctional facilities for adults are described below:

**New Jersey State Prison**—This is a maximum security facility located in Trenton (Mercer County) which houses inmates with a sentence of at least 20 years. There is a higher proportion of inmates who have committed murder or other heinous crimes against persons housed at this facility than at any of the other facilities. Also at the prison is the Capital Sentence Unit commonly referred to as death row. There is also an AIDS remission unit, a psychiatric unit and other special units that treat inmates who would not otherwise be serving time at this facility. The 1988 population is approximately 2200. Satellite units of the main institution include the Vroom Readjustment Unit for recalcitrant inmates who cannot adjust to the general population and Jones Farm for minimum security inmates who actually live and work on a dairy farm.

**East Jersey State Prison**—This prison located in Woodbridge Township, Avenel section, (Middlesex County) provides maximum, medium and minimum security programs. The 1988 population is approximately 1800. Also connected with this facility are Rahway Camp and Marlboro Camp for minimum security prisoners.

**Bayside State Prison**—This prison located in Maurice River Township, Leesburg section, (Cumberland County) provides medium and minimum security programs. The 1988 population is approximately 1500. Also connected with this facility is the Ancora Unit and Leesburg Farm which provide work opportunities for minimum security inmates.

**Southern State Correctional Facility**—This facility is located in Maurice River Township (Cumberland county) adjacent to Bayside State Prison and is a medium security facility. The 1988 population is approximately 1160.

**Mid-State Correctional Facility**—This facility is located at Fort Dix (Burlington County) on land owned by the federal government and the facility is leased from the U.S. Department of Defense. The lease expires in 1989. It is a medium security facility. In compliance with the basic agreement, there are no programs involving work release, furloughs or community activities. This facility is the first military stockade in the nation to be renovated into a medium security institution. The 1988 population is approximately 500.

**Riverfront State Prison**—This prison, which opened in 1985, is located in Camden (Camden County) and is a medium security facility. The 1988 population is approximately 470.

**Edna Mahan Correctional Facility for Women**—This facility is located in Clinton Township (Hunterdon County) and is the only institution for female inmates. Housing is essentially minimum security with the exception of two units which provide increased security. Recently an AIDS remission unit has been opened for the care and isolation of those females with the active virus. Also located at the facility in separate buildings are a select group of approximately 50 elderly male inmates who are considered to not be dangerous to the community or the female inmates. The 1988 population is approximately 500.

**Northern State Prison**—This prison located in Newark (Essex County) is a medium security prison. The 1988 population is approximately 858. This prison is the newest opening in 1987.

**Adult Diagnostic and Treatment Facility**—This facility is located in Woodbridge Township, Avenel section, (Middlesex County) and provides custody and inpatient treatment services for adult male sex offenders who come under the purview of the Sex Offender Act. The facility also provides diagnostic assessments for the courts, State Parole Board and other State and local agencies, and prescribed aftercare treatment for sex offender parolees. The 1988 population is approximately 450.

Garden State Reception and Youth Correctional Facility—This facility located in Chesterfield Township (Burlington County) provides for the reception and classification of all male commitments. In addition, males between the ages of 16 and 25 years with indeterminate sentences may spend their confinement at this institution. The 1988 population is approximately 1184.

Albert C. Wagner Youth Facility—This facility is a medium security facility located in Bordentown Township (Burlington County) which provides programs for young adult males. The addition of trailers provides for approximately 50 minimum custody inmates. The 1988 population is approximately 1100.

Mountainview Youth Correctional Facility—This minimum security facility located in Clinton Township, Annandale section, (Hunterdon County) is a cottage-type institution which provides programs for young adult males with both indeterminate and determinate sentences who have a minimal history of previous commitment to correctional institutions. The 1988 population is approximately 1200.

### **Adult Inmate Profile**

On December 31, 1987, there were 13,662 adult State inmates housed in State facilities.<sup>10</sup> The majority (53%) of these inmates were under 29 years of age. Most of the inmates were minorities: 59 percent black; 15 percent hispanic; and, 26 percent white. The only institution that had a different mix is the Adult Diagnostic and Treatment Center which had a predominantly white population.

The majority (58%) had been convicted of violent crimes or other crimes against persons. These offenses include homicide, sexual assault (rape, sodomy and others), robbery, assault and weapons offenses.

Of those inmates incarcerated for non-violent crimes (42%), 60 percent had been previously arrested for a violent offense. The average number of previous convictions for adult state inmates is 4.7. In separating the non-violent offender, the average number of previous convictions is 5.7. In a recent study prepared by the Criminal Disposition Commission on a random sample of 200 parolees during their first three years of parole, 62 percent were rearrested and 49 percent were convicted. Twenty-two percent of those released returned to prison within the three year period with an average of two convictions. ***New Jersey is within the range of re-arrest and prison return rates found in other states.***

Two-thirds of all adult inmates were serving terms of six years or more. Thirty-one percent have terms of 6-14 years and 33 percent have terms of 15 years or more, including life and capital sentences.

Five of New Jersey's counties accounted for 55 percent of the adult inmate population in 1987. Except for Monmouth County, each includes a major urban center. The five counties are: Essex, Camden, Monmouth, Passaic, and Union. Essex County was the highest with 19 percent.

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<sup>10</sup>All of the statistics in this section have been provided by the Department of Corrections. As of December 31, 1988, the total number of State inmates housed in State facilities was 14,146, which represents a 3.5 percent increase over 1987.

## PRISON OVERCROWDING

The State prison system is operating at 108.5 percent of capacity. It is a generally accepted practice that facility populations should not exceed 94 percent of the design rated capacity. The Adult Diagnostic and Treatment Facility is operating at 163 percent of capacity.

At the end of December 1988, there were 14,146 adult prisoners housed in the State prison system. In addition, county jails held 2762 State prisoners: 2179 on the county jail waiting list awaiting transfer; 142 under the Governor's Executive Order; and, 441 under the county assistance plan in exchange for bond monies for prison construction. Therefore, the total number of adult state inmates was 16,908 in December 1988.<sup>11</sup>

***The State prison system gained 6940 prisoners since 1980 for a total of 10,525, an increase of 194 percent. The youth complex has experienced a 72 percent increase from 2101 to 3621.***<sup>12</sup>

During fiscal years 1984 to 1988, the Department of Corrections added 3261 beds to the State system. Another 960 beds will be opened by July 1989. In addition, 390 State beds were added to county facilities through the county assistance program during these same fiscal years.

In order to address the overcrowding problem in New Jersey, Governor Kean convened a Task Force on Prison Overcrowding in October 1986. The Commission results were made available in February 1987. The Task Force projected that the State inmate population can be expected to increase at a rate of 90-130 per month through January 1, 1990. Based on the existing population and the projected inmate increase per month, bed space needs between 1987 and 1990 total 6800. In addition, after 1990, it is projected that 993 beds will be needed to replace prefab and temporary dorms now being used, and another 600 beds would be required to get close to the 95 percent of design capacity.

The citizens of New Jersey have responded favorably to the addition of more prison and jail cells with the passage of several bond referendums in recent years. The most recent bond referendum voted favorably was in November 1987, for \$198 million. As noted earlier in this report, \$48 million is for county beds and the remainder is for state beds. The \$150 million is expected to fund the addition of approximately 3300 beds to the State prison system. As of March, 1989, the Department of Corrections is projecting a 3,000 bed deficit by January 1991 primarily due to the new drug law. This figure does not include replacing 1200 beds in antiquated wings at New Jersey State Prison and East Jersey State Prison or the possible loss of 530 beds at the Mid-State Correctional Facility if Fort Dix is closed at the end of 1989 as has been recommended by the Department of the Army. Even with the positive citizen response and the escalating budget in the Department of Corrections,

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<sup>11</sup>"Resident Population Counts by Quarter," December 1988.

<sup>12</sup>Ibid.

the State will not be able to keep up with the need for additional beds. Therefore, ***the Commission recommends a \$30 million bond referendum for the construction of 500 additional beds for State prisoners.***

Some states are experimenting with private contracting of prisons and jails, particularly for minimum security facilities and halfway houses. By allowing for-profit corporations to manage day to day operations of the prison, advocates hope to reduce the cost to the public as well as provide more efficient management. New Jersey currently contracts for halfway houses and inpatient substance abuse services. ***At this time, the Commission does not recommend the privatization of prisons and jails because of the question of accountability. New Jersey should, however, continue to monitor this method with an open mind for possible future use.***

As noted in Chapter I, there are several factors which have led to the "crisis in corrections". The most notable is the Criminal Code which imposed mandatory minimum terms and presumptive sentencing. Other factors are the Graves Act and the Comprehensive Drug Reform Act.<sup>13</sup> As noted in Figure 10, ***in December 1988, over 45 percent of adult state inmates had mandatory minimum terms.*** Some states have implemented sentencing guidelines tied to prison and jail overcrowding. The concept of sentencing guidelines has been proposed to reduce sentencing disparity and to assist in controlling prison populations. Minnesota and Washington have developed guidelines which consider the capacity of correctional facilities. In 1983, the Advisory Commission on Intergovernmental Relations recommended that all states adopt sentencing guidelines based on legislatively predetermined population maximums at both the State and local levels.<sup>14</sup>

Other States (California, Ohio, Texas, Oregon) have appointed blue ribbon panels to study the problems of prison overcrowding and to look for policy alternatives.

***While New Jersey's State prison system is one of the very few that is not under court order to reduce overcrowding, many of the county jails and municipal detention facilities are either under Federal court order or have lawsuits pending regarding overcrowding.*** If the inmate population continues to increase as projected, and the State continues to pass more stringent laws requiring incarceration, it is only a matter of time before the State system will be faced with a court order because the building of cells cannot keep pace with the demand. As noted in Chapter I, the public is beginning to become aware that the "get tough" policies of the 1970's are costing far more than anyone had predicted. Also, the public is becoming more amenable to intermediate sanctions for certain types of offenders.

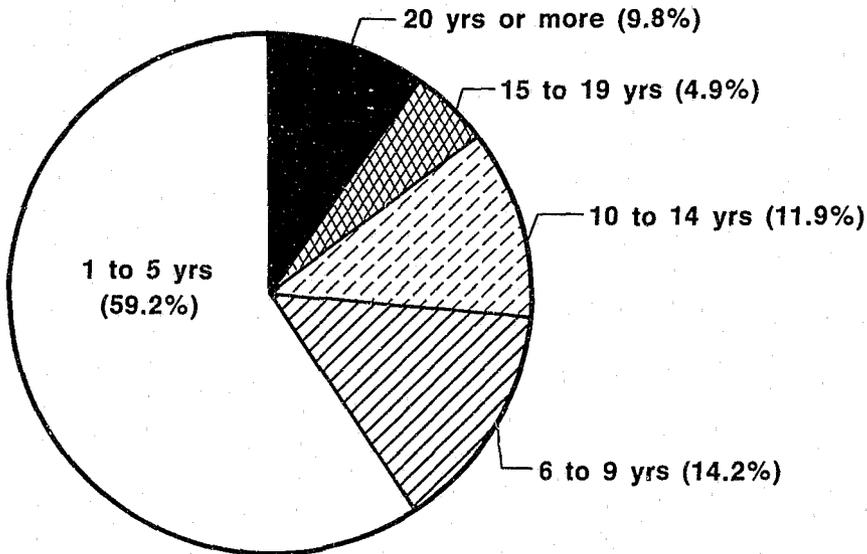
Therefore, ***the Commission recommends that the Governor and the Legislature appoint a Blue Ribbon Commission for the purposes of ex-***

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<sup>13</sup>For a description of these laws, please see Chapter I, section entitled "Recent State Significant Initiatives Impacting New Jersey's Adult Correctional System".

<sup>14</sup>"Time to Build?" Edna McConnell Clark Foundation, 1984.

**Figure 10**  
**NEW JERSEY DEPARTMENT OF CORRECTIONS**  
**ADULT OFFENDERS—DECEMBER, 1988**



**MANDATORY MINIMUMS**

Note: Over 45% of adult state inmates have mandatory minimum (parole ineligibility) terms. Over 40% are in excess of 5 years.

SOURCE: Department of Corrections

*Examining New Jersey's correctional and punishment philosophy as they relate to the State's correctional system to determine whether changes are needed to improve the system.*

**Services and Rehabilitation**

Generally speaking, State prisoners spend a morning or an afternoon in a work assignment and the other half of the day in continuing education or vocational training if they so choose. The medium security inmates spend 10-12 hours per day in their cells and the maximum security inmates spend 12-14 hours per day in their cells. The medium security prisons visited for the purposes of this study did not seem to be any less secure than the maximum security facilities. For the most part, there seem to be adequate services available for the inmates if they choose to participate.

Rehabilitation is seen as a voluntary process. Most people in the system feel that rehabilitation is very personal, and that if an inmate wants to change his behavior, the appropriate services are available to him or her.

Whether rehabilitation is a goal of the adult correctional system or not, the fact of the matter is that 95 percent of the inmates will be back on the street. If they are returned to the community from a medium or maximum security facility, reintegration is more difficult. The public is naturally frightened at having some categories of inmates in minimum security or in halfway houses, however, realistically the last few months of confinement spent in minimum security would not adversely affect the crime rate. ***The Department of Corrections should make every effort possible to have prisoners spend their last few months of confinement in minimum security or halfway houses for the purpose of gradual reintegration into the community.***

### **Special Populations**

Many prisoners have a history of drug and/or alcohol abuse. Others are emotionally disturbed. AIDS is becoming a major problem as the State determines whether mandatory AIDS testing is appropriate for all prisoners, and what to be done with those prisoners who test HIV positive to the disease. These same special populations also are housed in the county jails, and as discussed earlier, the county jail is less equipped to deal with these categories than the State prison system.

One special population indigenous to the State prison system is the geriatric inmate who is of increasing concern because of the lengthier prison terms. The Commission has no specific recommendation regarding this population but wants to recognize the special needs of geriatric inmates and encourage the Department of Corrections to continue their efforts to deal with this population.

## **ALTERNATIVES TO INCARCERATION**

Nationally, prison and jail overcrowding has led to a proliferation in the development of alternatives to incarceration. New Jersey has been a forerunner in this area and has a national reputation for its progressive endeavors. Alternatives to incarceration are intermediate sanctions which are less costly than incarceration and adequately address the public's concern with safety. Generally, these sanctions are for non-violent and first-time offenders.

Many organizations in the public and private sector have supported the use of alternatives to incarceration. For example, Governor Kean's Task Force on Prison Overcrowding recommended the expansion of already existing programs which will be discussed below. The Criminal Disposition Commission has done extensive research in this area and has gone on record in support of alternatives to incarceration. In the private sector, the Alternatives Task Force of the New Jersey Criminal Justice Network has publicly endorsed this approach along with the New Jersey Association on Correction. Nationally, the

Advisory Commission on Intergovernmental Relations, the National Conference of State Legislatures and the National Association of Counties have all supported the development and use of intermediate sanctions for certain offenders.

In examining the intergovernmental dimensions involved in the development and implementation of alternatives to incarceration, it becomes apparent that it is even more complex than with incarceration. With incarceration, the municipalities, the counties and the executive and legislative branches of State government are closely interrelated as has been noted in earlier sections of this chapter. With alternatives to incarceration, the largest component with the most flexibility for the development of alternatives to incarceration is probation. In New Jersey, probation is under the administrative control of the judicial branch of State government and funded by county government which results in additional intergovernmental complexities.

This section will describe the intermediate sanctions in place in New Jersey and recommend expansion of these programs. Also included in this section are additional alternatives to incarceration which have been used successfully in other states and can be tried in New Jersey.

## **PRETRIAL ALTERNATIVES TO INCARCERATION**

### ***Release on Own Recognizance (ROR)***

The judge may choose to release the person without bail if there is every indication that the arrestee will appear for his court date except in certain circumstances where the crime charged is of a severe nature and the person must be held pretrial.

### ***Pretrial Intervention***

Pretrial Intervention is a statewide program and is part of the 1979 Criminal Code (2C:43-12 through 2C:43-22). Prior to the new Code, the program was authorized by court rule. It is for first-time offenders and provides applicants with opportunities to avoid ordinary prosecution by receiving early rehabilitative services or supervision. Acceptance of an applicant into a program of supervisory treatment is based upon the applicant's amenability to correction, responsiveness to rehabilitation and the nature of the offense. Defendants may be referred to this program by the designated judge or the assignment judge anytime prior to trial upon consent of the prosecutor and written recommendation of the program director. Application investigations are performed by the criminal case management offices and supervision is handled by the county probation departments. Upon successful completion

of the supervisory treatment, the complaint, indictment or accusation against the participant may be dismissed. Approximately eight percent of the persons charged with indictable offenses are referred to this program.<sup>15</sup>

## **Bail**

The purpose of bail is to assure that the defendant will appear for his or her court date. Bail is first set by the municipal judge in most counties. If the judge has sufficient reason to believe that appearance in court is questionable, he may require bail. By court rule (3:26.4g), unless the order setting bail specifies to the contrary, bail may be satisfied by the posting of 10 percent of the amount of bail. **Bail practices are not uniform in New Jersey, therefore, pretrial detainees may be held in different county jails for the same crime with different bails.** Within 48 hours of being arrested, the bail unit in the criminal case management office investigates the case and sometimes recommends a reduction in bail. At this point, the trial court judge will hear the recommendations. In rare cases, depending upon the seriousness of the crime, bail is not set; thus the defendant remains in the county jail until the trial. As noted in an earlier section of this report, the inability to post bail discriminates against the poor in our society. **Approximately 88 percent of the persons on active pending indictments are released on their own recognizance (ROR) or on bail.**<sup>16</sup>

## **Supervised Pretrial Release**

Supervised Pretrial Release is a relatively new program currently operating in Essex and Middlesex counties. The program can be operated by the probation department or the criminal case management office. Essex County was the first county to implement this program in the summer of 1986 in response to a Federal court challenge on overcrowding at the county jail.

