

NEW JERSEY CORRECTIONAL MASTER PLAN



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State of New Jersey, Brendan T. Byrne, Governor

Department of Corrections, Robert E. Mulcahy, III, Commissioner

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STATE OF NEW JERSEY
OFFICE OF THE GOVERNOR
TRENTON

BRENDAN T. BYRNE
GOVERNOR

March 11, 1977

Dear Friends:

I am pleased to present to our citizens and criminal justice agencies the New Jersey Correctional Master Plan. This document represents the efforts of a broad-based Policy Council to define correctional needs in New Jersey and to articulate policy to meet those needs. The correction of crime is a fundamental responsibility of government and the coordinated effort of those agencies which deal with offenders is a necessary first step to assure that this essential need of a secure society is fulfilled.

In my capacity as Chairman of the National Advisory Committee on Criminal Justice Standards and Goals, I have become increasingly aware of the absolute necessity of planning and defining public policy for criminal justice based on hard data and a system-wide perspective. The Correctional Master Plan for New Jersey has met these critical requirements and, having done so, deserves the serious attention of the citizens of this State.

The impact of crime affects us all. Those who break our laws enter a system of criminal justice which must accomplish a variety of goals, often with scant resources. To improve the ability of that system to function effectively there must be a high degree of communication and a shared commitment to the goals of that system by the component agencies. The Correctional Master Plan attempts to initiate that communication.

The Master Plan policy recommendations are based on an extensive data-gathering effort and on much thoughtful analysis and debate by the Policy Council. Indeed, the effort is probably unique for New Jersey in that the total systems approach it employed examined correctional activities beyond the traditional scope of the Department of Corrections in an effort to broaden the range of possible solutions to the correctional problems confronting us. These policy recommendations, then, may be viewed as an invitation to a much-needed correctional dialogue.

I thank the members for their efforts.

A handwritten signature in cursive script, reading "Brendan Byrne".

GOVERNOR



ROBERT E. MULCAHY, III
COMMISSIONER

STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS
TRENTON, N.J.

MARCH 11, 1977

Dear Colleague:

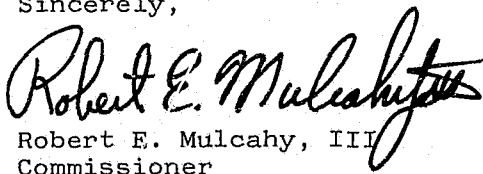
In November 1976, with a recognition of the need to confront effectively our complex correctional problems, the State of New Jersey created a Department of Corrections. Among the mandates imposed by that legislation was the charge to "...develop and from time to time revise and maintain a comprehensive master plan for the State's correctional system." This document, the New Jersey Correctional Master Plan, the product of a two-year effort, may be viewed as this Department's initial plan.

It is important to realize what this Master Plan is -- and what it is not. It is a statement of general policy recommendations made to the Department by a Policy Council concerning various aspects of the correctional system. It is an indication of what the Policy Council thinks, based on data analysis and study, corrections should be or might be in New Jersey. It is not an attempt to impose a single view or philosophy on others, nor is it a detailed implementation strategy. Rather, it represents a point from which we may begin to forge an effective system together. Our data and projections indicate clearly that New Jersey is experiencing increasing difficulty in providing adequate programs and facilities for offenders. Unless the various components of the system work together in a mutually supportive fashion, such as the Plan recommends, we will be hampered in meeting our common goal of crime reduction.

I hope the Master Plan will be viewed in the light in which it is presented -- as a beginning and an offer to plan for a more coordinated and effective correctional system. What lies before us is an opportunity to review the Master Plan, to criticize it, and to implement those recommendations which we feel most accurately reflect what is possible and desirable.

A deep debt of gratitude is acknowledged to the Master Plan Policy Council and staff for their time and commitment to this project and also the Law Enforcement Assistance Administration and the State Law Enforcement Planning Agency for their support of this effort.

Sincerely,


Robert E. Mulcahy, III
Commissioner

NEW JERSEY CORRECTIONAL MASTER PLAN

REPORT AND RECOMMENDATIONS

Submitted to

Ann Klein, Commissioner, Department of Human Services

and

Robert E. Mulcahy, III, Commissioner, Department of Corrections

by The

New Jersey Correctional Master Plan Policy Council



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March 1977

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The cooperation of institutional superintendents and staff is acknowledged as is the cooperation of the Department of Corrections staff. Finally, the assistance and expertise of the Bureau of Office Services in the preparation of countless reports and documents is gratefully acknowledged.

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Executive Summary of The New Jersey Correctional Master Plan

In mid-1974 Commissioner Ann Klein of the Department of Institutions and Agencies appointed a Correctional Master Plan Policy Council to formulate advice and policy guidance on the future direction of corrections in New Jersey. In presenting the charge to the Policy Council, Commissioner Klein noted that corrections often reflects a legacy of uncoordinated reaction to successive crises rather than a thoughtful consideration by New Jersey citizens and officials of what they want their correctional system to accomplish.

Appointments to the Correctional Master Plan Policy Council included not only representatives of the legislature, the judiciary and the executive (the Attorney General's office, the Public Advocate's office, the Parole Board, the State Law Enforcement Planning Agency, and state and local corrections) but also included representatives of national and state citizen groups (The National Council on Crime and Delinquency, The New Jersey Association on Corrections, The League of Women Voters, and the Morrow Projects), two New Jersey universities (Rutgers and Princeton), the Policemen's Benevolent Association, the Garden State School District, and representatives of correctional institution boards of trustees, staff and inmates.

An extensive data base was developed to guide policy foundation. A full-time staff was hired in 1975. Staff coordinated all data-gathering, report-writing and the production of data volumes which statistically profiled the state offender, analyzed the length of stay of these offenders, and projected future bedspace needs for state offenders based on population trends and a comprehensive analysis of existing institutional capacities. (See supplementary volume on Correctional Master Plan Data.) In addition, a review of New Jersey sentencing and parole statutes, rules and past recommendations for change was contracted to legal consultants from Rutgers and Seton Hall Law Schools. An extensive survey outlining special needs of Hispanic offenders throughout New Jersey was conducted. Further, a survey and analysis of parole, probation supervision services and county jail operations and an analysis of the administrative organization of corrections at the state level were prepared under contract by the National Clearinghouse for Criminal Justice Planning and Architecture.

The preparation of this Master Plan entailed a sustained and thorough involvement by the Policy Council. In all, the Policy Council met with staff for 16 full-day sessions between January 1975 and September 1976 at which time final recommendations were approved for proposal to the Commissioner. During this period, the Policy Council:

- Reviewed in small study groups and as a total group the standards proposed by the National Advisory

Commission on Criminal Justice Standards and Goals,

- Reviewed and analyzed various correctional philosophies and models of correctional policy toward the task of defining a correctional philosophy for New Jersey.
- Analyzed the implications of the resulting correctional philosophy for changes in New Jersey's statutes and rules concerning sentencing and parole decision-making.
- Reviewed the surveys and organizational analysis of parole, probation supervision, county jails and the state correctional system conducted by the National Clearinghouse for Criminal Justice Planning and Architecture.
- Reviewed the data volumes concerned with state offenders and determined a possible direction for New Jersey corrections which avoids a massive state construction program, upgrades the quality of local corrections, and maintains significant local responsibility for corrections.

The following basic policy recommendations of the Council reflect the specific wording agreed to after discussion.

SENTENCING AND PAROLE:

The correctional philosophy for New Jersey should emphasize equity of punishment and the reintegration of offenders into society. This philosophy will be manifest in sentencing and parole practices as well as in the administration of correctional facilities and programs. In practice this would mean:

- A modified "just deserts" model of sentencing and parole should be adopted for all adult offenders who are sentenced to state-administered correctional facilities. This recommendation stresses the crime more than the offender although the offender is emphasized in the choice of particular sentencing alternatives.
- The least restrictive of a range of sentencing alternatives should be utilized with incarceration seen as the last resort when no other alternative will suffice to achieve the aim of deterrence and incapacitation. Available sentencing alternatives should include:
 - financial sanctions such as fines and restitution
 - an expanded probation service
 - partial imprisonment (e.g., work release)
 - short-term incarceration
 - long-term incarceration
- Sentences to institutions should be determinate for a fixed maximum period. The Policy Council recommends amendment of the New Jersey criminal code to reduce maximum terms and eliminate the imposition of minimum terms.
- The latitude of judicial discretion should be guided through the use of formalized sentencing criteria.
- Discretion in parole release should be reduced by the adoption of presumptive parole at first eligibility within specified guidelines by a single parole board.
- Responsibility for making decisions on parole revocation remain with the parole board. As with sentencing decisions, there should be the presumption of using the least restrictive alternatives: revocation of parole status and reincarceration should be used only as a last resort.

RACE AND CRIMINAL JUSTICE:

The data concerning racial disparity in corrections is a primary issue which must be considered as an integral part of any long-range plan. The implications of the overwhelming overrepresentation of minority race members in correctional institutions are profound and a long-range correctional policy cannot ignore or overlook the questions of morality and justice involved. What is recommended is an immediate in-depth study of racial disparity throughout the criminal justice system. Such a study must be undertaken immediately and should be conducted under the joint auspices of law enforcement, courts, and corrections since the data points to disparity throughout the system. A study of sufficient scope and design should be completed within a reasonable period (6 months) and the findings of that

study should be used as a basis for review of the incarceration and institutional construction policies of the Department of Corrections.

A LOCALLY ORIENTED CORRECTIONS PLAN:

It is recommended that a locally oriented corrections plan be adopted to serve New Jersey's correctional needs. Under this plan, only serious offenders should be assigned to state correctional institutions and responsibility for less serious offenders should be transferred to locally based facilities and programs. The state should provide funding for facilities and services to local units serving offenders who under present practices would be incarcerated in state facilities. (Less serious for projection purposes was taken to mean those types of offenders with expected lengths of stay of one year or less.) Under this plan a single sentencing and release structure would apply to all state offenders.

LIMITED STATE CONSTRUCTION:

The Council is aware of the current use of substandard and emergency bedspace that can be remedied only by construction. The Council supports only construction which replaces such existing and antiquated facilities and which is consistent with the recommended correctional philosophy.

The present best estimate of required state bedspace construction to accomplish the above is approximately 1200 by the year 1984. This estimate assumes:

- That a significant number of less serious offenders now served by state facilities will be served by local facilities and programs in 1984,
- That length of stay will be increased for more serious state offenders as a result of implementing a single sentencing structure for all offenders sentenced to state facilities, and
- That present state bedspace capacity can be supplemented by transferring or converting a significant number of existing bedspaces to state offender use and by continuing to use some temporary (e.g., trailer) bedspaces after 1984.

This number of 1200 newly constructed bedspaces can be reduced if other criminal justice practices which reduce admissions or length of stay and which are consistent with the recommended philosophy are implemented.

When the proposed recommendations are implemented to support programs and services in local communities and to use such programs for less serious offenders (currently 56% of state admissions), it will be necessary to reassess the need for new construction of additional state institution space. Such construction should not be undertaken until attainment of maximum implementation of local correctional services.

There is a severe present deficiency in standard bedspaces. The Correctional Master Plan recommends that:

- for *existing* facilities, at least 50 square feet of bedspace be provided for every inmate, and other renovations be undertaken as necessary to meet minimal standards.
- before any new construction is undertaken, all suitable existing bedspaces should be utilized.
- for *additional* or *replacement* bedspaces, the standards to be adopted should comply with the physical and space standards promulgated by the National Advisory Commission on Criminal Justice Standards and Goals.

ORGANIZATION OF CORRECTIONS:

It is recommended that an agency of state corrections be established at the department level of government.* The jurisdiction of the Department of Corrections shall include all offenders sentenced or committed to the custody of the Commissioner of Corrections by a court of competent jurisdiction. The purpose of this agency shall be to provide for adult and youthful offenders those institutional and community-based programs and services within its jurisdiction which best protect the public through the reintegration of offenders into society for lawful community living. The Commissioner shall be professionally qualified to administer the department in accordance with the highest professional correctional and managerial standards.

*This recommendation was enacted with the passage of Assembly Bill 1912, effective Nov. 1, 1976.

- The Department of Corrections, with the advice and consent of local correctional officials, shall define minimum standards for county and municipal custodial correctional facilities, operations and programs. The Department shall be charged with the responsibility for inspecting the custodial facilities, operations, and programs; for offering technical assistance to these facilities, and may enter into contractual arrangements with the facilities for the purchase of care. (Legislation should be enacted to authorize the Department of Corrections to enforce in the courts the minimum standards it promulgates.)
- The Department of Corrections shall have responsibility to upgrade, expand, and utilize non-institutional services for offenders within its jurisdiction, when consistent with the demands of public safety. To accomplish this, the organizational structure which shall be created for the Department of Corrections shall indicate a unit with a community services mission at the same organizational level as the unit with an institutional services mission.
- To ensure the highest possible degree of public support and confidence, the departmental structure should reflect a strong professional management component, such as a management services unit and the use of an advisory board with representation from the ranks of citizens and other components of the criminal justice system.

The Master Plan document also contains other recommendations geared to the support and upgrading of the individual correctional components. These recommendations were prepared by staff and consultants and while not specifically considered by the Policy Council, are proposed in the Master Plan on the basis that they are consistent with and are derived from the policies recommended by the Council listed above. Further, it should be noted that two Council members prepared statements describing their differences from specific portions of the Master Plan. These statements are appended to this report.

The Master Plan data documents very clearly the incapacity of the current correctional system to meet the present and predicted demands on that system. The recommendations of the Policy Council represent a definition of what the New Jersey correctional system should accomplish and also a means to arrive at that end.

It is acknowledged that the tasks related to the implementation of these recommendations are not insignificant and will in fact require a high degree of cooperation and commitment to change from all affected correctional operations. It is the intent of the Policy Council that these Master Plan recommendations represent the kind of significant but achievable change for the total New Jersey correctional system which is required. These recommendations, if implemented as a total plan, offer promise of meeting the state's correctional needs with efficiency, effectiveness, and fairness.

Introduction

Corrections in New Jersey, as is true in many other states, is in a critical period. Historic, economic and social forces have interacted with the result that choices must now be made which will determine to a large extent the correctional future for this state, and decisions with long-range consequences confront correctional policy-makers. This Correctional Master Plan has been developed to guide those decisions and to define a clear direction which will make possible the efficient and rational expenditure of public resources toward the attainment of public safety and a justly administered system of corrections. The desirability and necessity of undertaking a comprehensive correctional plan is evident from even a cursory review of corrections throughout the nation. Charges of ineffectiveness and inefficiency abound. Correctional systems do indeed vary widely in scope, in structure, in effectiveness and in the amount of public confidence and support they generate. This is perhaps due to two main factors:

- Correctional systems are seldom "planned". Rather they tend to evolve over time with their form being determined more from reaction to crisis or a combination of historic and economic constraints than from a definite plan of action dictated by specific goals and objectives.
- Until fairly recently there has been little support available—either technical, financial, or political—to upgrade corrections in accord with professional standards and guidelines.

An analysis of correctional systems indicates that long-term and comprehensive planning has not been widely practiced. Systems more often arrive at a

level of functioning through traditional evolutionary patterns of growth or change which are occasionally disrupted by disorders, riots and public outcry for immediate change. Aside from these periodic episodes which push corrections into public consciousness, the general public reaction has been one of neglect or apathy. When systems develop in that manner and in such an atmosphere, it is hardly surprising that corrections has come under the criticism and challenge it has in recent years. Increased crime rates, the documented inadequacies of correctional institutions, intervention by the courts, prison riots and the widespread overcrowding of state and local facilities have all tended to thrust corrections into public view.

Perhaps the seed for correctional change—and the planning needed to guide that change—was the creation in 1967 of the President's Commission on Law Enforcement and the Administration of Justice. The publication of that Commission's report, *The Challenge of Crime in a Free Society*, documented for the nation that there was a drastic and immediate need for coordination and planning in all sectors of criminal justice. In the following year, the national preoccupation with burgeoning crime rates added to the increasing recognition that change was sorely needed, and in that year Congress created the Law Enforcement Assistance Administration (LEAA) in the conviction that "law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government". That initial legislation, since supplemented by the Omnibus Crime Control Act of 1970 and the Crime Control Act Amendment of 1973, marked a moral and finan-

cial commitment to change. Clearly, the patterns of isolation, fiscal neglect, and fragmentation of service which characterized corrections in earlier times could no longer be maintained.

In 1971, LEAA appointed the National Advisory Commission on Criminal Justice Standards and Goals. It was the stated objective of this Commission to thoroughly assess correctional practices and to formulate for the first time standards and goals which could serve to upgrade corrections practice at the state and local level throughout the nation.

The pioneering efforts of this Commission in establishing professional standards and the publication of the *Corrections Task Force Report* by that Commission have provided a means for states to assess their own correctional activities and for the first time specific comprehensive guidelines for change and reform are available.

The combination of renewed interest by the public and the professional corrections community has ushered in a climate of concern about corrections that previously was non-existent. Long-held attitudes and practices concerning offenders, institutions, and the administration of correctional services have been questioned, examined and challenged. Given the increased status of crime as an object of social and political concern, state and local governments are now reviewing corrections in light of these nationally promulgated standards. Comprehensive correctional planning has become regarded as an effective and necessary means of providing correctional services. The correctional situation in New Jersey is not unlike that of other states. Greater demands are being placed on corrections than ever before. Increasing dissatisfaction with the utilization of antiquated facilities is expressed by administrators, inmates, staff, and reform-oriented individuals throughout the state. The public is justifiably demanding that corrections meet the recently articulated standards of effectiveness and efficiency.

To respond to this challenge, Commissioner Ann Klein of the then Department of Institutions and Agencies provided support, with LEAA assistance, for a Correctional Master Plan with the following stated objective: "This study will result in the preparation of a comprehensive Master Plan for the coordinated operation and growth of correctional programs in New Jersey consistent with national and state goals for public safety, crime reduction and the resocialization of sentenced offenders." The Correctional Master Plan project was structured so as to utilize maximum input from a wide range of correc-

tional professionals and concerned citizens from throughout New Jersey. A 24-member Policy Council was appointed by Commissioner Klein to establish the goals and objectives of the planning process, to review the work performed by staff and consultants, and to formulate correctional policy which would be recommended to the Commissioner.

The Total Systems Planning Approach

The Correctional Master Plan was conceived as quite comprehensive in scope. Its inclusiveness is summarized in the statement of objectives: "To undertake an evaluation of the various components of the Criminal Justice System in New Jersey and to prepare policy and program recommendations based on this evaluation". It was the initial task of the Correctional Master Plan Policy Council to translate this mandate into distinct operational tasks accomplishable within the constraints of the Project. Early staff work consisted of defining specific activities aimed at the collection and analysis of data for subsequent policy formulation by the Council.

The issue of jurisdictional legitimation was raised early in Council meetings. The specific areas to be studied had to be defined in such a way that the planning effort remained within the general intent of the project and yet it required sufficient scope so that it could truly be a Master Plan for corrections rather than a study of an isolated criminal justice component. The early discussion which centered on this jurisdictional matter highlighted a central issue in correctional planning: only to the extent that corrections began to function and be regarded as an integral part of the larger criminal justice system was an effective comprehensive plan possible. Under traditional notions, the planning and operation of components was conducted under specific jurisdictional auspices. The Master Plan Policy Council in the formulation of the planning methodology chose to adopt the process of Total Systems Planning, as proposed by the National Advisory Commission. This planning approach is defined in the *Corrections Task Force Report*: "Total system planning is a process that defines, analyzes, and develops responses to problems of a specific service area. The process is open-ended. That is, it describes the interactions between activities or components of one system and those of another. Changes in any single component of an open system or a related system will affect all other components." When a total systems planning approach was proposed for the Correctional

Master Plan, it acknowledged the actual impact and effect of one component's functioning on the other.

One of the main reasons for adopting this planning approach was that it introduced essential decision options into resource allocation. In view of the tremendous financial burden imposed by current admission and sentencing practices and the considerable questions raised concerning institutional effectiveness, a high degree of justification and a thorough assessment of alternatives was felt necessary before institutional construction could be recommended. This entailed an analysis of operations not within the jurisdiction of state corrections, such as probation and county correctional facilities and programs. To the degree that such alternatives might be effectively used for offenders, it was felt the overall correctional system would benefit. Should the study and analysis indicate that a change was desirable in any of those areas, it was acknowledged that this would necessitate the collaborative relationship between the Department of Corrections and the affected agencies or operations.

The following general areas were defined by the Policy Council as study areas for the Master Plan and it was felt that their inclusion was well within the mandate of the project as stated in the grant application: "It is the intention of this application and work program to establish a broad skeleton through which the Council will have the latitude to change direction and supply emphasis on issues which become important throughout the planning process."

Master Plan Study Areas

Tempering the potential limits of the Master Plan project with the constraints of time and staff resources, the following study areas were identified by the Policy Council for consideration in the Master Plan:

- The definition of a correctional philosophy for New Jersey
- An analysis of the organizational structure of the New Jersey Division of Correction and Parole

- An analysis of the offender profile
- An analysis of parole operations
- An analysis of probation supervision operations
- A review of county corrections
- A 10-year projection of institutional requirements based on:
 - an analysis of existing facilities
 - admission trends for various offender types,
 - trends in length of stay

The work plan which was adopted called for staff and consultants to gather data and relevant information for each of the above study areas, to prepare staff reports and to present the draft material to the Policy Council for review and recommendation to the Commissioner. In many areas, data did not exist and a number of data-gathering systems had to be instituted. On-site data-gathering occurred at every state and county correctional facility, as well as at each probation and parole district office. Electronic data processing was utilized in the analysis of information for the approximately 66,000 admissions to and departures from state correctional institutions between 1970 and 1975. These cases constituted the data base for the Master Plan. The collection and analysis of this information made possible the development of base line trends and projections which served as the basis for policy development. In other areas under study, extensive interviewing of key agency personnel and the review of extant literature (legislation, manuals, analyses, etc.) provided the information base for policy analysis and formulation.

Once gathered, information was presented to the Policy Council in the form of written and verbal reports by staff, consultants and guests invited to participate on the basis of expertise and familiarity with subject matter. In all, the Policy Council met for 16 full-day sessions between January 1975 and September 1976 at which time final recommendations were approved for proposal to the Commissioner. In addition, there were a number of meetings involving individuals or small groups of Policy Council members for discussion of staff reports and related correctional material.

Correctional Philosophy: Reform, Rehabilitate, Restrain, Or Reintegrate?

Policy Council members agreed that the formulation of a correctional philosophy for the State of New Jersey would be the necessary prerequisite for a Correctional Master Plan. The criminal justice system is a combination of many components, each of which determines the policies which characterize the disposition of offenders while under its control. The understandable result is often a bewildering experience of contradictions and inconsistencies to both the offender and the public. While each criminal justice component can defend its actions on an individual basis, there appears to be lacking a consistent overall system rationale. Charged with the recommendation of overall correctional policy, the Master Plan Policy Council perceived the need to articulate the correctional philosophy it espoused—one which would define its goals and values and one with which its individual correctional recommendations would conform. There was clearly a need to state what the system's goals and objectives were before the Council could recommend design features. Consequently, much Council and staff work was devoted to review and analysis of literature and standards on various aspects of correctional history and philosophy. Evolving social and professional attitudes toward corrections were analyzed in depth as a basis for the definition of a correctional philosophy.

Discussion of various philosophical positions and attempts to translate these positions into a plan soon led to the following conclusions:

- A correctional philosophy can best be developed with a consideration of other parts of the criminal justice system;
- At the center of any particular correctional philosophy is the particular mode of sentencing and release; and
- These key factors—who enters the system and the conditions of their release—more than anything else manifest a philosophy of corrections.

The Correctional Master Plan Policy Council reviewed various correctional models and correspondingly different sentencing and release policies. The endorsement of a particular model would then lead to the formulation of recommendations concerning the structures, facilities and services needed to achieve the desired end state. At this point, the following discussion outlines four primary models of correctional policy to provide a frame of reference for a subsequent review of New Jersey sentence and parole decision-making.

Models of Correctional Policies:

The following discussion utilizes a strategy for analyzing correctional policies that was developed by Professor Vincent O'Leary of the School of Criminal Justice, State University of New York, Albany, in 1971. His model is described in more detail in his article in *Crime and Delinquency*, 17(4):373-386, 1971. The Models of Correctional Policies chart, developed by O'Leary, was constructed by placing two of the major concerns of a corrections system, (1) the offender and (2) the community, along either side of a simple two-dimensional matrix. A high and a low is assumed for each dimension and the four basic models are thus derived:

MODELS OF CORRECTIONAL POLICIES

High Emphasis
on the Offender
as an Individual

Low Emphasis
on the Offender
as an Individual

Rehabilitation	Reintegration
Restraint	Reform

Low Emphasis
on
Community

High Emphasis
on
Community

The Reform Model

As O'Leary describes it, the Reform Model is characterized by high emphasis on community standards and low emphasis on the individual's behavior. This model is based on changing behavior through behavior modeling. Inmates have few rights and those which they do have are given by the state in a standardized fashion. Decision processes emphasize the authority of the administration and are discretionary and unpredictable. The Parole Board seeks to ensure that only inmates with productive potential will be released before their sentence expires. In general, any programs which lessen control and authority are discouraged because of weakening effect on habit changing.

The Rehabilitation Model

The Rehabilitation Model is characterized by a high emphasis on the individual offender and a low emphasis on the community. This model has also been called the "medical model" and inmates are seen as "sick people" who need treatment. Attitudes are the focus of attention, not habits or skills as in the Reform Model. Field services staff are counselors, not law enforcers. Similar to the Reform Model, legal interventions are not appreciated and are seen as interference. The Parole Board is very essential to this model, since it is charged with the responsibility for making decisions on the success of treatment of an inmate.

The Restraint Model

This model is characterized by minimal emphasis on both the community and the offender. There is no

attempt to reform, rehabilitate, or reintegrate individual offenders. Maintaining the correctional organization and its efficiency is the major goal. Sentencing policies such as indeterminate and minimum-maximum discretion often clash with the institution's policy of merely providing maintenance. The Parole Board is extremely responsive to public opinion in order to avoid criticism and maintain the system.

The Reintegration Model

This model emphasizes both the offender and the community because both the offender and the community are seen as needing change. The community must learn to accept the offender and to provide opportunities for him to fit into a law-abiding structure. Inmates must learn to adapt to changes within the community. Confinement is de-emphasized because it isolates inmates from the community. Community supervision, prerelease, and work release are emphasized. The community itself is both the location and the object of treatment. Due process and legal conflicts are not avoided but seen as elements of change. The Parole Board acts as reviewer and appellate body and studies decisions made by staff according to clearly delineated policy and regulations.

What Is New Jersey's Present "Philosophy"?

One of the major issues to be resolved in New Jersey is the question of which policy model is to be adopted to shape development and reorganization of programs. Sentencing and parole decision-making in New Jersey today features elements of all four policy models. For example, sentencing statutes with judicial discretion in setting minimum and maximum limits involve some aspects of rehabilita-

tion, restraint, and reform. The judge's duty is to afford justice both to the community and to the defendant. The judge attempts to establish a sentence which ranges from necessary restraint of the offender to protect the community to considerations of how much time will be required to rehabilitate the offender into a law-abiding citizen and reintegrate him/her into the community. The paroling process also involves community protection and offender rehabilitation factors; but, because of the political nature of Parole Boards, avoidance of public criticism is also a concern. The lack of state commitment to probation and other community alternatives illustrates a non-existent or dysfunctional reintegrative policy model. Parole releases influenced more by the effects of overpopulation than by policies of rehabilitation, reform, or reintegration are other illustrations of inconsistent commitment to any particular policy.

CORRECTIONAL PHILOSOPHY AND DECISION MAKING

The New Jersey Corrections Master Plan cannot propose a final solution to the problem of crime in New Jersey. The Plan's basic purpose is to define and structure a corrections system which is sufficiently strong to facilitate decisive action on New Jersey's immediate corrections problems and yet flexible enough to allow necessary growth and change. Decisions made about individual offenders form the core of the criminal justice process. After apprehension, many decisions are made about a suspected law-breaker both before and after the legal determination of guilt or innocence. Most of these relate to the potential curtailment of his/her personal liberty. The decisions which most fundamentally affect the New Jersey corrections system are those which determine both input and output for the various sectors of the system. These include the sentencing and probation revocation decisions made by the judiciary, the parole grant/revocation decisions now made by the two New Jersey paroling authorities, and the parole and probation discharge decisions made by the supervising agencies and the judiciary or paroling authority.