The goal of the program is to alleviate severe overcrowding in the county jail while still ensuring a defendant's appearance in court and minimizing his/her potential of re-arrest while being supervised. The program is for defendants who were not involved in Pretrial Intervention and cannot post bail. The charges must be of a non-violent nature for the person to be eligible for this program. In Essex County, the arrestee must have been held in the jail at least 30 days.

The participant must adhere to certain conditions including the use of a wristlet for electronic monitoring of hours confined to the home. Curfews are established according to the particular situation, substance abuse counseling or other mental health services may be ordered and the participant is closely supervised by a probation officer.

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<sup>15</sup>Administrative Office of the Courts.

<sup>16</sup>Administrative Office of the Courts.

Studies done by the Vera Institute of Justice in New York and by the National Council on Crime and Delinquency found that court appearance rates for defendants on Pretrial Release were substantially higher than those released on bail. The NCCD study found 88 percent completed Pretrial Release supervision without new arrests.

***Supervised Pretrial Release programs are more cost-effective and humane than incarceration and should be implemented in all the counties.***

### ***Treatment Alternatives to Street Crime (TASC)***

This program operates out of the criminal case management office and is funded by the State Judiciary in Burlington, Hudson and Middlesex counties. In the past, more counties were involved with some programs funded by the State Judiciary and some funded by the counties.

TASC's goal is to identify drug and alcohol abuse among offenders. If treatment is indicated, the arrestee is placed in an appropriate outpatient or inpatient program. Unlike Pretrial Intervention, TASC clients may still be prosecuted, however, a judge may take into account the arrestee's willingness to accept treatment when imposing a sentence.

## **POST-SENTENCING ALTERNATIVES TO INCARCERATION**

### ***Probation***

***Probation is the most widely used alternative to incarceration.*** At the end of December 1988, there were over 55,000 adult offenders on probation, while the State prisons housed 14,146 adults and the county jails housed 11,656 offenders.

County probation departments are administratively under the State Judiciary, however, the employees' salaries and operating costs are paid for by the counties. In 1988, the counties budgeted \$69.4 million on probation as can be seen in Table 20. This figure does not include fringe benefits. ***The 1988 gross cost for providing probation services including fringe benefits is \$89.2 million.***

Administratively, probation is divided into pre-dispositional services and post-dispositional services. Pre-dispositional services primarily consist of investigative activities. The probation officers in this category are under the day-to-day supervision of the criminal and family case managers while usually remaining on the chief probation officers payroll with the chief probation

**TABLE 20**  
**COUNTY PROBATION COSTS**

County	1986	1987	1988
Atlantic	\$ 1,071,118.00	\$ 1,142,638.00	\$ 1,345,433.00
Bergen	2,460,173.00	2,647,596.00	3,966,362.00
Burlington	2,683,350.00	2,716,243.00	3,026,590.00
Camden	4,761,321.00	5,169,418.00	5,657,351.00
Cape May	520,171.00	664,064.00	854,968.00
Cumberland	1,947,756.00	1,053,192.00	1,115,463.00
Essex	10,117,842.00	9,739,408.00	10,843,386.00
Gloucester	2,018,647.00	2,290,206.00	2,371,004.00
Hudson	4,156,195.00	4,679,199.00	5,403,249.00
Hunterdon	665,207.00	808,179.00	962,809.00
Mercer	2,274,393.00	2,410,247.00	2,723,718.00
Middlesex	5,219,685.00	5,827,842.00	6,396,018.00
Monmouth	3,038,656.00	3,628,445.00	4,287,726.00
Morris	2,914,493.00	3,040,861.00	3,230,530.00
Ocean	2,097,192.00	2,575,972.00	3,164,000.00
Passaic	4,507,296.00	4,988,400.00	4,642,050.00
Salem	819,885.00	882,944.00	979,419.00
Somerset	2,379,275.00	2,918,041.00	2,602,640.00
Sussex	557,389.00	620,392.00	691,660.00
Union	3,751,057.00	4,024,910.00	4,095,265.00
Warren	764,673.00	878,133.00	1,025,297.00
<b>Total</b>	<b>\$58,725,774.00</b>	<b>\$62,707,330.00</b>	<b>\$69,384,938.00</b>
<b>% change</b>		<b>6.78%</b>	<b>10.65%</b>

Note: Does not include fringe benefits

Source: County Budgets

officer having hiring, firing and disciplinary authority. This procedure is referred to as matrix management. Of the \$89.2 million 1988 gross county probation costs, approximately \$22.7 million is allocated to pre-dispositional services.

Of the \$66.5 million allocated to post-dispositional probation services, \$26.6 million is spent on Title IV-D Child Support Enforcement. This is a Federal program for the collection of court-ordered support payments and, if requested, for the supervision of non court-ordered payments. The gross county cost for this program is \$26.6 million, however, the Federal Government reimburses the counties approximately 67 percent of the administrative costs or \$17.7 million.

**TABLE 21**  
**COUNTY PROBATION COSTS (1988)**

Services	Gross Cost	Revenue	Net Cost
Pre-Dispositional	\$22.7 million		\$22.7 million
Post-Dispositional	\$66.5 million	\$18.5 million	\$48.0 million
Total	\$89.2 million	\$18.5 million	\$70.7 million

For the purpose of this study, we are interested in the supervision of offenders which will cost the counties approximately \$40 million in FY 1988. The supervision of adult offenders accounts for approximately \$30 million (75%) of the supervision costs.

Post-dispositional probation services, both Child Support Enforcement (Title IV-D) and offender supervision, are under the supervision of the chief probation officer in each county. By 1983 court rule, the vicinage chief probation officers are appointed by the administrative director of the courts after consultation with the assignment judge and subject to the approval of the Chief Justice.

As is readily apparent, the boards of chosen freeholders have no authority regarding the operations of the probation departments yet they must appropriate all the monies for these services. Traditionally, in New Jersey, probation has been considered a part of two systems—the Trial Court System and the Correctional System. The administrative separation and reassignment of the pre-dispositional probation activities to case managers recognizes the judicial nature of this component of the conventional probation function. Conversely, post-dispositional probation services are more readily identified as an integral component of the Correctional System. Therefore, ***the Commission recommends that pre-dispositional probation services be transferred to the criminal and family courts and that post-dispositional probation services be considered part of the Correctional System to remain funded by the counties with minimum standards developed by the Administrative Office of the Courts.*** When the State takes over the funding of the Trial Court System as has been recommended by the Commission on several occasions, pre-dispositional probation services as a part of the Trial Court System will be transferred to the State Judiciary.

Post-dispositional probation services will become a regional program provided by county government. To accomplish this objective, ***the Commission recommends that the chief probation officers be appointed by the respective appointing authority of the various counties.*** In addition, the budgets for the county probation departments would be determined by county officials without any type of review or recommendation from State officials.

With implementation of the above recommendations, counties will be directly responsible for a continuum of services to offenders with a major

**TABLE 22**  
**ADULT PROBATION CASELOADS**  
**FY 1988**

County	Number of Probationers	Average Caseloads	Estimated Number of Probation Officers
Atlantic	2,669	227	12
Bergen	2,275	160	14
Burlington	1,297	224	6
Camden	4,617	161	29
Cape May	945	187	5
Cumberland	1,035	214	5
Essex	7,004	125	56
Gloucester	1,594	106	15
Hudson	8,568	198	43
Hunterdon	331	120	3
Mercer	4,329	251	17
Middlesex	4,874	103	47
Monmouth	2,177	101	22
Morris	1,210	149	8
Ocean	1,642	115	14
Passaic	3,389	115	29
Salem	479	206	2
Somerset	1,161	90	13
Sussex	496	152	3
Union	5,323	139	38
Warren	573	263	2
Total	55,988	162	384

Source: Administrative Office of the Courts

emphasis on community corrections. The county-administered and county-funded services to offenders would include county jails, juvenile detention centers, probation, community service, supervised pretrial release programs, intensive supervision programs for county jail inmates and other programs to reduce jail and detention center overcrowding.

***The caseloads for the probation officers must be reduced.*** As can be seen in Table 22, the average adult caseload is 162. The optimum number of cases per probation officer should be no more than 100 in order to effectively supervise the offender. Only one county (Somerset) has a caseload of 100 or less. Eight counties have caseloads above the statewide average. These counties are: Atlantic, Burlington, Cape May, Cumberland, Hudson, Mercer, Salem and Warren.

Based on figures provided in Table 22, the counties would need an additional 175 probation officers for every county to have caseloads of 100 or less. The statewide cost for funding 175 additional positions at \$20,000 per position is \$3.5 million annually.

As a revenue source to help defray the costs of additional positions, ***the Commission recommends that adult probationers be charged a monthly fee based upon their ability to pay.*** The typical per month amount in other states is \$15. In a May 1984 survey conducted by the Contact Center Inc., 18 of the 41 responding states have some form of probation fee.<sup>17</sup> If New Jersey were to charge a probation fee per probationer, it is probable that the total amount of revenues would be reduced by a collection rate of 50 percent as this is the rate of collection experienced in other states which require probation supervision fees. The cost for collecting such fees has been estimated to total one dollar per case per month based on collection costs for Violent Crime Compensation Board penalties, child support, fines and restitution. The annual total revenue generated would be approximately \$4.6 million if New Jersey charged \$15 per month per probationer assuming a caseload of 55,000 with a 50 percent collection rate and a one dollar per month per case administrative fee.

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

New Jersey's Intensive Supervision Program began in 1983 and was one of the first such programs in the country which developed in response to the prison overcrowding crisis. The program was also developed to test whether intensive supervision of certain offenders in the community is less costly and more effective than traditional prison sentences. The program was developed by the State Judiciary as a result of recommendations by Governor Kean and the 1982 Judicial Conference on Probation. The program is administered by the Administrative Office of the Courts with State funding. Authorization for the program is by court rule 3:21-10(b)(1). This program is separate and distinct from all programs of the county probation departments.

The Intensive Supervision Program is a program of conditional release from custody for inmates serving State prison sentences for non-violent offenses.

ISP participants have served a minimum of two months in prison. All persons sentenced to a State prison term are eligible for consideration unless convicted of homicide, robbery, a sex offense or if they are serving a prison term with parole ineligibility. Less than 19 percent of the applicants are accepted into the program. As of March 1, 1989, 598 persons have completed the program. There are currently 406 active participants.

Before being accepted into the program, potential applicants must develop a detailed case plan for achieving program success and they must obtain

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<sup>17</sup>"Probation Fees," *Corrections Compendium*, IX, No.6, (1984).

a community sponsor who will assist the applicant in following the conditions of the program. If ISP staff and the screening board conditionally approve the application, the applicant must go before the resentencing panel for final approval. The resentencing panel has sole authority over whether an applicant is released into or removed from the program.

Caseloads are generally 20 participants per officer, and participants are contacted several times a week. Urine monitoring is an integral part of the program to detect alcohol and drug abuse. All participants have a curfew which is monitored through random residence visits, telephone calls, electronic surveillance and contact with community sponsors. Participants are required to maintain employment and pay all fines and restitution. In addition, they must serve a minimum of 16 hours of community service per month. If participants have an alcohol or drug addiction history, they are required to attend an out-patient treatment program. Other requirements may be added to the case plan depending upon the particular case.

The Intensive Supervision Program has in-house research and evaluation staff. In addition, the Institute for Criminological Research, Department of Sociology, Rutgers University, evaluated the program in 1987. According to their report, the new conviction rate of the ISP group over a two year period was 12 percent, while the matched group out on parole had a new conviction rate of 23 percent.

***In addition to lowering the recidivism rate and making room in prison for violent offenders, the Intensive Supervision Program is a cost-effective intermediate sanction.*** According to the Rutgers research report, the estimated cost savings is approximately \$7,000 per offender. This figure, however, does not take into account the participants employment or the payment of taxes, fines, restitution, child support and community service value.

Eligibility criteria for admittance to the ISP program has been very strict which is natural when beginning a program such as this because the public must support the use of intermediate sanctions. The program has run very successfully for several years. The Criminal Disposition Commission and the Governor's Task Force on Prison Overcrowding have both recommended a change in the initial eligibility criteria so that more prisoners would be eligible to apply. ***The Intensive Supervision Program Advisory Board has made several recommendations to expand the Intensive Supervision Program and should be encouraged to do so.***

Many of the regular probationers who fail probation do so because of violations of the conditions of probation rather than the committing of a new offense. Instead of sending the probation violators back to jail or prison, a select few could be referred to the ISP program and placed under house arrest similar to what is being implemented in the Intensive Surveillance Supervision Program for parolees operated by the Bureau of Parole in the Department of Corrections. ***The Commission supports expanding the Intensive Supervision Program to include some probation violators on an experimental basis.***



The County Intensive Supervision Program (ECLIPSE) in Essex County is one of the programs that uses electronic wristlets to monitor curfews. (Photo courtesy of the ECLIPSE program.)

### ***County Intensive Supervision Program***

Two counties (Essex and Middlesex) have implemented intensive supervision programs for the jail population. The programs are patterned after the State program. Essex County had the first such program and their program has been operational since November 1985. The program is named ECLIPSE (Essex County Local Intensive Probation Supervision Effort). It is administered and staffed by the probation department with an annual budget of approximately \$240,000.

The goal of the program is to remove a minimum of 30 inmates a year from the county jail. Participants must be serving a term of at least 60 days to a maximum of 364 days. Generally, the inmates must be Essex County residents, have a record of non-violence and must display a sincere interest in changing their lifestyle.

Those selected for the Program are provided with intensive supervision, must adhere to a budget, submit to urine monitoring, perform four hours of

community service per week, find and maintain suitable employment, attend regular group counseling sessions and allow themselves and their living quarters to be searched without a warrant.

As of December 31, 1988, 81 individuals have successfully completed the program at an estimated savings to the county of over \$500,000.

The Criminal Disposition Commission and the Governor's Task Force on Prison Overcrowding have recommended that the County Intensive Supervision Program be expanded to all the counties. ***The Commission supports implementation of County Intensive Supervision Programs for jail inmates in all the counties.***

## ***Community Service***

The statewide Community Service Program began in 1982 under the direction of the Administrative Office of the Courts and is operated out of the 21 county probation departments.

The sanction became statutorily authorized with enactment of the 1979 Criminal Code. As provided in N.J.S.A. 2C:43-2b(5), the court may sentence an offender to perform community-related service. Additionally, per N.J.S.A. 2C:43-1b(13), community service can be ordered as a condition of probation. Effective October 5, 1984, community service became mandatory along with a term of imprisonment for offenders convicted of a second Driving Under the Influence offense (N.J.S.A. 39:4-50).

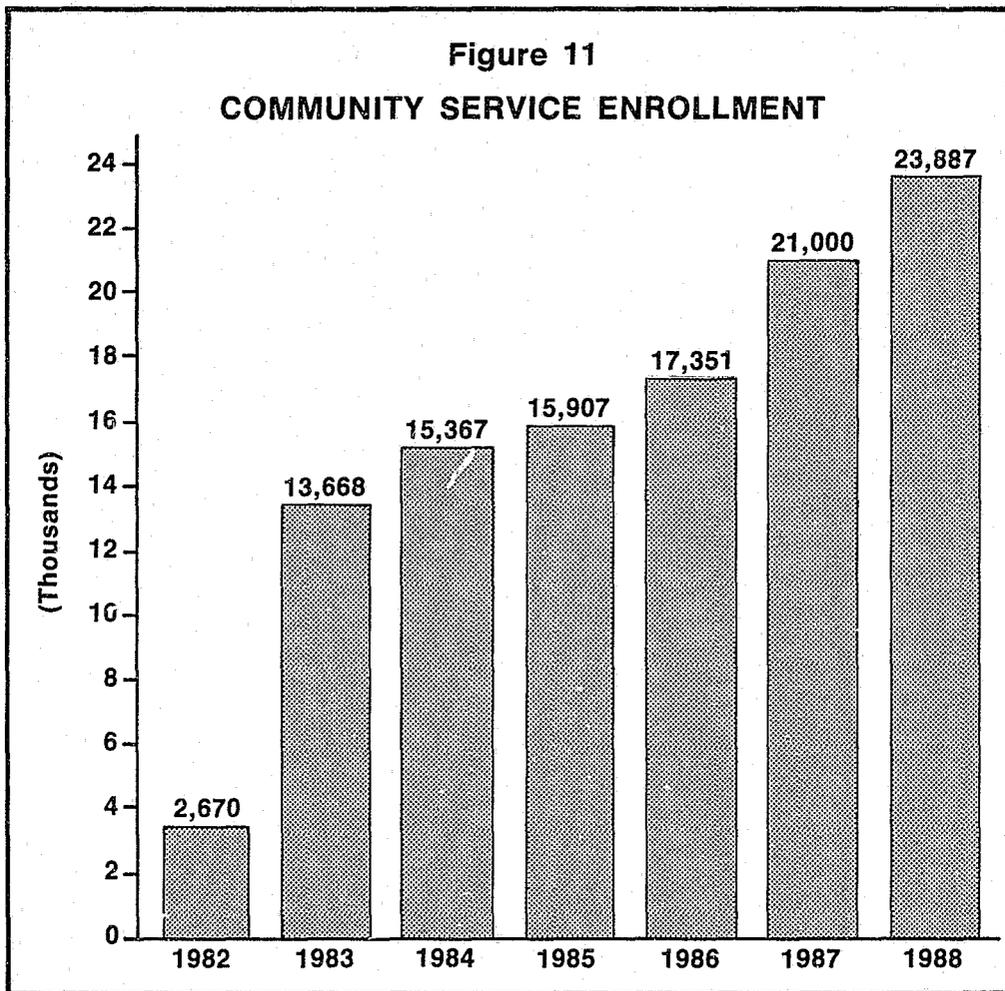
The use of community service has increased considerably since 1982. In 1982, 2670 persons were enrolled in the program. At the end of 1988, 23,887 persons were sentenced to perform community service. Please see Figure 11 for the increase in community service enrollment from year-end 1982 through year-end 1988.

***As is the case with probation in general, the community service programs are primarily funded by the counties.*** The State appropriation for this program has remained at \$650,000 since 1984 and the counties have paid the difference. The estimated operating cost in 1987 was \$2.7 million with the counties providing 76 percent of the funding.<sup>18</sup>

As a component of community service, the Criminal Disposition Commission and the Governor's Task Force on Prison Overcrowding have recommended Supervised Group Community Service. The major differences in this program versus regular community service are: persons would be assigned to perform community service as a group rather than by individual assignment; they would be working every weekday; and, the program would be for a higher risk offender. The Criminal Disposition Commission recommended that four county programs be established on an experimental

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<sup>18</sup>Administrative Office of the Courts.



SOURCE: Administrative Office of the Courts

basis, each staffed with two probation officers. The program would be restricted to those defendants sentenced to terms of less than 90 days who have a verifiable local address, no serious drug, alcohol, physical or emotional problems, no history of violent behavior and no outstanding warrants. ***The Supervised Group Community Service Program as proposed should be implemented on a trial basis to alleviate jail overcrowding.***

### **Parole**

The responsibility for parole is shared between two agencies: The New Jersey Parole Board and the Department of Corrections.

The New Jersey Parole Board is an autonomous agency whose nine members are appointed by the Governor to staggered six-year terms. It is common in the United States to have the Parole Board as an independent

agency. There are only four states (Maryland, Minnesota, Ohio, and Wisconsin) whose parole boards are not autonomous.<sup>19</sup>

The Board is divided into panels for considering parole eligibility for three types of inmates: state prison, young adult and juvenile. The Parole Board also has the responsibility for considering county-sentenced inmates. The primary mission of parole is to ensure community protection and offender reintegration through vigorous screening and evaluation prior to release. Generally, inmates are paroled at their first eligibility date unless time has been added on for inappropriate prison behavior or the Board is of the opinion that the inmate is a threat to society. In some cases, prisoners "max out". This means their parole has been denied and they have served the entire sentence in prison and must be released to the community without parole supervision.

If the Parole Board recommends a parole date, the inmate is given certain conditions he must abide by. These conditions are forwarded to the parole officer assigned to the case.

Parole supervision is administered by the Bureau of Parole in the Department of Corrections. The Bureau of Parole is administratively under the Division of Policy and Planning within the Department of Corrections. Parole is an integral last link in the complex correctional system and needs to be recognized as an important component. Therefore, ***the Commission recommends that the Bureau of Parole be elevated to Division status within the Department of Corrections.***

Parole officers supervise all juvenile and adult parolees from State and county institutions and those entering New Jersey from other states. There are over 15,000 persons on parole, and the average caseload per officer is 73. The parole operation is fully funded by the State at a FY 1989 cost of \$14.4 million.

The Bureau of Parole operates a short-term residential facility in Jersey City. The facility has 15 beds and is for males only. Generally speaking, parolees stay approximately 30 days or less. The purpose of the facility is to restabilize parolees newly released who cannot make the adjustment.

In the area of drug and alcohol abuse, many parolees are in need of counseling and there are not enough residential and outpatient programs. It sometimes takes six months to be admitted to a residential treatment program. ***The Commission recommends that the State have more residential and outpatient treatment services for parolees with alcohol and/or drug addictions.***

### ***Mutual Agreement Program (MAP)***

The Mutual Agreement Program is a cooperative effort between the Department of Corrections, the State Parole Board and the Department of Health. The purpose of MAP is to place inmates who have been identified as al-

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<sup>19</sup>"Sourcebook of Criminal Justice Statistics," U.S. Department of Justice, Bureau of Justice Statistics, 1986, 36.

cohol/drug abusers into inpatient treatment programs outside the prison in lieu of incarceration. Referrals are made primarily by the State Parole Board hearing officers. The Department of Health has contracted with various community agencies to provide alcohol and drug treatment services.

The program began in mid-1984. In the past year the number of beds has doubled. There are 62 beds and 534 persons have completed the program to date. To be eligible for the program, inmates must meet the following requirements: full minimum custody status or full minimum eligible; good institutional adjustment; unlikely threat to the community; full medical clearance; and, within 18 months of a projected parole eligibility date.

The MAP alcohol programs are 90 days in length and the drug programs are 180 days in length.

***The Commission supports the continued expansion of the Mutual Agreement Program as a less costly and more rehabilitative program than incarceration.***

### ***The Intensive Surveillance Supervision Program (ISSP)***

The Intensive Surveillance Supervision Program is the first of its kind in the country and is similar operationally to the Intensive Supervision Program for probationers but serves a substantially different clientele. The ISSP program was developed in 1986 in response to prison overcrowding and is operated by the Bureau of Parole in the Department of Corrections. The Department of Corrections received \$514,000 initially in State and Federal Justice Assistance Act matching funds for this program. The federal funds pass through the State Law Enforcement Planning Agency (SLEPA) which oversees the program. The funding level for this fiscal year has been reduced to \$230,000. In FY 1990 there will be no federal money for this program.

Referrals are made to the program by the State Parole Board. The program is designed to provide intensive supervision and the extensive use of community resources for parolees who would not otherwise be given favorable consideration for parole at their initial eligibility because of mental, behavioral or physical impediments. Inmates considered for the program fit one or more of the following criteria: mentally disturbed; emotionally disturbed; physically disabled or limited; incarcerated 10 years or more; history of severe substance abuse problems; no suitable residence; and, hard to employ.

There is one parole officer in each of the 12 district offices with caseloads of no more than 20 parolees. ISSP parolees are expected to participate in intensive interaction with the parole officer and various community agencies. Curfews may be imposed along with other restrictions on a case-by-case basis. Participants are supervised for six months, at which time the case is evaluated for transfer to a traditional caseload.

Since the program began in July 1986 through February 1989, there have been 204 successful completions. Thirty-five percent of the participants have been returned to prison. Of the 35 percent, only eight percent have

committed new crimes while in the program. On a more positive note, 92 percent of the program violators were returned to prison for technical violations. When taking into account the type of parolee in this program, the success rate is excellent.

The program is going to be expanded to include parole violators. Each of the 12 parole officers will have five more cases from the regular caseload. These parolees are in the parole revocation process for parole violations. Heretofore, these offenders would be in prison during this process. With the expansion of ISSP, some parolees will be referred to ISSP and placed under house arrest with the use of electronic monitoring. There are other requirements such as employment. One of the differences in this phase of the program is that these people will have to have a stable environment for the use of electronic monitoring equipment. With the regular ISSP caseload, approximately 50 percent of the participants do not have a stable homebase. ***The Commission favors the expansion of the Intensive Surveillance Supervision Program to include certain persons in violation of their parole conditions and is also in favor of the State picking up the extinct federal share of the program.***

### ***Halfway Houses***

New Jersey has 12 halfway houses which operate as community release programs for State prison inmates who are within nine months of their parole eligibility date. To be eligible to participate, inmates must have: successfully completed one month in full minimum custody status at the prison; maintained a good institutional adjustment for the same period of time; received a positive psychological evaluation within the previous six months; and, been approved for participation by the Institutional Classification Committee.

Two of the halfway houses are operated by the Department of Corrections and are located in Newark. One is for men and has 50 beds and the other is for women with 15 beds. The Department also contracts with non-profit organizations, such as Volunteers of America and the New Jersey Association on Correction, for the care and supervision of approximately 230 people in the other 10 halfway houses. The Department of Corrections has money available for additional beds, however, community resistance has prevented the opening of more of these houses.

The Department of Corrections has chosen to expand the use of halfway houses through contract with non-profit organizations because it has proven to be more cost-effective. With the Department operated houses, overhead remains virtually the same whether all the beds are filled or not. With the contract halfway houses, a per diem rate is paid for only those days in which a bed is occupied.

The goal of these programs is to build the skills that were lost while the inmate was incarcerated and dependent upon the institution by gradually giving each resident greater responsibilities and privileges in five phases. The

residents must earn each phase of the program. Failure to adjust to the program and follow the rules and regulations results in return to the prison with additional time added to the sentence.

***The use of halfway houses should be expanded to include all qualified offenders.***

### ***Emergency Powers Act***

Due to severe prison overcrowding, in 1982, New Jersey enacted legislation which provided for the early release of certain prisoners whenever the prison system reached a point above the desired predetermined capacity level established by the Department of Corrections. The Emergency Powers Act had a two year sunset provision and expired in 1984.

Under the provisions of the EPA, the Governor may order, after consultation with the Commissioner of the Department of Corrections and a declaration of an overcrowding state of emergency, accelerated parole of up to 90 days of the parole release date for persons who have been certified for parole by the Parole Board. This legislation did not apply to anyone serving a mandatory minimum term, an extended sentence, a term of life, a sentence for a crime of the first or second degree or criminal sexual contact.<sup>20</sup>

New Jersey is one of ten states that has enacted emergency release measures.<sup>21</sup> While New Jersey did not use the emergency powers during the two years the law was in effect, accelerated parole eligibility is considered a short-term solution to an emergency situation. As recommended by the Governor's Task Force on Prison Overcrowding, an emergency release program should be available as an option. Therefore, ***the Commission recommends that legislation be enacted to allow accelerated parole eligibility for non-violent prisoners in State prison overcrowding emergency situations.***

### ***House Arrest***

House arrest programs, particularly those with electronic monitoring, are becoming popular across the country. Like the Intensive Supervision Programs, they are being developed in response to prison and jail overcrowding. Not only are house arrest programs cost-effective, they also are considered by some to be more punitive than ISP programs. Thus, they tend to be accepted by the public as a viable alternative to incarceration. In addition, it is a constant reminder to family, friends and neighbors that the person is being "punished" for his misdeeds. Therefore, house arrest can be thought of as a possible deterrent. When an offender is away at prison it is easier to forget the situation. Often, offenders prefer prison to house arrest because of the punitive aspect.

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<sup>20</sup>N.J.S.A. 30:123.73.

<sup>21</sup>"Prison Overcrowding Emergency Powers Act: the Michigan Experience," *Innovations*, The Council of State Governments, 1984.

House arrest is designed to be the "last chance" before imprisonment. House arrest is flexible in that it can be used as a sole sanction or as part of a package of sentencing conditions.

New Jersey is using house arrest in the form of curfews, with and without electronic monitoring, in the State Intensive Supervision Program, the county Intensive Supervision Programs, The county Pretrial Release Programs, and the State Intensive Surveillance Supervision Program. Other states are also involved in house arrest programs: California, Colorado, Idaho, Illinois, Kentucky, Michigan, New Mexico, New York, Oklahoma, Oregon, Utah, and Virginia.<sup>22</sup>

House Arrest is being used for offenders with special needs such as the terminally ill and the mentally retarded. Connecticut is exploring its use for pregnant women. Several states are developing house arrest programs for elderly offenders. Other categories of offenders in which states use house arrest are for offenders on work release which is the fastest growing population for house arrest, and offenders with drunk driving offenses.

In New Jersey, there are at least two categories of jail inmates that may be suitable for house arrest—the work release inmate and the weekend-sentenced inmate. As mentioned in an earlier section of this chapter, New Jersey has approximately 589 persons serving weekend sentences. There are approximately 176 jail inmates on work release. Both of these categories of inmates must be separated from the general population for security reasons which compounds the problems for the county jails. If a certain number of those inmates were placed on house arrest, assuming they have a stable home environment, several hundred beds could be freed up for the incarceration of offenders convicted of other crimes. Therefore, ***the Commission recommends that New Jersey develop house arrest programs for jail inmates on work release and persons serving weekend sentences.***

## COUNTY CORRECTIONS ADVISORY BOARD

As a prerequisite for funding under the 1982 County Correctional Policy Act, participating counties are required to establish a 12 member county corrections advisory board.<sup>23</sup> Membership is appointed by the governing body and represents the areas of public safety, the judiciary, corrections, education, social services, ethnic minorities and the general public. The board is required to develop a comprehensive plan for developing, implementing, operating and improving county correctional services which must be approved by the county governing body.

While some counties do not have active on-going committees, others have formed advisory boards that meet on a regular basis. One such county visited

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<sup>22</sup>Joan Petersilla, *Expanding Options for Criminal Sentencing* (California: The Rand Corporation, November 1987), 34.

<sup>23</sup>*N.J.S.A. 30:8-16.7.*

for the purposes of this study was Middlesex which formed their committee in 1973. The Criminal Justice Advisory Committee meets monthly and exchanges information and ideas for improving the correctional system. All of the key actors actively participate and share in the responsibility for the entire system rather than in the protection of individual interests. Particularly in light of the intergovernmental complexities of the correctional system discussed in this chapter, formal and informal dialogue is vital to the well-being of the total system.

On the State level, the Criminal Disposition Commission serves a similar purpose. The Criminal Disposition Commission was established as a part of the 1979 Criminal Code.<sup>24</sup> The 12 member Commission is responsible for studying and reviewing all aspects of the criminal justice system relating to the disposition of criminal offenders, parole, probation and supervisory treatment. A positive aspect of the Commission is that all the key people from the various components of the criminal justice system have become knowledgeable and concerned regarding the entire system and how their particular area of interest and expertise fits within this larger universe.

***For the purpose of facilitating communications among all of the relevant parties in the county correctional system and developing and implementing comprehensive county correctional services, the Commission recommends that each county governing body appoint a County Corrections Advisory Board to meet on a regular basis.***

## SUMMARY

New Jersey has had the foresight to address the problem of prison and jail overcrowding with a two pronged approach: the building of additional cells and the development of alternatives to incarceration for certain offenders. The public has supported several bond referendums for prison and jail construction which has not been the case in many states. New Jersey is one of the very few states with a prison system that is not under Federal court order to reduce overcrowding. Conversely, many of the county jails and municipal detention facilities are severely overcrowded primarily because of the backup of state prisoners held in the county jails.

Even with the progressivism displayed in New Jersey, the correctional system is still in a "state of crisis". New Jersey needs to increase the number of State beds, expand the intermediate sanctions in place and continue to develop new appropriate alternatives to incarceration. In addition, the Legislature will need to examine the Criminal Code and other legislation to see if there are any acceptable ways to reduce the reliance on incarceration. If New Jersey continues to enact legislation requiring lengthy incarcerations and sentences with parole ineligibility, prison construction will be unable to keep pace with the demand and the use of alternatives to incarceration as recommended herein will be required.

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<sup>24</sup>N.J.S.A. 2C:48.1 et seq.

## CHAPTER III

# INTERGOVERNMENTAL DIMENSIONS OF THE NEW JERSEY JUVENILE CORRECTIONAL SYSTEM

## INTRODUCTION

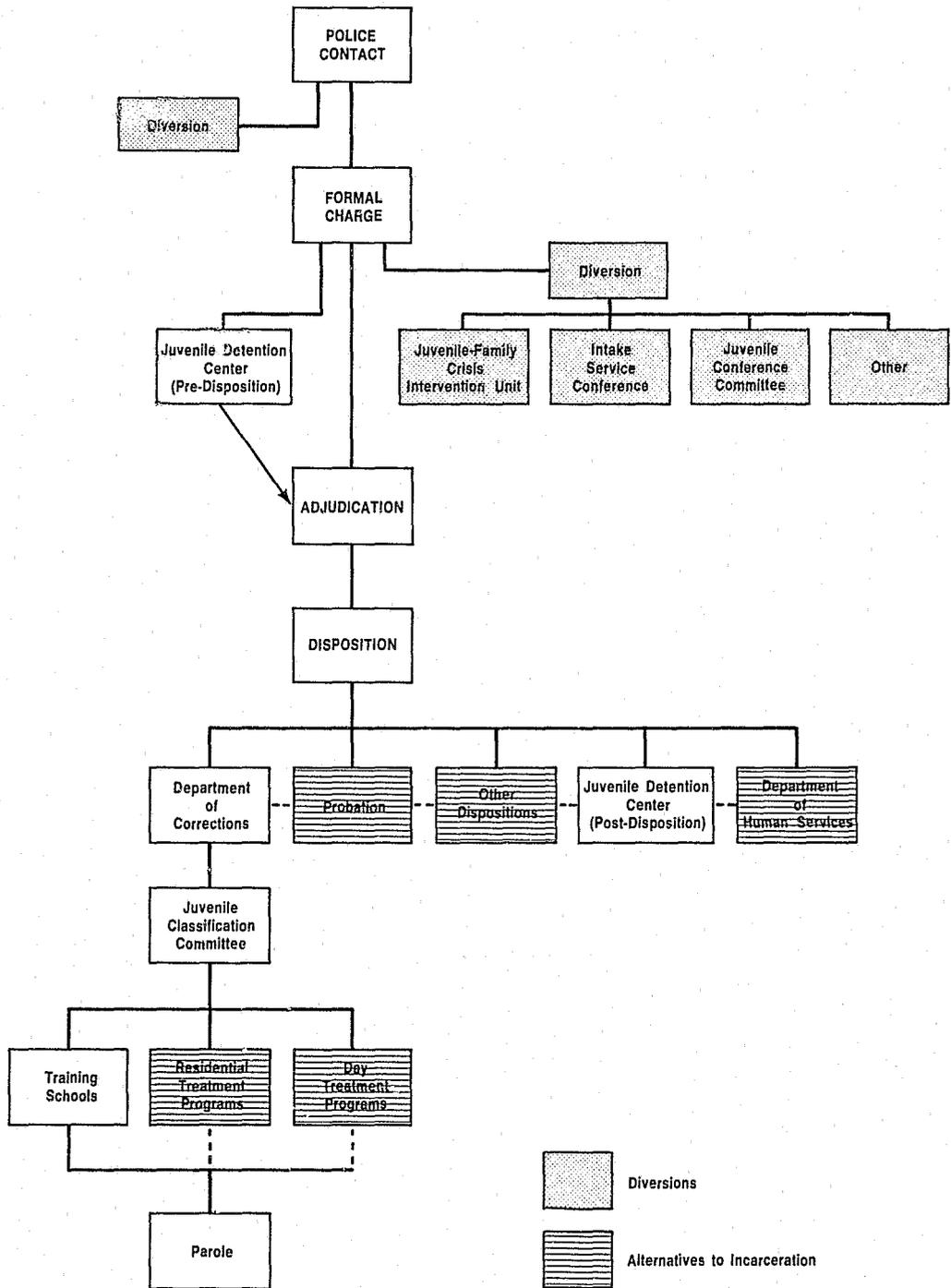
New Jersey's juvenile correctional system has grown considerably in recent years. Overcrowding at every level of the system has become a major problem. In response to this growth, New Jersey has concentrated on the development of alternatives to incarceration for juvenile offenders. These alternatives to incarceration, however, have had difficulty keeping up with the demands of the system.