With the increasing interest in the field of decision theory following World War II, decision-making in the criminal justice system came under closer scrutiny. The penal reform movements of the nineteenth century, which were seen as humanitarian replacements of corporal punishment with a rehabili-

tative approach, ushered in (with the medical model) "treatment" as one of the major objectives of the criminal justice system. The focus was placed on the individual offender and the treatment of what was seen as his/her unique problem or deficit, so that decisions about him/her were "individualized." This, in effect, meant that questions of fairness and equity became more or less irrelevant. Many critics have since condemned this "treatment" or "rehabilitation" orientation as a euphemism for the punishment model, arguing that punishment is just more arbitrary, not less real, under a rehabilitation approach. Punishment remains, in fact, a primary purpose of criminal sanctions. (Wilkins, 1973¹, Meehl, 1970²) The "treatment" orientation has led to a disregard for decision errors, to the extent that many criminal justice decision-makers apparently feel that "errors in decisions are of no consequence so long as the individual concerned was honest and tried his best to make the right decision". (Wilkins, 1973¹)

As the treatment model gained support in correctional circles, the role of parole decision-makers expanded. Indeterminate sentences to confinement, with a set maximum but no minimum, were instituted in many jurisdictions, including New Jersey where such sentences apply only to non-repetitive offenders under the age of thirty. This meant that prisoners were technically eligible for parole immediately upon sentencing to prison. It then fell to the institutional boards to determine when an individual inmate had been sufficiently "rehabilitated" to be safely released to the community on parole.

Many experts concur in the conclusion that, to date, there is little knowledge about what measures are effective in reducing the probability of recidivism for an offender. "The painful fact of the matter is that we do not know how to treat, cure, or rehabilitate, or reform criminal offenders" (Meehl, 1970). Differential treatment effects have not been isolated, despite the wide variety of correctional programs which have been developed and implemented. Thus, neither judges nor parole boards have objective evidence about the effects of prison sentences on which to base their assessments of individual offenders.

¹ Wilkins, L. T. "Directions for Corrections". Paper presented to American Philosophical Society, Autumn Meeting, November 8-9, 1973.

² Meehl, P. E. "Psychology and the Criminal Law", *University of Richmond Law Review*. Volume 5, Number 1, Fall, 1970, pp. 1-30.

Given this lack of knowledge, the crucial decision-making problem is presented by Gottfredson, Wilkins, Hoffman, and Singer (1973) as the following questions: "Given the present state of knowledge, what is the best thing to do (decide) about the individual now?" or, stated in another manner, "what is the rational decision under conditions of uncertainty?" It is possible to isolate several factors which must be defined in order to make rational sentencing and parole decisions (Gottfredson et. al., 1973¹):

- The objectives and goals of the corrections systems, especially of probation, prisons, and parole;
- Information which is demonstrably relevant to sentencing and/or parole outcomes;
- Available decision alternatives;
- The consequences or outcomes of the decision alternatives in terms of objectives/goals.

There are generally four acknowledged purposes of corrections programs/facilities as they now exist:

- Physical isolation of offenders from society, which is more frequently termed "protection of the public." (Of the various correctional alternatives, only prisons or jails can serve this purpose.)
- Punishment or retribution, which is related to moral concepts of justice;
- Deterrence of the nonoffender from initiating criminal activity, and of the offender from continuing it.
- Reform or rehabilitation of offenders to prevent their return to criminal activity.

Most practitioners in corrections would agree that physical isolation and punishment of the offender are the only two of the four goals which can definitely (through a sentence to incarceration) be achieved at present. Punishment may also be meted out through a sentence to probation, though its relative severity compared to a prison sentence is modest; in fact, it is most often, though perhaps incorrectly, viewed as a form of mercy or leniency. However, it has not been demonstrated that criminal sanctions have a deterrent effect either on potential future criminals or on convicted offenders; in fact, evidence from cross-national studies seems to indicate that the incarceration rate varies directly with the crime rate. The causal linkage is not yet clarified, but there is certainly no indisputable evidence to support the deterrence concept. Finally, rehabilitation has not yet

been shown to be a probable consequence of most corrections programs; it is a discouraging fact that the more methodologically sound a study of rehabilitation programs, the less likely it is to demonstrate positive effects on offenders. Further, "research findings tend to show that the less it is found necessary to interfere with the personal autonomy of the offender, the better his chances of going straight in the future" (Wilkins, 1973).

If punishing and isolating are the only two purposes which are definitely served by criminal sanctions, then the next issues to be confronted are the questions of which offenders can justifiably be isolated and/or punished, and what the relative costs of the various available decision alternatives are. The information available to decision-makers is a critical variable in this determination. "Decisions cannot be better than the data on which they are based, no matter what techniques of handling the data may be employed" (Gottfredson, et. al., 1973). The level of confidence which can be placed in a decision about an individual is directly related to the quality of information available about the individual. Computer technology is making possible the storage and manipulation of vast quantities of data regarding offenders' backgrounds. The development of experience tables is one way of organizing many items of information about an individual into a single figure reflecting probability of parole success. Several researchers (e.g., Wenk,² et al.) have attempted to develop similar actuarial scales to assess the probability of dangerous behavior, but because the base rate for dangerousness, even in a population of convicted lawbreakers, is so low, most such efforts have not yet proven fruitful. Currently, much of the information on which judges and parole decision-makers must base their decisions is fragmentary, inaccurate and misleading, since many jurisdictions must still rely on manual record-keeping systems. The Uniform Parole Reports project, in operation since 1965, is an attempt to compile a broad data base for further development of parole prediction instruments which will be more reliable and valid for larger segments of the offender population. By 1973, data had been compiled on over 130,000 offenders from many states and the federal corrections system. Unfortunately, New Jersey has not fully participated in this project.

In the realm of parole decision-making, the granting and denial of parole is not usually a dichotomous

¹ Gottfredson, Wilkins, Hoffman and Singer, 1973. *Parole Decision-Making: Summary, The Utilization of Experience in Parole Decision-Making, A Progress Report* Davis, California: NCCD Research Center.

² Wenk, E. A., Robinson J. A., and Smith G. W. "Can Violence Be Predicted?" *Crime and Delinquency*, October, 1972, pp. 393-402.

decision. Rather, it is a decision as to *when* an inmate should be released. Earlier in the criminal justice process, judges are faced with a series of choices or decision alternatives which are also not dichotomous; according to accepted sentencing practices, possible dispositions can range from a fine to a prison sentence, with sentence to probation marking a midpoint between these two extremes.

Feedback concerning the actual consequences of these decisions is absolutely essential for decision-makers (Gottfredson, 1971; Hoffman, 1973). The development of computerized record-keeping systems has enhanced the likelihood that decision-makers will be kept informed as to the collective outcomes of their decisions. If judges and parole boards could be informed as to the types of errors they have made in the past, they would be better able to modify their future decision-making according to the desired objectives set by legislative and/or administrative bodies. However, most states are still markedly deficient in their ability to provide adequate feedback to decision-makers.

Changes which either increase or decrease correc-

tional client populations can occur at all decision points which control input to and outflow from the system. Decisions made by courts, parole boards, institutions and community supervision agencies all affect the quantities and kinds of offenders who are placed on probation, in institutions, or on parole. At critical points in the criminal justice decision-making process, modifications and changes are suggested by this report which can help to alleviate some of the more pressing correctional problems. Simultaneously, such changes would establish a more clearly defined and applied set of procedures, enabling the effects of changes to be evaluated and further modifications to be made as part of a continuing process of change.

The criminal justice system in New Jersey is even now undergoing continuing change. The direction and degree of control over that change is what is at stake in this Plan. The following sections describe the current sentencing and parole decision-making processes and make recommendations for change which will facilitate progress toward more fair, effective, and efficient decision-making.

Sentencing In New Jersey Courts

Article VI, section 1 of the New Jersey Constitution (effective September 15, 1948) provides that the State's judicial power be vested in a Supreme Court, a Superior Court, county courts, and inferior courts of limited jurisdiction. The Supreme Court consists of a Chief Justice and six Associate Justices. The Supreme Court exercises appellate jurisdictions in the last resort in cases involving causes under the constitution.

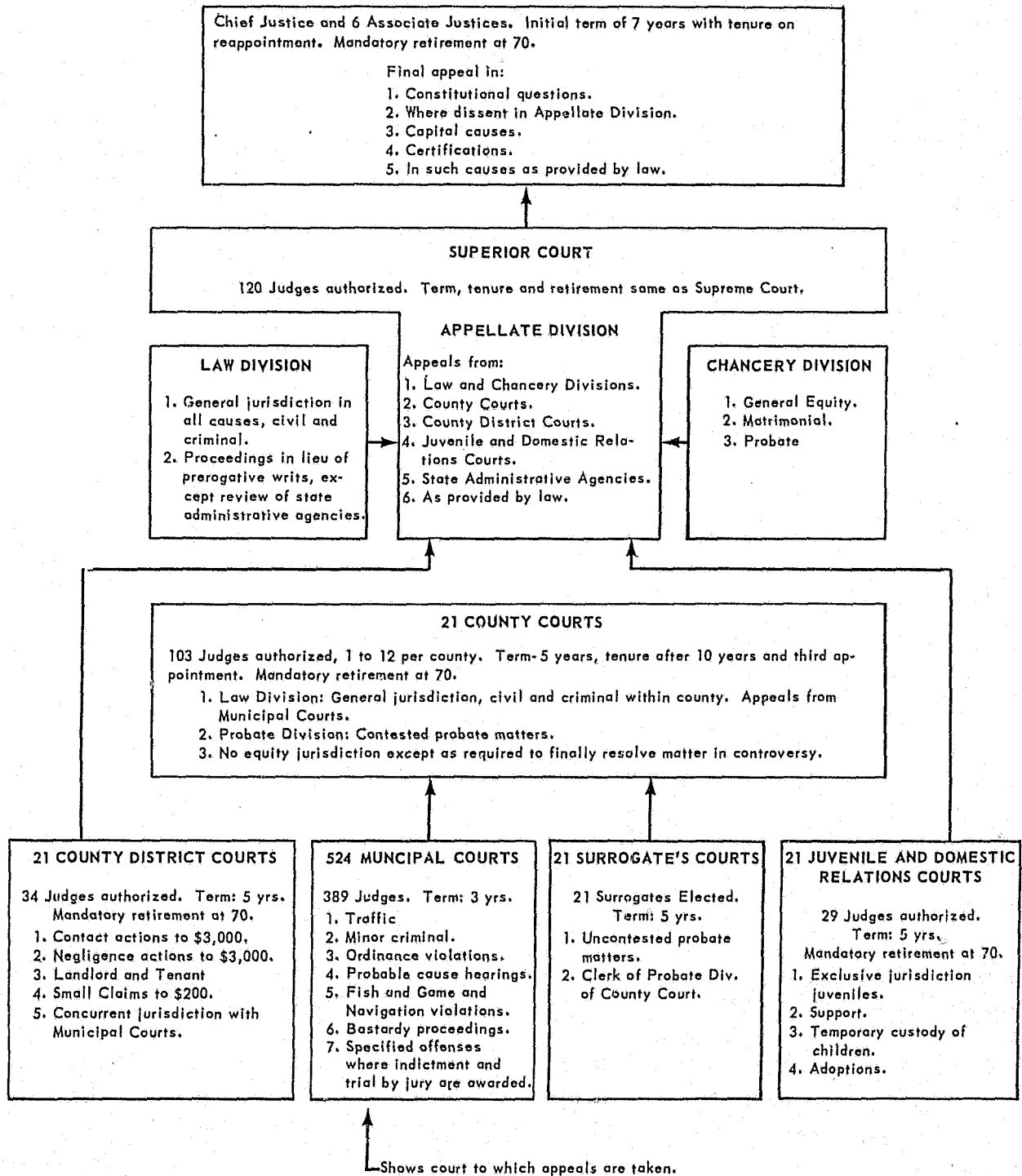
The Superior Court consists of three divisions: Appellate, Law, and Chancery. The Appellate Division hears appeals from the Law and Chancery divisions, the county courts, certain inferior courts, and State administrative agencies. The Law Division exercises general jurisdiction in criminal and civil cases. Both the Law Division and Chancery Division may exercise the functions and powers of each other's division.

County courts in each of the twenty-one counties exercise civil and criminal jurisdiction over matters arising within the county and appellate jurisdiction on appeals from municipal courts.

Inferior courts of limited jurisdiction currently consist of the county district court, municipal court, and the juvenile and domestic relations court. County district courts exercise jurisdiction concurrent with the municipal courts. Municipal courts exercise criminal or penal jurisdiction in cases under municipal ordinances, disorderly persons laws (N.J.S.A. 169-1 through 2A:171-12), poor laws (Chs. 1 and 4 of Title 44, and N.J.S.A. 2A:100-1), and child bastardy proceedings (Ch. 17 of Title 9). In addition, municipal courts exercise jurisdiction in cases charging offenses set forth in N.J.S.A. 2A:8-22 or offenses of a lesser degree than misdemeanor or for which indictment is required. The juvenile and domestic

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relations court exercises exclusive jurisdiction over juvenile matters. At the request of the youth or on the court's own initiation, the juvenile court may waive jurisdiction in proceedings against a youth 16 to 18 years of age, when the youth is charged with an act that would be indictable if committed by an adult.

Sentencing Authority in Criminal Cases

Unless the legislature has set a mandatory sentence for an offense, sentencing judges have discretion in sentencing (*State v. Ivan*). They must, however, impose sentences within the range prescribed by statute for the particular offense and, when sentencing to the state prison, they must impose a sentence having minimum-maximum limits (N.J.S.A. 2A:164-17). The minimum must be one year and the maximum can be no higher than provided by statute.

If the defendant has been convicted of multiple offenses, the sentencing judge has discretion to impose concurrent or consecutive sentences. If the court determines that the defendant is a repeat offender, that is, that the defendant has a record of prior convictions for high misdemeanors, the court may impose a longer sentence than otherwise permitted. However, the maximum duration of the lengthened sentence is limited by statute and varies according to the number of prior convictions (N.J.S.A. 2A:85-8; 85-9; 85-12).

Aside from determining the length of sentence, the sentencing judge has limited discretion to designate where the sentence shall be served. For sentences of less than eighteen months,* the sentencing judge may designate the type of facility in which the sentence shall be served (N.J.S.A. 2A:164-15) and if a sentence to a county facility is imposed, he may designate part of the sentence to be served on probation (N.J.S.A. 2A:164-15, 16). Sentences to both county and state institutions may generally be fully suspended and the defendant placed on probation for a period of one to five years. Only sentences to county institutions may be partially suspended. The statutory guide for imposing probation is that "the best interests of society shall be subserved thereby" (N.J.S.A. 2A:168-1).

Probation may be revoked upon showing that probationers violated the terms of their probation. If a county sentence is partially suspended only the

balance of the original term may be re-imposed. If a county or state sentence was totally suspended, the court may re-sentence the defendant (subject to the statutory maximum), after revoking probation. The court may also decide to continue probation or re-institute the originally suspended sentence. However, if it imposes a new sentence, the new sentence may exceed the original sentence so long as the new sentence does not exceed that which could originally have been imposed (*State v. Louis*, *State v. Fisher*). Proof of the alleged violation(s) need not be beyond a reasonable doubt (*State v. Pollastrelli*). Probationers are entitled to a hearing at which they have a right to be heard and to be represented by counsel (*State v. Louis*). The procedures for probation revocation are set forth in N.J.S.A. 2A:164-4 and caselaw implements the due process requirements of the U.S. Supreme Court's decision in *Gagnon v. Scarpelli*.

Defendants have a right to appeal alleged errors at trial, including errors in sentencing (*State v. Johnson*). Appellate courts may review sentences which, although within statutory limits, are manifestly excessive (*State v. Johnson*). If an error in sentencing is found, the appellate court may revise the sentence, or remand for re-sentencing (*State v. Johnson*). Appellate courts will not disturb the sentencing judge's discretion, however, unless the defendant clearly shows abuse of that discretion (*State v. Williams*; *State v. Cox*; *State v. Knight*).

While there are no explicit statutory standards governing the exercise of discretion in sentencing, courts have developed some standards for review. In *State v. Ivan*, for example, the Supreme Court of New Jersey examined factors in sentencing. The court noted that the sentencing judge's duty is to afford justice both to the public and to the defendant. Factors affecting the determination of the sentence he imposes to discharge this duty include the goals of sentencing, the rehabilitation of offenders and the protection of the public.

The sentencing judge must not render judgment based on a preconceived plan (*State v. Ivan*). He must base his judgment upon an evaluation of all the circumstances (*State v. Ivan*). One source of the information necessary to make his judgment is the presentence disposition report (*State v. Ivan*). This report, prepared by a probation officer, states the circumstances of the offense, the offender's criminal record (if any), and his/her present condition (N.J.S.A. 2A:168-3). The presentence report is required by statute so that punishment may fit the offender as well as the offense (*State v. Ivan*.) In

*Sentences for fixed terms of up to 12 months may be imposed to county jails and for up to 18 months to county penitentiaries or workhouses, if there exists such an institution.

reviewing sentences, appellate courts may examine the contents of the presentence report to determine whether it supports the sentencing judge's determination (State v. Cox) or whether its contents were misapprehended by the sentencing judge (State v. Johnson).

Sentencing Under the Sex Offender Act

The Sex Offender Act (N.J.S.A. 2A:164-3 *et seq.*) provides a program of specialized treatment for persons convicted of sex offenses in certain circumstances. The stated purpose of the Act is to cure, through treatment, of the aberrations which caused the sexually deviant offense (State v. Clark; State v. Mickschutz). The legislative rationale is that "such persons are suffering from mental and physical illness underlying their conduct, for which criminal incarceration, whether thought of as punishment or as a deterrent, will accomplish nothing." (State v. Clark, at 474).

The Act provides that a person convicted of certain sex offenses must receive a thorough physical and mental examination at a Diagnostic Center prior to sentencing. The contents of the diagnostic report determines whether the offense is within the purview of the Act. A case is within the purview of the Act if the diagnostic report indicates, first, that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and, second, except in cases of lewdness or indecent exposure, that the offender used violence in committing the offense or that the victim was under 15 years of age (N.J.S.A. 2A:164-5). If the diagnostic report indicates that the offense is within the purview of the Act, the court must impose sentence according to its provisions (N.J.S.A. 2A:164-5. State v. Mickschutz, State v. Thompson). On the other hand, if the diagnostic report indicates that the offense is not within the purview of the Act, the court must impose sentence as provided by law for the offense (N.J.S.A. 2A:164-9).

If the defendant is found to come within the purview of the Sex Offender Act and if a custodial sentence is imposed, the Act provides for an indeterminate prison sentence followed by parole supervision. If the court grants probation, it may require, as a term of probation, that the offender receive psychiatric care. An offender sentenced to an indeterminate term serves same at an institution designated by the Commissioner. Although the sentence states neither a minimum nor a maximum term, the duration of incarceration and parole may not exceed the

maximum provided by law for the offense (N.J.S.A. 2A:164-6), and the defendant is to be released when no longer in need of specialized treatment (State v. Dalanges).

If the offender is committed to the Department of Institutions and Agencies, the Commissioner must arrange for treatment of the offender in the institution which, in the Commissioner's judgment, is best suited to care for the offender's needs. The offender may subsequently be transferred to other institutions in the Department (N.J.S.A. 2A:164-7).

During incarceration, sex offenders may not obtain remission of their sentences by way of commutation for good behavior and work performance. They may, however, receive monetary compensation for work in an amount prescribed by the State Board of Control (2A:164-10). The chief executive officer of the institution wherein the offender is confined must prepare a written, semi-annual report of the offender's mental and physical condition, which states recommendations for continued confinement or parole. The offender may be released on parole when, after reviewing recommendations of a special classification review board, the Parole Board is satisfied that the offender is no longer in need of specialized treatment and is capable of making an acceptable social adjustment in the community (N.J.S.A. 2A:164-8).

Sentencing to the Youth Correctional Institutions Complex

The Youth Correctional Institutions Complex houses young men between the ages of 15 and 30 who have been convicted of offenses punishable by imprisonment at the state prison (N.J.S.A. 30:4-147) or found delinquent (N.J.S.A. 2A:4-61g). The philosophy underlying the YCI is conceptualized as reform rather than retribution (State v. McBride), and all sentences are indeterminate, i.e., having no minimum (N.J.S.A. 30:4-148).

There are two routes by which a youth may be sentenced to a Youth Correctional Institution. The first is through the Juvenile and Domestic Relations Court and the second is through the County Court or Superior Court. Permissible sentences (N.J.S.A. 2A:4-61, N.J.S.A. 30:4-148) and certain other consequences of convictions (e.g., N.J.S.A. 2A:4-64, N.J.S.A. 2A:4-67) vary depending upon whether the proceeding is in juvenile court or in a court of general jurisdiction.

Jurisdiction

The Juvenile and Domestic Relations Court has exclusive jurisdiction over juveniles, that is, youths under the age of 18 (N.J.S.A. 2A: 4-46). The juvenile court may waive jurisdiction if the youth is 16 years of age or older, if the offense is of a serious nature as defined in N.J.S.A. 2A:4-48 and if the juvenile cannot be rehabilitated by the "age of majority". A youth of 16 years of age or older may elect to have his/her case transferred to a court of general jurisdiction (N.J.S.A. 2A:4-49).

The county courts and superior courts have general jurisdiction in criminal cases. Offenders 18 years of age or older are tried in these courts. Youths 16 to 18 years of age may be tried in these courts if the juvenile court waives jurisdiction (N.J.S.A. 2A: 4-48) or if the youth so elects (N.J.S.A. 2A:4-49).

Disposition

The Juvenile and Domestic Relations Court, sitting without a jury (N.J.S.A. 2A:4-60) may adjudge a youth guilty of delinquency. Delinquency is an act committed by a juvenile, which, if committed by an adult, would constitute homicide, treason, a high misdemeanor or misdemeanor, a disorderly person offense, or a violation of a penal statute or ordinance other than minor traffic violations (N.J.S.A. 2A: 4-44). The court has broad discretion in disposing of delinquency cases (N.J.S.A. 2A:4-61). For example, the court may adjourn the case for a trial adjustment period of up to 12 months. R5:9-9. The juvenile court retains jurisdiction and can subsequently change disposition of the case (N.J.S.A. 2A:4-52).

The juvenile court may commit the juvenile "to a suitable institution maintained for the rehabilitation of delinquents" for an indeterminate term of up to 3 years (N.J.S.A. 2A:4-61). A Youth Correctional Institution is such an institution. If the offender's conduct would be any form of "homicide, treason" if committed by an adult, the court may impose an indeterminate sentence at such an institution, not to exceed the maximum provided for the corresponding adult offense. In such cases, if prison authorities allow an early release, they may impose a term of parole for the remainder of the maximum permissible term (N.J.S.A. 2A:4-61).

The second route to commitment at a YCI is through the county court or Superior Court. Adults (or juveniles treated as adults) under 30 years of age may be sentenced to the Youth Correctional Institution if they have never served a sentence in State

prisons. If the youth is convicted of an offense punishable by imprisonment at the state prison, the court has discretion to sentence the youth 30 years or under to an indeterminate term at the YCI (N.J.S.A. 30: 4-147, 30:4-148). Because of the rehabilitative philosophy of the indeterminate sentence, commitment to the YCI is seen as preferable for youths (State v. McBride). The maximum of the indeterminate is 5 years, unless the statute requires the imposition of a lesser maximum penalty. In such case, the lesser maximum controls (N.J.S.A. 30:4-148, State v. Prewitt). If the statutory maximum on the crime is higher than 5 years, the court may raise the maximum up to the statutory maximum "for good cause shown" (N.J.S.A. 30:4-148). The court must state the reasons for the greater sentence (State v. Prewitt). In all cases, a maximum sentence must be designated by the courts (N.J.S.A. 30:4-148), and the sentence remains indeterminate.

In sentencing, the court considers the juvenile offense without equating it to adult crimes (State v. McBride). It is possible for youths to receive lengthier sentences than they would receive for the same conduct if they were over 18. In *State in Interest of K.V.N.*, for example, a youth was sentenced to a four year sentence at a YCI for being under the influence of a narcotic drug. The youth's motion to limit the sentence to 6 months, the maximum for the equivalent adult offense, was denied. The denial was affirmed on appeal. The Superior Court, Appellate Division, held that sentencing classifications based on age did not violate the equal protection clause of the 14th Amendment. The court stated that "the fact that adults and youths may be treated the same in the correctional institutions does not indicate that the classification of juveniles in respect to sentencing is without reasonable nexus" (283 A 2d at 345). The court noted that age classifications were intended to benefit youths and that age was reasonably related to the goals of sentencing.

Disposition Within The YCI Complex

Once an offender is committed by the court to the YCI, the prison authorities, not the court, determine the institution within the complex to which the offender will be assigned (N.J.S.A. 30:4-85, 30:4-91.1, State v. Prewitt). Upon recommendation by a special review board, the Commissioner may transfer an 18 year old offender to the State Prison, when appropriate for the individual and necessary for general benefit of the inmate population (N.J.S.A. 30:4-85). Subject to the maximum imposed by the court, the

prison authorities then determine when the offender shall be released (N.J.S.A. 30:4-148, State v. McBride).

SENTENCING RECOMMENDATIONS FROM OTHER SOURCES

The purpose of this section is to review and consolidate some of the most recent recommendations for sentencing reform in New Jersey: *"The New Jersey Penal Code,"* the final report of the New Jersey Criminal Law Revision Commission; *The Parole Denial Process* by the Ad Hoc Parole Committee; *"A Way Out of Wonderland,"* a report of the Special Study Committee on Parole Reform of the New Jersey Association on Correction; and *Program Analysis of the New Jersey Parole System* by the Division of Program Analysis, Office of Fiscal Affairs. A survey of national sentencing guidelines will also be presented including reviews of the American Law Institute's (ALI) *"Model Penal Code,"* the Advisory Council of Judges of the National Council on Crime and Delinquency (NCCD) *"Model Sentencing Act,"* recommendations of The American Correctional Association in their *Manual of Correctional Standards*, policy of the American Bar Association in *"Standards Relating to Probation,"* suggested organizations for probation in the *"Standard Probation and Parole Act,"* and standards and suggestions from the National Advisory Commission on Criminal Justice Standards and Goals (NACCJSG). Following the discussion, there will be some changes suggested in the sentencing policy proposed by the *"New Jersey Code for Criminal Justice"* (Assembly Bill §3282). It is felt that these modifications would facilitate implementation of the parole recommendations presented later in this report.

The New Jersey Criminal Law Revision Commission:

The New Jersey Criminal Law Revision Commission (NJCLRC) developed a "Comprehensive New Jersey Penal Code," published in October, 1971. The Commission used the *"Model Penal Code"* and the *President's Task Force Reports* as the basis for most of its recommendations. Only those parts of the code which effect incarceration rates or length of incarceration will be discussed. The NJCLRC asserts that the existing New Jersey sentencing system is to be deplored for its inconsistency and irrational distinctions. To remedy this situation, the Code stresses the seriousness of the crime, rather than the character of the offender. The NJCLRC proposed five classifications

of crimes, each with distinct sentencing categories, which were felt to exhaust legislative discrimination. The Legislature would still have input, since it would assign crimes to categories and set specific sentencing limits for each classification. The proposed classification of crimes and sentencing categories are shown below.

Degree of Crimes	Ordinary Terms	Extended Terms
Capital	Death or Life Imprisonment	
1st Degree	10-20 yrs.	20-Life
2nd Degree	5-10 yrs.	10-20 yrs.
3rd Degree	3-5 yrs.	5-10 yrs.
4th Degree	Definite Term not to exceed 18 months	Does not apply

Young adult offenders less than 26 years of age and convicted of second, third, and fourth degree crimes would be given sentences to the YCI Complex for males or the correctional institution for females instead of the sentences otherwise authorized by the Code. A sentence to the YCI complex would be an indeterminate period of commitment for five years or the maximum term provided by the Code, whichever is less. A longer term, but in no case greater than the maximum provided by the Code, could be specifically imposed by the court. There is no essential difference between this section of the Code and existing statutes.

The Code proposes that sentencing courts be granted only two sentencing options: to impose a statutorily authorized term of imprisonment, or to refrain from imposing any term of imprisonment, (suspended imposition) and placing the convicted defendant on probation. Presently, courts have a third option; to pronounce a term of imprisonment but suspend execution of that sentence and place the defendant on probation. An important effect of the proposed change would be seen in the probation revocation process. A court could consider the total circumstances of a case and the factors contributing to failure on probation in making a decision upon re-sentencing; rather it would not be forced to restrict itself to automatic execution of an imposed but suspended sentence. This is a departure from current New Jersey law, which does not regard probation as a sentence in itself. Under the proposed model, if the court decided to impose a new sentence, it would be executed by: (1) fine or restitution; (2) placement on probation with or without a short period of im-

prisonment; (3) imprisonment for a term authorized by the Code; or (4) fine, restitution, and probation, or fine, restitution, and imprisonment.

If the court decided to imprison, it would have discretion to decide within fairly narrow limits the maximum length of incarceration. It would not, however, be given discretion to set a minimum. This would allow for immediate parole eligibility. The Commission argues that this change from the present system would achieve the best balance of judicial and administrative discretion and also eliminate disparate and inordinately lengthy sentences. The Code provides for an extended term through means similar to those of the current system, by classification of offenders as some type of multiple offender.

Operating on the premise that successful reintegration into society is aided by a period of community supervision, the Commission built a separate parole term into the Code. The idea of parole as only the unserved portion of the prison sentence is abandoned and replaced by a parole term that is part of any prison sentence. This approach is substantially different from the present parole system in New Jersey wherein parole is superimposed on the sentencing structure and used only if a prisoner is released before the maximum term of his or her prison sentence. The Code provides for a separate parole term of five years, except for young adult offenders, who would be supervised for two years, and persons convicted of fourth degree crimes, who would be supervised for one year. Thus, every sentence would have two separate parts: (1) the court-imposed maximum period for which a prisoner could be held before his or her first release on parole, and (2) the term of parole supervision which would start when the prisoner was released. If parole were revoked and no new offense had been committed, the total length of recommitment and reparole would not exceed the aggregate of the unserved portion of the original sentence and the unserved balance of the parole term. Only when the parole term had expired or when a parolee was discharged from parole would an offender be deemed to have served his or her sentence.

The Code also outlines criteria for withholding or imposing sentences of imprisonment, fines and restitution, extended terms, and multiple sentences. These criteria are designed to provide consistency in dispositions and to encourage a preference for and presumption of no imprisonment, except in cases where imprisonment was mandated for specific crimes by the Legislature.

Maintaining that probation and its conditions

should be a judicial decision, the Code emphasizes the court's jurisdiction over probation sentences, probation conditions, and probation supervision. The Code provides for continuance of the present practice of court-imposed individual conditions of probation. When the court suspends a sentence or sentences someone to probation, the period of suspension or probation supervision would not be less than one year nor more than five years, except for disorderly offenses, when probation could not exceed three years. The court would also be given the power to extend the period of probation within the limits imposed by the Code, to modify conditions of probation, and to add additional requirements to probation.

The Code makes note of amendments to statutes relating to parole. It is recommended that all parole decisions for state correctional institution inmates be made by the State Parole Board, including parole decisions for persons who are presently paroled under the authority of the Boards of Trustees. Because no minimum sentence would be imposed under the Code, prisoners would be eligible for parole immediately upon confinement, with the exception of prisoners sentenced to life imprisonment, who would be eligible for parole after having been confined for fifteen years. It is the policy of the Commission to preserve the discretionary power of the Board. "The discretion of the Parole Board should, in our view, be as absolutely unfettered as possible in favor of granting parole." However, unlike their criteria for sentencing, the Commission does not make any suggestions to guide parole decision-making. Nor do they discuss the nature of the Board's discretionary power. The parole process, however, is assessed in the "Model Code". The Board would consider an inmate for parole no later than six months after initial confinement. If parole were denied, reason would have to be shown. New parole hearing dates would be set at least once every year until the prisoner is released. The Board would still determine the terms and conditions of parole and the parolee would still remain under the legal custody of the institution from which he or she was released. The Code advocates the avoidance of recommitment to the institution except when a parolee commits a new crime. A parolee could be discharged prior to the expiration of his parole term provided he or she had demonstrated at least two years of satisfactory adjustment while on parole.

The Ad Hoc Parole Committee

The Ad Hoc Parole Committee in *The Parole*

Denial Process in New Jersey would disagree with minimum-maximum and indeterminate sentencing as found, respectively, in the present sentencing statutes and in the "Comprehensive New Jersey Penal Code" developed by the New Jersey Criminal Law Revision Commission. Although the Ad Hoc Committee agrees that the minimum-maximum sentence is designed to treat prisoners as individuals and that the potential for early release provides incentive for improvement, they maintain that the indefinite nature of the term is in sharp contrast to the other aspects of institutional life and that the resulting uncertainty is psychologically destructive. They cite the high recidivism rate in New Jersey as evidence of the ineffectiveness of the New Jersey sentencing-parole scheme. Current law outlines when an inmate is eligible for parole, but the decision to grant parole and the actual date of release is invariably determined by the State Parole Board. The Ad Hoc Committee claims that the discretionary nature of the Board's decision-making is inherently "nothing more than dictatorship." Since refined analytical tools for determining the optimum point of release have not been developed, the Ad Hoc Committee suggests a contract system for parole releasing. Inmates would be eligible for parole after serving one-third of their maximum sentences and would be released if they satisfactorily fulfilled their contracts. However, since the Ad Hoc Parole Committee maintains the minimum-maximum sentence system in its Act, discretionary contract evaluations and discretionary parole decision-making are still possible. Minimum-maximum sentencing, without a policy of presumption of release on parole after a designated portion of the maximum sentence, necessarily requires discretionary parole decision-making.

Special Study Committee on Parole Reform of the New Jersey Association on Correction:

"A Way Out of Wonderland", a report of the Special Study Committee on Parole Reform of the New Jersey Association on Correction, suggests an alternative to this system. Similar to the New Jersey Criminal Law Revision Commission, the Special Study Committee proposes sentencing that consists of (1) a specific "confinement" portion of a sentence that serves as a deterrent through punishment and provides public protection through confinement of the offender and (2) a "community adjustment" portion of a sentence which recognizes that rehabilitation is more likely to take place in a community setting than in a prison. Release would be automatic

after serving the "confinement" portion of the sentence except in special cases where an inmate had committed a crime or persisted in serious anti-social behavior while confined. Parole decisions are, therefore, largely removed from the Board's discretionary determination of rehabilitation. An inmate is presumed releasable; discretion is necessary only in special cases to evaluate evidence of dangerousness. Under this system, even the poorest risks are necessarily provided with parole supervision. Minimum-maximum court sentencing would be abandoned in favor of set sentences that would be indeterminate only in the sense that, if parole was denied, an inmate would be imprisoned for longer than the original "custodial" portion of the sentence. Actual imprisonment would never be beyond two-thirds of the adjusted maximum or five years of actual confinement, whichever came first.

Office of Fiscal Affairs

The Division of Program Analysis of the Office of Fiscal Affairs in the *Program Analysis of the New Jersey Parole System* presents a fairly complete description of sentencing and parole eligibility. After describing the judicial power to determine sentences complemented by the Parole Board's power to alter the terms of that sentence, the OFA suggests that the judiciary acknowledge the ability of paroling authority to evaluate additional information related to the offender's institutional behavior that will affect the determination of the optimum release date.

Flexible sentencing guidelines are suggested to contribute to the discretionary decision-making ability of the Board. The OFA report points out that this discretionary power can help to resolve "inequities in the sentencing system when, for example, different sentences are meted out to defendants of similar backgrounds upon conviction of the same or very similar crimes." It must be pointed out that adjusting inequalities in sentencing should not be the task of the Parole Board. A recommendation to reform judicial sentencing is in order. The only OFA recommendation pertaining to sentencing calls for the development of a standardized system of sentence adjustment and parole eligibility for the same types of offenders.

National Standards

In a general comment on sentencing and parole, the American Correctional Association, in its *Manual of Correctional Standards*, suggests flexibility in sen-

tencing to permit the parole of an offender at a time when his or her release is in the best interests of society. If the Parole Board could be relied upon to make wise and realistic decisions, an indeterminate sentence with no maximum might be favored by the ACA. But, recognizing the difficulty of parole decision-making, the ACA suggests that the court maintain its power to fix minimum-maximum sentencing. "No legislation, however, should permit the court to fix both a minimum and a maximum sentence together so as to prevent wide latitude on the part of the Parole Board to determine the time of release." The ACA would probably criticize current New Jersey sentencing law which permits a judge to define a minimum-maximum sentence with a difference of one day, thus frustrating discretionary intent.

The American Law Institute (ALI) "Model Penal Code" is designed to affect not only length of terms and criteria for sentencing, but treatment of offenders and the organization of corrections. The "Model Penal Code" is a legislative model that reclassifies offenses, urges alternatives to imprisonment, and creates two separate terms of treatment. All major crimes are classified into three degrees of felonies. Lesser offenses are divided into misdemeanors and petty misdemeanors. Sentencing would be based primarily on the classification of an offense. Judges would be given the discretion of fixing a minimum term within statutory limits although they would be given no discretion on setting maximum terms, which are prescribed by statute for each offense category. Provisions could be made for extended terms of imprisonment if the offender were over 21 and a "persistent offender" or a "professional criminal" whose extended imprisonment was deemed necessary to protect the public safety. Extended terms would also be available for "dangerous, mentally abnormal persons" and multiple offenders "whose criminality is so extensive" that a longer sentence is warranted. The "Model Penal Code" defines specific criteria which would have to be met for an extended term to be imposed.

The "Model Penal Code" highly recommends alternatives to imprisonment, especially probation. Specific criteria are identified for use in probation granting.

Inmates would become eligible for parole as soon as they have served the minimum term of their sentences. When offenders had been paroled from or had served their full terms, they would begin to serve separate terms of parole. The "Model Penal Code"

Degrees of Felony	Length of Terms	
	Ordinary	Extended
1st Degree	Min: 1-10 Max: Life	Min: 5-10 Max: Life
2nd Degree	Min: 1-3 Max: 19	Min: 1-5 Max: 10-20
3rd Degree	Min: 1-2 Max: 5	Min: 1-3 Max: 5-10

minimum for a parole term is one year and the maximum is five years. This parole term would assure that the first release of all offenders will be on parole.

The "Model Sentencing Act" of the National Council on Crime and Delinquency differs in intent and content from the Model Penal Code. The "Model Sentencing Act" is not designed to reform principles of criminal justice or to reorganize the criminal justice system. It is primarily intended to fit into existing systems by merely assigning appropriate dispositions to offenders. The emphasis for sentencing is placed on the characteristics of the individual offender and not, as in the "Model Penal Code", on the definition of the offense. In general, sentence terms are shorter in the Act than in the Code. The Act also would establish a precedent for diversion by allowing a court to grant probation after a guilty plea without entering an adjudication of guilt.

If an offender were to be imprisoned, the Act would allow the court to impose only a maximum term not to exceed five years. A special option on "atrocious crimes" would establish a maximum term not to exceed ten years. A separate category, requiring special evaluation of the offender, provides for a maximum term of 30 years for dangerous offenders. Because no minimum terms would be imposed, parole could be granted for an offender at any time. However, in the Act there is no separate parole term as provided for in the ALI "Model Penal Code".

The American Bar Association, in its "Standards Relating to Probation," suggests that probation be treated as an independent sentence (with a maximum of five years) rather than as a postponement of a prison sentence. The court would still maintain its jurisdiction over probationers and would not be required to follow any standard guidelines.

The "Standard Probation and Parole Act" of the National Council on Crime and Delinquency provides for a similar independent probation sentence but would place supervision of probationers under a

combined probation and parole system operated by a single board. The court would still maintain jurisdiction over probation revocation or termination.

The National Advisory Commission on Criminal Justice Standards and Goals (NACCJSG) incorporates many ideas from the "Model Penal Code", the "Model Sentencing Act", and task force reports of the President's Advisory Commission and confronts the many contrasting issues presented in these documents. The following statement concisely sums up the sentencing policy of the Commission:

Some difference between sentence imposed and time served is supported by the need to individualize sentence and to give some discretion to parole boards to release individuals when they are ready. However, the longer an offender is subjected to absolute discretion, the more frustrated and dependent he becomes, making his reintegration into society more difficult. The recommendations of the Commission seek to allow discretion to operate where it bears a reasonable relation to legitimate goals of the system but to limit and check the discretionary decisions in order to avoid arbitrary and counterproductive actions.

In carrying out this basic policy, the National Advisory Commission recommends a maximum sentence of 5 years unless an offender is in a special category which justifies a longer term. Although this term may seem unrealistically brief, a study of *National Prisoners Statistics: State Prisoners, Admissions and Releases, 1970*, reveals that, although many offenders are sentenced to terms over 5 years, only a small proportion of those offenders actually serve more than five years. In a recent survey of parolees currently under supervision in New Jersey, the analysis of the data revealed the parolees' mean length of stay in prison had been 24.3 months and that 90% of the parolees surveyed had been released from prison after serving five years or less. Regardless of whether or not a five year maximum represents a substantial change from the present system, the National Advisory Commission maintains that a longer prison sentence cannot be justified in most cases because the deterrent effects of a long prison sentence versus a short prison sentence are not significantly greater, while the detrimental effects on the offender are demonstrable.

The entire tenor of this report is that incarceration is not an effective answer for most criminal offenders. It is neither effective in reducing criminal behavior nor efficient in the utilization of scarce resources.

Admitting that, in general cases, retribution may be the only justifiable reason for imprisonment, the National Advisory Commission suggests that five

years is substantial punishment for carrying out this purpose. By requiring state legislatures and the courts to state the purpose of the sentences they authorize, the National Advisory Commission feels that unnecessarily long sentencing provisions will be criticized as blatantly unjustifiable and will eventually be revised.

To encourage revision of sentencing practices, the National Advisory Commission proposed standards for sentencing in their *Corrections* report. These standards will be outlined briefly in the following pages.

Although recognizing the inherently harmful effects of uncertainty and the possible abuse or misuse of discretionary power, the National Advisory Commission still recommends an indeterminate five year maximum sentence because a determinate sentence would invite the more serious harm of a sentence that may be longer than necessary and could not be altered. Since only as much confinement as is absolutely justifiable should be imposed, the Commission deliberately excludes minimum limits on sentences. In New Jersey, the sentencing judge determines minimum-maximum sentences within statutory limits, precluding parole until the minimum term is served, or, in some cases, until some percentage of the maximum is served.

Standard 5.2 also establishes sentencing criteria that advocates the imposition of the least drastic sentence which does not conflict with public safety. Standard 5.2 even suggests reasons for withholding a disposition of incarceration. New Jersey has no statutory standards governing criteria for sentencing. There is no policy of least drastic sentencing or of avoiding confinement unless there is specific justification. Clearly, revision of New Jersey policy and sentencing statutes would be needed to meet the National Advisory Commission's policy and standards.

Standard 5.3 suggests a provision for extended sentences when it is justified by the need to incapacitate an offender for a term longer than 5 years. Both the "Model Penal Code" and the "Model Sentencing Act" also have provisions for extended terms. However, the Commission sets a maximum extended term of 25 years (except for murder), defines specifically the types of offenses to be considered, and attempts to avoid a dependence on questionable psychological classifications. The court is given the authority to set a minimum term with statutory restrictions because the Commission recognized that a community may need reassurance that a particularly dangerous

offender will be removed for some time. The New Jersey habitual offender provision adjusts sentences according to the number of repeat offenses and only applies to offenses that were high misdemeanors. It closely complies with the National Advisory Commission's standards for sentencing to extended terms.

Another standard emphasizes the use of probation as a sentence in itself and encourages the use of probation as the standard sentence in criminal cases. "Probation, with its emphasis on assisting the offender to adjust to the free community and supervising that process, offers greater hope for success and less chance for human misery." Standard 5.4 declares that probation should be a sentence for a specific term (not exceeding the maximum sentence authorized by law) and that, if probation is revoked, an alternative sentence may be imposed. The court could also discharge the offender from probation at any time. Other recommendations of Standard 5.4 involve conditions of probation, violations of probation, and hearing procedures. In New Jersey today, probation is a term imposed as a result of a suspended prison sentence and there is no policy encouraging the use of probation as the primary sentencing option for most nondangerous offenders.

Other standards make recommendations about fines, multiple sentences, credit for time served, con-

tinuing jurisdiction of sentencing court, judicial visits to institutions, sentencing equality, sentencing institutes and councils, presentence reports, rights of the defendant, role of counsel, and imposition of sentence. While the Commission's standards call for concurrent sentences (except where substantial evidence demonstrates the need for longer sentence, and even then consecutive sentences should never exceed double the maximum sentence for the most serious offense involved), New Jersey statutes give the courts complete power to impose consecutive sentences or concurrent sentences when sentences are imposed at the same or different times. The Commission also recommends that defendants be allowed to plead guilty to any other offenses they may have committed in the State and that these pleas should be taken into account in setting a sentence. A provision is also made for imposition of a sentence to run consecutively with out-of-state sentences. In concurrence with NACCJSG standards, New Jersey's credit for time policy is automatic. To encourage court supervision of correctional institutions, the National Advisory Commission proposes to continue jurisdiction of the sentencing court over sentenced offenders. A system of sentencing councils and institutes is suggested to ensure sentencing equality. Standards 5.14, 5.15, and 5.16 all refer to presentence reports.

Correctional Philosophy:

Parole Decisions

There are two types of paroling authorities in New Jersey: the State Parole Board and the Institutional Boards of Trustees. In general, the State Parole Board is the paroling authority for the State penitentiaries and the Boards of Trustees are the paroling authorities for the Youth Correctional Institution Complex and other juvenile institutions. The State Parole Board reviews for parole those inmates who are sentenced to: life imprisonment (N.J.S.A. 30:4-123.11); a minimum-maximum term (N.J.S.A. 30:4-123.5); an indeterminate term under the conditions of the sex offender statute (N.J.S.A. 2A:164-8); an indeterminate term transferred to a state prison (N.J.S.A. 30:4-123.40); or an indeterminate sentence imposed for "conviction as a narcotic addict" when the inmate voluntarily enters a hospital treatment program (N.J.S.A. 30:123.43-123.44). Inmates of county jails who are serving a term with a maximum of over one year, and who have served at least one year of that term, are eligible for parole consideration by the State Parole Board. The State Parole Board members are appointed by the Governor with the consent of the Senate. A Board of Trustees for each institution or complex is appointed by the State Board of Institutional Trustees and the Governor, subject to confirmation by the Senate.*

The State Parole Board and the Division of Correction and Parole occupied parallel positions within the Department of Institutions and Agencies so that

parole decisions could be made by an authority that was sympathetic to correctional problems yet relatively independent of them. The Boards of Trustees are directly responsible for the operation of youthful institutions and are, thus, much more likely to be influenced by correctional problems such as overcrowding when it makes parole decisions. Necessarily, because of the decentralized nature of the Boards of Trustees, parole decision-making for inmates under their jurisdiction operates under a variety of policies, procedures, and criteria.

The State Parole Board and Board of Trustees for the Youth Correctional Institution (YCI) Complex will be described individually in the following text. The policy and procedures described in this section on the existing process of parole decision-making may not be fully applicable to the Parole Board chairman's administration. However, the recommendations and conclusions outlined later in this section will remain valid until they are effectively implemented.

The State Parole Board (SPB) consists of three full-time members, a chairperson and two associate members. The appointees of the Board must have recognized qualifications or experience in law, sociology, psychology, penology, or related branches of the social sciences. The Parole Board members are subject to removal by the Governor.

The Board of Trustees of the YCI Complex consists of fifteen members. The only prerequisite for membership on these boards is residence in the State of New Jersey. The Trustees serve staggered three-year terms and receive no compensation; they are subject to removal by the Commissioner of the Department.

*To offer an idea of the scope of the paroling operations, during 1974 & 1975, an annual average of 1337 individuals left the prison complex and 2616 individuals left the Youth Correctional Complex.

According to New Jersey statutes, the State Parole Board has three major powers: (1) determining when and under what conditions person under its jurisdiction may be released on parole; (2) promulgating rules and regulations which establish the general conditions under which parole is granted and revoked; and (3) investigating all facts and circumstances surrounding applications made to the Governor for pardon and executive clemency. The State Parole Board is also empowered to specify written regulations for parolees. The Board has the power to revoke parole following the guidelines set down in *Morrissey v. Brewer*.

The Boards of Trustees (for the YCI complex and the juvenile institutions) derive their powers from the State Board of Institutional Trustees, although in 1972 the power for establishing rules and regulations was transferred to the Commissioner of Institutions and Agencies. A 1940 list, (amended in 1962), "Rules and Regulations Governing the Administration of Parole in New Jersey: Indeterminate and Juvenile Cases," established general criteria for parole of inmates under the Boards of Trustees' jurisdictions. These regulations are similar to those of the State Parole Board in that the Boards of Trustees are given the authority to grant parole when it appears "that such action will further the rehabilitation of the offender and that his release under supervision will not be incompatible with the welfare of society." Youthful offenders released by the Board of Trustees of the YCI complex remain under its jurisdiction until they receive a discharge by a quorum vote of the Board or until the original maximum term of their sentence expires. The Board of Trustees may also revoke the parole of anyone under its jurisdiction.

The State Parole Board sits *en banc* in general session once each month at the call of the Chairman to discuss policy and procedure, schedule hearings, consider petitions, and review all other matters under the Board's jurisdiction. Hearings for parole release can be held at the Institutions and special meetings can be called by the Chairman or by any member of the Board. The State Parole Board rules establish the informal nature of Board proceedings; the Board is not bound by ordinary rules of evidence or judicial procedure.

PAROLE ELIGIBILITY

State Parole Board

A prisoner sentenced to a fixed minimum and maximum term is eligible for parole after serving the

minimum term or some percentage of the maximum term, whichever comes first, less commutation time for good behavior and work credits. When a prisoner is serving two or more consecutive sentences at the same time, the sentences are aggregated for purposes of parole consideration. A person with no previous adult commitments is eligible for parole after serving the minimum term or one-third of the maximum sentence. A judicially declared second offender serves one-half of the maximum, a third offender serves two-thirds, and a fourth offender serves four-fifths of the maximum sentence, less sentence credits, before they are eligible for parole. Prior offenses committed when a person was under 18 years of age are only to be considered when the sentencing court considers the nature of the offense serious enough and directs that the offense be considered for parole eligibility purposes or in cases where the person was treated as an adult for the prior offense. Second and third offenders must be declared such by the court and may receive double or triple the maximum sentence applicable for a first offense. A person sentenced as a fourth offender is labeled as a habitual offender and may be sentenced to any term of years or to life imprisonment. A prisoner sentenced to life imprisonment is eligible for parole after 25 years less commutation time. Prisoners who would ordinarily be eligible for parole later than if they had been sentenced to life imprisonment are also eligible after 25 years, less good time. Inmates of county jails and penitentiaries having a term longer than one year are eligible for parole after serving one year, less good time.

Persons serving indeterminate sentences in State prisons are eligible for parole at any time, excepting special sex offenders, who cannot be considered for parole unless the Special Classification Review Board recommends that they can be paroled. Persons committed as special sex offenders cannot be confined longer than the maximum term for their offense.

Boards of Trustees of the YCI Complex

Persons serving indeterminate sentences under the parole jurisdiction of the Board of Trustees may have their sentences terminated at the discretion of the Board of Trustees. Confinement and parole shall not exceed the maximum for the offense or five years, whichever is less. If the maximum for the offense is over 5 years, the court may, for good cause shown, impose the longer term. Juveniles assigned to YCI's are sentenced for an indeterminate term of up to three years. At the Youth Correctional Institution

Complex, all inmates are given tentative parole dates or "Time Goals" upon consideration of the offense, age of inmate, length of sentence, number of offenses, jail credit, etc. A Classification Committee at the reception and diagnostic center at Yardville periodically reviews inmates' records and makes recommendations for treatment, training, and parole. The Youth Correctional Institution Complex Board of Trustees currently sets time goals between 4 and 14 months for crimes against property, 8 to 24 months for crimes against persons, and 14 to 16 months for possession or sale of narcotics or controlled dangerous substances. The Youth Complex has an additional schedule for some more serious crimes which include "Check Dates" for review at 6 or 12 months intervals. If progress is satisfactory, a time goal of anywhere from 8 to 12 months is set from the prior check date.

SENTENCE ADJUSTMENT

State Parole Boards

State Prison inmates can decrease their minimum and maximum term of sentence by receiving automatic jail credit for time spent in jail between arrest and imposition of sentence, by earning good work credit, and by earning good behavior credit. Work credit is awarded on a ratio of one less day of sentence for every five days of work. Good behavior credit is given according to length of the sentence and security classification. Minimum security inmates receive additional remission of time at the rate of three days per month for the first year and five days per month for each subsequent year.

Board of Trustees of the YCI Complex

The Board of Trustees of the YCI Complex has developed criteria for sentence credits that serve as the equivalent to work and good behavior credits in the State prisons. In the YCI's, the adjustment rating varies from "poor" to "above average" and the days off vary from 21 days to 90 days for inmates with a 12 month time goal.

Parole Grant Hearing; State Parole Board

After reception, a "best" eligibility and an "actual" eligibility date are calculated for each inmate. The Parole Board maintains a rotating file of the best eligibility dates which are supposed to be updated by the Classification Offices when any changes in an inmate's sentence status occur. Four months prior to the inmate's scheduled hearing date, the Board

sends the list to the prison Classification Offices, county prosecutors, county judges, and the Attorney General of New Jersey. The eligibility list is also made public at this time.

The Board holds monthly parole hearings at each institution for all inmates whose best date for eligibility falls within that month. Only the members of the Board, a representative of the Bureau of Parole, and the prisoner may be present. If prisoners are unable to appear for a personal interview, the hearing will proceed on their case in their absence. Prisoners with "state hospital status" shall be heard on the record but are not entitled to appear personally until they are returned to the jurisdiction of the institution. They are entitled to appear before the Board at its next meeting in the institution. In 1974, the Parole Board heard an average of 33 cases on each hearing day with each hearing lasting an average of 14 minutes.

The New Jersey Parole Board hearings are informal and it is only with the Board's permission that a legal brief may be filed on the inmate's behalf. The granting of parole rests entirely on the discretion of the Board. The "Board Rules" state that the Board must be of the opinion "that there is reasonable probability that, if such eligible prisoner is released, he will assume his proper and rightful place in society, without violation of law, and that his release is not incompatible with the welfare of society. No prisoner shall be released on parole merely as a reward for good behavior or efficient performance of duties assigned while under sentence." Within these general statements of policy, the Board is given complete discretion in deciding who will be released on parole.

The State Parole Board does not use a specific set of criteria nor an actuarial formula for decision-making. According to Board policy, the merits of each case are considered individually. The August, 1975, *Program Analysis of the Parole System* by the Office of Fiscal Affairs indicates that the Parole Board may be relying on inaccurate information when it makes its parole decisions. The OFA's survey of case files led them to conclude that the minimum of up-to-date offender-related data necessary to make an individual, nonstandardized, discretionary decision is not always available to the Board when an offender comes before it for a parole hearing. In addition, the OFA concluded that, while implicit standards may exist, the Board apparently had no explicit criteria or standards for general decision-making.

The New Jersey parole system does not provide

for extensive due process proceedings at parole hearings because parole is seen as a privilege, not as a right. However, the Supreme Court of New Jersey ruled in *Monks v. New Jersey Parole Board* that the Board must provide reasons for parole denials. The Ad Hoc Parole Committee asserts that these denial reasons are standardized, not explanatory, and not demonstrative of the individual attention the Board claims to use for decision-making.

No release on parole is declared except by unanimous vote of the Parole Board. Each prisoner considered for parole is informed in writing of the Board's decision as soon as possible after the hearing. It is this written notice that describes the basis for the denial of parole. Also, in cases of denial, the notice includes the date the case will be reconsidered.

When a prisoner has been declared eligible for parole, the Parole Board has the authority to set a release date at any time prior to the expiration of the maximum sentence. The OFA found that the average length of stay pending release was 152 days, approximately five months. This time gap is explained by seasonal and program considerations that the Board feels are important to the successful reintegration of the offender into society. When a release date is set, actual release is still conditional on the Board's approval of a parole plan and the prospective parolee's continued good conduct in the institution. The Board must be satisfied that the prisoner has a suitable community plan with visible means of support or the likelihood of self-sustaining employment upon release.

Where an offender's sentence includes a fine and costs, the Board determines the conditions under which the payments will be made. The prisoner remains under the supervision of the Bureau of Parole until the fines and costs have been paid in full even if the maximum sentence has previously expired. If the sentence has expired, parole may be revoked only for failure to pay the fine.

Indeterminately sentenced offenders, other than special sex offenders, who are transferred from the YCI Complex are included on the parole hearing list which is under preparation when the transfer information is received. Time allowances in lieu of commutation, work, and minimum security credits shall be granted against the maximum sentence applicable to the inmate's offense. When any such prisoner is released on parole, the length of supervision by the Bureau of Parole is measured by the adjusted maximum or a maximum set by the Board, subject to the maximum limit for offense.