The juvenile correctional system is a loosely connected confederation of organizations within several levels of government. Administrative and financial responsibility for the various parts of the system are split among different levels of government and various agencies within the same level of government.

The juvenile correctional system is composed of five major elements. There are approximately 11,000 juveniles in the county probation system, 1200 in the State parole system, 700 in State training schools, 700 in the State residential and day treatment programs, and 600 in the county juvenile detention centers. These programs cost \$10 million for probation, \$600,000 for parole, \$23 million for training schools, \$11.2 million for residential and day treatment programs and \$24.5 million for juvenile detention centers.

At some point in the juvenile correctional system, the vast majority of juveniles are diverted from the court system prior to adjudication and disposition. Diversions can occur at police contact or during the Family Court process. Upon court disposition, alternatives to incarceration are used extensively in the juvenile correctional system in New Jersey. In addition, the Department of Corrections, Division of Juvenile Services, also diverts as many juveniles as possible away from training school incarceration based upon the availability of other programs within their jurisdiction. Figure 12 displays the available points of diversion and alternatives to incarceration which are emphasized in this chapter.

Figure 12  
 NEW JERSEY'S  
 JUVENILE JUSTICE SYSTEM



This chapter examines the intergovernmental complexities of the juvenile correctional system. These complexities have led to a lack of coordination in the planning, provision and evaluation of services for children in New Jersey. Recommendations are made in this chapter to enhance the system through the expansion of existing and additional alternatives to incarceration, to coordinate this complex system at the county level and to evaluate the effectiveness of already existing and recommended alternatives to incarceration.

## **THE DEPARTMENT OF CORRECTIONS, DIVISION OF JUVENILE SERVICES**

The Division of Juvenile Services was established within the Department of Corrections in 1978. Since the formation of the Division, there have been dramatic changes in the number and quality of juvenile correctional programs in New Jersey.

Prior to the establishment of this Division, the State relied heavily on the use of training schools for juvenile offenders. In the past, juveniles were incarcerated in some instances with adults in the county jails.<sup>1</sup> Except for motor vehicle violators, New Jersey has not housed juveniles and adults together since 1983.<sup>2</sup>

The Division of Juvenile Services oversees the operations of three training schools. In legislation effective in November 1988, the names of the institutions have been changed. Listed below are the previous and new names of the facilities:

<b><i>Previous Names</i></b>	<b><i>New Names</i></b>
Training School for Boys, Skillman	Lloyd McCorkle Training School for Boys and Girls
Training School for Boys, Jamesburg	New Jersey Training School for Boys
Juvenile Medium Security Facility	Juvenile Medium Security Facility

In addition to the three training schools, the Division has 24 community residential treatment programs and sites for 25 day treatment programs. The Division of Juvenile Services considers these programs as alternatives to incarceration. A thorough description of the residential and day treatment programs can be found in a later section of this chapter entitled "Alternatives to Incarceration".

The Division's FY 1989 budget is \$34.2 million as can be seen in Table 23. Since the enactment of the current Code of Juvenile Justice in 1983, there

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<sup>1</sup>Federal law now prohibits this practice.

<sup>2</sup>In some counties, motor vehicle violators under the age of 18 are sentenced to the county jail.

**TABLE 23**  
**DEPARTMENT OF CORRECTIONS**  
**DIVISION OF JUVENILE SERVICES**  
**ANNUAL EXPENDITURES**

Program	FY 1986	FY 1987	FY 1988	FY 1989
Lloyd McCorkle Training School for Boys & Girls	\$ 4,998,000	\$ 5,488,000	\$ 5,881,000	\$ 6,567,000
New Jersey Training School for Boys	8,873,000	10,013,000	11,087,000	11,605,000
Juvenile Medium Security Center	3,358,000	3,977,000	4,506,000	4,804,000
Juvenile Group Centers and Programs	6,485,000	7,375,000	9,117,000	11,193,000
Total	\$23,714,000	\$26,853,000 13.24%	\$30,591,000 13.92%	\$34,169,000 11.70%

Note: Does not include juvenile parole costs which are under another Division.

Source: State Budgets

has been a 50 percent increase in the number of juveniles under the Department's jurisdiction. Conversely, the number of juveniles arrested has been declining in the last ten years.<sup>3</sup> The increase in the juveniles under the Department's supervision is similar to what occurred with the adult inmate population following enactment of the 1979 Code of Criminal Justice. A major difference, however, concerns the manner in which the increased juvenile population has been accommodated. According to the Department of Corrections, the number of juveniles committed to training schools has increased 19 percent, while the number of juveniles assigned to community-based sites for residential and treatment day programs has increased 55 percent.<sup>4</sup> ***This dichotomy in growth on the part of the programs managed by the Division of Juvenile Services is the result of a conscious policy to assure that only those juveniles requiring secure housing are placed in State training schools.***

## THE NEW JERSEY CODE OF JUVENILE JUSTICE

The New Jersey Code of Juvenile Justice became effective on December 31, 1983.<sup>5</sup> The intent of the legislation is to provide for harsher penalties for juveniles who commit serious acts or who are repetitive offenders, while broadening family responsibility and the use of alternative dispositions for juveniles committing less serious offenses.

The new Code emphasizes the importance of the entire family unit. Two critical actions resulted in the establishment of the Family Court: 1) voter approval of a constitutional amendment on November 8, 1983 and 2) subsequent passage of the Code of Juvenile Justice. The Family Court replaces the Juvenile and Domestic Relations Court and the Matrimonial Part of the Chancery Division of the Superior Court and consolidates family law matters under one court. The Code permits the judges in the Family Court to involve the family or guardian in dispositions. The judges may order that parents receive services or participate in programs when it is found that their actions or failure to act contributed to a juvenile's delinquency.

The Code provides for three forms of diversion for the purposes of avoiding the stigma of being labeled a juvenile delinquent. The juvenile is first seen by Court Intake Service and if at all possible, he/she is diverted to one of the three programs described below:

The least serious diversion is referral to a Juvenile Conference Committee. These committees are informal and are appointed by the court with six to nine community volunteers. The committees cannot order the juvenile or his family

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<sup>3</sup>The Division of Juvenile Justice attributes this phenomena to the fact that committed juveniles, on the average, are remaining in institutions for longer periods of time and the void of programs by other agencies for special populations.

<sup>4</sup>Budget Hearings of the Senate Revenue, Finance and Appropriations Committee, "Statement from William H. Fauver, Commissioner, Department of Corrections," March 10, 1988.

<sup>5</sup>N.J.S.A. 2A:4A-20 et seq.

to do anything, but they can recommend a course of action such as restitution or counseling. Failure to follow through on the recommendations generally means the case will be referred back to court.

The Intake Service Conference serves juveniles and their families in slightly more serious cases. Here, a court representative meets with the juvenile and other involved parties. The court representative's conclusions carry the weight of a formal court order.

The Code mandates the establishment of Juvenile-Family Crisis Intervention Units (CIU's) in each county. These units are for juveniles who precode were referred to as "juveniles in need of supervision". Occasionally, where the alleged complaint is a disorderly or petty disorderly persons offense, the case may be referred to this unit. These units may operate as a part of the Court Intake Service, or part of another county agency.<sup>6</sup> The purpose of the Juvenile-Family Crisis Intervention Units is to provide 24 hour on-call responses in order to assist juveniles and their families whose behavior creates a crisis situation. While in most of these cases the behavior has not resulted in a delinquent act, the behavior is deemed sufficiently serious as to necessitate intervention. Like the Family Court, the emphasis is on the juvenile's conduct as part of a total family dysfunction, and as a result, the Court is structured to treat juvenile problems within the family context.

Diversion has been used in a substantial number of cases. In 1987, 28.5 percent of the juvenile cases were diverted. The majority of diverted cases were referred to an Intake Service Conference.

**TABLE 24**  
**FAMILY COURT—JUVENILE DELINQUENCY CASES (1987)**

Disposition	Number of Cases	Percentage
Juvenile Conference Committee	10,624	10.11%
Intake Service Conference	16,996	16.17%
Crisis Intervention Unit	43	.04%
Other Diversions	2,239	2.13%
Dismissed/Inactivated	19,448	18.51%
Remainder of Cases	55,744	53.04%
Total	105,094	100.0%

Sources: Administrative Office of the Courts

In New Jersey, a juvenile means an individual under the age of 18 years. As used in this code, "delinquency means the commission of an act by a juvenile which if committed by an adult would constitute: a crime; a disorderly persons offense or a petty disorderly persons offense; or, a violation of any other penal statute, ordinance or regulation". ***For the purposes of this study, we will be addressing the juvenile delinquent and his or her involvement with the juvenile correctional system.*** If the juvenile is 14 years of age or

<sup>6</sup>In 11 counties, the Juvenile-Family Crisis Intervention Units are located in another agency of county government.

older, because of the seriousness of the crime, or the number of repetitive offenses, in some cases the Code provides for a waiver of a case to criminal court.<sup>7</sup> The Code broadened the preexisting waiver provisions in an effort to provide for harsher penalties for the more serious offenders.

The Code allows for the placement of juveniles in juvenile detention centers pending court disposition just as adults may be held as pretrial detainees in the county jails. Further exploration of this practice is discussed in a later section of this chapter entitled "County Juvenile Detention Centers".

## PROFILE OF A "TYPICAL" JUVENILE OFFENDER

The "typical" juvenile offender whom we will track through the juvenile correctional system is the same kind of person described in Chapter II in the Adult Correctional System except younger.

Hello, my name is John Doe. I am a black 17 year old male. I have been getting into trouble since my early teens. I have a juvenile record. I live in a poor urban area and my family is poor. I come from a broken home. I never see my dad and my mom is gone a lot. I dropped out of school in the ninth grade.

Many of the children who wind up in the correctional system have histories of mental illness or alcohol and drug abuse or both. In addition, a large number have been victims of physical, sexual, mental, and/or emotional abuse. ***In 1987, juveniles represented 17 percent of the population and were responsible for 33 percent of the arrests.***<sup>8</sup> If these juveniles do not learn a better way of dealing with life early on, we know that as young adults they have a good chance of being involved in the adult correctional system.

A review of available data concerning residents in the juvenile facilities operated by the Department of Corrections as of January 1, 1988 shows the following:<sup>9</sup> By race, 69 percent were black, 17 percent were white and 14 percent were hispanic; By age, 26 percent were 15-16 year olds, 52 percent were 17-18 year olds and 14 percent were 19-20 year olds; By term, 90 percent have maximum terms of five years or less; By base offense, 52 percent have been adjudicated delinquent for violent or other persons offenses, 20 percent for property offenses, 11 percent for narcotics offenses and nine percent for public policy offenses. The remainder (8%) were uncoded.

## THE COUNTY JUVENILE DETENTION CENTER

A juvenile detention center is a secure facility where a juvenile may be held prior to disposition under certain circumstances. The Code of Juvenile Justice specifies that a juvenile charged with a delinquency and taken into custody may be detained if the judge or court intake service feels he or she

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<sup>7</sup>In 1987, 84 waivers were granted.

<sup>8</sup>1987 Uniform Crime Report.

<sup>9</sup>Department of Corrections.

will not appear for the court hearing or if the physical safety of persons or property of the community would be seriously threatened.<sup>10</sup> **Approximately 20 percent of the juveniles arrested spend some time in juvenile detention centers prior to disposition.**

Juvenile detention centers are operated by the counties. The facilities range in size from 19 to 85 juveniles with an average of 35 juveniles. The Department of Corrections is responsible for developing minimum standards and inspecting the facilities for compliance. New Jersey has 17 centers operating in all but four counties. Cape May, Hunterdon and Salem counties contract for services with other counties. Somerset County contracts with the Department of Corrections at the Lloyd McCorkle Training School for Boys and Girls in Montgomery Township. The total county cost for providing juvenile detention services for FY 1988 is \$24.6 million as can be seen in Table 25, which represents a 10.2 percent increase over FY 1987 expenditures.

Over 11,000 juveniles spend time in a juvenile detention center annually. The total capacity for juveniles statewide is 588. Many of the facilities are severely overcrowded despite the fact that the Code of Juvenile Justice prohibits the placement of juveniles in centers that have reached their maximum capacity.<sup>11</sup> The total count on January 30, 1989, was 681.<sup>12</sup> On that date, the most severely overcrowded facilities were in Essex and Passaic counties. It should be noted that the State Division of Juvenile Services has been assisting many of the counties by sending personnel teams to expedite disposition and reduce overcrowding in local facilities. The procedure has worked very well. For example, Hudson county has had an extremely serious overcrowding problem in the past. As of the above date, Hudson county held 31 juveniles while having a capacity for 45.

One of the reasons that juvenile detention centers are so overcrowded is that juveniles are staying for longer periods of time. For example, on January 30, 1989, 51 juveniles were being held for commitment to training school and 36 probationers were being held for referral to a State residential program.<sup>13</sup> For the juveniles that are being held for training school openings, the State pays the counties \$45 per day per juvenile beginning on the 16th. day post-sentencing. The annual State payment to the counties is approximately \$730,000. There is no payment to the counties for the probationers being held. **The Commission recommends that the State pay the \$45 per day per probationer beginning on the 16th. day of confinement.** Based on an average of 15 juveniles being held over the 15 days, the State cost for this recommendation is estimated to be approximately \$230,000 annually.

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<sup>10</sup>N.J.S.A. 2A:4A-34.

<sup>11</sup>N.J.S.A. 2A:4A-37(c).

<sup>12</sup>Department of Corrections, Division of Juvenile Services.

<sup>13</sup>Ibid.

**TABLE 25**  
**COUNTY JUVENILE DETENTION COSTS**

County	FY 1986	FY 1987	FY 1988
Atlantic	\$ 440,189	\$ 793,863	\$ 554,544
Bergen	878,465	1,015,110	1,185,119
Burlington	616,554	695,662	841,637
Camden	1,404,895	1,635,422	1,801,898
Cape May	122,780	110,105	138,700
Cumberland	849,676	810,125	848,610
Essex	3,515,286	4,153,962	4,162,800
Gloucester	545,036	568,671	621,755
Hudson	1,711,500	2,655,464	2,821,553
Hunterdon	46,055	72,921	110,000
Mercer	878,438	880,101	1,361,170
Middlesex	1,634,020	1,682,672	1,809,020
Monmouth	773,458	963,772	1,175,165
Morris	539,600	584,845	660,390
Ocean	901,400	922,770	931,800
Passaic	1,970,674	1,845,150	2,147,500
Salem	99,000	100,000	130,000
Somerset	437,118	522,535	583,732
Sussex	471,862	505,816	597,246
Union	1,247,806	1,391,647	1,659,469
Warren	261,633	360,814	400,991
<b>Total</b>	<b>\$19,345,445</b>	<b>\$22,271,427</b>	<b>\$24,543,099</b>
<b>% change</b>		<b>15.12%</b>	<b>10.20%</b>

Note: Cape May, Hunterdon and Salem counties utilize other counties facilities and Somerset County contracts with Lloyd McCorkle Training School for Boys and Girls

Source: County Budgets

Detention facilities may also be used post-adjudication on a short-term commitment as authorized under the new Code.<sup>14</sup> The court may incarcerate a juvenile in a juvenile detention center for a term not to exceed 60 days providing the facility meets the physical and program standards established by the Department of Corrections. This disposition is optional for the counties upon an agreement between a county and the Department of Corrections. Currently, seven counties have the "sixty-day" option. The counties are: Bergen, Cumberland, Middlesex, Ocean, Somerset, Sussex and Warren. Because of the above average pre-dispositional population and the waiting list for the post-sentencing population, program use has been fairly limited thus far.

<sup>14</sup>N.J.S.A. 2A:4A-43c(1).



The Essex County Youth House is one of the most severely overcrowded Juvenile Detention Centers in the State. (Photo courtesy of the Division of Juvenile Services, Department of Corrections.)

One of the areas of concern that has recently been addressed by the Division of Juvenile Services and the Division of Policy and Planning is the lack of staff training for juvenile detention officers. **Legislation has recently been enacted to expand the Police Training Commission to include the authority to approve and authorize schools for the training of juvenile detention officers.**

The Juvenile Delinquency Commission has spent considerable time researching the area of detention overcrowding. Aside from the fact that children are remaining in the centers for longer periods of time, their research indicates that the guidelines in New Jersey's Code are less restrictive than the models suggested by several national associations. New Jersey incarcerates juveniles with alleged disorderly and petty disorderly offenses. According to the Commission, in 1986, in 13 counties a disorderly or petty disorderly offense was the most serious charge in over 20 percent of detained cases. **The Commission joins the Juvenile Delinquency Commission in recommending that in cases where a disorderly or petty disorderly persons offense is the most serious charge alleged, the use of detention should be strictly curtailed.**<sup>15</sup>

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<sup>15</sup>"Juvenile Justice-Toward Completing the Unfinished Agenda," *The Annual Report of the Juvenile Delinquency Commission*, August 1988, p.74.

The use of in-home detention and host homes could be more extensively utilized for juvenile arrestees in lieu of commitment to a juvenile detention center for the juveniles charged with lesser offenses.

In-home detention is used in some counties where there is a stable home environment. ***In-home detention should be used in all the counties where a stable home permits.***

Host homes have been utilized in Monmouth county for incorrigible youth and have been very successful. Many times when a juvenile is removed from a dysfunctional family, he or she behaves more appropriately. Host homes are structured differently from traditional foster care. In Monmouth County, the county pays a family a set fee (\$13,000 per bed annually) whether or not a juvenile is housed at the home on a regular basis. This payment allows the "mother" to remain at home for her own children and the visiting juvenile. The juveniles are transported daily to their own schools, see their parents or guardians regularly if possible and receive the community services they need. ***The use of host homes as alternatives to detention should be explored by all the counties.***

## **THE JUVENILE CLASSIFICATION COMMITTEE, DIVISION OF JUVENILE SERVICES**

A juvenile who is remanded to the State Department of Corrections is usually sent to one of the training schools to await classification. As noted earlier, many spend considerable time in a county juvenile detention center before the process can begin because of overcrowding in the Department of Correction's programs. In addition, after classification, many juveniles are held at the State training schools because of the large waiting list for admission to State residential and day programs.

The Juvenile Classification Committee meets every Monday and discusses each case that was committed during the previous week and decides upon disposition. The Juvenile Classification Committee is composed of key personnel within the Division of Juvenile Services including the assistant commissioner, the superintendents of the three training schools, several directors of residential and day programs and other key actors. The juveniles appear before the Committee and are allowed to have input into the disposition of their particular case. ***Every effort is made by the Committee to place the juvenile delinquent in the least restrictive program possible based upon the crime committed and the past exposure to community programs.*** It was observed by staff during the course of this study that most juveniles are given several opportunities at day treatment programs or residential treatment programs before being sentenced to one of the training schools.

***The Juvenile Classification Committee may assign a juvenile offender to either a training school, a residential program or a day program.*** For the purposes of this study, we will use the count the week of January 30, 1989 in each of the three types of programs under the Department of Corrections, Division of Juvenile Services. As can be seen in Figure 13, 48

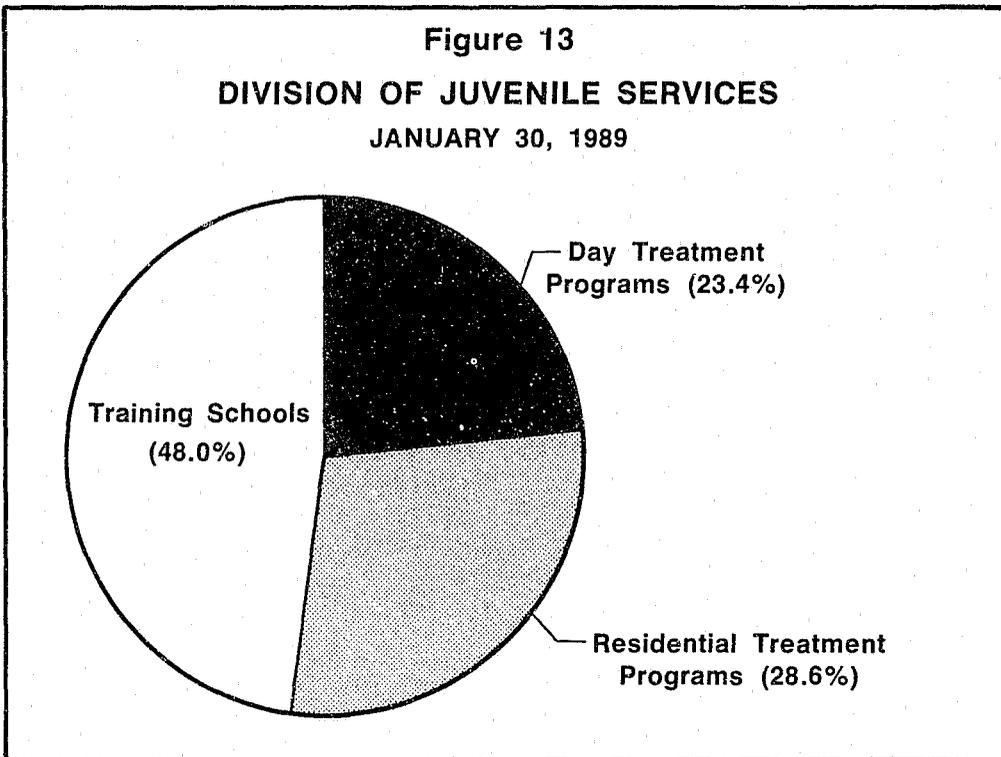
percent (703) of the juveniles on that date were in one of the training schools, 28.6 percent (419) were in a residential program and 23.4 percent (342) were in a day program.

It should be noted that six counties commit approximately 80 percent of the juveniles to the Department of Corrections while representing 40 percent of the State's population. For the first eight months of 1988, the counties are as follows:

**TABLE 26**  
**JUVENILES COMMITTED**  
**January-August 1988**

County	Number of Juveniles	Percentage Committed	Percentage of State Population
Essex	127	19.5%	11%
Passaic	114	17.5%	6%
Monmouth	88	13.5%	7%
Atlantic	78	12.0%	3%
Camden	61	9.4%	6%
Union	49	7.5%	7%
Total	517	79.5%	40%

Source: Department of Corrections



SOURCE: Division of Juvenile Services

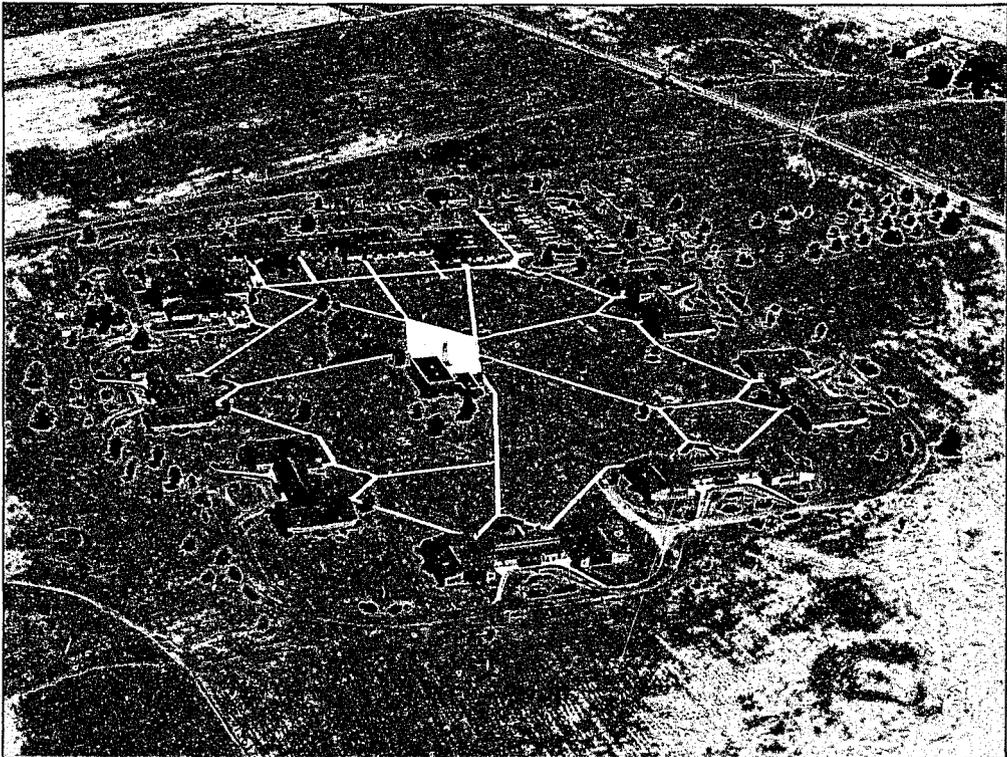
## STATE TRAINING SCHOOLS

New Jersey has three training schools under the Division of Juvenile Services, Department of Corrections. These training schools are in the counties of Burlington, Middlesex and Somerset. The location of each facility can be seen in Figure 14.

Generally speaking, juveniles do not serve their time in training schools for their first offense. They have either been previously sentenced to probation or assigned to the residential or day treatment programs which will be discussed in detail in a later section of this chapter. For example, the week of January 30, 1989, of the 1,464 juveniles under the supervision of the Division of Juvenile Services, 703 (48%) were in one of the three training schools. The remainder (52%) were either in residential treatment programs or day treatment programs.

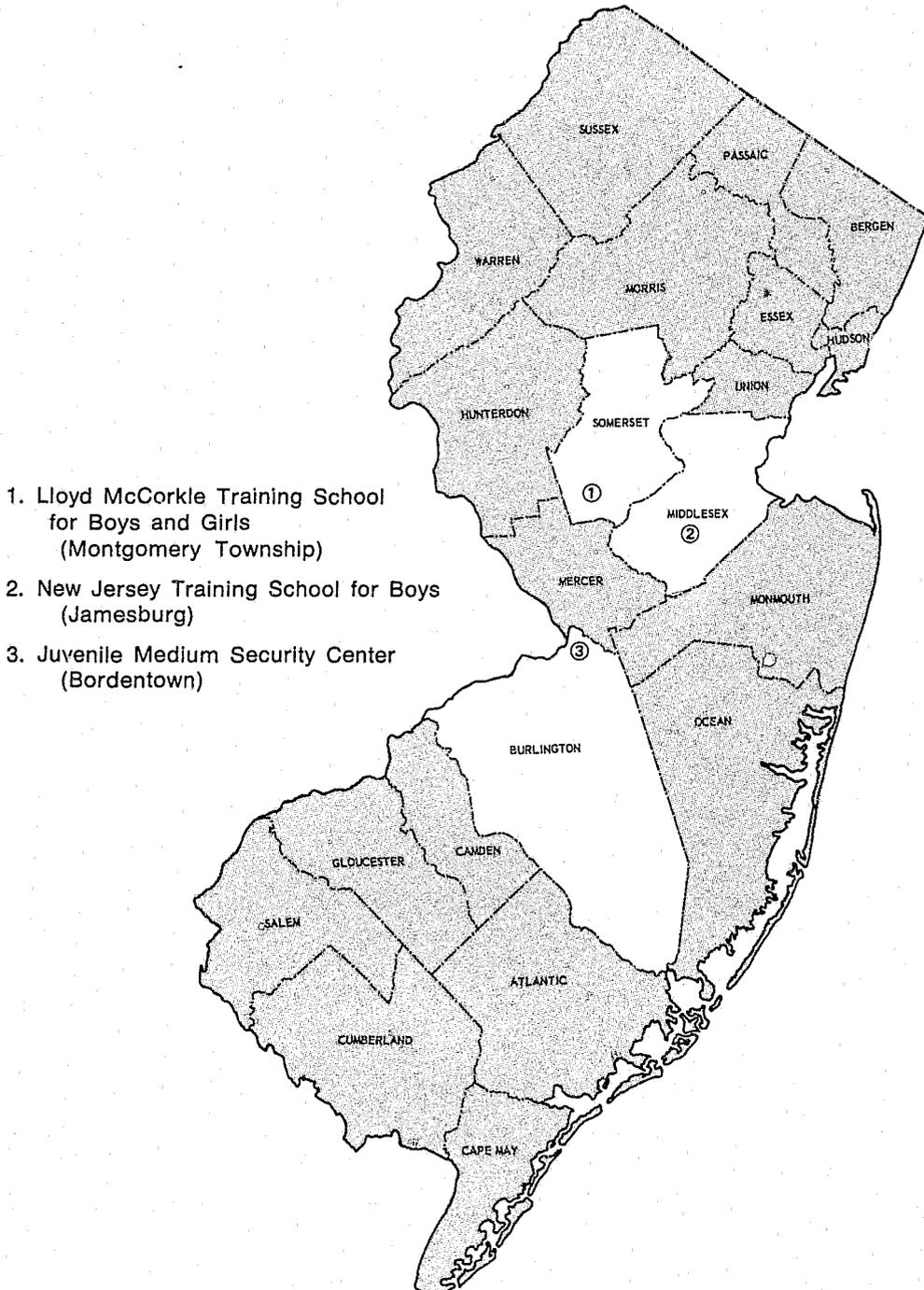
If John Doe, our "typical" juvenile offender is a repeat offender, he may find himself in one of the training schools described below:

**Lloyd McCorkle Training School for Boys and Girls**—This facility is located in Montgomery Township, Skillman section, Somerset County. It houses approximately 187 boys and girls. The boys are ages 12-16 and the girls are 12-18 years of age. The males are young offenders identified as having had serious



The Lloyd McCorkle Training School for Boys and Girls in Montgomery Township, Somerset County. (Photo courtesy of the Division of Policy and Planning, Department of Corrections.)

**Figure 14**  
**LOCATION OF JUVENILE TRAINING SCHOOLS**  
**State Department of Corrections**



behaviorial problems at an early age, who have been exposed to special services provided for juveniles in their communities and for whom there is no alternative to institutionalization. The campus includes a combined administration-education treatment building, a chapel, five double unit cottages and one single unit, housing no more than 17 juveniles in each unit. One cottage is for female offenders ages 12-18 years who have more serious offenses or cannot be contained in a less structured environment.

New Jersey Training School for Boys—This facility is located in Jamesburg, Middlesex County, and houses approximately 400 males between the ages of 14 and 19 years. Most of the youths are classified as emotionally disturbed and socially maladjusted thus necessitating special education programs, group and individual treatment modalities and security. The majority of these juveniles have been previously exposed to residential and/or day programs, and many have served time for previous offenses at the Lloyd McCorkle Training School for Boys and Girls.

Juvenile Medium Security Facility—This facility is located in Bordentown, Burlington County. It is a new facility for the Division of Juvenile Services, opening in 1983 and houses approximately 115 juveniles who have not been able to make the adjustment to minimum security settings offered in the other two training schools. The facility was previously used by the Division of Developmental Disabilities, Department of Human Services. The Center provides the only secure setting for juvenile offenders. The Center also houses offenders who committed crimes such as: homicide, atrocious assault and battery, sexual offenses and have extensive escape histories.

## **ALTERNATIVES TO INCARCERATION**

### **INTRODUCTION**

Juvenile offenders in New Jersey have an excellent chance of non-incarceration. Except in exceptional cases, very few juveniles are sent to training schools for their first offense. Even for those juveniles committed to the Department of Corrections, 52 percent are referred to either a residential treatment program or a day treatment program.

When describing the many alternatives to incarceration available to juvenile offenders, it is important to give the proper recognition to police departments. For example, ***in 1987, the police handled 41.1 percent or 38,854 of the juvenile complaints within their own departments without referral to the courts.***<sup>16</sup> Police diversion varies from county to county depending on the number of juvenile officers and formalized procedure for dealing with these juveniles. Another very important variable is the availability of community resources. Police diversion in Ocean and Bergen counties had the lowest referral rates to the court system statewide in 1987.

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<sup>16</sup>The New Jersey figures are from the 1987 Uniform Crime Report. Nationally, in 1986, police handled 29.9 percent within their own departments according to the U.S. Department of Justice, Bureau of Justice Statistics.

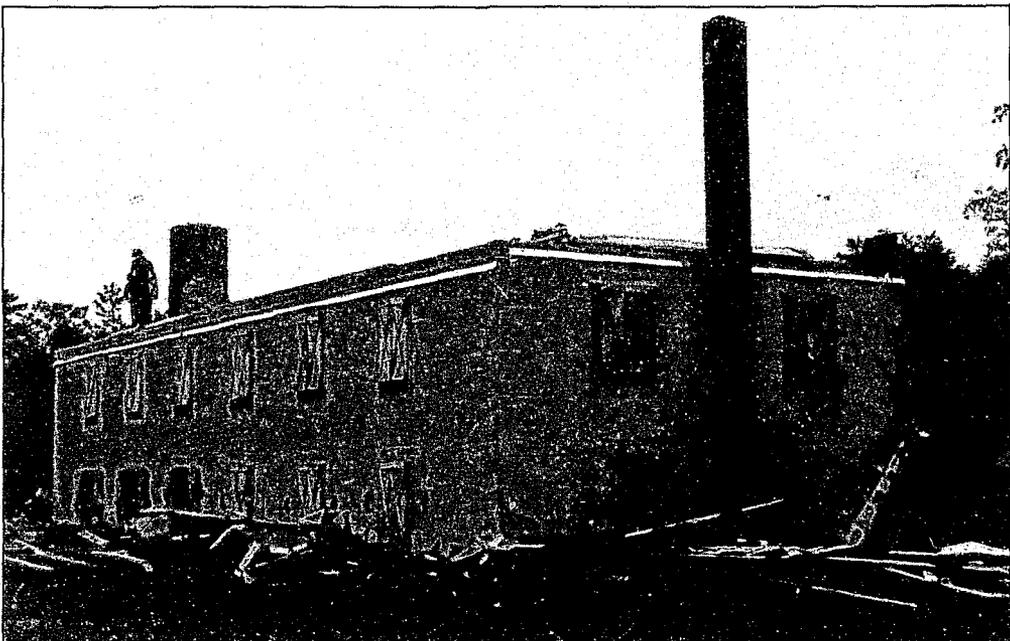
If John Doe is a first-time offender, he will probably be assigned to one or more of the alternatives to incarceration described in the following sections.