A request for a rehearing may be made by an inmate or by someone on the prisoner's behalf. The request for a rehearing must show good cause and set forth new facts or conditions which would warrant such a hearing. A rehearing may be granted or denied at the discretion of the Board and, if granted, the case will be reheard when specified by the Board.

Having rendered a parole decision, the Board may, for any reason, prior to release on parole, advance, postpone, or deny a parole which has been granted or advance or postpone a scheduled rehearing date. Reconsideration of parole decisions seems to be primarily involved with granted parole rather than denied parole decisions. The rescission policy allows the Board to nullify a previous parole decision at any time prior to the effective date of parole. Any circumstances or conditions which, in the Board's opinion, would make the parole of the subject incompatible with the welfare of society could be the cause for a parole rescission. Misconduct in the institution called to the Board's attention by the Chief Executive Officer, transfer to a mental institution due to mental illness, or a serious illness which cannot be treated compatibly with the prisoner's parole plan are specific circumstances which will cause the Board to rescind an inmate's parole. A prisoner can also be held beyond a designated release date for a period not to exceed 14 days. If the prisoner is to be held for over 14 days, the Board must rescind its prior decision and set a rehearing date.

Before being released on parole, each prisoner is required to enter into a written agreement called a "parole certificate" which stipulates the terms and conditions upon which parole has been granted. The Board may impose, in addition to general conditions, special terms and conditions which it considers necessary in particular cases. The Board may add to, eliminate, or modify the conditions of parole at any time.

State prisoners remain in the legal custody of the Chief Executive Officers of the institutions from which the inmates were paroled and are under the continuous supervision of the Bureau of Parole until the expiration of the maximum periods of their sentences or until they are discharged from parole in accordance with the pertaining rules and statutes. County penitentiary cases remain in the legal custody of the Chief Executive Officer of the institution from which they were paroled and are under the continuous supervision of the probation officers of the counties from which they were committed until the maximum terms of their sentences have expired.

PAROLE GRANT HEARINGS

Parole Grant Hearings: Board of Trustees of the YCI Complex

The only extant document which describes the parole process for the Youth Correctional Institutions Complex was originally drawn up in October, 1940, and revised in 1962. It does not describe parole granting procedures. The institutional Classification Committee has a role in assigning time goals according to the Board of Trustees' policies; however, the specific procedures for parole grant have not been documented and detailed information is not available at this time.

Parole Revocation Hearings: State Parole Board

The U.S. Supreme Court decision in *Morrissey v. Brewer* requires certain minimum due process procedures for parole revocation. Requirements include a preliminary hearing to determine probable cause and a final revocation hearing conducted with due process. The State Parole Board has developed procedural guidelines for parole revocation which are designed to comply with the *Morrissey v. Brewer* decision.

Revocation proceedings are commenced at the discretion of the District Parole Supervisor. If the District Parole Supervisor has reasonable grounds to believe that a parolee has seriously violated the conditions of parole, he or she can require the parolee to appear before a hearing officer for a probable cause hearing. The District Parole Supervisor must give the parolee advance written notice of the purpose of the hearing, the alleged parole violation(s), and the parolee's rights at the probable cause hearing. These are: the right to appear and speak in his/her own behalf; the right to present witnesses; the right to present documentary evidence and other relevant material or information to the hearing officer; the right to confront and cross-examine adverse witnesses (unless the hearing officer determines that a witness would be subject to risk or harm); the right to remain silent; and the right to waive such hearing. There is no provision for a lawyer to be present at the probable cause hearing. If the District Parole Supervisor believes that the parolee is not likely to appear at the hearing, has absconded from parole supervision, or presents a danger to the community or self, a warrant may be issued authorizing the apprehension and detention of the parolee in any suitable institution, pending the probable cause hearing. Upon the issuance of a warrant, the District Parole Supervisor

must notify the Board. The Board may issue a warrant-detainer authorizing return and continued detention of the parolee in the New Jersey State prison system.

After a probable cause hearing is held, the probable cause hearing officer shall forward a notice of decision to the parolee consisting of a summary or digest of the proceedings, the reasons for the decision, and the evidence relied upon in support of such decision. The probable cause hearing officer's decision is not binding on the Board and may be overruled by majority vote of the Board. If it is determined that probable cause does not exist, either the hearing officer or the Board shall decide whether or not the prisoner should be detained until his or her final parole revocation hearing. The Board may overrule the decision of a hearing officer within ten (10) working days of the receipt of the probable cause notice of decision.

Upon a finding of probable cause, a final hearing is held within a reasonable time by the Board, or a representative of the Board. The purpose of the final hearing before the State Parole Board is to arrive at the final decision as to whether parole shall be revoked. The parolee is given written notice of the time, date, and place of the hearing as well as his/her rights at the final hearing. These rights include: (1) the right to disclosure on the alleged violation(s); (2) the right to be heard in person and to present witnesses, evidence, and any other relevant materials; and (3) the right to confront and cross-examine adverse witnesses (unless it is determined that witnesses would be subject to risk or harm). At the final hearing, the parolee may have counsel appear on his/her behalf and, if he/she is indigent, counsel may be obtained through the Office of the Public Defender.

A record of the Final Hearing is kept for at least one year. When a hearing officer conducts the Final Hearing, a hearing summary stating the reasons for and evidence supporting the decision is submitted to the Parole Board for their review and final decision with regard to parole revocation. A copy of the Final Hearing transcripts and summary are forwarded to the parolee or his/her attorney so that they may refute, supplement, or explain matters considered at the hearing by filing written exception to the hearing summary. If the decision is made to revoke parole, a written statement stating the reasons and evidence relied upon in making the decision is forwarded from the Board directly to the parolee and to his/her attorney.

When persons are sentenced and paroled under the

"Sex Offender Act," a complete diagnostic examination by the Diagnostic Center is made of the parolee subsequent to the Final Hearing. The examination is done to discover if a parolee continues to suffer from mental disorders grounded in sexual aberration which may require institutional supervision and treatment.

The Parole Board has discretion over the length of time parolees serve in prison as a result of their parole being revoked. If parole is revoked for a new conviction, the prisoner is required, unless reparaoled by the Board, to serve the balance of time due on the original sentence computed as of the date of the original release on parole. If parole is revoked for reasons other than a conviction for a new crime, the prisoner is required, unless reparaoled by the Board, to serve the balance of time due on the original sentence computed from the date he/she was declared delinquent on parole. The Board may rescind revocation or reparaole a person at any time. The court must designate whether a sentence imposed for the new conviction shall run concurrently or consecutively with the original sentence.

Parole Revocation Hearings: Boards of Trustees

The Boards of Trustees for the Youth Correctional Institution Complex must also provide for the minimum due process procedures as required by the U.S. Supreme Court's decision in *Morrissey v. Brewer*. The Board of Trustees has a policy of retaining parole violators for 1 to 12 months. Detailed information on the exact parole revocation procedures used by the Trustees is not documented at this time.

RECOMMENDATIONS FROM OTHER SOURCES

This section will review the most recent sources of specific recommendations concerning the parole decision-making process in New Jersey. They will be discussed in chronological order starting with the *Parole Denial Process in New Jersey*, Public Information Report #1, by the Ad Hoc Parole Committee. (February 1975); then "*A Way Out of Wonderland*", a report of the Special Study Committee on Parole Reform of the New Jersey Association on Correction (February, 1975); *Assembly Bill No. 3467* (June, 1975); and finally, *Program Analysis of the New Jersey Parole System*, by the Office of Fiscal Affairs (August, 1975). These reports and recommendations will be evaluated and compared.

A summary of guidelines from the President's Commission on Law Enforcement and the Administration of Justice; National Council on Crime and Delinquency; the American Law Institute; the American Correctional Association; the Association of Paroling Authorities; and the National Advisory Commission on Criminal Justice Standards and Goals will be presented.

The Ad Hoc Parole Committee

The Ad Hoc Parole Committee is a coalition of prisoners, criminal justice professionals, and concerned citizens working for the reform of parole procedures in New Jersey. Their report, *The Parole Denial Process in New Jersey*, is aimed at keeping the public informed so that it can more effectively exercise its responsibility to incarcerated men and women and their return as contributing people to the free society.

Dr. Walter A. Stewart summarized the major complaints of the Ad Hoc Committee. "The Star Chamber quality of the Parole Board's actions, with its secrecy and dishonesty, is not new to prisoners; it only confirms their beliefs and makes a mockery out of the goal of changing their view of the world which is, in the final analysis, the only viable way to ever hope to change their behavior." Dr. Stewart explains that the report shows that the Parole Board's decision is largely based on a "Catch-22" psychiatrist's interview and some undefined or undeclared criteria of the Board. The report challenges that psychiatrists or psychologists who conduct interviews are inadequately trained, do not devote enough time to giving a thorough examination, and are not trusted by the inmates. The Committee questions the Parole Board members' expertise in determining whether or not a prisoner is rehabilitated. They criticize the fact that Parole Board members "have more power over a prisoner's life than judges, yet they do not have to pass a Bar Examination, attend a special school, or be cleared by an Ethics Committee." The report goes on to assert that the "black box" parole decision-making process creates a psychologically destructive atmosphere and perpetuates the prisoners' alienation from society. Although the Supreme Court of the State of New Jersey, in *Monks vs. New Jersey State Parole Board*, requires that the Board give reasons for denial of parole, many prisoners claim, according to the Ad Hoc Committee, that the reasons given for parole denial are merely a formula designed to speedily dispose of each case while giving the appearance of careful consid-

eration to the public and to the courts. In *Beckworth v. New Jersey State Parole Board*, the State Supreme Court held that the reasons for denial were valid as they applied to individual prisoners; however, the pattern of denials was never examined by the court. Members of the Ad Hoc Parole Committee interviewed 326 prisoners in Trenton State Prison who had been denied parole so as to describe the common characteristics of these prisoners and examine the stated reasons for the denials. They hypothesized that the Board discriminates against "violent" offenders even though the laws already provide for longer sentences for such crimes, thus usurping the judicial sentencing function. The Committee also hypothesizes that the Board is significantly prejudiced against prisoners who continue to maintain their innocence even after their conviction. Previous incarceration also affected parole denials. Examination of the prior history of those denied parole revealed that 68% had a history of previous incarcerations. Institutional charges filed against the prisoners also seemed to influence denials. The Committee discovered that, although the Parole Board attempts to individualize parole decisions for each candidate for parole, the length of time devoted to personally hearing each prisoner precludes such individual attention. Reasons for parole denials were examined, and the same reasons were found repeatedly. The Committee concluded that the Parole Board uses an undisclosed formula for making parole decisions, and they criticize such a formula as being an example of "gross ineptitude and laziness on the part of such a well-paid group of people and at worst patently illegal." Claiming that formula decision-making leads to formula reasons, the Ad Hoc Parole Committee charges that, "such formula reasons are worse than worthless for they not only fail to provide guidelines for the future, they also inspire an atmosphere of despair and hopelessness which is the exact opposite of the atmosphere prison officials try to create." It is unclear whether the Committee objects to a formula for decision-making or only to the resulting standardized reasons for parole denial.

It could be inferred from this report that the Committee feels that the factors of past criminal history, nature of the current offense (whether violent or not), and institutional infractions should not be considered in the parole decision-making process. Or, the Committee may not be objecting to the use of such a formula, but simply to an unconscious or at least unpublicized formula used by the Parole Board, which is seen as a failure "to provide guidelines for

the future" by which inmates may gauge their own performance. If the former interpretation of the Committee's Report is correct, then this blanket disapproval of decision-making formulas would also imply disapproval of such well-researched decision-making formulas as those used by the U.S. Parole Board. Many corrections officials consider such clearly formulated and empirically substantiated decision-making strategies to be positive steps in the direction of increased objectivity and fairness.

The Ad Hoc Committee suggests that the basis for parole decision-making be specifically relevant to each prisoner's particular problems. If a psychiatric evaluation is to be included in the decision-making, it should be based on extensive and careful interviews. Summations of relevant portions of such interviews should be made available to the prisoner. Finally, the basis of the Parole Board's decision should be explained to the prisoner in detail.

The Ad Hoc Committee has developed "An Act to Provide for Adult Parole, Conditional Release and Procedure in the Consideration of Executive Clemency" which outlines its specific recommendations for parole decision-making in New Jersey. Significant changes recommended include:

1. The appointment of five (5) full-time members for six (6) year terms by the Governor with the advice and consent of the Senate from a list of fifteen (15) persons submitted by the following: the Chief Justice of the New Jersey Supreme Court (or a delegate appointed by the Chief Justice); the President of the New Jersey Psychoanalytic Association; the President of the New Jersey Conference of Social Workers; and the President of the New Jersey Bar Association. Any recommendations by community, religious, or prisoner groups, etc., would also be considered by the aforementioned individuals.
2. A quorum of the Board would be three (3) of five (5) members and decisions of the Board would be made by a majority vote of a quorum.
3. Reports used in denying or revoking parole would be disclosed to the prisoner or parolee and to the prisoner/parolee's representative, unless such reports would be counterproductive to rehabilitation.
4. The Speaker of the General Assembly would appoint a State Director of Parole who would be the executive of the Board and would supervise and administer parole functions including hearings and supervision in New Jersey.
5. The Board could establish residential facilities

for parolees and could place a parolee in such a facility as a condition of Parole.

6. Prisoners would be eligible for parole after completing one-third of their minimum sentences, less good time or at the end of ten (10) years, whichever comes first. Good time would be presumptively earned unless specific evidence for forfeiture is presented. Within thirty (30) days after sentence, prisoners would be informed of their initial eligibility dates and the means by which they would earn favorable consideration by the Board. This would be called a Contract and could be renegotiated in good faith.
7. After their first eligibility and at regular intervals, prisoners would be considered for release on parole by the Board. Prisoners would be paroled if they substantially met their contracts. A Hearing Examiner would make the initial parole decisions, which would then be referred to the Board for final approval.
8. Prisoners could appeal the decisions of the Hearing Examiner to the full Board.
9. The Board would have the power to issue subpoenas.
10. Parolees would be provided with a minimum of \$250 and a maximum of \$750 upon release and would receive not more than \$50 per week for basic economic needs and/or until employment was secured, not to exceed 90 days.

The major innovations suggested by this Act are the "Contract," which would give prisoners clear, definite goals toward their own rehabilitation, the presumptive determination of good time, which could not be denied without being substantiated by specific evidence with which the prisoner would be confronted, and the provision of a living allowance to newly paroled inmates. However, none of the recommendations deal with the actual criteria for decision-making. The Committee provides neither standards nor a methodology for arriving at such guidelines for setting up contracts. A "black box" process can still exist unless specific and objective criteria for contracting and methods of evaluating fulfillment of contracts are established.

The Special Study Committee on Parole Reform of the New Jersey Association on Correction

"A Way Out of Wonderland" is a report on parole reform by the Special Study Committee on Parole Reform of the New Jersey Association on Correction which has been studying the paroling process in New Jersey since May of 1973. This Committee criticizes

the discretionary power of the State Parole Board, the extent of Board's responsibility for predicting the future behavior of inmates, the focus on release or continued confinement instead of on the responsibility for rehabilitation, and inequitable and unduly harsh sentences. They propose:

1. that each sentence to the Department of Corrections be comprised of a standard percentage "confinement" portion and a standard percentage "community adjustment" portion;
2. that inmates be released automatically after they served the "confinement" portion of their sentences;
3. that in cases of serious anti-social conduct while confined, the Parole Board would conduct a hearing with full due process provisions to determine whether the period of confinement should be extended up to two-thirds of the adjusted maximum or five years of actual confinement, whichever comes first.

The Committee report asserts that no body of people can determine without possibility of error when inmates are "ready" for release or if they are likely to commit another offense. The Committee maintains that no inmate is ever "rehabilitated" in prison and that a rehabilitation or reintegration effort is much more likely to take place in community-based programs. Recognizing this, the Committee suggests that society should determine how much confinement is required to protect the community, to isolate and punish the offender, and to deter others, and how much time should be allowed for a correctional, rehabilitative effort in the community. The role of deciding how much confinement is enough should not be assigned to the paroling authority but rather to the legislature and judiciary, although the Committee would allow the Board the discretionary power to issue an order requiring a parolee to "show cause" why parole should not be revoked.

The explicit division of a sentence into custodial and community adjustment portions would require expanded community resources and improved parole services. But the Committee points out that, rather than wasting a great deal of money unsuccessfully attempting to rehabilitate offenders in institutions, community services can be used more successfully and less expensively for this purpose.

The Committee also suggests two applications of the ACA's Mutual Agreement Plan (MAP). Some form of a MAP system is seen as potentially useful for controlling inmates who must be detained beyond

their automatic release date and might also be useful as a replacement for the current parole plan. They feel that this contracting system would provide more structure and motivation for rehabilitation. Upon successful completion of a plan, an inmate could be released on parole or a parolee's supervision could be terminated.

Assembly Bill No. 3467

The Parole Act of 1975, Assembly Bill No. 3467, is similar to the Committee on Parole Reform's Model Act. The burden of proof is placed on the paroling authorities to show why an inmate should not be paroled, rather than on the inmate to show why he/she should be. The inmate would be primarily eligible for parole after having served a statutory minimum term, 20 years of a life term, or one-third of the maximum sentence where no mandatory minimum term had been set. The inmate would be released at the primary eligibility date unless the inmate had committed persistent and serious misconduct which is reasonably predictive of post-release behavior or unless substantial likelihood exists that the inmate will commit a new crime if released. The Parole Board would still be given the power to determine this likelihood of recidivism, although the burden of proof is placed on the paroling authorities to show positively that there is a significant likelihood of recidivism. However, unless procedures for appeal are guaranteed, the Board's decisions will not be monitored to assure that the burden of proof falls on the board rather than the inmate.

The denial process would proceed through an initial review by a hearing officer, a hearing conducted by a hearing officer, and an appeal of denial to the full Board. A future parole eligibility date would be set if release on the primary eligibility date was denied, with a mandatory review after two years, regardless of the eligibility date. There would also be a provision for parole release under contract agreement for inmates who are not serving any judicial or statutory minimum term or life sentence.

The Parole Act of 1975 would eliminate many of the current standard conditions of parole, leaving only four conditions plus any other special conditions assigned specifically for the parolee. There is also a provision for contracting for early termination of parole which would allow the parolee to be discharged without any hearings when he/she had fulfilled the contract. The Act would also provide these alternatives to revocation: (1) reprimand and warning; (2) reporting to be instituted or intensified; or (3)

additional conditions of parole. A hearing would be conducted to modify parole conditions. Parole revocation would also be accomplished by review and hearings by hearing officers. A new offense committed by a parolee would be processed through the court and the parolee must have been convicted before revocation would be applied.

A parole violator could not be reconfined for a period exceeding one year. A parole violator reconfined for a new offense would serve 6 months or up to one-half of the time that remained to be served on the prior sentence, less the time served on parole, whichever was longer. The duration of time served for the violation would never exceed the maximum sentence for the original charge.

This proposed bill also provides for a change in the organization of the State Parole Board. The new State Parole Board would consist of a full-time chairperson and four part-time associate members, each serving a three-year term.

Office of Fiscal Affairs

The Office of Fiscal Affairs (OFA), Division of Program Analysis, prepared a report on the New Jersey Parole System. The OFA suggests some sweeping changes in the organizational structure of parole decision-making, as well as some modifications of the decision-making process itself.

The OFA recommends that the State Legislature standardize the system for parole eligibility and sentence adjustment and eliminate any sentencing distinctions between the same type of offenders. This would eliminate indeterminate sentences for both female and youthful male offenders. The precedent for such action was set by the New Jersey Supreme Court in *State v. Chambers*, when the Court held that the distinction made with respect to sentencing and parole eligibility for adult female offenders was unconstitutional.

Arguing that there is no apparent reason why the due process provisions for parole revocation hearings should not also apply to parole grant hearings, the OFA recommends that such due process provisions as disclosure of evidence, opportunity to examine and present witnesses, etc., should be established for both parole grant and parole revocation hearings. Along with reform in the hearing process, the OFA suggested reform in the decision-making methods. After analyzing the cases of a sample population of prisoners considered for parole by the Board, the OFA concluded that "decision-making patterns do

exist, regardless of whether or not they are intended." Because certain implicit standards exist, it was recommended that the Board's decision-making process be more objective and accountable. The OFA suggested that the Board establish parole criteria which would provide the standards for the Board.

Other than the recommendations described above, the OFA evaluated and made recommendations about administrative procedures that are not inherently in need of change.

NATIONAL STANDARDS:

Several national criminal justice agencies have delineated the organization of parole boards and proposed procedural guidelines for parole decision-making. A brief synopsis of the criteria for parole board membership will be presented first, followed by a more detailed discussion of the procedural guidelines developed by the American Correctional Association and the National Advisory Commission on Criminal Justice Standards and Goals.

The President's Commission on Law Enforcement and Administration of Justice (PCLEAJ) in *Corrections* suggests that, if a system of hearing examiners is utilized, no more than five (5) Parole Board members are needed. The "Standard Probation and Parole Act" of the National Council on Crime and Delinquency (NCCD) recommends a state Board of Probation and Parole consisting of not less than three (3) members appointed for 6-year terms on a full-time basis. The "Model Penal Code" of the American Law Institute (ALI) suggests boards varying from 3 to 9 members, depending on the size of the state, serving full-time for 6-year terms. The association of Paroling Authorities (APA) recommends full-time board members serving not less than six years and even as long as ten years.

Most of these guidelines require members to have academic or professional backgrounds in fields relating to parole decision-making problems. The PCLEAJ and the NCCD recommend that members be appointed by the Governor from a list of candidates submitted by committees of persons involved in many aspects of the criminal justice system. All of the guidelines describe the ideal personal characteristics of members as forthrightness, courage, patience, wisdom, and impartiality.

The PCLEAJ suggests a system using a staff of hearing examiners who would be delegated the power to make certain kinds of decisions within policies and guidelines set by the Board. The Board would concern itself with parole policy-making, making

decisions only on a limited number of cases and acting as an appellate body for decisions made by the hearing examiners. This recommendation served as the basis for the paroling structure described by the National Advisory Commission. The NACCJSG standards will be discussed later.

American Correctional Association

The American Correctional Association (ACA) outlines principles and standards for parole decision-making in the *Manual of Correctional Standards* (1966). The ACA suggests that the parole board should be empowered by law to establish rules of operation governing conditions of parole, revocation of parole, and discharge from parole. The Board would be given wide latitude to determine the time of release and the period of parole supervision for all inmates of state prisons. The ACA suggests that the paroling authority be administratively placed in an integrated correctional agency including probation and parole services, as well as institutional facilities and services.

The ACA suggests that the Parole Board review each case at least once per year to become informed of each prisoner's progress and possible readiness for parole. Because hearings for parole decision-making are described as informal and not a retrial of the case, the ACA claims that legal counsel and witnesses should not be permitted to appear in order to avoid adversary-type hearings. Thus, due process considerations do not enter into the parole granting hearing as described by the ACA.

To prevent personal biases and attitudes from playing a role in decision-making, the ACA recommends that the Parole Board determine its philosophy and criteria for parole selection. Parole experience and prediction tables are suggested to provide parole boards with norms against which they could compare their decisions and also to alert them to special needs of certain types of cases.

The ACA recommends a gradual release from confinement, usually to a minimum security or an open type of institution prior to release. Home furloughs and work release are also alternatives to sudden release into the community. Halfway houses and prerelease centers can provide a parolee with a period of adjustment under diminished controls as opposed to the virtual absence of official controls during the critical early period of parole.

The parole conditions would be fixed by the Board and would not be imposed unless the Board intended

to use them as a basis for possible revocation of parole. The ACA goes on to advise that the following types of conditions should be imposed: obtaining permission for any change in employment or residence or for leaving the geographical jurisdiction; maintaining steady employment (when possible); submitting written reports; keeping appointments; complying with the parole officer's instructions; and not violating any law.

The ACA also recommends that Parole Boards seek alternatives other than incarceration for a parole violator, especially where it appears that further incarceration would serve no useful purpose. The ACA encourages an informal nature for parole revocation hearings, stressing that an adversary-type hearing is not suitable for discovering whether parole should or should not be revoked. They suggest that the files of the Board remain confidential for the benefit of the parolee as well as the parole system.

Finally, the American Correctional Association suggests that the Parole Board do research and collect statistics to be used as guides for the evaluation and possible modification of the parole decision-making process of the Board.

The National Advisory Commission on Criminal Justice Standards and Goals

The National Advisory Commission on Criminal Justice Standards and Goals sets down specific guidelines for the parole decision-making process. The National Advisory Commission suggests that the Parole Board operate independently under an organizational structure that is a consolidation of all correctional services. This organization encourages coordination with correctional programs throughout the system and, at the same time, preserves the position of the Parole Board as an autonomous check on the system.

The responsibility of the paroling authority is shifted in the direction of policy-making and hearing appeals rather than toward conducting parole hearings. "Articulation of criteria for making decisions and development of basic policies is one of the chief tasks that parole decision-makers need to undertake." Explaining that criteria must be specified before they can be validated, the National Advisory Commission states that articulation of the basis for decision-making is crucial to improving parole decisions. Through knowing the criteria for decision-making, institutional staff and inmates can realistically deal with programs aimed at rehabilitation.

The National Advisory Commission has designed a parole release hearing process that assigns the Parole Board the function of supervising the decisions of hearing examiners rather than the task of making detailed judgments in individual cases. Hearing examiners, operating under policies and guidelines set down by the Board, are responsible for the large volume of routine hearings. Appeals would be heard by the Parole Board. Instead of hearing every case, the Parole Board members "should be developing written policies and using monitoring systems by which decision outcomes could be observed and strategies for improvement developed." As workloads expand, additional hearing examiners should be added to the staff rather than increasing the number of Parole Board members. This system is essentially that utilized by the Federal Parole Board, which is also regionalized, with eight Board members and their staffs of hearing examiners having responsibility for specific prisoners and parolees in each region of the country.

Standard 12.3 describes the proposed parole grant procedures. This includes the following:

- Personal hearings with inmates within one year after they are received in an institution.
- Decisions directed toward objectives agreed upon by the inmate and the institution staff.
- Monitored and approved programs that can result in an inmate's release without further Board hearings.
- Release of offenders when first eligible unless certain specific conditions exist.
- Further hearing dates within one year if release is not agreed upon.
- Appeal process to the full parole board.
- Personal and direct notification to the inmate of the decision by the board member or his/her representative within the same day as the hearing.
- Written lists of reasons for decisions.
- Disclosure to the inmate or his/her representative of all but sensitive information.
- Representation of offenders under appropriate conditions, if required.

Representation by lawyers or other spokespersons is contrary to the ACA recommendation to avoid creating an adversarial system. However, the National Advisory Commission points out several advantages of representation. The information base can be enlarged and issues can be challenged more directly by free representatives who are not in the helpless position of the inmate and inmates are more

likely to feel that they are being treated more fairly. Representation involves people from outside the parolling process and thus encourages necessary reforms. The ultimate credibility of the parole system may be decided by the principle of allowing offenders to have representation when crucial decisions are made.

Standard 12.4 outlines the recommended procedures for revocation hearings. The guidelines follow

the due process requirements of *Morrissey v. Brewer*. The present revocation procedures in New Jersey, designed to satisfy that court ruling, also follow National Advisory Commission guidelines. In addition, the Commission strongly encourages parole boards to develop alternatives to revocation of parole such as changes in supervision levels and conditions of parole, referrals to community resources, and short-term local confinement.

CORRECTIONAL PHILOSOPHY: BASIC ISSUES

The previous discussion summarized sentencing and paroling practices in New Jersey, which are perhaps the best indicators of this state's current correctional philosophy. In the analysis, it was possible to define certain issues or areas where policy-makers choose among alternative courses of action. It is the summation of choices or policies made in these various areas that characterize a correctional philosophy. The following appear to be the major issue areas:

- Should the focus be on the offense or on the offender?
- What should be the role of discretion in decision-making?
- Should determinate or indeterminate sentences be used?
- How valid is the Youthful Offender classification?
- What should the range of dispositions include?
- What criteria should be established for dispositions?
- What programs of community supervision are required?
- Should "victimless" offenses be decriminalized?