Included below is a description of the available alternatives to incarceration for juvenile offenders in New Jersey. There are recommendations to expand the existing services and recommendations for additional alternatives to incarceration.

## STATE RESIDENTIAL TREATMENT PROGRAMS

The Department of Corrections, Division of Juvenile Services, has 24 community residential programs, four for girls and 20 for boys, operating in 12 counties and serving all the counties. The programs for girls are in Camden, Atlantic, Mercer and Monmouth counties. The programs for boys are in the following counties: Essex (2), Mercer (2), Middlesex (3), Atlantic (2), Camden (2), Monmouth (2), Ocean (2), Passaic (1), Burlington (1), Hunterdon (1), Sussex (1), Warren (1). Please see Figure 15 for the location of each of these programs. A description of each program can be found in Appendix A.

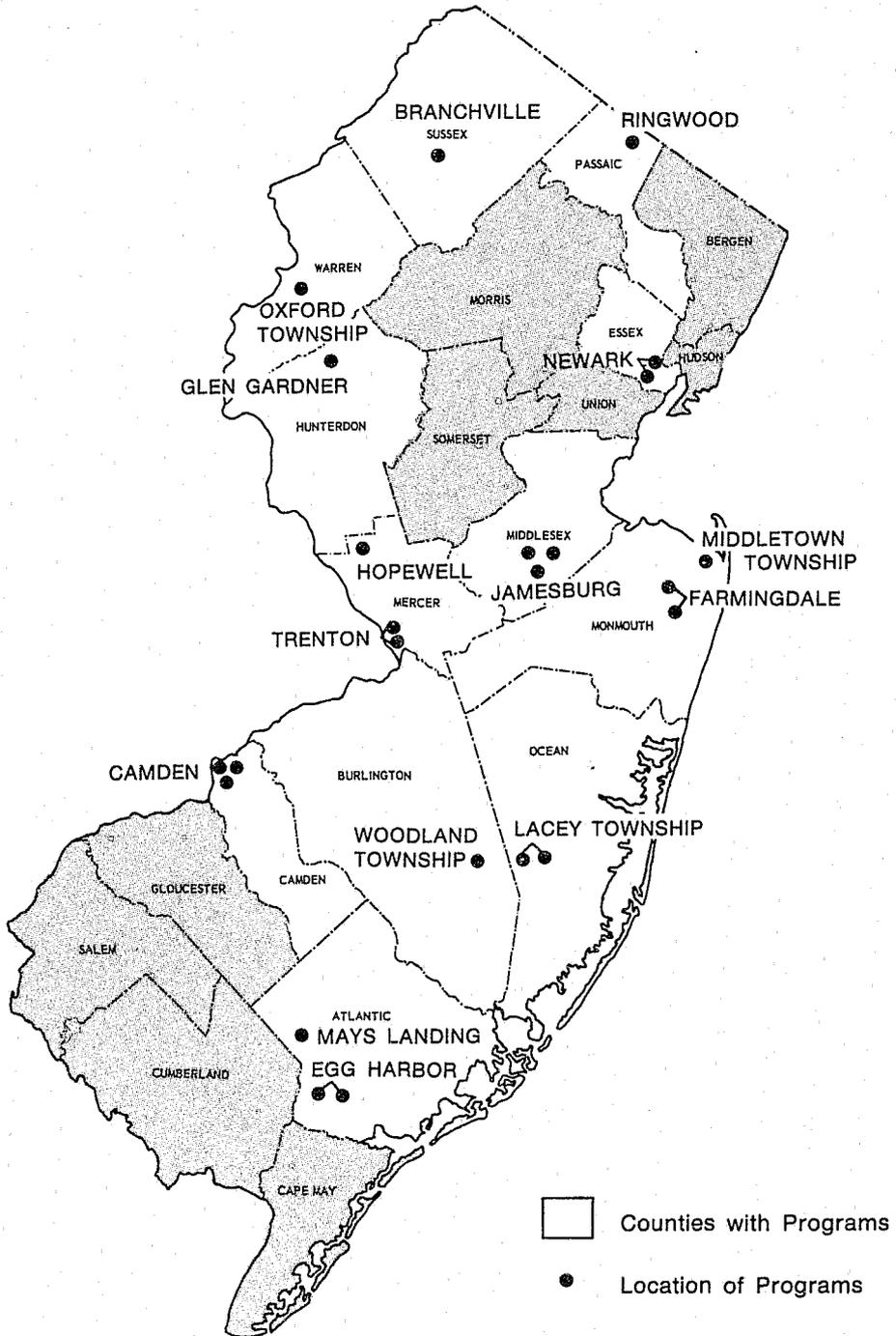
The residential treatment programs serve both committed juveniles and juveniles on probation. ***Over 50 percent of the juvenile offenders referred to a residential treatment program are juvenile offenders who have been sentenced by a judge as a condition of probation.***



An abandoned Hunter's Lodge in the middle of the Wharton Forest. Juvenile offenders are renovating the building into a 30 bed residential unit. (Photo courtesy of the Division of Juvenile Services, Department of Corrections.)

Figure 15

**LOCATION OF JUVENILE RESIDENTIAL PROGRAMS  
State Department of Corrections**



The Division is continually developing new programs to meet the needs of the committed juveniles and juveniles on probation. Residential programs are not only more cost-effective but they are also considered to be more rehabilitative than confinement in a training school. The average annual cost per juvenile is \$14,000-\$18,000 as compared to the average training school cost per juvenile of \$28,000-\$34,000.

The residential treatment programs provide a small family atmosphere with a variety of services to meet the individual needs of the juveniles. Most of the programs have been developed as needed, and often out of frustration because of the lack of services available from other agencies who should or could serve these juveniles. There is a long waiting list for entry to these programs with juveniles waiting at one of the State training schools or a county juvenile detention center. ***The Commission recommends that the Department of Corrections allocate a greater portion of any new monies to the Division of Juvenile Services for the purposes of increasing the number of residential programs.***

Some of the residential programs receive funding from the Divisions of Mental Health, Developmental Disabilities, and Youth and Family Services within the Department of Human Services in exchange for slots for their clients committed to a residential treatment program. During the course of this study, Commission staff observed that these Divisions have strict criteria for admittance to their programs. In contrast, the Department of Corrections must accept every person remanded to the Department. ***The Commission recommends that every effort be made on the part of the Department of Human Services to serve their special categories of juveniles outside of the correctional setting.***

Most concerned individuals would agree that children need to be given every chance at rehabilitation before incarceration in one of the training schools. The Division of Juvenile Services, however, has no formalized evaluation procedure for measuring whether their residential and day programs are successful in reducing or sustaining the rate of recidivism. ***The Commission, therefore, recommends that the Division of Juvenile Services establish a formalized structure for the purpose of evaluating the residential and day treatment programs within their jurisdiction.***

## STATE DAY TREATMENT PROGRAMS

The Department of Corrections, Division of Juvenile Services, has 25 community day treatment programs, one for girls and 24 for boys, operating in 17 counties and serving all the counties.

The program for girls is in Mercer county and is for teenage mothers and pregnant teens who have been victims of child abuse and are in conflict with the law. The girls bring their young children to the program and learn parenting and child care skills.

The 24 day treatment programs for boys are in the following counties: Atlantic (1), Burlington (1), Camden (1), Cape May (1), Cumberland (1), Essex (2), Gloucester (1), Hudson (2), Mercer (1), Monmouth (2), Ocean (1), Passaic (2), Salem (1), Somerset (2), Sussex (2), Union (2), Warren (1). Please see Figure 16 for the location of each of these programs. A description of each program can be found in Appendix B.

Day treatment programs are the least restrictive programs operated by the Division of Juvenile Services. Generally, juveniles assigned to day programs have a more stable home environment than those assigned to residential treatment programs and their offenses are less severe. **Day treatment programs are primarily for juveniles committed to a program as a condition of their probation.** The Division is continually developing new programs to meet the individual needs of committed juveniles and juveniles on probation. The average annual cost per juvenile is \$7,000-\$9,000.

Juveniles spend the day at a small treatment program where they have classroom instruction, counseling, guided group interaction and vocational training. Usually, they spend from four to six months in a day program. They return at night to either a relative, a foster home, or a residential facility. There is also a long waiting list with juveniles waiting in juvenile detention centers or at home for admittance to a program. **The Commission recommends that the Department of Corrections allocate a greater portion of any new monies to the Division of Juvenile Services for the purposes of increasing the number of day treatment programs for juveniles.**

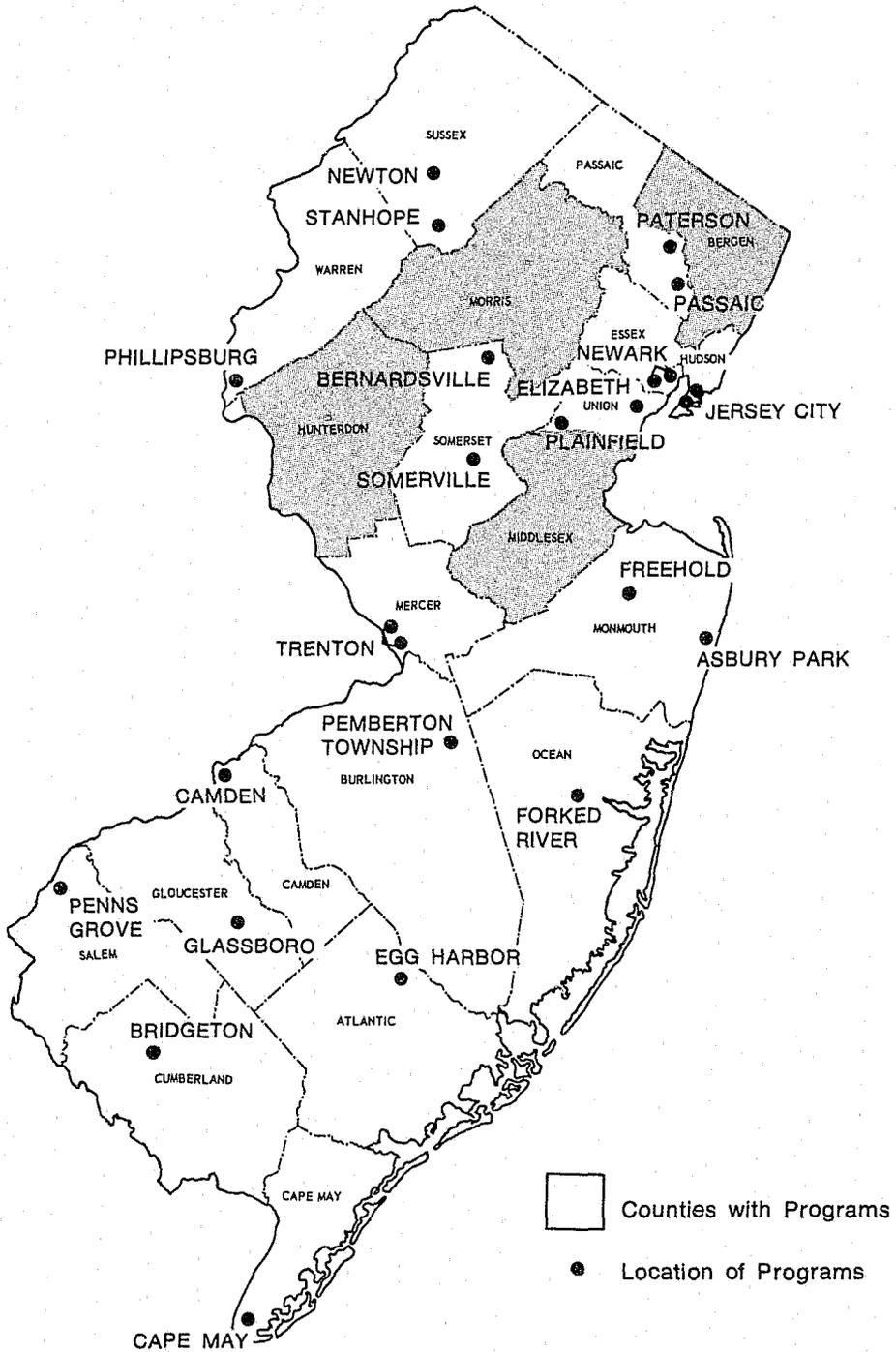
Education is a very important component of the programs within the Division of Juvenile Services as juveniles must receive a certain prescribed amount of hours in classroom instruction. Most of the juveniles have not been able to adjust to the traditional school setting and many will not be allowed to return to their schools upon return to the community. The Division has contracted with some of the county colleges for classroom instruction and the programs have proven successful. **The Commission encourages other county colleges and vocational schools to provide for non-traditional classroom instruction and vocational training for juveniles in the correctional system and after reentry to the community.**

Another non-traditional educational program is the New Jersey Youth Corps. This program began in 1985 and is under the auspices of the Department of Community Affairs. The program operates in 13 counties and deals with high school dropouts ages 16-25 with participants working towards a Graduate Equivalency Diploma (GED) and vocational training such as inner-city rehabilitation. **The Youth Corps program is a program that can provide a positive educational experience in a non-traditional classroom setting for youths who may not otherwise reach their educational potential.**<sup>17</sup> Some family court judges refer juvenile offenders to this program in an effort to divert them from a delinquency pattern.

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<sup>17</sup>The New Jersey Youth Corps operates a program at Waterloo Village in Sussex County for juvenile offenders from the surrounding counties.

**Figure 16**  
**LOCATION OF JUVENILE DAY PROGRAMS**  
**State Department of Corrections**



Many of the Department's day treatment programs are funded in part by the Department of Human Services and/or county probation departments in exchange for slots for their clients. Many of these juveniles have not been formally committed to the Department of Corrections, Division of Juvenile Services. From national statistics and the experiences in New Jersey, it can be concluded that these juveniles will continue to behave inappropriately and eventually wind up in more restrictive settings unless intervention is successful. ***It is imperative that New Jersey have the community resources necessary for early intervention in the "cycle of crime" that begins at a young age.*** In some counties, multidisciplinary teams are identifying alternative resources and developing dispositional recommendations for the courts' consideration. Cooperation among the many State and local agencies is essential to meet the ever increasing needs of the population of juveniles in trouble. ***The Commission recommends that every effort be made on the part of the agencies and departments involved with special categories of troubled youth to serve these children outside the juvenile correctional system.***

## PROBATION

***Probation is the most widely used alternative to incarceration serving over 11,000 juvenile offenders.***<sup>18</sup>

County probation departments are administratively under the State Judiciary, however the costs are paid by the counties. In 1988, the counties will spend approximately \$10 million of their total probation cost of \$89.2 million on the supervision of juvenile offenders.

Administratively, probation has been divided in recent years into pre-dispositional and post-dispositional probation services. Pre-dispositional probation services consist of investigative activities and these probation officers are under the day-to-day supervision of the criminal and family case managers. Post-dispositional probation services include the supervision of offenders sentenced to probation and the Federal child support enforcement program (Title IV-D).

The administrative separation and reassignment of the pre-dispositional probation activities to case managers in the Trial Court System recognizes the judicial nature of this component of the traditional probation function. Conversely, post-dispositional probation activities are more readily identified as an integral component of the Correctional System. ***In Chapter II, the Commission recommended that pre-dispositional probation services be transferred to the criminal and family courts and that post-dispositional probation services be considered part of the Correctional System to remain funded by the counties with minimum standards developed by the Administrative Office of the Courts.*** The purpose of this recommendation is to organize the various probation activities in another manner. With this recommendation, counties will be responsible for a continuum of services to

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<sup>18</sup>The number of juveniles on probation has increased 6.6 percent from FY 1987.

offenders with a major emphasis on community corrections. The county-administered services to offenders would include county jails, county juvenile detention centers, probation, community service and other programs to reduce jail and detention center overcrowding.

Post-dispositional probation services will become a regional program provided by county government. To accomplish this objective, **in Chapter II, the Commission recommended that chief probation officers be appointed by the respective appointing authority of the various counties.** The chief probation officers are currently appointed by the administrative director of the courts by court rule. The budgets of the probation departments will be determined by county officials without any type of review or recommendation from State officials.

Counties vary in the number of juveniles per caseload as can be seen in Table 27. The average caseload is 75. Atlantic County has the largest

**TABLE 27**  
**JUVENILE PROBATION CASELOADS**  
**FY 1988**

County	Number of Probationers	Average Caseloads	Number of Probation Officers
Atlantic	591	114	5
Bergen	523	64	8
Burlington	487	72	7
Camden	971	97	10
Cape May	143	71	2
Cumberland	592	73	8
Essex	1,292	100	13
Gloucester	163	41	4
Hudson	739	84	9
Hunterdon	103	69	1
Mercer	568	81	7
Middlesex	823	89	9
Monmouth	588	74	8
Morris	379	46	8
Ocean	395	77	5
Passaic	1,166	80	15
Salem	118	72	2
Somerset	259	60	4
Sussex	161	58	3
Union	713	76	9
Warren	231	32	3
Total	11,005	75	146
% Increase	7.0%		

Note: The number of probation officers per county is an estimate.

Source: Administrative Office of the Courts

caseload at 114 per probation officer and Gloucester County has the lowest with 41 juvenile offenders per probation officer. Ten counties (Atlantic, Camden, Essex, Hudson, Mercer, Middlesex, Ocean, Passaic, Union and Warren) are above the statewide average. It is essential that juveniles get the proper supervision during the crucial probation period and large caseloads make supervision more difficult. **Juvenile probation caseloads must be reduced to at least the statewide average in all the counties.**

## **JUVENILE INTENSIVE SUPERVISION PROGRAM**

New Jersey and the rest of the nation have experienced downward trends in the number of juveniles arrested in recent years. However, research has concluded that a small number of juvenile offenders are disproportionately responsible for the majority of crimes. For example, studies in other states have concluded that **approximately seven percent of the juvenile offenders are responsible for over 60 percent of all offenses committed.**<sup>19</sup>

The State has funded an Intensive Supervision Program for adults incarcerated in the State prison system. Likewise, some counties have implemented Intensive Supervision Programs for jail inmates. The goal of these programs is to reduce prison and jail overcrowding. The programs are for non-violent offenders sentenced to a term of incarceration. The programs offer intensive supervision by probation officers and other strict requirements. **The Commission recommends that the State fund a Juvenile Intensive Supervision Program similar to the Adult Intensive Supervision Program to reduce overcrowding in the State training schools.**<sup>20</sup> It should be noted that 29 states have an intensive supervision program for juvenile offenders. To implement the program statewide, the Administrative Office of the Courts estimates the annual cost at \$1.5 million and will serve 180 juvenile offenders.

## **COMMUNITY SERVICE**

Community service has been authorized as a disposition for juvenile offenders since a 1976 New Jersey Supreme Court decision. The New Jersey Supreme Court ruled that both monetary restitution and community service may be imposed upon juvenile offenders.<sup>21</sup> In 1983, with the enactment of the New Jersey Code of Juvenile Justice, community service became statutorily authorized.<sup>22</sup> Community service is operated through the county probation departments. **As a component of probation, community service is primarily funded by the counties.**

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<sup>19</sup>"JDDC Clearinghouse," *Juvenile Delinquency Commission*, September 15, 1986.

<sup>20</sup>See Chapter II, section entitled "State Intensive Supervision Program".

<sup>21</sup>*State in the Interest of D.G.W.*, 70 NJ 488 (1976).

<sup>22</sup>N.J.S.A. 2A:4A-43a(10).



The JUPITER Program in Middlesex County is an intensive supervision program operated by the probation department which was established to target high risk, repetitive juvenile offenders. (Photo courtesy of the JUPITER Program.)

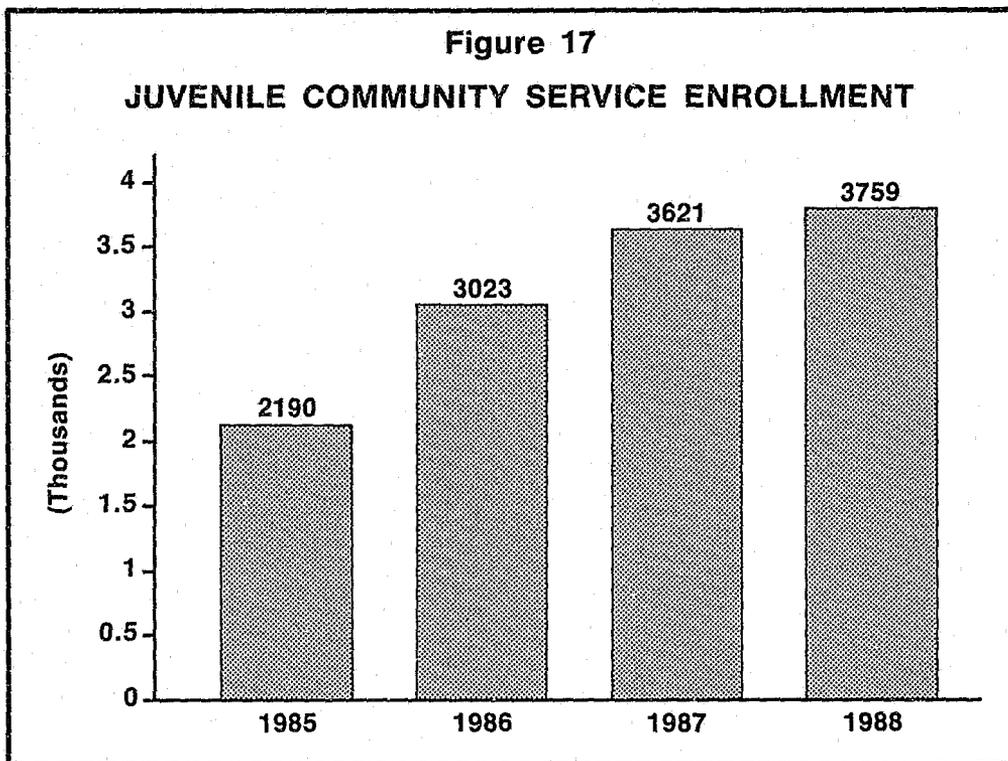
Offenders sentenced to community service work without monetary compensation at public or non-profit agencies in the community. Community service may be imposed as a condition of probation or in conjunction with financial restitution. The use of community service has grown considerably since 1982. In 1982, 847 juveniles were enrolled statewide. As of June 1988, enrollment was 3759, an increase of 344 percent since 1982.<sup>23</sup> See Figure 17 for the juvenile community service enrollment from 1985-1988.

## **FINANCIAL RESTITUTION**

Financial restitution can be ordered as a condition of probation along with community service or by itself. Financial restitution involves the payment of money by an offender to compensate the victim for loss or injuries due to the offense. Probation officers are responsible for monitoring the payment of restitution.

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<sup>23</sup>Administrative Office of the Courts.



SOURCE: Administrative Office of the Courts

Financial restitution, along with community service, has been authorized for juveniles in New Jersey since the 1976 Supreme Court ruling. The new Code of Juvenile Justice explicitly provides for financial restitution as a disposition for juveniles.<sup>24</sup> In addition, the driving under the influence legislation and the new comprehensive drug law require financial restitution.

## PAROLE

The responsibility for parole is divided among two entities: The Parole Board, an autonomous agency in, but not of, the Department of Corrections and the Bureau of Parole, an agency of the Department of Corrections.

The Parole Board establishes parole release eligibility and the Bureau of Parole is responsible for parole supervision.<sup>25</sup> Since all juvenile offenders sentenced under the Juvenile Code have indeterminate terms, the Parole

<sup>24</sup>N.J.S.A. 2A:4A-43a(8).

<sup>25</sup>For an explanation of the Parole Board see Chapter II, section entitled "Parole".

Board has discretion as to when a juvenile offender is released from incarceration. In recent years, juveniles have been staying incarcerated for longer periods of time. One of the reasons is the lack of aftercare services available in communities such as drug, alcohol and mental health counseling, non-traditional classroom instruction, vocational training and other support services.

There are approximately 1200 juveniles under parole supervision. Caseloads average 70-80 per parole officer. Parole officers handle both adults and juveniles in the same caseload. The caseloads are divided by geographical areas. Juvenile parole supervision is funded by the State at an annual cost of approximately \$600,000.

***In Chapter II of this report, the Commission recommended that the Bureau of Parole be elevated to Division status within the Department of Corrections.*** The purpose of this recommendation is to give proper recognition to this vital last link in the correctional system.

## **JUVENILE AFTERCARE PROGRAM**

Juvenile offenders return from an incarceration to the same neighborhoods and homes that often contributed to their delinquency. Still under the custody of the Department of Corrections, these juveniles are supervised until completion of their sentence by parole officers.

Some juvenile offenders are in need of more intensive supervision than can be offered in a traditional caseload. In an effort to address the needs of certain "high risk" juvenile offenders, the State Parole Board and the Bureau of Parole developed a specialized aftercare program to pilot in six counties. A federal grant was obtained through the State Law Enforcement Planning Agency (SLEPA), and the program was begun in 1986 in six counties (Burlington, Essex, Hudson, Mercer, Middlesex and Somerset).

The program is designed to provide intensive parole supervision. Referrals are made by the State Parole Board. To be eligible for the program, juvenile offenders must meet one or more of the following criteria: an extensive history of substance abuse; an unstable parole residential plan; physically or emotionally handicapped; mentally retarded; a history of incorrigibility; or in need of special, extra support in order to successfully reintegrate into the community. ***The Commission supports the Juvenile Aftercare Program and stresses the need for aftercare services for juvenile offenders and their families.***

Beginning with FY 1989, the Department of Corrections is providing the necessary funding to expand this aftercare program statewide to all the counties.

## **GOVERNOR KEAN'S JUVENILE JUSTICE INITIATIVE**

On May 12, 1988, Governor Kean introduced a Juvenile Justice Initiative which partially addresses the issue of gaps in appropriate services to juvenile offenders.

The proposal is a result of the recommendations proposed by the Governor's Committee on Children's Services Planning along with the Department of Corrections, the Department of Human Services' Divisions of Youth and Family Services and Mental Health and Hospitals, the Department of Community Affairs and the State Youth Services Commission. ***The Commission supports the Governor's Juvenile Justice Initiative.***

The Governor's Juvenile Justice Initiative will be implemented by a small advisory task force drawn from the leadership of the various Departments serving troubled youth. The legislation appropriates \$4.5 million to the Department of Corrections for developing various programs. The Initiative contains four basic elements:

- Appropriates \$1 million to help ease overcrowding of juveniles in detention centers in certain counties with the most severe overcrowding by developing alternatives to detention;
- Appropriates \$2 million for the "Youth Vocational Training and Aftercare Program": \$300,000 to two of the training schools; \$1.7 million to fund community-based vocational education and training services for juveniles adjudicated delinquent and for aftercare services for former department supervised juveniles;
- Appropriates \$750,000 to expand services to emotionally disturbed juveniles; and,
- Appropriates \$750,000 to expand services to juvenile sex offenders.

## **COUNTY YOUTH SERVICES COMMISSIONS**

Three organizations have been established in recent years at the State level to plan and coordinate youth services in New Jersey.

The State Youth Services Commission was established in 1982 by cooperative agreement and is under the auspices of the Administrative Office of the Courts. The Commission is jointly chaired by the Chief Justice and the Attorney General. The Commission has been involved in bringing representatives of youth-serving State departments together to solve interagency and systemic problems which impede the provision of services for troubled youth.

The Governor's Committee on Children's Services Planning was established in March 1983 by Executive Order 35 to address the "deficits and lack

of coordination in the planning, provision and evaluation of services for children in New Jersey" which were pointed out by an earlier Commission.

The Juvenile Delinquency Commission was established pursuant to the new Code of Juvenile Justice. Initially, the Commission was charged with the responsibility for studying and reviewing those aspects of the juvenile justice system relating to the disposition of persons adjudicated delinquent. The Commission's responsibility was broadened in 1987 to study and review **all** aspects of the juvenile justice system. At that time, the membership of the Commission was also increased from 17 to 21 members.

Prior to the new Code of Juvenile Justice, county Youth Services Commissions were piloted in 1982 in Burlington, Middlesex and Somerset counties with start-up funding from SLEPA. Since that time, the Chief Justice, the Attorney General and the Commissioner of Human Services have asked that the Citizens Advisory Committees in each county be redesignated as County Youth Services Commissions. All the counties and many municipalities have since appointed Youth Services Commissions. The degree of activity varies with some Youth Services Commissions such as the one in Somerset County being very involved in planning, coordinating and developing programs to serve troubled youth.

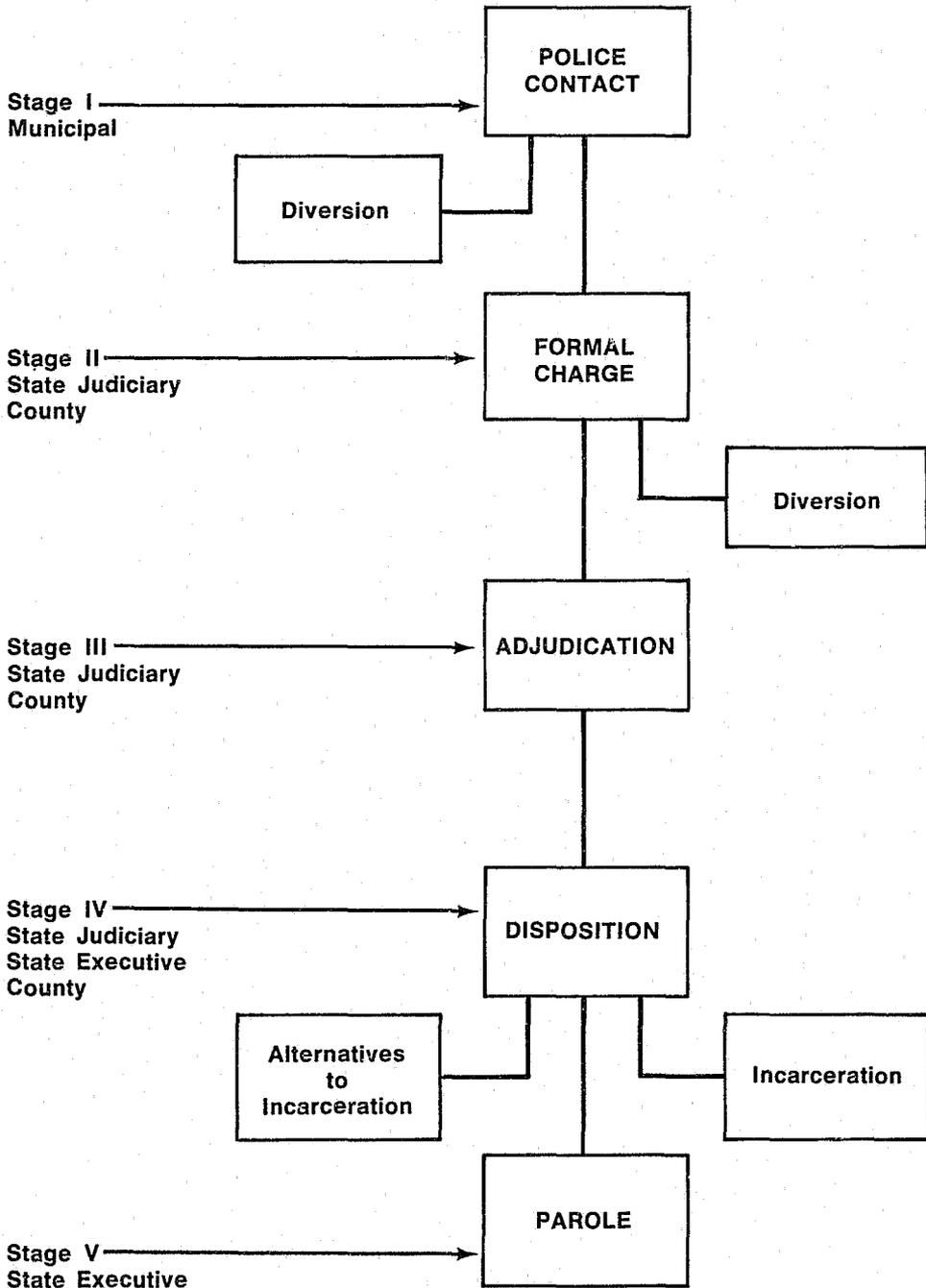
The Juvenile Delinquency Commission and the Governor's Committee on Children's Services Planning, along with other interested groups, have recommended that Youth Services Commissions be appointed in every county. The responsibility of these Commissions would be: to annually prepare and submit a comprehensive plan for providing services to meet the needs of youth at risk; to coordinate and integrate existing services for troubled youth; and, to develop new and innovative programs for unmet needs.

As can be seen in Figure 18, the intergovernmental dimensions of the juvenile correctional system are very complex. At each stage of the system, the public and private sectors need to coordinate their efforts as each has a role in the delivery of services. Even within State and county government, there are various agencies and divisions within agencies that are expected to fulfill their roles in the delivery of services to juveniles in the correctional system. In looking at the various stages of the correctional system as noted in Figure 18, local government (particularly counties) is represented at each stage. It is critical that there be coordination and planning at the local level for the delivery of services to the juvenile offenders who become a part of the correctional system. Therefore, ***the Commission joins the Juvenile Delinquency Commission and the Governor's Committee on Children's Services Planning in recommending that Youth Services Commissions be established in every county.***

The make-up of the Commissions has been put forth by these two organizations and by current legislation to implement the recommendations. The recommended membership includes:

- the county executive or his designee, in counties that have adopted the county executive form of government, or the freeholder director or his designee in other counties;

**Figure 18**  
**NEW JERSEY'S**  
**JUVENILE JUSTICE SYSTEM**  
**INTERGOVERNMENTAL DIMENSIONS**



- the county prosecutor or his designee;
- the regional deputy public defender for the county or his designee;
- a manager of a county district office of the Division of Youth and Family Services in the Department of Human Services or his designee;
- a person designated by the Division of Developmental Disabilities in the Department of Human Services;
- the county mental health administrator;
- the county superintendent of schools or the director of special services for the county school system;
- the director of the county human services department or another department directly responsible for providing services to youth;
- the director of a youth shelter located in the county, if any;
- the director of a juvenile-family crisis intervention unit located in the county;
- the president of the county's Juvenile Officers Association, or a representative from the county sheriff's office who works primarily with youth and youth-related problems;
- a representative of the regional private industry council;
- a representative of the Department of Human Services who shall be a nonvoting member of the commission;
- a representative of the Division of Juvenile Services in the Department of Corrections designated by the county; and,
- the county alcoholism coordinator.