FOCUS OF THE OFFENSE OR THE OFFENDER

Rehabilitative and reintegrative policy models focus on meeting the needs of individual offenders. Under these policies, sentencing and parole decision-making would involve flexible decision-making which could be adjusted for each offender as needed. Restraint and reform models are more likely to stress flat-time, standardized sentences with little discretionary decision-making. The National Council on Crime and Delinquency and the National Advisory Commission on Criminal Justice Standards and Goals seem to regard characteristics of individual offenders as most important in sentencing and parole decision-making. The American Law Institute, and

the American Bar Association, seem to place more decision-making weight on characteristics of the offense rather than the offender. One policy has not been shown to be more effective than the others, possibly because no policy has ever been directly focused upon for implementation. The lack of clearly defined policy leads critics to suggest significant changes in systems because of problems which are not inherent in the system and which can be solved by minor, functional repairs. Gross, inefficient, and misleading changes often result from not recognizing the implicit policy goals of a system. The Ad Hoc Parole Reform Committee's report is an example of critical response due to New Jersey's ambiguous policy goals. In their reports, these groups suggested changes including policy changes which were primarily based on dissatisfaction with the operation of policy implementation and not with the policy itself.

THE ROLE OF DISCRETION IN DECISION-MAKING

In recent years, abuses of judicial and paroling discretion have been revealed and sharply criticized. The Ad Hoc Parole Committee in *The Parole Denial Process in New Jersey* and the Special Study Committee on Parole Reform of the New Jersey Association on Correction in *A Way Out of Wonderland* have documented abuses in New Jersey's correctional decision-making systems. The purposes, methods, and effectiveness of discretionary decision-making are challenged. Discretionary decision-making is most important for policies of rehabilitation and reintegration. Judges and parole boards attempt to evaluate individual offenders' needs and the length of time that will be required to treat the offender's problems. Parole is essentially an attempt to release an offender at the optimal peak of potential for suc-

cessful community living. Many of the most recent challenges to discretionary decision-making stem from lack of effective rehabilitation and reintegration programs which could justify keeping offenders beyond periods of time required to meet community needs. Restraint and reform models are more concerned with protecting the community through isolation of the offender. So, equal periods of isolation for similar offenses seem reasonable according to the restraint policy.

Recommendations of the National Advisory Commission and the American Correctional Association suggest maintaining discretionary decision-making. However, the New Jersey Office for Fiscal Affairs and the American Bar Association recommend placing controls on discretion to avoid its arbitrary use. Several other authorities recommend controlling discretion but most recognize the valuable flexibility that discretionary decision-making injects into a system. The American Bar Association and other authorities, some of whom are judges, suggests that judicial sentencing councils, training seminars, and advocate appellate review of sentences might reduce arbitrary decision-making.

In New Jersey, judges are required to give reasons to justify their sentencing decisions. The Ad Hoc Parole Committee which is extremely critical of judicial and, especially of parole decision-making in New Jersey claims that the requirements to give reasons for decisions does not alleviate the problem, although the Committee maintains the discretionary paroling function in its own suggestions for change. The Special Study Committee on Parole Reform of the New Jersey Association of Correction would limit discretion of the Parole Board by presuming offenders who are eligible for parole are releasable unless shown otherwise. The National Advisory Commission also advocates placing the burden of proof on the Parole Board. Parole experience and prediction tables are suggested as useful tools for decision-making. One approach is through the development and use of structured guidelines.¹

The "just deserts" sentencing approach would limit discretion within a range established by the retributive needs of the community rather than attempting to estimate the probable needs of the offender. Under

the "just deserts" model, offenders would receive a sentence that is only as long as they "deserve", regardless of the estimated time required to rehabilitate or reintegrate them. David Fogel, author of "We are the Living Proof. . .," a book on flat-time sentencing, goes even further in suggesting that discretionary sentencing for purposes of rehabilitation or reintegration is unjust unless successful rehabilitative and reintegrative programs can be guaranteed to all offenders. Instead, Fogel claims that only sentences to restrain offenders or to satisfy a community's needs for retribution are justified.

DETERMINATE OR INDETERMINATE SENTENCES

The issue involving determinate and indeterminate sentences draws upon many of the same arguments presented on discretionary decision-making. Indeterminate sentences allow maximum discretion by parole boards, fulfilling policies of rehabilitation and reintegration while determinate sentences do not allow as much discretionary flexibility to parole boards. When determinate sentences are fixed by the legislature, discretionary decision-making becomes subservient to community needs for restraint and reform of the offender.

The Ad Hoc Parole Committee maintains that indeterminate sentences are psychologically destructive while the report of the Special Study Committee on Parole Reform of the New Jersey Association on Correction recommends the abandonment of minimum-maximum sentencing schemes. The Ad Hoc Parole Committee criticized both New Jersey's minimum-maximum sentences and indeterminate sentences and, instead, suggests contract release on parole. The New Jersey Criminal Law Revision Commission and the Special Study Commission on Parole Reform of the New Jersey Association of Correction suggest a specific, mandatory community supervision term to be served after a set prison term, thus meeting some of the reintegrative needs originally met only by indeterminate, minimum-maximum sentencing schemes. The New Jersey Office of Fiscal Affairs suggests that a standardized system is needed, even if it incorporates minimum and maximum terms. The Model Penal Code allows judicial discretion in setting a minimum term, but sets a legislated maximum limit based on the classification of the offense. The National Advisory Commission appreciates the disadvantages of indeterminate sentences, but does not support determinate sentences because they are not flexible enough to meet the needs of individual

¹ For discussion of parole guidelines, see "The Utilization of Experience in Parole Decision-Making" Gottfredson, Wilkins et al. U.S. Dept. of Justice NILE, Nov. 1974. See especially Supplementary Report No. Nine, "Paroling Policy Guidelines: A Matter of Equity."

offenders. On the other hand, the American Law Institute, American Bar Association, and the New Jersey Criminal Law Revision Commission emphasize the offense rather than the offender—leading to support for more determinacy in sentences. Other independent authorities have argued against indeterminate sentences because they felt the rehabilitation was not yet a reality and should not be treated as if it were a possibility when establishing sentencing policies.

YOUTHFUL OFFENDER CLASSIFICATION

The need for a "Youthful Offender Classification" for offenders under age 30 at the State level of Corrections must be critically reexamined in view of the philosophy adopted. This classification of offenders was intended to embrace the less serious, but not necessarily the younger offenders. The name is misleading. Its purpose was to provide a separate correctional path for offenders presumed to be less dangerous, less violent, more capable of rehabilitation, and less deserving of a "prison sentence" with the harshness which that entails. (In practice, these are often not the more youthful offenders.)

If a policy model is adopted for the State which is not founded on the precepts of rehabilitation, then the necessity or desirability of including these less dangerous offenders in the system must be examined. If we acknowledge that not all offenders (and not all offenses) should receive the same disposition (i.e., longer institutional sentences) then it is necessary to analyze the costs, the relative benefits and the System implications of accommodating these less dangerous offenders in costly, isolated and secure facilities which are demonstrably needed for more dangerous offenders serving longer sentences. There is at present an actual competition for secure bedspaces at State correctional institutions. To the degree that these bedspaces are occupied by offenders who could be channeled to other service networks with little apparent increased risk to the community, the System is operating along lines of questionable rationality and efficiency.

AVAILABLE DISPOSITIONS

Almost unanimously, standards and guidelines consistently support the policy of reintegration through community alternatives to incarceration. For example, the National Council on Crime and Delinquency articulates this position in a Policy Statement entitled "The Nondangerous Offender

Should Not Be Imprisoned". This statement begins with the following:

"Prisons are destructive to prisoners and those charged with holding them. Confinement is necessary only for offenders who, if not confined, would be a serious danger to the public. For all others, who are not dangerous and who constitute the great majority of offenders, the sentence of choice would be one or another of the wide variety of non-institutional disposition."*

This is supported from constitutional concepts which state that "The law favors the liberty of the individual" and that "When government has available a variety of equally effective means to a given end, it must choose the one which interferes least with individual liberty," (same source). Further, this position is predicated on the judgement that prisons are ineffectual, cannot probably be run within the bounds of law, that prisons themselves produce crime and that they are basically destructive to the keepers and the kept.

Those who recommend that institutions play a "last resort" role often cite documented high rates of recidivism among institutional releasees, the increasing action taken by the courts against individual institutions (and entire systems), and the high cost of institutional construction, operation, and maintenance.

CRITERIA FOR ASSIGNING DISPOSITIONS

The issue of establishing criteria for assigning dispositional alternatives seems to have evolved from arguments about the reality of rehabilitation and reintegration and the need for flexibility in reform and restraint. The New Jersey Criminal Law Revision Commission is highly critical of the seemingly irrational and inconsistent application of available dispositions. The Ad Hoc Parole Committee and the Special Study Committee on Parole Reform of the New Jersey Association of Correction express the dissatisfaction of those who must abide by dispositions made without recognized criteria for that decision-making process. The National Advisory Commission on Criminal Justice Standards and Goals recommends that specific decision-making criteria be developed. In Standard 5.2, factors which should be included in sentencing criteria are outlined. Factors which would justify confinement are listed as well as

**Crime and Delinquency*, Vol. 19, No. 4, Oct. 1973, p. 449, NCCD, Hackensack, N.J.

factors which would weigh in favor of nonconfinement dispositions. The American Law Institute includes some criteria for imposition of a sentence to imprisonment in its Model Penal Code. Statutory sentence ranges for controlling discretion in sentence lengths can be complemented by criteria for controlling discretion in the application of types of sentences.

COMMUNITY SUPERVISION

Issues in the area of community supervision range from whether or not community supervision should be eliminated to defining the proper organization of community supervision services. Most advisory groups recommend gradual release of offenders into the community and stress the importance of maintaining community ties. Both the New Jersey Criminal Law Revision Commission and the Special Study Committee on Parole Reform of the New Jersey Association of Correction have suggested separate parole terms which emphasize the importance of community supervision. Such authorities as the American Law Institute and the National Advisory Commission also support mandatory parole terms. Under a mandatory parole term scheme, prison sentences should be shorter than present sentences because, currently, parole terms are usually included within a total sentence. The portion of the sentence to be served on parole is determined by the judicially set minimum and maximum and by the Parole Board. A separate parole term emphasizes the maintenance of community reintegration by elevating parole to a status equal to the prison term.

Some argue that parole does not work, and advocate eliminating parole supervision altogether, maintaining that parole decision-making is merely game-playing and that parole supervision is not counseling but harassment of ex-inmates. This position is based on the opinion that neither rehabilitation nor reintegration of individual offenders is feasible, and that

the needs of the community are the only realistic justification for making dispositions. Since community supervision is an essential ingredient of the reintegration model, it is understandable that parole does not fit in this "justice model."

If probation becomes a sentence in itself, should it be administered statewide by the Department of Corrections as are most other sentences or remain under the jurisdiction of the courts? If probation remains under the jurisdiction of the courts, should it be administered by a statewide or a local court agency? The New Jersey Criminal Law Revision Commission, the American Bar Association, and the National Conference of Commissioners on Uniform State Laws recommend that probation remain under the jurisdiction of the courts. The National Advisory Commission on Criminal Justice Standards and Goals, the Advisory Commission on Intergovernmental Relations, the National Council on Crime and Delinquency, and the Department of Health, Education and Welfare all advocate statewide probation systems either under the aegis of the courts or of corrections. Some authorities recommend that probation services and parole services be administered by the same agency because of the similarity in service delivery.

DECRIMINALIZATION OF CERTAIN OFFENSES

Victimless crimes have always been a controversial issue. If the corrections policy is one of restraint or reform, which emphasizes the community rather than the individual, then the restraint and reform of individuals who do not or will not harm the community cannot be justified. If the policy is to rehabilitate and reintegrate, which emphasizes treatment of the offender, then victimless crimes can justifiably be handled in the corrections system. With the determination of correction policy, this issue will be more easily resolved.

Correctional Philosophy:

Sentencing And Parole Recommendations

The correctional philosophy for New Jersey should emphasize equity of punishment and the reintegration of offenders into society. This philosophy will be manifest in sentencing and parole practices as well as in the administration of correctional facilities and programs. In practice this would mean:

- A modified just deserts model of sentencing and parole should be adopted for all adult offenders who are sentenced to state-administered correctional facilities. This recommendation stresses the crime more than the offender although the offender is emphasized in the choice of particular sentencing alternatives.
- The least restrictive of a range of sentencing alternatives should be utilized with incarceration seen as the last resort when no other alternative will suffice to achieve the aim of deterrence and incapacitation. Available sentencing alternatives should include:
 - financial sanctions such as fines and restitution
 - an expanded probation service
 - partial imprisonment (e.g., work release)
 - short term incarceration
 - long-term incarceration
- Sentences to institutions should be determinate for a fixed maximum period. The Policy Council recommends amendment of the New Jersey criminal code to reduce maximum terms and eliminate the imposition of minimum terms.
- The latitude of judicial discretion should be guided through the use of formalized sentencing criteria.
- Discretion in parole release should be reduced by the adoption of presumptive parole at first eligibility within specified guidelines by a single parole board.
- Responsibility for making decisions on parole revocation should remain with the parole board. As with sentencing decisions, there should be the presumption of using the least restrictive alternatives: revocation of parole status and reincarceration should be used only as a last resort.

These recommendations apply to all offenders sentenced as adults within the New Jersey Criminal Justice System and it was the intent of the Policy Council that the recommendations as proposed be applied to those offenders presently incarcerated where feasible.

The Correctional Master Plan Policy Council recommendations concerning the definition of a correctional philosophy for New Jersey are consistent with a total systems planning assumption—namely that there is a functional and real relationship between the components of the criminal justice system, and that the articulation of a unifying philosophy is necessary for the effective administration of that system.

Generally, Policy Council discussions indicated a consensus toward a correctional philosophy containing elements of both punishment, equitably administered, and the reintegration of offenders. Using the concepts in the previous discussion of models, such a system would entail elements of restraint, reform, and reintegration, with rehabilitation receiving less emphasis. In translating these objectives into an operational system, great care must be exercised to ensure that there is internal policy consistency and that system conflict is eliminated. The restraint will be manifest in the standardized application of a range of punishments which includes the incarceration of persistent or serious offenders. The intention that the punishment being meted will deter the lawbreaker

and others from future violation denote the reform element of the philosophy. **Reintegration** is the complex process—beginning with the first day of confinement and ending with release from parole supervision—by which as many offenders as possible are returned to a law-abiding life in the free community. The reintegrative aspect of the correctional philosophy is reinforced by adoption of a “least restrictive” policy which minimizes the alienating effects of long sentences to institutions by restricting this type of punishment to more serious offenders. The system to be recommended for New Jersey Corrections, then, would have as its main objectives:

- Equity of punishment
- Reintegration of offenders

By “equity of punishment” is meant that similar punishments are meted out for similarly situated offenders (for example, under a matrix or guidelines as discussed earlier).

“Reintegration” is not another word for rehabilitation. It denotes the attainment of a more limited state or condition. Rehabilitation denotes that the offender has been returned to a presumed prior state or condition of socially approved rather than merely legally acceptable behavior. The concept reintegration denotes that the ex-offender is leading a law-abiding life in the community.

Efforts to rehabilitate offenders have often gone beyond the limits of current knowledge of the behavioral sciences in pursuit of what many now agree is an often unrealistic goal. Reintegration, with its objective of assisting offenders to lead a law-abiding life in the community is a more realistic and attainable goal. It is a goal toward which human and dollar resources can be rationally directed and managed. Effective embodiment of the concept would require that resources of all state and local correctional agencies be directed, from the day of an offender’s commitment or assignment to helping him or her toward the reintegration goal. This may require, for example, development of marketable job skills, provisions of pre- and post-release counseling, community social service referral and follow-up, or special assistance in times of crisis.

Implicit in reintegration is a rejection of the rehabilitative task of making the offender “a better person”, of the notion that crime is a curable disease and of the concomitant search for treatments that will dramatically reduce recidivism. In short, this concept rejects an over-reaching medical model applied to all offenders. Equally implicit in the concept of

reintegration is a process involving a variety of collaborative efforts to assist offenders in learning to cope, lawfully, with the urban environment to which most will return.

LIKELY OUTCOME OF SENTENCING AND PAROLE RECOMMENDATIONS

The proposed recommendations for change in sentencing and paroling will have a variety of specific effects but all contribute in some way to the general consistency of the chosen policy.

The “just deserts” model of sentencing and parole is consistent with the restraint and reintegrative policies. Similar offenders will be punished as equally as possible, but at the same time, individual characteristics of offenders would play a role in how an offender is punished. As an example of a way to minimize discretion in sentencing, a matrix could be developed which places limits on the variance of individual sentences for the same offense, yet allows some consideration for individual characteristics (e.g. prior criminal record). Judges would be required to set sentences within this matrix. A sentencing commission would review sentences falling outside this matrix.¹

Equally important in the adoption of a “just deserts” model of sentencing and parole is the restriction of discretion in the paroling process. The Policy Council’s recommendation to consolidate paroling authorities and to adopt a presumptive parole structure was based on the following model of parole which was presented as one option in an earlier staff paper. The total model described in that staff report read as follows:

Limiting Parole Discretion (One Option)

1. Parole decision-making powers should be consolidated in a single board in keeping with recommended elimination of other distinctions between youthful and adult offenders age 18 and over. This board’s jurisdiction would extend to “state” offenders incarcerated in local facilities.
2. A grant of parole would be presumed after serving a statutorily prescribed portion of the maximum sentence.
3. Denial of parole at this presumptive parole date could occur only upon consideration of specifi-

¹ See, for discussion of structured guidelines, “Sentencing Guidelines: Structuring Judicial Discretion” Wilkins, Kress, et al., NILE LEAA, Oct. 1976 and “Criminal Sentencing: A Game of Chance” by Edward M. Kennedy in *Judicature*, Vol. 60, #5, Dec. 1976, pp. 209-215.

cally defined violations of institutional rules or with use of a paroling matrix constructed in manner consistent with the sentencing matrix. In any case, parole grant or denial should not be based on an individual's level of participation in institutional programs.

4. A parole term would be provided for every inmate through automatic parole after serving a defined portion of the sentence (e.g. two-thirds) or at a defined number of months or years prior to the expiration of the maximum sentence.
5. Responsibility for making decisions on parole revocation would remain with the Board. As with sentencing decisions, there should be a presumption of using the least restrictive alternative: revocation of parole status and reincarceration should be used only as a last resort.
6. As recommended in the Parole Act of 1975, Assembly Bill 3467, the Board should utilize a staff of hearing examiners to conduct all parole grant, probable cause, and revocation hearings, while the Board itself focuses on policy-making and acts as an appellate body in cases where decisions made by a hearing examiner are appealed either by offenders or by the corrections system. Hearing examiners should be persons with qualifications similar to those of Board members. Hearing examiners could be assigned to each of the correctional service areas described in a subsequent section of this document.
7. As specified by the National Advisory Commission, Board members "should possess academic training in fields such as criminology, education, psychology, psychiatry, law, social work or sociology" and "should have a high degree of skill in comprehending legal issues and statistical information and an ability to develop and promulgate policy." Members should be appointed by the Governor "from a panel on nominees selected by an advisory group broadly representative of the community" and who, in addition to "being representative of relevant professional organizations," should also represent "all important ethnic and socio-economic groups." (*Corrections*, p. 399).

Determinate sentences will help to eliminate discrepancies between similar types of offenders. Indeterminacy is valuable when it allows needed discrimination in deciding when an offender is "cured" or rehabilitated. But a clear understanding of restraint policy shows that indeterminate sentences are unnecessary. Under the restraint-reintegration model, the first goal is to restrain, the second to restrain equally,

and the third to work toward reintegration during and after restraint. Offenders would be released when the restraint period expires regardless of the success or failure of reintegration. So, if, as some argue, reintegration is not possible at this time, the offender would not be punished for this lack of programming beyond the period of time justified by the community's need for punishment of offenders.

Determinate sentences, would not allow discretionary release of prisoners and therefore could cause build-ups of inmates who would otherwise have been released by the paroling function. Note particularly in this regard, that Youth Correctional offenders now serve 14% of the average maximum on their indeterminate sentences while Prisoners serve 42% of the average maximum on their determinate sentences. The likely consequences in New Jersey of determinate sentences for the present Youth Correctional offenders is a significant increase in their current average stay of 9 months for Youth commitments. Unless the determinate sentences are shorter, average lengths of stay and population will increase.

Because of the equity-of-punishment policy, judicial and paroling discretion is limited. Sentencing matrices and the sentencing Commission should help to enforce equity in punishment and assure offenders that their cases are being handled justly, at least in the imposition of punishment. The previously cited abuse and misuse of discrepant sentences and parole dates would be largely eliminated.

Available sentencing alternatives are recommended to be expanded. Most importantly, probation would be made a sentence in itself. Probation will become a much more viable sentencing alternative since it stands independently and will be uniformly administered. Duplication of probation services and functions at the local levels could be eliminated. Upgrading of service delivery could be implemented in a relatively more standardized manner.

Community reintegration is much more likely to occur within a community setting and the recommendations imply a greater use of community alternatives. Another recommendation, that of applying the least restrictive sentencing alternative, also complements the reintegrative approach. It is likely that the commitment rates will go down as a result of this concentrated emphasis on community reintegration. At the same time, programs at the local community level will have to be expanded to absorb greater populations. The recommended organizational adjustment supports a total systems approach to the integration policy.

Decriminalization of certain offenses, will have a more immediate effect at the local level than at the state level. The most likely offenses to be decriminalized are those which are usually handled by fines, probation, or local jail imprisonment.

However, if decriminalization of these offenses helps to free court dockets, lowers populations in local jails, and eliminates unnecessary cases on supervision caseloads, the surplus resources could easily absorb a reapportioned number of offenders from the state system. If local agencies can absorb more of the offenders who would usually be under state jurisdiction, state efforts can be focused on the more serious offenders while less serious offenders are more appropriately dealt with in the community. Because reintegration is the chosen policy for New Jersey corrections, upgrading services at this local level is essential.

Eliminating the present distinction between youth and adult offenders is consistent with the equal restraint policy and the reintegration policy. All offenders should be eligible for reintegration programs to assure that offenders do not feel they are receiving unequal punishment. It is just as desirable that an offender older than 30 without a previous history of criminal activity should not be incarcerated with more serious repeat offenders and just as important that he/she benefit from reintegration programs. Any inmate, regardless of age or other demographic characteristics, who is motivated to participate in reintegration programs should be given access to available programs. Otherwise, these inmates are being punished more severely (or, at least, differently) than inmates who have access to reintegration programs and community alternatives.

Under the present system, the youthful offender classification theoretically inhibits the distribution of inmates between institutions. It is not necessary to separate classes of offenders through incarceration in different institutions as is currently the situation in

New Jersey. It is architecturally feasible to provide facilities for many different security and program levels within one institution and thus allow almost any inmate to be located geographically close to his/her own community. However, since sentence classifications prevent such an organization within a particular institution, a regionalized approach to institutionalization in New Jersey would be financially impracticable.

To provide the same services and distribution ability as a unified system, New Jersey maintains two institutional systems corresponding to the state's dual sentencing structure: the state adult prison system and the youthful offender system. Two administrations are involved in (1) the incarceration of adults; (2) the rate at which inmates leave the institutions; (3) the rate at which inmates enter the parole supervision system; and (4) the provision of programs for inmates.

The limitation or elimination of good time is also consistent with the equity of restraint policy. However, good time functions as a mechanism for control, so that, with its elimination, alternative methods for institutional management should be explored. A standardized, predictable system of reward should be an aspect of any alternative system.

The changes proposed by the Policy Council reinforce the restraint and reintegration policies and resolve some of the problems in the current system. The major advantage of the recommendations is that they present the beginning of a new approach to correctional systems change. A deliberate attempt is being made to decide what is a desirable result of corrections programs and then to implement changes in a way that is consistent with that policy. Now that the basis has been laid, ongoing planning can occur which is specifically designed to repair and reinforce what has already been planned and implemented. Should a shift in policy be desirable, programs can be reorganized in a deliberate, orderly manner.

Correctional Philosophy:

A Special Issue:

Race and Criminal Justice

The data concerning racial disparity in corrections is a primary issue which must be considered as an integral part of any long-range plan. The implications of the overwhelming overrepresentation of minority race members in correctional institutions are profound and a long-range correctional policy cannot ignore or overlook the questions of morality and justice involved. What is recommended is an immediate in-depth study of racial disparity throughout the criminal justice system. Such a study must be undertaken immediately and should be conducted under the joint auspices of law enforcement, courts, and corrections since the data points to disparity throughout the system. A study of sufficient scope and design should be completed within a reasonable period (6 months) and the findings of that study should be used as a basis for review of the incarceration and institutional construction policies of the Department of Corrections.

The Policy Council has taken cognizance of the striking racial factor in corrections. In simplest terms, non-whites are confined in the state of New Jersey, as well as nationally, at a rate significantly higher than whites. The following data, compiled by the National Institute of Mental Health documents this fact.

Generally, minority groups, the poor and the undereducated are over-represented in correctional facilities based on their proportion of the general population. In New Jersey's state correctional institutions, the Master Plan Offender Profile (see Master Plan Data Volume) reports that 68% of the Division's institutional population is non-white. The percentage

**RACE AND INCARCERATION:
TOTAL UNITED STATES**

Age (Years)	1970		1985	
	No. of Inmates (All Races)	Per- cent Non- White	Expected* No. of In- mates (All Races)	Per- cent Non- White
All Ages	328,020	43	455,116	46
To 17	10,180	52	11,052	54
18-24	113,650	46	146,214	51
25-34	102,133	44	172,464	56
35-44	57,651	42	78,180	42
45-64	40,212	35	42,037	36
65+	4,194	27	5,169	26

*Computed by applying 1970 inmate rates specific for age and race to estimated population 1985. of non-whites in the general population of New Jersey in 1975 was approximately 12%.

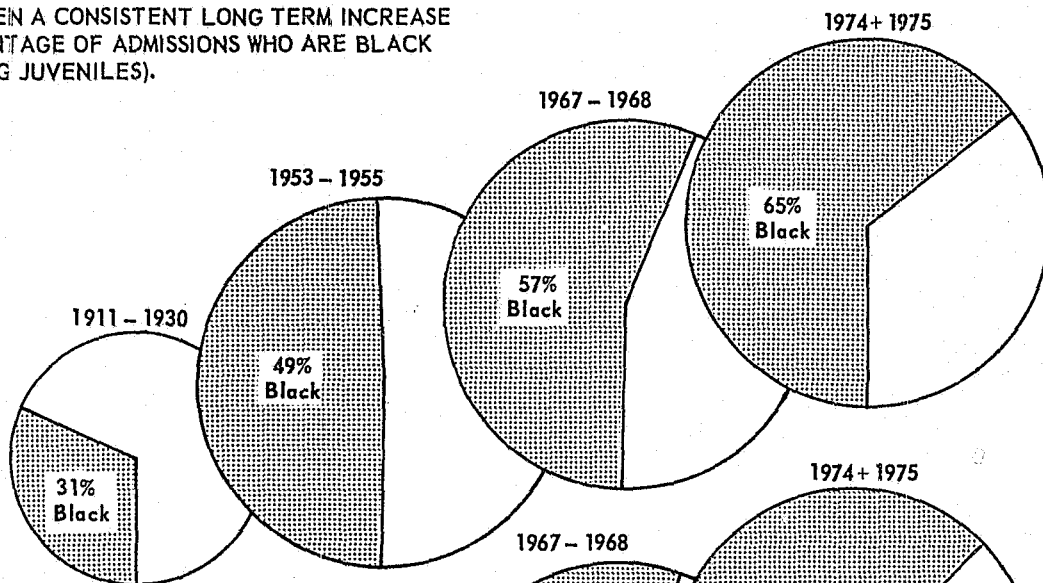
The differences in rates of incarceration for whites and non-whites are the result of complex relationships between the rates of arrest and the rates of commitment of whites compared to non-whites for violent as compared to non-violent offenses.

The data on page 40 shows that,

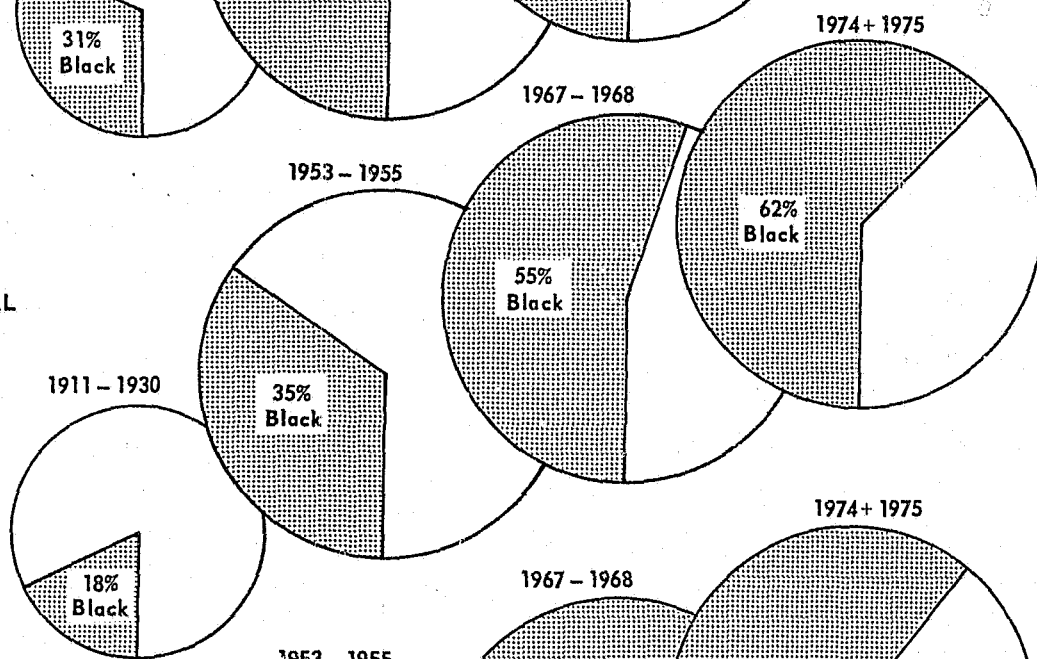
- The arrest rate for *violent* offenses among non-whites (975 arrests per 100,000 non-whites in the New Jersey population) was 11 times the comparable rate among whites (88 arrests per 100,000 whites in the New Jersey population)
- The commitment rates for *violent* offenses showed even sharper differences. Among non-whites, the commitment rate for violent offenses (111 per

THERE HAS BEEN A CONSISTENT LONG TERM INCREASE
IN THE PERCENTAGE OF ADMISSIONS WHO ARE BLACK
(EXCEPT AMONG JUVENILES).

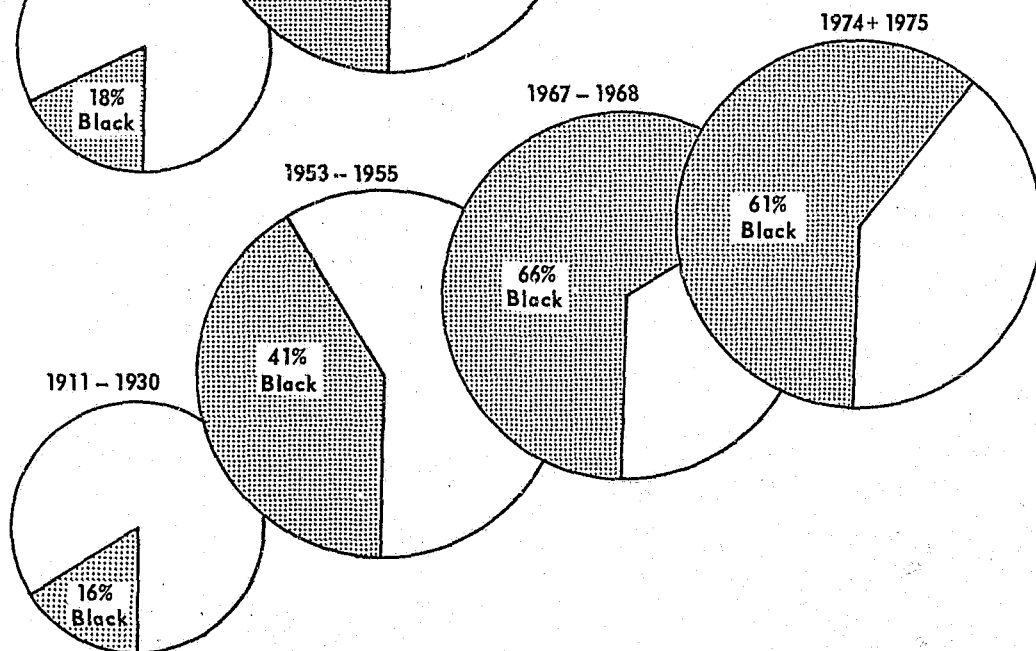
PRISONS



YOUTH CORRECTIONAL



TRAINING SCHOOLS



Calendar 1975 Arrest and Commitment Rates	N. J. Arrests		State Commitments	
	Non - White	White	Non - White	White
VIOLENT INDEX OFFENSES: Murder, Manslaughter, Forcible Rape, Robbery and Atrocious Assault Rate per 100,000 Population Comparison of Rates	975	88 11:1	111	5 22:1
NON-VIOLENT INDEX OFFENSES Breaking and Entering, Larceny, Theft, and Auto Theft Rate per 100,000 Population Comparison of Rates	2555	561 5:1	43	7 6:1

100,000 non-whites in the New Jersey population) was 22 times the commitment rate among whites (5 per 100,000 whites in the New Jersey population).

- When arrests and commitments for *non-violent* offenses are analysed, the differences in rates are much less striking than they are for violent offenses. During 1975, the arrest rate for non-violent offenses among non-whites (2555 per 100,000 non-whites in the New Jersey population) was 5 times the comparable rate among whites (561 per 100,000 whites in the New Jersey population)
- This difference in arrest rates for non-whites as compared to whites was also reflected, with a minimal further increase in disparity, in commitment rates for *non-violent* offenses. Among non-whites, the commitment rates for non-violent offenses (43 per 100,000 non-whites in the New Jersey population) was six times the commitment rate among whites (7 per 100,000 whites in the New Jersey population)
- The large disparity in non-white compared to white commitment rates for *violent* offenses results in an

even sharper disparity in incarceration rates. This results from the longer periods of incarceration of violent offenders so that non-white violent offenders build up in the incarcerated population.

The nature of the disparities attest to the complexity of the issue: Is the over-representation of minorities a correctional phenomenon alone or would an explanation more properly be found in court or police practices? Do prosecution and defense practices account for the observed differences between commitment for violent and non-violent crime?

Clearly the disparity noted in our institutional population as well as in arrest and commitment data warrants a detailed study with collection and analysis of data from the very point of entry into the system. Only research of a design and magnitude far beyond that of the Correctional Master Plan could realistically be expected to investigate in sufficient depth the incidence of differential handling based on race throughout the criminal justice system. Even though the Master Plan has been able to document the racial aspects of corrections only, the serious social and moral implications of that data pose an issue which must be addressed.

New Jersey Corrections;

State Institutions:

Description of Institutions

In other parts of the Correctional Master Plan, it has been documented through data gathering and analysis that New Jersey's correctional system is in need of immediate change if we are to realize the maximum benefits for the resources we expend. The Master Plan Study of the correctional institutions, however, highlights in very clear fashion the urgency and the depth of the changes needed.

The Department of Corrections operates ten major institutions and a number of satellite facilities. These major institutions vary markedly in overall physical condition, age, and anticipated maintenance requirements. The following table summarized from a 1975 architectural inventory of the Department's facilities conducted for the Master Plan, indicates major physical characteristics of New Jersey's state correctional institutions and offers an outline for review. The institutions operated by the Department of Corrections vary widely along many dimensions. This discussion now analyzes the institutional situation along these dimensions.

Location

The accompanying map of New Jersey indicates the location of the correctional institutions. In order to interpret the adequacy or accessibility of these facilities, it is helpful to indicate where our institutional population originates.

The institutional site map indicates that the three prisons are poorly distributed in relation to the counties of origin of the population. The newest prison, Leesburg, is situated in the extreme southern

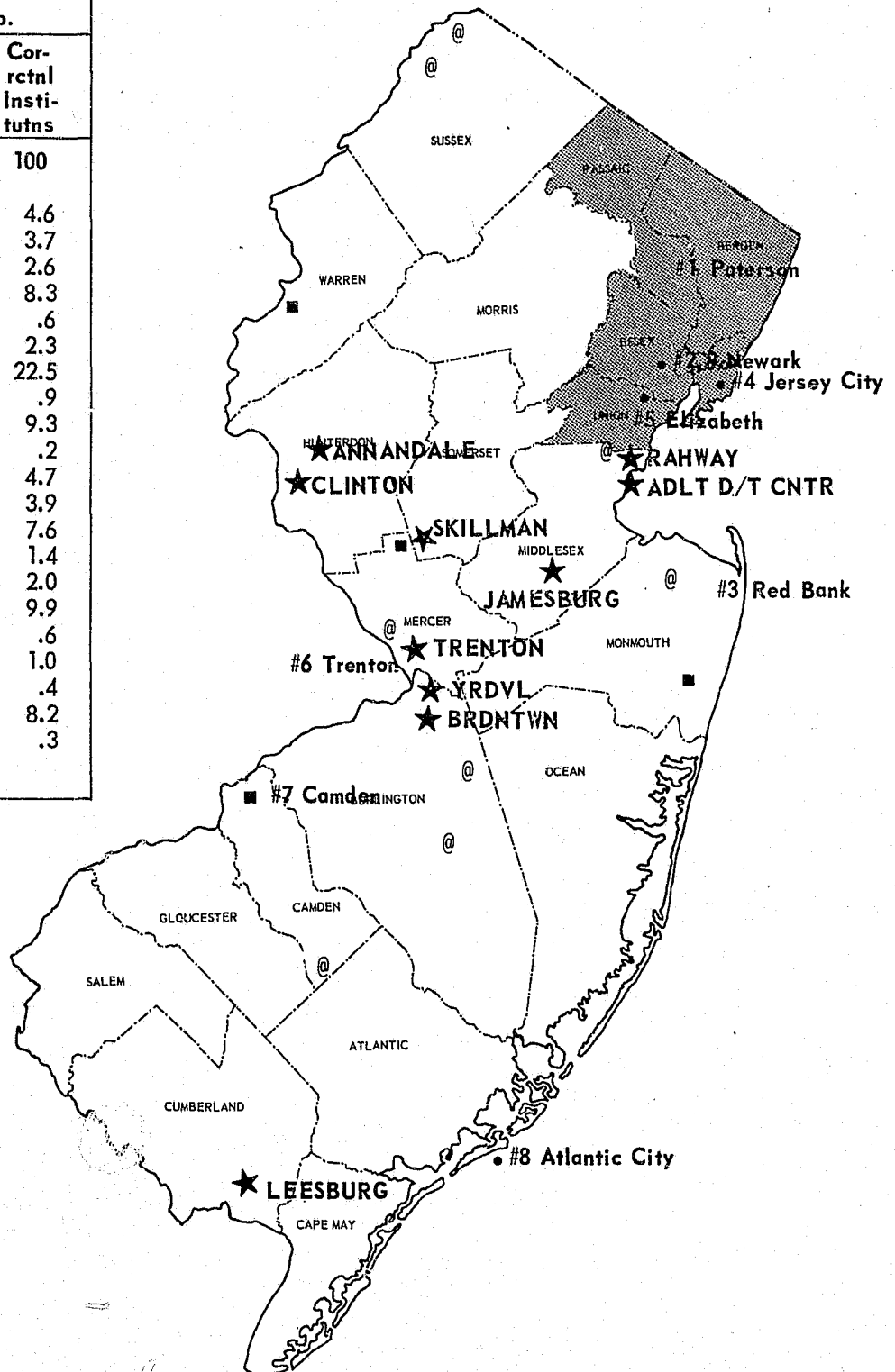
end of the state. Cumberland and its neighboring four counties (Salem, Cape May, Atlantic, and Gloucester) accounted for less than 10% of the Fiscal '74 and '75 admissions. Trenton State Prison had a better location in terms of origin of offenders. Approximately 23% of the admissions originate in Mercer and the tangent six counties. Rahway Prison has the most desirable location in relation to offender origin. It is at least near the counties of Union, Essex, Hudson, and Passaic which contribute 54% of state correctional admissions. Both Trenton and Rahway State Prison enjoy relatively good accessibility in terms of public and private transportation. Leesburg presents a dual problem in this regard; it is approximately 100 miles to the population center of New Jersey, and its remote location is not conveniently available to those who must depend on public transportation. The Clinton Correctional Institution, while closer in terms of miles to population center, is also in a rural setting in Hunterdon County which necessitates the use of private transportation.

The Youth Correctional Institutions at Yardville and Bordentown are side-by-side facilities and are generally accessible by private transportation, being near major state highways and the New Jersey Turnpike. Further, they are within reasonable traveling distances of the state's population centers in the northeastern counties. The Youth Correctional Institution and Annandale is in a rural section of Hunterdon County but is also reasonably accessible to private transportation, being situated adjacent to a major highway.

The Training School at Jamesburg is relatively near the population centers of the state and its subur-

NO MAJOR INSTITUTIONS ARE LOCATED IN ESSEX, PASSAIC, BERGEN, HUDSON, AND UNION COUNTIES. 2914 OR 54% OF ANNUAL CORRECTIONAL ADMISSIONS DURING 1974 AND 1975 WERE FROM THESE COUNTIES.

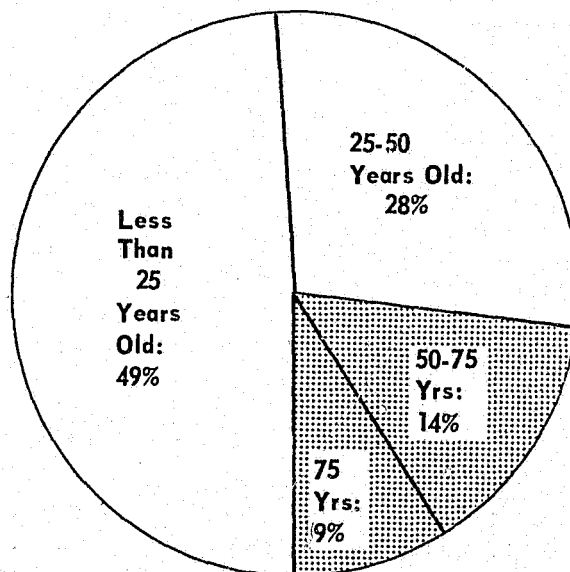
County	% of Pop.	
	Total N.J.	Cor- rectnl Insti- tutns
Total	100	100
Atlantic	2.4	4.6
Bergen	12.2	3.7
Burlington	4.4	2.6
Camden	6.6	8.3
Cape May	.9	.6
Cumberland	1.7	2.3
Essex	12.5	22.5
Gloucester	2.5	.9
Hudson	8.2	9.3
Hunterdon	1.0	.2
Mercer	4.3	4.7
Middlesex	8.2	3.9
Monmouth	6.5	7.6
Morris	5.5	1.4
Ocean	3.5	2.0
Passaic	6.3	9.9
Salem	.9	.6
Somerset	2.8	1.0
Sussex	1.2	.4
Union	7.4	8.2
Warren	1.0	.3



KEY TO MAP	Age	Primary Type of Custody	Acre-age	Number of Standard Bed Spaces	Bed Spaces Needed 6/76*
TOTAL INSTITUTIONS				5482	7049
★ PRISONS					
Trenton	1836	Maximum	12	172	883
Leesburg Medium	1968	Medium	1094	504	557
Leesburg Minimum	1925	Minimum		311	307
Rahway	1896	Min/Max	170	708	1147
Adult Diag/Treat Cntr.	1976	Medium		220	166
Adult Support Facil.				441	339
County Waiting List				0	150
★ CRRCNTL INSTITUTIONS					
Yardville	1967	Med/Max	50	518	586
Bordentown	1935	Med/Max	530	585	681
Annandale	1925	Minimum	747	439	637
Clinton	1913	Min/Max	226	302	324
★ TRAINING SCHOOLS					
Jamesburg	1867	Minimum	725	444	386
Skillman	1968	Minimum	70	192	147
@ SATELLITES					
Prison Satellites				362	425
Youth Satellites				218	268
■ Halfway Houses				106	46
Resid Grp Cnters					
# PAROLE OFFICES					

*Bedspaces needed equals number of residents plus seven percent.

634,000 SQUARE FEET OR
23 PERCENT OF STATE
INSTITUTIONAL FLOOR
SPACE WAS BUILT OVER
50 YEARS AGO.



Total Floor Space in State
Correctional Institutions

ban location in Middlesex County is accessible primarily via private transportation. It is conveniently reached by the New Jersey Turnpike. The Training School at Skillman, while not distant from the population centers, is in a rural setting in Somerset County, accessible only to private transportation.

Age of Institutions

The Division's institutions fall into three general age categories: pre 1900, 1900-1935 and post 1965. To be sure, there has been extensive renovation and construction at the various institutions over the years with the result being some recent substantial capital investment in basically inadequate facilities. Generally, however, age of a correctional institution correlates inversely with physical condition.

AGE OF INSTITUTIONS (Original Occupancy)

- Pre 1900: Trenton (1836)
Rahway (1896)
- 1900-1935: Clinton (1913)
Leesburg Minimum (1925)
Annandale (1925)
Jamesburg*
Bordentown (1935)
- Post 1965: Yardville Youth & Reception (1967)
Training School for Boys Skillman (1968)
Leesburg Medium (1968)
Adult Diagnostic Treatment Center (1976)

*Jamesburg was opened in 1867 but the majority of cottages and program space was constructed in the early 1930's. In addition, the Treatment Building, Administration Building, Guidance Unit and an Inmate Housing Unit are of recent origin.

Overview Of Each Major Facility

The Department of Corrections is responsible for the operation of ten state correctional institutions. These institutions are administered separately and are organized into three major facility complexes.

- Prison Complex which includes the prisons in Trenton, Rahway, Leesburg, the Clinton Correctional Institution, and the Adult Diagnostic and Treatment Center at Avenel;
- Youth Correctional Institution Complex which consists of the Youth Reception and Correctional Center in Yardville and the Youth Correctional Institutions in Bordentown and Annandale;
- Training School Complex which is comprised of the schools at Jamesburg and Skillman.

In addition, the Correctional Institution for Women in Clinton is utilized for all female offenders above the age of 16 years.

The Prison and Youth Complexes are each governed by a Board of Trustees, members of which are appointed for set terms by the Governor to act in an advisory capacity to the institutional managers and staff. The Youth Board serves as the paroling author-

ity for the Youth Complex, while this function is performed by the State Parole Board for adult offenders committed to the Prison system. The other institutions each have a separate Board of Trustees.

It should be noted that two distinct sentencing structures exist in the New Jersey criminal justice system. Those offenders who are committed to the Prison Complex serve determinate sentences with a fixed minimum and maximum term. However, an indeterminate sentence is utilized for persons committed by the courts to the Youth Complex and the Training School Complex. What follows is an overview of each major institution. The purpose of the facility overview is to familiarize the reader with the principal architectural and programmatic features of each institution.

An extensive architectural inventory of each major facility was conducted in 1975 for the Correctional Master Plan. Data and information from that component of the Master Plan has produced the cost estimates reported here for a five-year maintenance of each facility.

TRENTON STATE PRISON

Trenton State Prison, one of the oldest corrections facilities in the United States, occupies 12 acres in a residential neighborhood of the capital city. Part of the present structure housed the first prisoners in 1798 and additional sections were erected in 1836 with the major prison facilities built from the mid 1800's to the early 1900's. The original areas that are in use today are the Front House, Center, and Wing 4. An education and staff office building, including a library, a law library and reading laboratory, was added in 1972. Upon completion of the institution's growth, the space within the walls has been virtually filled with buildings and covered by bituminous paving and is very crowded. Aside from the Recreation Yard, little or no expandable areas exist.

The radial design of the prison complex was patterned after the Eastern State Penitentiary in Philadelphia and is considered the least acceptable in contemporary penal architecture. The six inmate housing wings and the Dining Hall radiate from the semi-circular Central Building which is the focal point for pedestrian traffic and security, as well as provisions for administrative offices, a waiting room, and visiting quarters. Other than Wing 4, which has individual rooms, all resident units contain interior tier cells based on those of the Auburn penitentiary. Steel gates operated by correction officers segregate the wings from the Central Building with its Sally Port serving as the only pedestrian entrance and exit. It should be noted that the institution is enclosed by a perimeter wall with 10 strategically placed guard towers which are manned by armed personnel. Opposite the main entrance is a check-post which supervises pedestrian and vehicular traffic associated with the institution.

Although the combined standard and substandard capacity of Trenton State Prison is estimated at 1133, the population of the facility has been reduced significantly during the past two years. This goal has been achieved primarily by the transfer of the adult reception and classification functions to the Yardville Correctional Institution and the assignment of nearly all new commitments to the Rahway and Leesburg State Prisons and the Bordentown and Yardville reformatories. These changes have resulted in a 33% decrease in population from January 1974 to January 1976.

However, this marked decrease in population has not yet resulted in a decrease in the funds earmarked for custody. Since 1970 the percentage of the Trenton State Prison budget devoted to custodial concerns has ranged between 54 per cent and 57 per cent. Of the three state prisons, the Trenton funding pattern represents a custodial orientation most dramatically, while the program thrust is given the least emphasis. (See Chart below).

Although Trenton Prison is structurally sound, all mechanical systems are antiquated and require nearly constant attention. It may be said that the internal physical condition of the facilities are in an advanced state of decay. In some areas sewer piping is in such a deteriorated condition as to make any repairs nearly impossible. Water pipes are in equally poor condition. The heating system is somewhat better than the plumbing and sewer systems, but it too requires total replacement. Electrical service is inadequate for the use of inmates' personal electrical appliances. A cost of \$2,179,425 has been proposed as necessary to maintain the institution for the next five years.

TRENTON	Expended	%	Expended	%	Budgeted	%
	1969-70		1974-75		1975-76	
Custody	2,499,000	54	5,338,000	57	5,054,000	58
Care	1,476,000	32	2,594,000	28	2,406,000	27
Treatment and Rehabilitation	181,000	4	665,000	7	651,000	7
Education	209,000	5	321,000	4	401,000	5
Administration	235,000	5	374,000	4	284,000	3
Total	4,600,000	100	9,292,000	100	8,796,000	100

RAHWAY STATE PRISON

This prison is the only state-operated correctional institution to be located in the heavily populated northeast sector of New Jersey. Some of the largest urban centers in the state, namely Newark, Jersey City, Paterson, Elizabeth, and New Brunswick are situated in this region and all lie within an hour from Rahway via automobile or train. Since the phased reduction of the Trenton State Prison population was begun in the early part of 1974, Rahway has maintained the highest number of inmates, estimated at 1249 in May 1976, in any New Jersey penal institution. However, the capacity of the prison is considered to be approximately 1097 beds.

Built during the late nineteenth century as a two-wing reformatory in the now unpopular radial type design, the complex was later expanded to four wings and occupies about 170 acres. Radial facilities generally consist of a center rotunda with inmate housing units radiating from the rotunda in a "finger-like" fashion. Three and four housing tiers comprise each wing with the central rotunda enclosed by one of the largest dome-constructions in the country.

A perimeter wall surrounds three sides of the prison complex with a chain-link fence enclosing the east side. Ancillary buildings were built within the wall to provide working areas to support the institution and to supply services for other state facilities.

For example, over 200 men work in the Regional Laundry, which performs laundry services for eleven of the state correctional institutions and facilities for the mentally ill and retarded. Also, six State Use shops employ Rahway inmates and a dental laboratory services all state institutions. Until the new Adult Diagnostic and Treatment Center was opened in Avenel in March 1976, those inmates identified as sex offenders had separate accommodations at the Special Treatment Unit on the prison grounds.

It should be noted that food service, grounds maintenance, institutional maintenance and farm services are provided by inmates at the Marlboro Psychiatric Hospital, New Jersey Memorial Home for Disabled Soldiers at Menlo Park and the North Jersey Training School, Totowa.

Based on the chart below it is clear that the Rahway budget reflects an emphasis on the custody and care concerns of the institution. Also, rehabilitative and educational services are not appropriated sufficient funds to be considered priority items.

In general, the Rahway facility is in poor condition—mostly due to age—and, after Trenton State Prison, is that institution which requires the most money, \$1,744,850, in order to be maintained for a five year period.

RAHWAY	Expended	%	Expended	%	Budgeted	%
	1969-70		1974-75		1975-76	
Custody	1,934,000	54	3,298,000	49	3,146,000	50
Care	1,091,000	31	2,246,000	33	2,102,000	33
Treatment and Rehabilitation	111,000	3	405,000	6	430,000	7
Education	138,000	4	413,000	6	336,000	5
Administration	302,000	8	391,000	6	326,000	5
Total	3,576,000	100	6,753,000	100	6,340,000	100

LEESBURG STATE PRISON

Leesburg State Prison is situated near the southern tip of New Jersey outside the town of Millville in Cumberland County. Unlike the Trenton and Rahway State Prisons, Leesburg is not located in a major metropolitan area, nor is it easily accessible by automobile or other means of transportation. Occupying the largest tract of land of any state correctional institution, approximately 1074 acres, the prison complex consists of two distinct entities: a farm unit, first begun in the mid 1920's, with a capacity for housing 316 full minimum-security residents; and the medium-custody prison proper with accommodations for about 504 men which was built in consecutive phases and completed in the late 1960's.

The larger facility is comprised of approximately twelve separate and interconnecting buildings which are arranged in a "court yard" type design. The cells surround an interior court yard and the housing units enclose a large mall. Two arcades with related inmate services also are patterned after the court yard plan. This design has recently become popular for all types of security prisons. Ten buildings constitute the minimum-security component which reflects a campus-style setting with dormitory housing units. This kind of plan allows for maximum freedom within a prison environment.

Work opportunities are provided by the farm and dairy operations as well as the auto license tag, bakery and clothing industries. The dairy supplies milk for state institutions in southern New Jersey. In addition, an inmate detail is housed and provides laundry services at the Ancora Psychiatric Hospital.

Leesburg's vocational training program offers courses in the following areas: air conditioning and refrigeration, welding, masonry, automotive repair, carpentry, medical technician, building construction, and horticulture. Also, qualified candidates may take full credit courses at Cumberland County College. Treatment alternatives at Leesburg range from group counselling and crisis intervention sessions to drug programs.

Of the three state prisons, Leesburg's budget places the least emphasis on custodial considerations, while rehabilitative and educational programs receive the highest priority.

According to a 1975 architectural analysis the medium security physical plant is in generally good condition, although minor repair work is required. In fact, the cost to improve this part of the institutional complex is about \$148,000, while it is estimated nearly three times that amount, or \$410,995, is required to upgrade the farm facility.

L E E S B U R G	Expended		Expended		Budgeted	
	1969-70	%	1974-75	%	1975-76	%
Custody	1,030,000	51	2,048,000	44	2,108,000	44
Care	697,000	34	1,826,000	39	1,891,000	40
Treatment and Rehabilitation	93,000	5	291,000	6	324,000	7
Education	104,000	5	322,000	7	253,000	5
Administration	97,000	5	206,000	4	198,000	4
Total	2,021,000	100	4,693,000	100	4,774,000	100

CLINTON CORRECTIONAL INSTITUTION

Since 1913 female offenders have been incarcerated in the Clinton Correctional Institution. Situated close to the Youth Correctional Institution at Annandale, Clinton occupies approximately 226 acres in rural Hunterdon County. From 1915 to 1930, six residential cottages were constructed and succeeding recreational, administration and medical facilities followed. A recent trend to modernize all the facilities, leading to the elimination of the original cottages, has enlarged the capacity of the institution to 371 beds. The housing structures are essentially minimum security with the exception of one self-contained maximum security unit for 40 individuals. A security perimeter wall or fence does not exist at Clinton.

In terms of architectural design the institution was first conceived as a campus plan. However, the setting has evolved into a scattered pattern with no major axis or focus due to multiple additions. The creation of architectural order by careful location of newer facilities will eliminate present security problems caused by inmate and staff housing being intermixed.

According to New Jersey State Statutes, Clinton is responsible for providing custody and treatment programs for women offenders 16 years of age and older. However, since 1974 Clinton has also served as the residence for a separate group of male inmates from the State Prison Complex. From 41 male offenders in December 1974, the number reached a high of 106 men in January 1976. More recently the amount has stabilized in the high 90's. This situation caused some management problems, but staff and in-

mates have come to accept the arrangement and certain practices have been modified in order to ease inherent conflicts such as competition for various services and resources.

Clinton's academic and vocational educational programs are extensive. Offerings in the former category range from basic education through high school equivalency and college courses are available via a cooperative arrangement with Somerset County Community College. Vocational courses include clerical skills, quantity food service, nurses aide, electronics assembly, beauty culture, power sewing, and dental assistant. A work release program is available to selected inmates and these women are employed in the community at a variety of occupations. In addition, a federally-funded drug treatment unit is operational.

Although several rehabilitative programs are available at Clinton, the institution's budget of 1974-75 demonstrates the dominance of the non-rehabilitative components, namely, custody, inmate care and maintenance, and administrative costs. Based on the following chart these latter budget elements constitute 85% of the '75-'76 appropriation.