The governing body of the county also shall appoint the presiding judge and the case manager of the family part of the Chancery Division of Superior Court from the vicinage in which the county is located and the chief probation officer of the county or their designees. These three appointments are subject to the approval of the Chief Justice. In addition, the county governing body may appoint other public members representing youth in the county.

Municipal government, however, has not been included in the proposed membership. Since the police divert almost 50 percent of the juvenile arrestees, it seems that this level of government could have considerable input into the county Youth Services Commissions. In addition, parole is an integral last link in the Correctional System and should be included in the planning and coordinating of services to juveniles. Therefore, ***the Commission recommends that at least one member of a municipal governing body and one member of the Bureau of Parole in each county be appointed to each county Youth Services Commission.***

## **SUMMARY**

New Jersey's juvenile correctional system places a heavy emphasis on diversion prior to adjudication and post-dispositional alternatives to incarceration. The system, however, is overcrowded and lacks the financial resources necessary to adequately serve the troubled youth who are a part of the system. In addition, planning and coordination among the levels of government, the many agencies within each level of government and the private sector serving troubled youth needs to be strengthened.

Many young people reach the juvenile correctional system without ever having received preventive services. This is particularly true for special populations such as the mentally ill, the mentally retarded and others. Every effort needs to be made to serve these special categories of juveniles outside of the correctional setting.

## **APPENDIX A**

### **RESIDENTIAL TREATMENT PROGRAMS FOR GIRLS**

Alpha House—This program is located in the City of Camden, Camden County. The program is for 12 female delinquents, ages 12 to 18 years old. The majority of the girls are on probation status with a suspended sentence. Those on committed status are the less severe offenders who can function in a structured open community setting. The treatment program includes school, individual and group counseling and vocational training.

Turrell Residential Group Center—This program is located in Farmingdale Boro, Monmouth County on the grounds of the Arthur Brisbane Child Treatment Center within rural Monmouth County. The program is a combination of work/school for 15 committed female offenders. Females in the program who give birth during their stay are allowed to keep their babies with them.

Females in Transition Program—This program is located in Egg Harbor, Atlantic County and has the capacity for six females. There are two components to the program, long term residence of 4-6 months, and transitional residence of 1-3 months for girls leaving a more secure, long term facility and having legal residence in Atlantic County. Residents attend the Atlantic County Vocational School.

Mercer Abuse Program—This program is located in the City of Trenton, Mercer County. The program is for five offenders from ages 14-17. The major goal of the project is to initiate a pilot program for female abusers of drugs and/or alcohol.

### **RESIDENTIAL TREATMENT PROGRAMS FOR BOYS**

#### **Atlantic County**

Manor Woods Residential Group Center—This program is located in Mays Landing, Hamilton Township, Atlantic County. The program provides residential group treatment services for a maximum of 25 court referred or committed adolescents, ages 14-16. The program involves group sessions, school, community contacts and a work program established in cooperation with the Atlantic County Park.

Southern State Residential Group Center—This program is located in Egg Harbor, Atlantic County. This program consists of 20 committed youths ages 16-18 who are involved in academic, including college participation, culinary arts, and other areas of study and vocational training.

#### **Monmouth County**

Allaire Group Home—This program is located in Farmingdale Boro, Monmouth County. This program is for children 14 years of age or younger who probably would have been under the care of the Division of Youth Services

if placement could have been found in a non-correctional setting. The program serves youngsters who have extremely low perception and performance levels.

**Sandy Hook Residential Group Center**—This program is located at Fort Hancock, Middletown Township, Monmouth County. The program is for 30 juvenile offenders and is a joint effort with the Brookdale Community College and the Job Training Partnership Act of Monmouth County. There is also a joint effort with the National Park Service and the Sandy Hook State Park.

### **Camden County**

**Camden Community Service**—This program is located in the City of Camden, Camden County. The program is for 25 youngsters aged 16-18. Participants are admitted as a condition of their probation or by commitment. The program is a combination of work and school with group and community contact components.

**Voorhees South**—This program is located in the City of Camden, Camden County. The program is for 21 juvenile probationers, aged 16-18, who have an alcohol or drug dependency and who come from sundry counties. Youths referred to this program require more direct supervision than can be provided by the local probation departments.

### **Ocean County**

**Cedar Run Residential**—This program is located in Double Trouble State Park, Lacey Township, Ocean County. The program is for 10 juveniles ages 13-15. The program includes academic instruction, vocational training and counseling.

**Ocean Residential Group Center**—This program is located in Lacey Township, Ocean County. The program is for 36 juveniles aged 14-18. The program consists of work, school and group counseling.

### **Mercer County**

**Highfields Residential Group Center**—This program is located in Hopewell Boro, Mercer County. The program is for juveniles ages 16-18 who must successfully complete the program as a condition of probation. Children with severe psychological, psychiatric and physical handicaps are excluded.

**St. Joe's Program**—This program is located in the City of Trenton, Mercer County. The program is for 25 juveniles ages 14-18. The population is composed of first-time offenders with property oriented offenses of a less serious nature. There is also a day component to the program for probationers.

### **Middlesex County**

**Home Environmental Learning Program**—This program is located on the grounds of the New Jersey Training School for Boys in Jamesburg, Middlesex County. The program is for eight residents and is for the educable mentally retarded and/or emotionally disturbed committed juveniles.

**Monroe House**—This program is located on the grounds of the New Jersey Training School for Boys in Jamesburg, Middlesex County. The program is for four juveniles with behavioral and/or psychotic disorders which have placed them at risk of hospitalization. The program is funded in part through

the Division of Mental Health and the Division of Youth and Family Services, Department of Human Services.

Reality Awareness Program—This program is located on the grounds of the New Jersey Training School for Boys in Jamesburg, Middlesex County. The program is for four juveniles ages 15-19 with handicaps—primarily educable mentally retarded/emotionally disturbed. The program is funded in part through the Division of Developmental Disabilities, Department of Human Services.

### **Essex County**

Wilsey St. Residential Group Center—This program is located in Newark, Essex County. The program is for 15 juveniles committed from the Essex County area. The program has three components—education, work experience and group counseling.

Lincoln Avenue—This program is located in Newark, Essex County and has the capacity for ten males. The program works with younger adolescents from the inner-city who come from dysfunctional homes, are at risk of placement in institutions and are in need of independent living skills to function effectively in the absence of a nurturing family environment.

### **Passaic County**

Green Residential Group Center—This program is located in Ringwood Boro, Passaic County. The program is for 14-17 year olds as a condition of probation. It focuses on the reduction of delinquent behavior and further involvement in the justice system.

### **Burlington County**

Pinelands Residential Group Center—This program is located in Woodland Township, Burlington County. The program is the first of such programs that attempts to deal with a small group of youngsters charged with sexual related offenses.

### **Hunterdon County**

Voorhees Residential Group Center—This program is located at the Voorhees State Park in Glen Gardner Boro, Hunterdon County. The program is for 21 juvenile offenders ages 16-18 from sundry counties that have an alcohol and drug dependency. The program is considered an alternative to incarceration for probationers.

### **Sussex County**

Newark YMWCA Explorers—This program is located in the Linwood MacDonald Camp, Branchville Boro, Sussex County. The program is for juveniles ages 11-14. The program is currently operating on a private grant with State assistance. The program has two components—a residential and a wilderness experience.

### **Warren County**

Warren Residential Group Center—This program is located in Oxford Township, Warren County. The program is for 20 juveniles ages 16-18.

## **APPENDIX B**

### **DAY TREATMENT PROGRAMS FOR GIRLS**

Wee Care Day Treatment Program—This program is located in the City of Trenton, Mercer County. The program is for teenage mothers and pregnant teens who have been victims of child abuse and are in conflict with the law. The youths bring their young children to the program where parenting and child care skills are taught in a supervised experiential environment.

### **DAY TREATMENT PROGRAMS FOR BOYS**

#### **Atlantic County**

Atlantic Day—This program is located in Egg Harbor, Atlantic County. This program is for probationers, school child study team referrals, D.Y.F.S. clients as well as Family Court clients. The 10 participants are involved in academic instruction at the Vocational School, hands-on vocational instruction at the work site and group and family counseling as well as supportive outreach services in the county.

#### **Burlington County**

Burlington Day—This program is located in Pemberton Township, Burlington County. This program is for 15 probationers from the Burlington County area. The juveniles are involved in schooling, working and group counseling. They are presently in the process of reconstruction of the White Bogs Village, a historical village.

#### **Camden County**

Camden Day—This program is located in the City of Camden, Camden County. The program is for 15 adolescents ages 13-16 who are under the care and supervision of D.Y.F.S. These adolescents are usually court ordered to attend the program as a condition of probation. A parent group is conducted weekly. Clients attend a computer-aided academic program at Camden County College every afternoon in addition to classroom work at the agency.

#### **Cape May County**

Cape May Day—This program is located in Cape May, Cape May County. The program is for 10 juvenile offenders. The program consists of the following areas: education, vocational training and individual and group counseling.

#### **Cumberland County**

Cumberland Day—This program is located in Bridgeton City, Cumberland County. The program is for 20 clients of the Family Court, Probation, and D.Y.F.S. The youths are involved in rehabilitating sub-standard housing in the Bridgeton area through the Bridgeton Housing Authority under the auspices of the Cumberland County Vocational School.

#### **Essex County**

Essex Day—This program is located in the City of Newark, Essex County. The program is for 20 juveniles from Essex County who are in danger of being committed to the Department of Corrections.

Newark YMWCA Aftercare—This program is located in the City of Newark, Essex County. The program is for males up to age 18 from northern New Jersey. The juveniles are under the auspices of the Division of Juvenile Services and D.Y.F.S.

#### **Gloucester County**

Gloucester County Day—This program is located in Glassboro Boro, Gloucester County. The program is for 10 males and females aged 14-17 who are at risk of out-of-home placement in either a correctional setting or DYFS approved facility.

#### **Hudson County**

Hudson Day—This program is located in Jersey City, Hudson County. This program is a special education program funded through SLEPA and sponsored by the Education Sub Committee of the Youth Services Commission. It is an attempt to develop a special program for younger learning disabled youngsters at risk of entering the correctional system. It links the learning disabled youngsters in an apprenticeship to retired persons. The program utilizes computer programming and a non-traditional classroom approach.

Liberty Park—This program is located in Jersey City, Hudson County. The program is for 20 juveniles as an alternative to commitment to training school. It is a cooperative effort between the Division of Juvenile Services and the Hudson County Family Court.

#### **Mercer County**

Mercer County Day Program—This program is located in the City of Trenton, Mercer County. The program is for 25 juvenile delinquents ages 14-18. The program includes work experience and group and family counseling. The program is linked with D.Y.F.S.

#### **Monmouth County**

Jersey Shore Day—This program is located in Asbury Park, Monmouth County. The program is for 8 juveniles ages 14-18 who are on probation. The program utilizes a school component, a work-site for vocational skills training and group counseling.

Monmouth Day—This program is located in Freehold Boro, Monmouth County. The program is for juveniles on probation from the Monmouth County area.

#### **Ocean County**

Double Trouble—This program is located in Forked River, Lacey Township, Ocean County. This program is for 30 delinquent and pre-delinquent youths. The program involves vocational trades instruction and reconstruction of facilities at the Double Trouble State Park.

#### **Passaic County**

Probationfields—This program is located in the City of Passaic, Passaic County. The program is for juveniles on probation and is a multiagency funded program including the Division of Juvenile Services, D.Y.F.S., the Administrative Office of the Courts, and the Passaic County Probation Department. This program is staffed by probation officers.

Ringwood Day—This program is located in the City of Paterson, Passaic County. The program serves juvenile delinquent residents in Paterson between the ages of 12 and 16. Components consist of educational classes, work experience and group and family counseling.

#### **Salem County**

Salem Day—This program is located in Penns Grove Boro, Salem County. The program is for 20 youths from the Family Court, Probation Department and D.Y.F.S. The program works with the local schools regarding potential drop-outs and re-entry of the youths back into their respective schools.

#### **Somerset County**

Morris Day—This program is located in Bernardsville, Somerset County. The program is for 15 youths ages 14-18 from Morris County who have been involved in delinquent and/or substance abuse behavior. A Culinary Arts program for 12 juveniles is provided at Waterloo Village.

Somerfields—This program is located in Somerville, Somerset County. The program is operated by the county probation department for the Division of Juvenile Services. It is an alternative to sentencing county youth to institutions. As a condition of probation, in lieu of commitment, juveniles attend daily programs of work, school, and counseling.

#### **Sussex County**

Sussex Day—This program is located in Newton Town, Sussex County. The program is for 15 youths ages 14-17 who reside in Sussex County. Juveniles are referred to the program as a condition of probation. The program provides Family Court judges with a viable program for juveniles who are experiencing difficulties with the law, at home or in traditional school settings.

Waterloo Village Culinary Arts—This program is located at Waterloo Village, Stanhope Boro, Sussex County. The program is for juveniles ages 15-18 who are residents of Morris, Sussex or Warren Counties. The program offers specialized training in the culinary field. The program is sponsored by Waterloo Village, the Division of Juvenile Services and the New Jersey Youth Corps.

#### **Union County**

Elizabeth Day—This program is located in Elizabeth, Union County. This program is for 18 youths. The program works with the local school district regarding potential drop outs. The program intent is to involve the youths in academic and educational/vocational programs stressing basic skills leading to a more positive productive life within the community.

Union Day—This program is located in Plainfield City, Union County. The program is for 20 juveniles. The program intent is to involve the youth in academic and educational/vocational programs. The vocational programs consist of carpentry and culinary arts.

#### **Warren County**

Warren Day—This program is located in Phillipsburg Town, Warren County. The program is for 12 juveniles. The main focus of the program is on the acquisition of good work habits through the development of building skills in the construction industry. The program also aids the juveniles in securing employment upon successful completion of the program.

**FUTURE PUBLICATIONS OF THE  
COUNTY AND MUNICIPAL GOVERNMENT  
STUDY COMMISSION**

- Local Code Enforcement
- Independent Boards and Municipal Government
- Aid Programs and the Flow of Funds Between Levels of Government
- The Delivery of Human Services

## ABOUT THE COMMISSION

The New Jersey Legislature established the County and Municipal Government Study Commission with the charge to "study the structure and functions of county and municipal government ... and to determine their applicability in meeting the present and future needs of the State and its political subdivisions."

To achieve as broad a representation as possible in carrying out this legislative charge, a Commission of fifteen members was created, nine of whom are named by the governor, three of whom are senators, named by the president of the senate, and three of whom are assemblymen, named by the speaker of the general assembly. Of the governor's appointments, three are nominees of the New Jersey Association of Counties, three are nominees of the New Jersey State League of Municipalities, and three are from among the citizens of the State.

The Commission's initial report, *Creative Localism: A Prospectus*, recommended a comprehensive and systematic study of the patterns of planning, financing, and performing functions of government. This assessment seeks to develop more effective approaches for service provision among municipal, county, and state governments through statutory amendments and changes in administrative practices and policies.

In light of these goals, the Commission has examined alternative forms of service provision on a larger-than-municipal scale and evaluated current systems for provision of services. This research has led to a series of structural studies dealing with county government, joint services, consolidation, and municipal government forms. The Commission also engages in functional studies that are focused upon the services that local governments provide or should so provide. These functional studies have included examinations of transportation, housing, social services, health, solid waste management, flood control, libraries, and state mandates. In addition, a series of informational periodicals and handbooks are published for the use of officials, administrators, and others interested in New Jersey government.

While the Commission's research efforts are primarily directed toward continuing structural and functional studies, its staff is often asked to assist in the drafting of legislation and regulatory action based upon Commission recommendations. The Commission also serves as a general resource to the legislature, executive agencies, local government officials, and civic organizations, as well as to related activities at the national level.

## **PAST REPORTS OF THE COUNTY AND MUNICIPAL GOVERNMENT STUDY COMMISSION**

The Organization and Dynamics of Social Services in New Jersey, June 1979

Forms of Municipal Government in New Jersey, January 1979

(In cooperation with the Bureau of Government Research, Rutgers,  
The State University of New Jersey)

\*Local Highway and Road Programs: The Capacity of Federal and State Aid  
Programs to Meet Increasing Needs, September 1978

Computer Utilization by Local Government, November 1977

\*Flood Control Management: An Overview of Issues and Responses, November  
1977

\*Bus Transportation: State-Local Roles and Responsibilities, May 1977

\*Aspects of Law Enforcement in New Jersey, June 1976

\*Water Supply Management in New Jersey: Summary of Findings, April 1975

Community Health Services: Existing Patterns, Emerging Trends, November  
1974

\*Housing and Suburbs: Fiscal and Social Impact on Multifamily Development,  
October 1974

\*Water Quality Management: New Jersey's Vanishing Options, June 1973

Solid Waste: A Coordinated Approach, September 1972

A Public Personnel Information System for New Jersey, March 1972

(In cooperation with the Bureau of Government Research, Rutgers,  
The State University of New Jersey)

\*Consolidation: Prospects and Problems, February 1972

\*Beyond Local Resources: Federal/State Aid & the Local Fiscal Crisis, April  
1971

\*Joint Services: A Practical Guide to Reaching Joint Services Agreements, May  
1971 (In cooperation with the N.J. Department of Community Affairs)

\*Joint Services: A Local Response to Area-Wide Problems, September 1970

County Government: Challenge and Change, April 1969

Creative Localism: A Prospectus, March 1968

\*Available upon request