According to an architectural study of March 1975, the physical condition of the institution's structural and support components are basically in good condition. The work required is primarily to upgrade the roadways, which are in need of widening and resurfacing, and other exterior site provisions. It is estimated that about \$315,800 is necessary in order to maintain Clinton during the next five years.

CLINTON	Expended		Expended		Budgeted	
	1969-70	%	1974-75	%	1975-76	%
Custody	799,000	42	1,497,000	44	1,390,000	41
Inmate Care and Maintenance	703,000	37	1,134,000	34	1,263,000	38
Treatment and Rehabilitation	86,000	4	232,000	7	228,000	7
Education	156,000	8	269,000	8	247,000	7
Administration	173,000	9	251,000	7	246,000	7
Total	1,917,000	100	3,383,000	100	3,374,000	100

YARDVILLE YOUTH RECEPTION AND CORRECTION CENTER

The Youth Reception and Correction Center at Yardville is located on a 50-acre tract adjacent to the Bordentown Youth Correctional Institution and is in close proximity to the city of Trenton. Other components of the Yardville operation are The Wharton Tract Narcotics Treatment Unit and the Yardfields Program which utilizes paraprofessional inmates from the parent institution to work with Mercer County probationers. The capacity of the main institution is approximately 518 beds. In 1974, the facility expanded its operation to include the reception and classification for all males committed to the State Prison Complex. Yardville continues to provide for the admission, assessment and assignment of male offenders between the ages of 15 and 30 who receive indeterminate sentences. Thus, the reception function for six corrections institutions has been centralized at Yardville.

Completed in January 1968, the Center employs a court type design at the corrections complex and a radial type design at the reception unit. This latter component has a circular control center which contains the guards and recreation areas and its housing units project from the central area in a finger-like fashion with long straight corridors. The main corrections unit has a continual circular pattern which encloses a large court yard and eliminates the long corridor effect. It should be noted that the perimeter of the institution is surrounded by a chain link fence with guard towers at strategic points.

Four years ago the Yardville Correction Center staff introduced an administrative and programmatic structure which is based on a series of goal-oriented, single-purpose residential units each with sufficient autonomy to function independently of other units. This management model is referred to as the Supportive Education Team (SET) concept and to date five separate units have been established. The SET approach emphasizes participation in joint decision-making as well as the establishment of individualized correctional and treatment goals for the inmate. Each team is composed of staff members who have direct contact with the inmate in various programs and includes a Unit Supervisor from the administrative staff, a social worker as Program Coordinator, a psychologist, the 1st and 2nd shift Housing Officers,

a Supervising Correction Officer, an educational or vocational teacher, and clergy.

During its short history the SET operation has continually been refined as staff members gain experience by working together. For instance, the teams have assumed a number of responsibilities that were formerly assigned to the Classification Committee under the more centralized administrative model. Team members have input in making decisions regarding educational, vocational, social work, psychiatric, psychological, custodial, recreational, and related programs. More specifically, the staff performs the following functions:

- assess the correctional needs of each inmate and develop and coordinate programs to help meet those needs;
- observe the inmate's overall institutional conduct;
- proper evaluations pertaining to the inmate's performance in work, education, treatment, and housing programs;
- make determinations regarding unit custodial status, transfers, and minor disciplinary sanctions;
- forwarding recommendations to the Classification Committee in relation to pre-release planning, institutional transfers, and release dates.

In addition, numerous staff personnel involved in every aspect of the institution (i.e. academic, vocational education, work assignments, casework and group work, psychological and psychiatric services, recreation, and religious guidance) are members of SET teams and participate in weekday meetings to discuss treatment alternatives. These individuals contribute information based upon direct contact with the inmate in their particular program.

In sum, the team concept for rehabilitating inmates at the Correction Center is geared toward integrating custodial, treatment, and other staff in achieving common institutional objectives. Similar to the other reformatories the primary focus of support services at Yardville is in the educational and vocational areas. Residents are exposed to an extensive Academic Instruction Program and varied vocational opportunities. Each person is placed in a course of study appropriate to his abilities and interests. For instance, instruction is offered to those inmates who have not achieved a functional communication skill

level, while GED preparation and college level courses are available to other individuals. The Vocational Training Program provides job development to more than 300 inmates in the following occupational fields: auto mechanics, auto body repair, welding, landscaping, graphic arts, barbering, dry cleaning, data processing, culinary arts, dental technician, and construction trades.

The diversity of vocational programs and educational courses offered at Yardville is reflected in its operating budget which is presented below. The proportion of funds, namely 23% directed toward this sector of the budget in fiscal year 1974-1975

established Yardville as that state institution, after Skillman, which placed the greatest emphasis on rehabilitation. In terms of percentages, even the Skillman and Jamesburg budgets fall short of the Yardville appropriation for rehabilitative programs in fiscal year 1976.

In general, the institution's plumbing, heating, and electrical systems are in good condition. Those areas in need of repair are the interior kitchen floor and the parking facility. An architectural analysis completed in March 1975 suggested that \$60,500 be appropriated to maintain the institution for the next five years.

<u>Y A R D V I L L E</u>	<u>Expended</u>		<u>Expended</u>		<u>Budgeted</u>	
	<u>1969-70</u>	<u>%</u>	<u>1974-75</u>	<u>%</u>	<u>1975-76</u>	<u>%</u>
Custody	1,533,000	45	2,761,000	45	2,386,000	40
Inmate Care and Maintenance	743,000	22	1,579,000	26	1,745,000	30
Treatment and Rehabilitation	409,000	12	1,002,000	16	804,000	14
Education	397,000	12	441,000	7	636,000	11
Administration	329,000	10	372,000	6	294,000	5
Total	3,411,000	100	6,155,000	100	5,865,000	100

BORDENTOWN CORRECTIONAL INSTITUTION

In close proximity to the city of Trenton and within view of the Yardville Reformatory lies the Bordentown Youth Correctional Institution in Burlington County. The facility maintains an operating bed capacity for 624 persons. A substantial portion of the 530-acre site which this institution occupies is used for farming. Also, two groups of inmates are provided living accommodations at the New Jersey Neuropsychiatric Institute in Hopewell and the New Lisbon State School and, in turn, are required to work in the food services and grounds maintenance operations of those institutions.

Built in 1930, with new facilities added in succeeding years, such as the Industrial Building in 1963 and gymnasium in 1970, Bordentown was constructed in the telephone pole type design similar to that of the prison in Graterford, Pennsylvania. Basically, the pole is the long central corridor with inmate housing units, shops, and support facilities protruding from this corridor as crossarms. Security is well maintained since all movement is controlled by the design itself as the residents can move from activity to activity via only one axis, which is continuously supervised.

If one was asked to choose which of the state institutions appeared to be going through a transitional stage in its development in a more dramatic fashion than any of the others, the answer would probably be Bordentown. In fact, to refer to Bordentown as a youth correctional institution or reformatory is a misnomer. Approximately one-third of its population is comprised of offenders who have been committed to the State Prison Complex, but since transferred to the State Youth Complex. The net effect of the Department of Institutions and Agencies policy directive to reduce the population of Trenton State Prison has been to place substantial numbers of prison cases in both Yardville and Bordentown with the latter receiving the larger number of more serious

offenders. In essence, the very nature of the institution itself has changed. Bordentown is enduring a metamorphosis in which the emphasis of the institution has shifted from a rehabilitative orientation to more of a custodial environment.

Related to this set of circumstances is the overriding concern of how best to meet the needs of such diverse clientele groups in a single institution filled to capacity. Here again Bordentown is at a distinct disadvantage. For example, its educational and vocational facilities are inadequate. Moreover, the physical plant is incompatible with those programs that exist and places severe limitations on the variety of programs that could be offered. Finally, the institutional professional staff is small (one psychologist and four social workers), hence, the crucial element necessary to develop innovative programs like the Yardville Supportive Education Team (S.E.T.) is lacking. The low priority placed in this area is reflected in the small proportion (11%) of the institution's total operating budget in 1974-75 that was devoted to treatment and rehabilitation. Other fiscal priorities may be derived from the chart below.

After the Trenton and Rahway State Prisons, that institution in need of the most repair and replacement work is Bordentown. In terms of a dollar figure, an architectural analysis submitted in 1975 estimated the cost to be \$849,470 in order to maintain the institution during the next five years. The heating function appears to be the most significant problem. By and large, the underground steam heating piping system is in poor condition. According to the study's findings, ventilators, unit heaters, and exhaust fans warrant replacement and the installation of radiation and associated piping is needed throughout the institution. It should be noted that age is the principal reason for deficiencies in the equipment of the plumbing and electrical systems.

B O R D E N T O W N	Expended	%	Expended	%	Budgeted	%
	1969-70		1974-75		1975-76	
Custody	1,425,000	51	2,327,000	41	2,000,000	40
Inmate Care and Maintenance	888,000	31	1,949,000	35	1,720,000	35
Treatment and Rehabilitation	190,000	7	627,000	11	519,000	11
Education	104,000	4	492,000	9	458,000	9
Administration	204,000	7	228,000	4	258,000	5
Total	2,811,000	100	5,623,000	100	4,955,000	100

ANNANDALE CORRECTIONAL INSTITUTION

In the northwest section of the state lies the Youth Correction Institution at Annandale. The institution is one of the three facilities in the Youth Correctional Complex and admits young offenders between the ages of 15 and 26 who have not previously been sentenced to a prison or other youth correctional institution. Of the 747 acres that Annandale occupies, approximately 560 are utilized for farming purposes. Established in 1929, this minimum-security institution is set among several rural communities in Hunterdon County.

A large mall is created with four cottages on either side, the Industrial Building at one end, and the Administration, School, and Service Buildings at the other end. Of the eight residential units, six contain 50 cells and the remaining two are maintained in a dormitory-style setting. In all, bedspace for approximately 573 persons are provided. The security fence at the perimeter of the institution was erected at the request of the surrounding community. Regarding the physical plant, a collegiate-type atmosphere is preserved with the combination of stone materials, attractive landscaping, and campus layout.

Annandale inmates are sentenced to indeterminate terms and the average length of stay is approximately 10 months. The new resident at Annandale is exposed for three to four weeks to the various vocational training shops (welding, plumbing, carpentry, and building service maintenance) so that he may select a field according to his talents and interests. Also, a cooperative arrangement has been organized under the auspices of the Garden State School District whereby certain facilities at Clinton are utilized by both clientele groups and joint programs have been developed. For instance, Annandale inmates participate in the following vocational concentrations offered at Clinton: electronics, beauty culture, health related fields, and clerical occupations.

During the period of incarceration, most inmates participate in one of several educational orientations including the reading laboratory, remedial learning center, and secondary academic programs. In addition, approximately 40 residents are enrolled in college curriculums through various arrangements with nearby institutions of higher learning. Somerset County Community College operates "in-house" courses at Annandale, while Thomas Edison College in Middlesex County offers its facilities four evenings each week to the reformatory inmates. A major responsibility of the Annandale staff is to identify opportunities for the young men to continue their education in vocational and technical schools and colleges upon their release.

Work details are assigned to cultivate a variety of field crops at both Annandale and the Clinton Correctional Institution, and the dairy supplies the milk required for this institution as well as others.

The two State Use Industries located at Annandale are the feed mill operation, which provides the feed for the animals maintained at all state institutions, and a small snow fence process. Also, a group of inmates is sent daily to work for the Department of Environmental Protection. Finally, two pre-release camps are administered by the parent institution. The satellite unit located at High Point State Park accommodates 50 boys who perform forestry work there and in Stokes Forest. The latter site serves as a separate camp for 60 boys doing similar outdoor jobs and a work release program is also available.

Annandale's 1974-75 budget as compared to that of Jamesburg represents a significant policy change in the allocation of education and treatment funds. These components comprise 23 per cent of the Jamesburg fiscal operation, whereas only 12 percent of Annandale's expenditures are devoted to programs

ANNANDALE	Expended 1969-70	%	Expended 1974-75		Budgeted 1975-76	%
Custody	1,247,000	47	1,921,000	45	1,737,000	42
Inmate Care and Maintenance	724,000	27	1,513,000	36	1,536,000	37
Treatment and Rehabilitation	252,000	9	330,000	8	369,000	9
Education	300,000	11	190,000	4	236,000	6
Administration	154,000	6	301,000	7	241,000	6
Total	2,677,000	100	4,255,000	100	4,119,000	100

in this sector of the budget. In fact, Annandale devotes the smallest percentage of funds to this area of the three youth correctional institutions. Related financial trends may be derived from the following chart.

A 1975 architectural report recommended certain capital expenditures were necessary in order to

replace or repair plumbing and heating systems of particular buildings and cottages. However, the major work required at the institution involves the exterior of the buildings. Approximately \$230,675 is the amount of funds needed to perform these capital improvements.

JAMESBURG TRAINING SCHOOL

The State Training School for Boys at Jamesburg is located in the southern sector of Middlesex County about halfway between Trenton and Rahway. Established in 1867 and situated on a 725-acre site, the School facility complex includes twenty-nine farm buildings, twelve cottage residences, the Bodman Youth Clinic, the Special Treatment Unit, seven residences for supervisory staff personnel, dining halls, a hospital and gymnasium, a swimming pool, and a powerhouse and modern sewage disposal plant. The newest additions are the Guidance Unit and a housing unit. Approximately 516 juveniles may be accommodated at Jamesburg.

The institution was designed in a campus plan with the Wilson School located at the end of the mall that is created by the arrangement of the cottages, main dining hall and hospital. In the middle of the mall towards one end is the Administration Building which is the focal point of vehicular and pedestrian traffic. Those housing facilities designated for special custody, namely, the Guidance and Special Treatment Units, are located on the perimeter of the institution separated from the daily activities of the main population. The campus plan model is aimed toward segregating areas for different uses.

The Jamesburg Training School is the only correctional institution in New Jersey to which juvenile males between the ages of thirteen and sixteen are committed. Younger juveniles, 8-13, are sent to the Training School for Boys, Skillman. Both institutions are under the control of the same Board of Trustees. Delinquents older than fifteen may be committed by Court to the Youth Reception and Correction Center in Yardville which may retain them or assign them to the Annandale or Bordentown reformatories. It should be noted that a resident paroled from Jamesburg may be returned as a parole violator up to three years from date of commitment, but not beyond the age of twenty-one.

Before the 1967 Supreme Court decision in the Gault case the Jamesburg population was approximately 650. However, this landmark decision concluded that juveniles are entitled to certain due process protections including the right to counsel. The net effect of this action has been a significant reduction in the Training School population. For instance, during the past five years (see Chart below), the population has ranged from a high of 313 juveniles in 1971 to 249 (including 26 girls) in 1975. The total, both boys and girls, as of April 1976, has risen to 311 juveniles. Given an operating capacity of 450, the School has a number of available beds. This represents one of the primary reasons for transferring the juvenile population from the defunct State Home for Girls, Trenton, to Jamesburg.

The composition of the institutional population includes a wide variety of clients in terms of personal background and orientation, reason for commitment, and behavioral attitudes. In conjunction with the goal of rehabilitation, Jamesburg emphasizes the need for a controlled, structured, stable environment. This model is manifest in the "token system of economy" concept which affects an offender's movement through the institution. Through this "token" process, privileges and rewards are granted to the residents upon the fulfillment of various tasks. In most cases, as soon as the inmate earns 10,000 tokens (usually a three month period) he is informed of his approximate release date.

Residents are committed to the Training School for indeterminate sentences which may range from a short stay of one month to a maximum term of three years. Following an initial reception period of about three weeks during which the client is examined and interviewed by medical and professional staff and oriented to the programs and services of Jamesburg, the individual's record is reviewed by the Classifica-

	FISCAL YEARS							
	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	
							<u>Dec.</u>	<u>April</u>
							<u>1975</u>	<u>1976</u>
Admissions	605	431	427	386	317	263		
Resident	436	283	313	272	225	207	249	311
(Last Day)								

tion Committee for the purpose of determining the most appropriate housing and program assignments, including a work detail and school placement, for the resident. The committee is composed of the Assistant Superintendent, who serves as Chairman, the Supervisor of Cottage Life, representatives of the Youth Clinic, Wilson School, Division of Youth and Family Services, and Central Parole Office. It convenes periodically to evaluate the resident's progress. After the client's initial three month residence, the Committee sets a tentative release date, or time goal, based on staff reports related to school, cottage, and work assignments. Thereafter, the classification unit reviews each case every two months or, if necessary, at more frequent intervals. As mentioned before, the token system of economy is the mechanism used to trace the individual's conformity to the institutional life style.

The program emphasis at Jamesburg rests clearly in the education sector with each client assigned to one of three departments: Special Education (an intensive basic skills course); Academic, and Vocational. In addition, the Distributive Education pro-

gram is designed to develop business and marketing skills for those residents interested in supplementing their formal education with work experience.

In terms of budget allocations (see chart below), education and treatment programs account for only 23 per cent of the total operating budget in fiscal year '74-'75. However, this percentage is higher than all institutions other than Skillman and Yardville. On the other hand, the combined categories of custody and support services (i.e., food, medicine & dental, physical plant) represent the overwhelming proportion of funds, namely, 70%, needed to operate the institution.

According to an architectural analysis of March 1975, the existing facilities at Jamesburg are in good condition relative to their age. From a structural point of view the cottages are in need of minor repair work. However, the majority of the older buildings require complete replacement of all plumbing systems and the heating piping is in poor condition. Based on these and other factors, the projected cost to maintain (i.e. to repair or replace "in kind") the institution for the next five years has been estimated at \$673,490.

<u>J A M E S B U R G</u>	<u>Expended</u>		<u>Expended</u>		<u>Budgeted</u>	
	<u>1969-70</u>	<u>%</u>	<u>1974-75</u>	<u>%</u>	<u>1975-76</u>	<u>%</u>
Custody	1,046,000	37	1,324,000	36	1,250,000	35
Support Services	878,000	32	1,307,000	35	1,297,000	36
Treatment and Rehabilitation	230,000	8	300,000	8	299,000	8
Education Programs	446,000	16	556,000	15	543,000	15
Administration	205,000	7	205,000	6	209,000	6
Total	2,805,000	100	3,692,000	100	3,598,000	100

SKILLMAN TRAINING SCHOOL FOR BOYS

Situated on a tract of property adjacent to the New Jersey Neuropsychiatric Institute, the Training School for Boys at Skillman occupies 70 acres and was opened in 1969 as the newest state correctional facility. The institution can be best described as a residential grammar school for boys, 13 years of age and under, from kindergarten through seventh grade, who have been identified as serious early age behavior problems. Located in rural Somerset County, near Princeton University, the driving distance between the Training School and Trenton, the state capital, is approximately thirty-five minutes.

The attractive campus-style setting includes a combined administration-education treatment building and six double-unit cottages holding no more than 17 boys in each unit. 203 youngsters may be accommodated at Skillman. The chapel is located in the center of the circulation system, adjacent to the skating rink, and the recreational facilities are found on the perimeter and within the mall created by the cottages. The physical plant was developed to enable the staff to relate to the boys in small groups. Characterized as a minimum security facility, Skillman does not utilize any "correctional type" security systems or hardware.

Prior to placement the residents have been exposed to special services provided for children in their communities and for whom there is no alternative to institutionalization. While the youngest boys at Skillman are 8, most of the 13-year olds have been transferred to Jamesburg, for an indeterminate sentence of 0-3 years and the average length of stay is approximately 16 months. The Institutional Board of Trustees retains the authority to parole the clients; however, this decision is based on the evaluation and recommendation of the administrative staff. In concert with the 18 district offices of the division of Youth and Family Services, personnel from the institution's Department of Social Work concentrate on developing parole programs and identifying residential placements for the youngsters.

The period for holding the new child in the reception cottage is approximately 4-6 weeks. During this period the child is exposed and oriented to the rules and regulations of the institution. Likewise, the staff has an opportunity to become acquainted with the child and evaluate him through a series of diagnostic

tests as well as clinical examination.

That mechanism which serves the purpose of regularly evaluating the boy's progress during his stay at the institution is referred to as the Cottage Treatment Team. In essence this is the vehicle through which the classification process functions. Nine such units have been established with each composed of nine staff members including juvenile officers, the client's classroom teacher, a social worker, and either the Director of Professional Services, or the Director of Social Work. During committee sessions the individual's attitude and behavioral patterns as exhibited in the course of both cottage and school activities are discussed and reviewed and recommendations are made to the Administrative Review Committee regarding the child's future development, length of stay, and eventual release. This latter committee is composed of the Superintendent, who serves as chairman, the Assistant Superintendent, the Director of Professional Services, the Director of Education, the Director of Social Work, the Supervisor of Cottage Life, the Classification Officer, the Staff Psychologist, and a nurse. This unit meets regularly to review those decisions that have been made by the Cottage Treatment Teams.

Since virtually all the boys will return to the public school system, a remedial education curriculum is the major focus of the Training School program. The normal school year operates on a ten-month basis, but is always extended for a special two-month session in the summer period. The typical child enrolled at the school is three or four grade levels deficient. Usually a multiplicity of behavioral problems accompany the child when he gets to Skillman and the youngster's social incompatibility represents a major obstacle in the adjustment to institutional living. The Director of Education has set as a goal the recycling of the juvenile back into the educational system through innovative approaches. Some of these mechanisms are the audio/visual techniques that have proved to be useful in other settings.

In conjunction with these factors it is not surprising that compared to the nine state-run correctional institutions, the Skillman Training School consistently places the most emphasis on treatment, rehabilitation, and education programs. This commitment is reflected in the percentage, 25%, of the Skillman

budget expended for these programs in fiscal year 1975. Such trends are reflected in the following chart.

An architectural study published in 1975 determined that approximately \$58,750 is required to

maintain the facilities for the next five years. With the plumbing, heating, and electrical systems all in good condition the only major repair work needed is new roofing for the chapel and central services building.

SKILLMAN	Expended		Expended		Budgeted	
	1969-70	%	1974-75	%	1975-76	%
Custody	530,000	37	809,000	39	652,000	34
Inmate Care and Maintenance	322,000	23	541,000	26	591,000	31
Treatment and Rehabilitation	190,000	13	236,000	11	194,000	10
Education	239,000	17	286,000	14	277,000	15
Administration	143,000	10	209,000	10	199,000	10
Total	1,424,000	100	2,081,000	100	1,913,000	100

ADULT DIAGNOSTIC AND TREATMENT CENTER

The new Adult Diagnostic and Treatment Center, ADTC, in Avenel commenced operation in fiscal year 1976. Outpatient diagnostic services were begun in September 1975 and the residential treatment program started admitting clients in February 1976. The facility is located in the industrial sector of Middlesex County, just off of Route #1, which is one of New Jersey's main transportation routes. It occupies approximately 12 acres on a tract of land adjacent to Rahway State Prison.

In reference to the architectural design of the institution, the building complex is comprised of three component parts. The administration and outpatient unit section, which is a non-security area, is connected to the central facility. This section contains a variety of service and program areas including the dining hall, vocational training rooms, maintenance shops, and the gymnasium, and leads into the housing component which forms a T-shaped design with its three wings of outside-type cells. The housing capacity for the general population is 160 beds. In addition, the Behavior Adjustment Unit contains 10 beds and the same number of beds is used for the purpose of psychiatric isolation. Both the central facility and the housing units are designed as medium security areas.

The Adult Diagnostic and Treatment Center is the only institution in the Department of Corrections which is mandated by law to provide treatment. Its responsibility is two-fold. First, it provides forensic diagnostic services for court referred non-sex offender adults on an inpatient or outpatient basis. Also, psychiatric evaluations are made for persons referred by the State Parole Board, the Department of Corrections, and county probation departments. This set of functions was previously performed by the Menlo Park Diagnostic Center which was closed during the past fiscal year. Second, it offers treatment for sex offenders on an inpatient and outpatient basis. The basic residential treatment program is known as ROARE, or Re-education of Attitudes of Repressed

Emotions. ROARE utilizes a group therapy technique that makes extensive use of communications and videotape equipment. Residents who are experienced in therapy techniques work as paraprofessionals in the program. Prior to the establishment of ADTC, a Sex Offender Unit was located on the grounds of Rahway State Prison to serve the needs of sex offenders. This unit was under the jurisdiction of the Division of Mental Health and Hospitals, however, the new Center was transferred to the Department of Corrections.

Persons who are committed to ADTC as sex offenders receive indeterminate sentences. The resident's length of stay is dependent on the type of offense for which he has been committed and his progress in the treatment program as determined by the institutional staff.

The procedure for release of the offender is an orderly one. First, the professional treatment staff makes a recommendation for parole which is submitted to the Special Classification Review Board (SCRB), a group composed of five individuals appointed by the Commissioner of Institutions and Agencies. Upon approval by the SCRB, the recommendation for parole is forwarded to the State Parole Board which is responsible under state law to render parole.

The budget appropriation for the ADTC for fiscal year 1976 was \$1,650,000. The fiscal limitations of such a figure have placed certain restrictions on the size of the treatment staff and the services which it needs to develop. Although the institution was established for rehabilitation and treatment purposes, it is clear that the current budget reflects a custody orientation. For example, the institutional staff includes 76 custody officers, 2 psychiatrists, 4 psychologists, and 1 social worker. It is anticipated that the treatment staff and program will be expanded in the coming years.

New Jersey Corrections;

State Institutions:

Trends In Admissions And Length Of Stay

TRENDS IN ADMISSIONS AND LENGTH OF STAY

This section reviews and analyses the contents of a companion volume on *New Jersey Correctional Master Plan Data*, which includes statistical information gathered for the Correctional Master Plan. There are three sections in this companion volume:

- A February 1976 Profile of characteristics of offenders received, characteristics and program participation of residents, and offense type and length of stay of departures
- A more detailed April, 1976 analysis of sentences and length of stay in relation to offense severity and correctional history
- A June, 1976 survey of existing institutional capacity in relation to projected additional bedspace

needs if current admission rates and length of stay are projected to 1985

The analysis of this data yields valuable information which can be used in evaluating Master Plan alternatives which are presented subsequently. This analysis uses three main factors:

- admission rates
- length of stay
- the size of the Correctional Catchment Population

This section presents the data used in projecting bedspace requirements for 1985. It should be noted that the projections of length of stay included in this section assume a continuation of current sentencing and release practices. Please see the following section of this report for a consideration of alternate public policies which affect length of stay of offenders and consequently future bedspace needs for offenders.

ADMISSIONS TRENDS BY INSTITUTION

As background for a consideration of rates of admission by age group, the following trends in admissions by institution are presented:

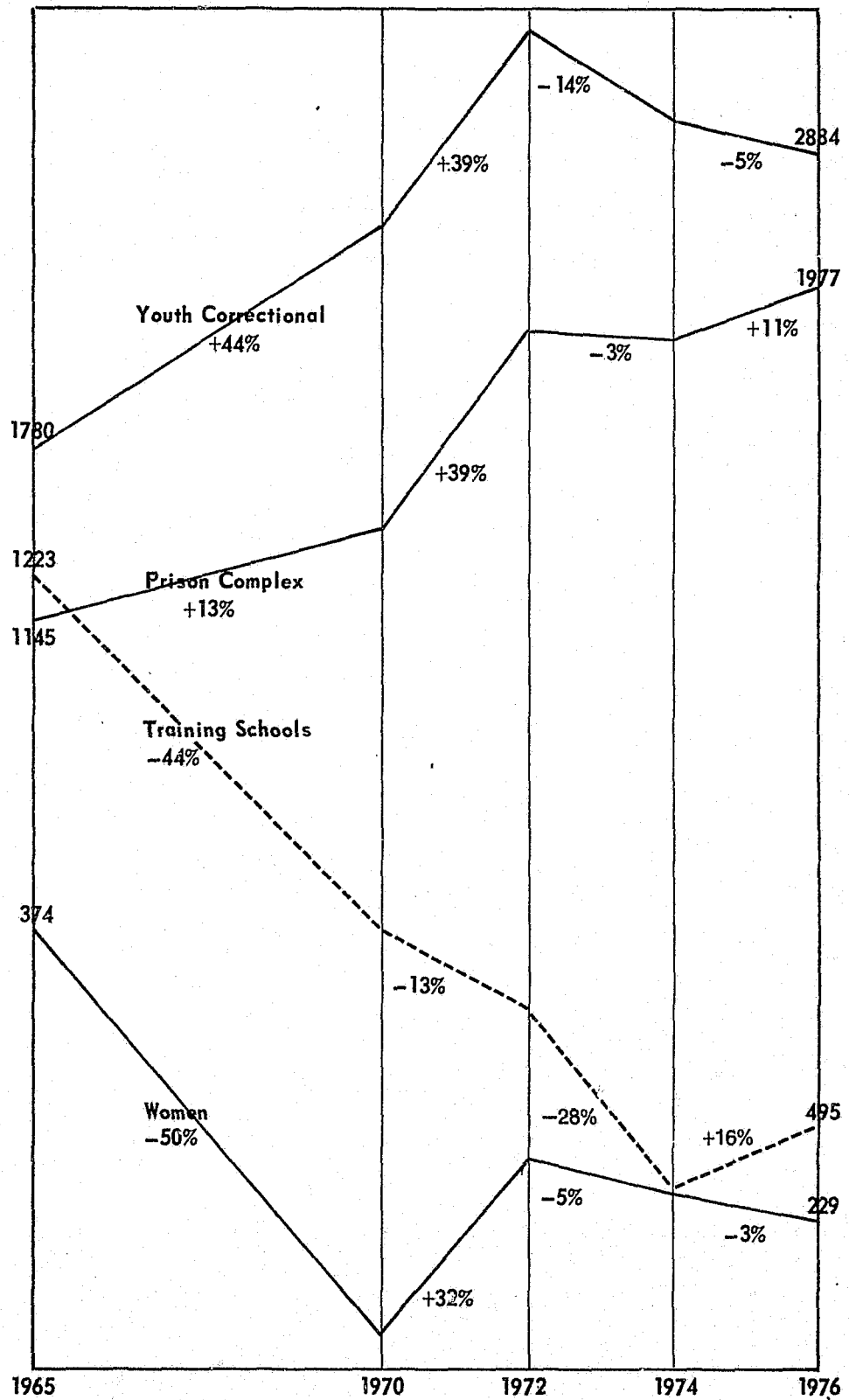
The data reveals that:

- Training School admissions have dropped 60 percent since 1965 but have recently increased as indicated by a 16 percent increase in the past two years,
- Youth Correctional admissions doubled from 1965 to 1972 and have since dropped by 19 percent.

- Admission trends for Women dropped by one half through 1970, then increased by a third through 1972 and have remained basically stable since then,
- Prison admission trends, while irregular, have resulted in a 73% increase in admissions since 1965.
- Younger admissions have dropped (for Training Schools from 1965 through 1974 and for Youth from 1972 through 1976) and older Prison admissions have increased.

INSTITUTIONAL ADMISSIONS	Admissions By Fiscal Years				
	1965	1970	1972	1974	1976
Numbers					
Training Schools	1223	681	593	428	495
Youth Correct'l	1780	2560	3559	3051	2884
Women	374	189	249	237	229
Prisons	1145	1304	1812	1785	1977
Net % Change					
Per report period:					
Training Schools		-44	-13	-28%	+16%
Youth Correct'l		+44	+39	-14	-5
Women		-50	+32	-5	-3
Prisons		+13	+39	-3	+11

ADMISSIONS BY INSTITUTIONS: FISCAL 1965 - 1976



THE NEW JERSEY CORRECTIONAL CATCHMENT POPULATION

This population includes primarily non-white males aged 10-44 and reflects the age, sex, and racial groups from which correctional population is drawn.

The size of the basic age groups within the New Jersey Correctional Catchment Population shows some striking changes during the 1970-1985 period. Note that the size of these groups in 1980 and 1985 anticipate nothing but past survival rates for each group. No net migration into New Jersey is assumed.

N. J. CORRECTIONAL CATCHMENT POP.	Actual		Project*	
	1970	1975	1980	1985
NUMBER				
Age 10-19	673,000	775,000	743,000	705,000
Age 20-24	236,000	296,000	376,000	383,000
Age 25-29	216,000	221,000	293,000	366,000
Age 30-44	575,000	596,000	620,000	703,000
NET % CHANGE PER 5 YEAR PERIOD				
Age 10-19		+ 15%	-4%	-5%
Age 20-24		+ 25%	+ 27%	+ 2%
Age 25-29		+ 2%	+ 33%	+ 25%
Age 30-44		+ 4%	+ 4%	+ 13%

The New Jersey Correctional Catchment Population is expected to be:

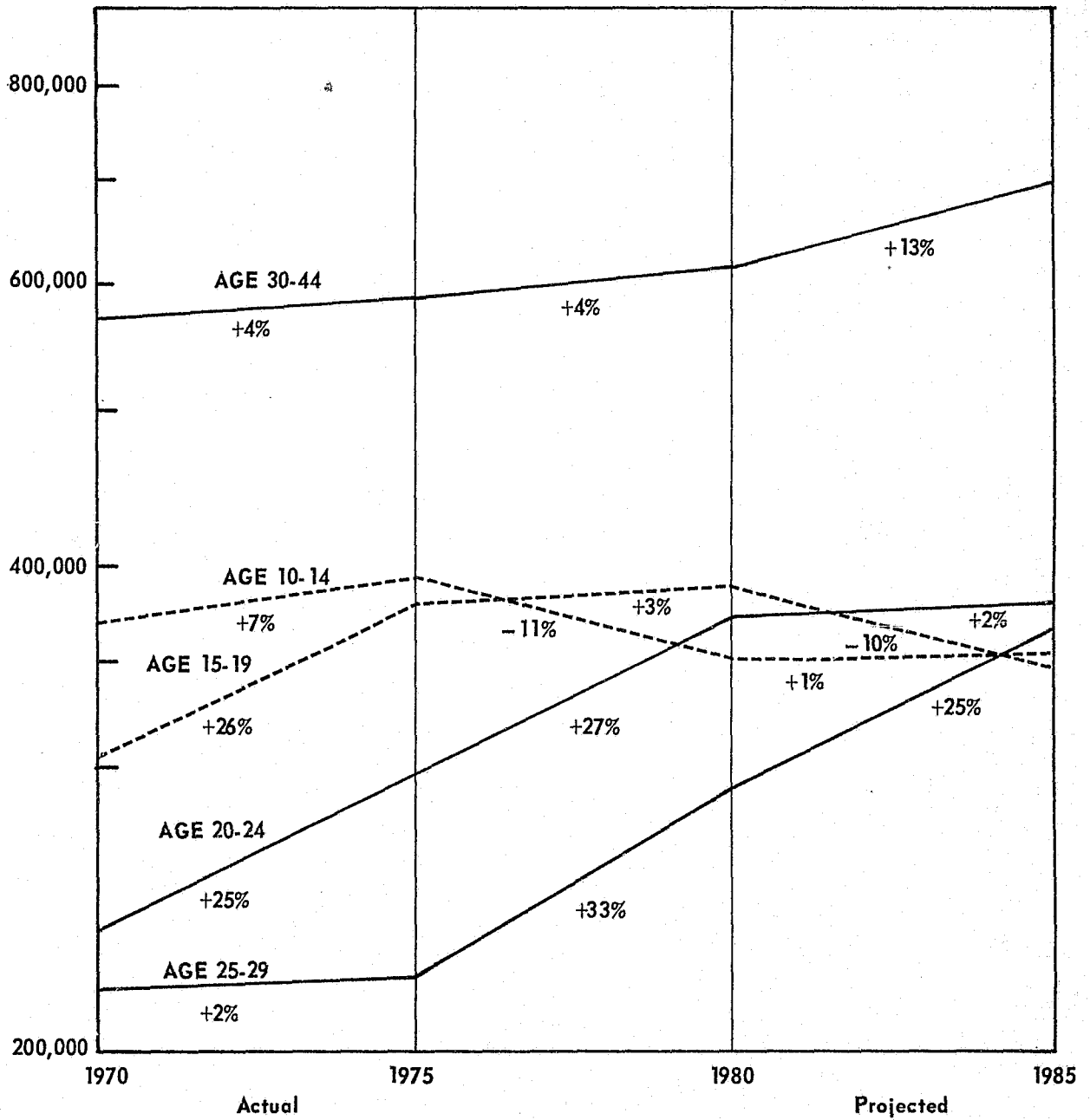
- Slightly smaller in 1980 and 1985 for persons aged 10-19,
- 27% larger for 20-24 year olds in 1980 but then unchanged from that level in 1985,
- 66% larger in 1985 for 25-29 year olds, (group characterized by both high correctional admission

rates and longer institutional stays), and

- Somewhat larger for the older age group (age 30-44) from which corrections draw.

The expected 66% increase in 25-29 year olds has the most serious implications in terms of bedspace needs since this age group characteristically shows both high rates of admission and longer institutional stays than other age groups.

TRENDS IN NEW JERSEY CORRECTIONAL CATCHMENT POPULATION



RATES OF ADMISSION FROM THE NEW JERSEY CORRECTIONAL CATCHMENT POPULATION

While the previous table detailed trends in the size of different groups in the New Jersey Correctional Catchment Population, the table below records trends

in the rates of admission from those population groups.

ADMISSION RATES	Actual		Projected	
	1970	1975	1980	1985
ADMISSION RATES PER 100/000 POPULATION				
Age 10-14	111	68	65	61
Age 15-19	535	350	333	316
Age 20-24	772	631	631	631
Age 25-29	447	504	519	535
Age 30-44	175	171	171	171
NET % CHANGE PER 5 YEAR PERIOD:				
Age 10-14		-39%	-5%	-5%
Age 15-19		-35%	-5%	-5%
Age 20-24		-18%	+0%	+0%
Age 25-29		+13%	+3%	+3%
Age 30-44		-2%	+0%	+0%

The data shows that:

- The rate of admission from the New Jersey Correctional Catchment Population for 10-19 years olds has dropped by more than one third during the past five years.

Compared to other age groups, the rates of admission of 10-19 year olds are now very low. The current admissions in this age group reflect the confinement of only the more serious offenders among those who would have been committed five years ago.

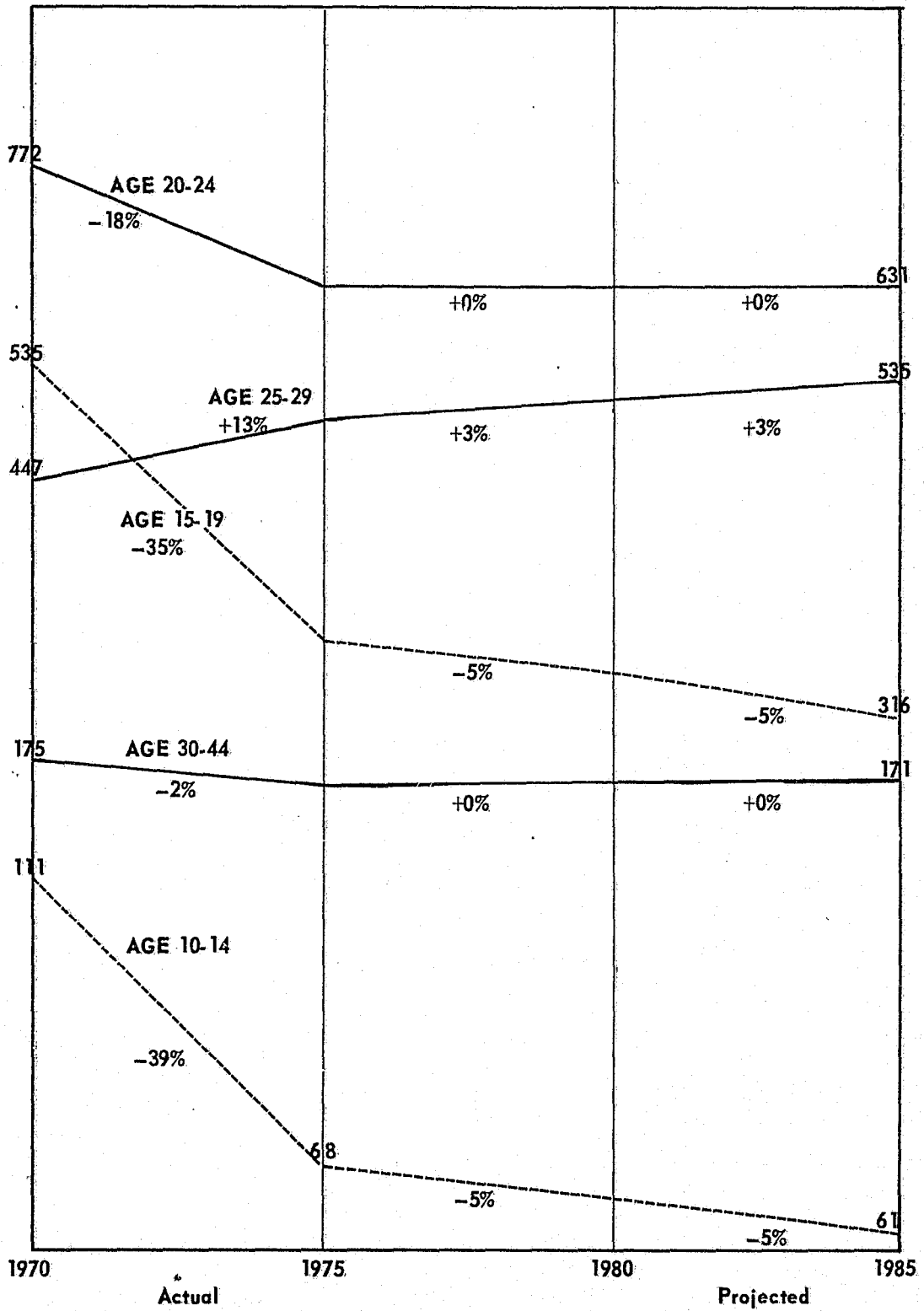
The recent increase in Training School admissions (+16% from 1974 to 1976) suggest that a repetition of the past sharp drops in admission rate for these 10-19 year old offenders cannot be expected in the next ten years.

Despite the recent upturn in Training School admissions, a further 10% drop in admission rate is anticipated during the next ten years. The basis for this further drop in admission rate is the strength of the trend movement, and not only in New Jersey, to find alternatives other than state institutions for young offenders.

- Despite a 13% increase in the rate of admission for 25-29 year olds from 1970-1975 (and a 73% increase in Prison admissions since 1965), an optimistic increase of only 3% in admission rate is projected for this age group during each of the next two five year time periods.

Note that a higher projected rate of admission for this long stay offender group would have further swelled projected bedspace needs in 1980 and 1985.

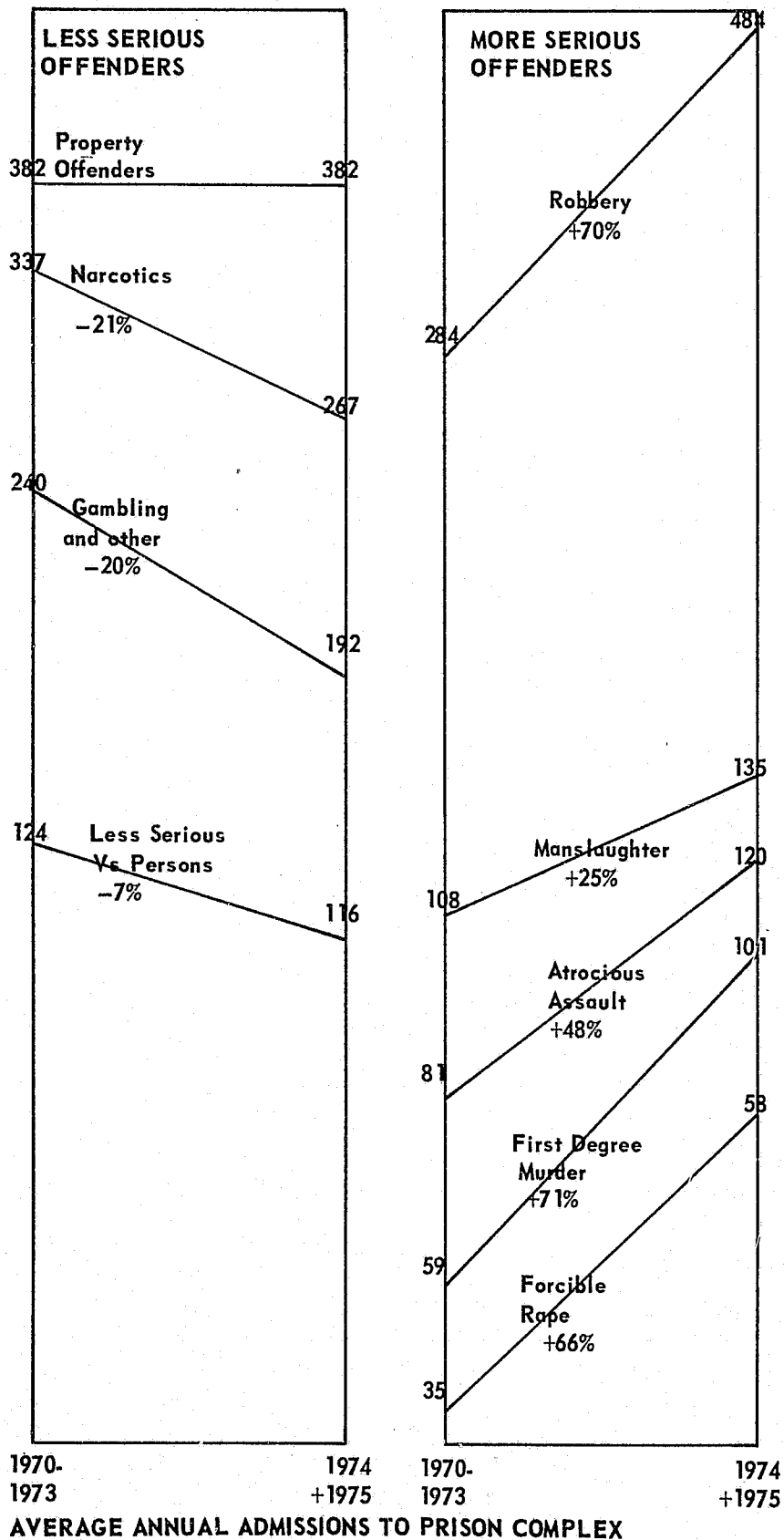
**RATES OF ADMISSION PER 100,000 PERSONS FROM THE
NEW JERSEY CORRECTIONAL CATCHMENT POPULATION**



PRISON ADMISSIONS BY OFFENSE TYPE

The overall increase in prison admissions by seriousness of offense reflects:

- No change in admissions of property offenders,
- Decreases of 20%, 21%, and 7% in admissions of such less serious offenders as gamblers, narcotics offenders, and less serious assaultive and sex offenders,
- Increases of 25% and 48% in manslaughter and atrocious assault offenders,
- Increases of 66%, 70%, and 71% in admissions of rapists, robbers, and first degree murderers.



ADMISSIONS AND RESIDENTS BY SERIOUSNESS OF OFFENSE

The table indicates, by most serious offense, for which committed, the number of admissions to the Prison Complex and the number of residents in April 1975.

	Average Annual Admissions			April 1975 Resid
	1970- 1973	1974- 1975	Net % Change	
PRISON OFFENDERS	1650	1855	+12%	3334
Gambling + Other	240	192	-20%	115
Property	382	382	-	471
Narcotics	337	267	-21%	367
Less Serious Vs. Person	124	116	-7%	214
Atrocious Assault	81	120	+48%	202
Manslaughter	108	135	+25%	388
Robbery	284	484	+70%	975
Forcible Rape	35	58	+66%	170
1st Degree Murder	59	101	+71%	432
% OF PRISON OFFENDERS	100	100		100
Gambling + Other	15%	10%	-5%	3%
Property	23%	21%	-2%	14%
Narcotics	20%	14%	-6%	11%
Less Serious Vs. Persons	8%	6%	-2%	7%
Atrocious Assault	5%	7%	+2%	6%
Manslaughter	7%	8%	+1%	12%
Robbery	17%	26%	+9%	29%
Forcible Rape	2%	3%	+1%	5%
1st Degree Murder	3%	5%	+2%	13%

The data reveals:

- That the increases and decreases in different types of offenders have changed the composition of admissions so that:
 - Property, gambling, narcotics, and less serious offenders vs. persons have changed from comprising 66% to comprising 51% of admissions
 - Manslaughter and atrocious assault offenders have changed from comprising 12% to comprising 15% of admissions
 - Rapists, robbers, and first degree murderers have changed from comprising 22% to comprising 34% of admissions
- That the seriousness of offense interacts with the length of stay for each offender group so that:
 - Property, gambling, narcotics, and less serious offenders against persons, who comprise 51%

- of admissions, represent only 35% of residents
- Manslaughter and atrocious assault offenders, who comprise 15% of admissions, represent 18% of residents, and
- Rapists, robbers, and first degree murderers, who now comprise 34% of admissions, represent 47% of residents

More Serious vs Less Serious Offenders

The data suggests that while there is a core group of more serious offenders (for example, 432 first degree murderers resident in the Prison Complex on April 15, 1975), there are also significant numbers of less serious offenders (including 115 Prison gamblers) for whom state institutions may represent neither the most effective nor the least costly alternative.

SERIOUSNESS OF PRISON OFFENDERS

The summary table shows that a 12% increase in Prison Complex admissions during the past six years reflected a 12% drop in less serious offenders and a 58% increase in more serious offenders:

	Average Annual Admissions			April 1975 Residents
	1970 - 1973	1974 - 1975	Net % Change	
Prison Offenders	1650	1855	+12%	3334
Less Serious	1083	957	-12%	1167
More Serious	567	898	+58%	2167
Percent of Total	100%	100%		100%
Less Serious	66%	51%	-15%	35%
More Serious	34%	49%	+15%	65%

The data reveals:

- That the increase in admissions of serious offenders and the decreases in admissions of less serious offenders have changed the composition of admissions so that 51% of admissions are now less serious offenders and 49% are more serious offenders,
- That the seriousness of offenses among admissions interacts with length of stay so that less

serious offenders now comprise 35% of residents and more serious offenders now comprise 65% of residents.

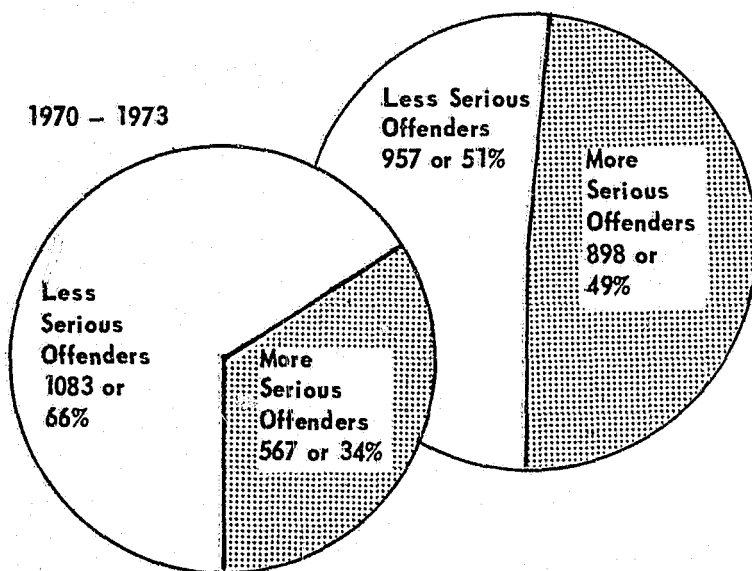
- That, despite a general increase in the seriousness of Prison offenders, there still remain in the Correctional population a significant number of less serious offenders, including some in the Prison Complex and even larger numbers in other state facilities.

LESS SERIOUS VS MORE SERIOUS PRISON COMPLEX OFFENDERS

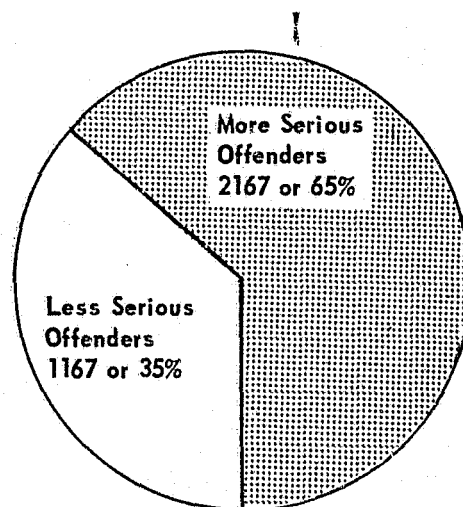
Average Annual Admissions to
Prison Complex

1974 + 1975

1970 - 1973



Resident Prison Inmates,
April 15, 1975



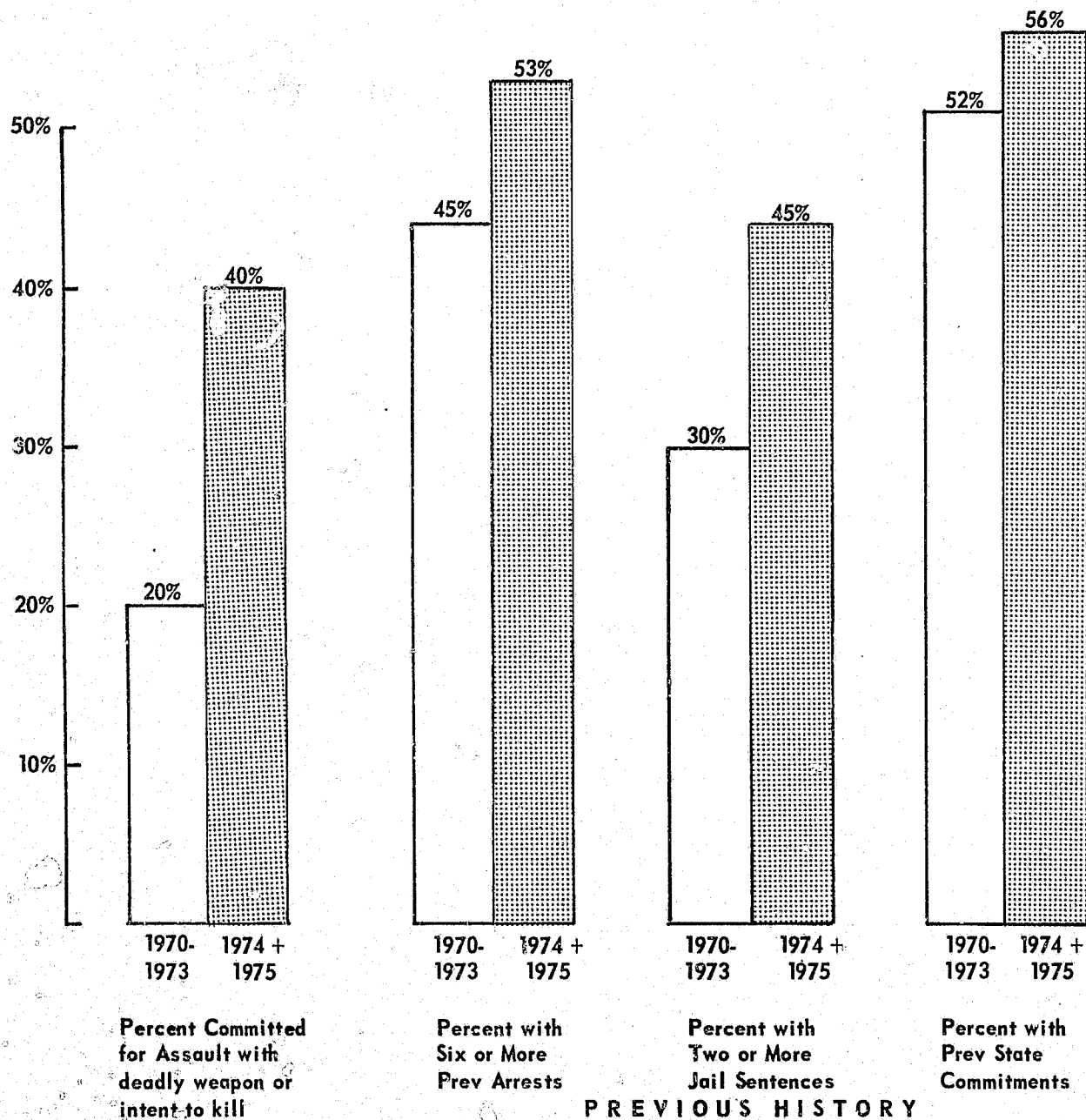
PRISON ATROCIOUS ASSAULT OFFENDERS 1970-1975 RELEASES

The graph below shows a significant increase during the past six years in both:

— The seriousness of offenders within the atrocious

assault category and

— The proportion of atrocious assault offenders with more extensive criminal histories.



Length of Stay of Prison Atrocious Assault Offenders

The graph below shows that the more serious and repetitive atrocious assault offenders being admitted to the New Jersey Prison Complex are now experi-

encing shorter stays and serving a smaller proportion of their maximum sentences.

1970-1973
Releases

Avg Stay: 25 Mos
(or 46% of Max)

Avg Maximum
Sentence: 54 Mos

1974 + 1975
Releases

Avg Stay: 20 Mos
(or 36% of Max)

Avg Maximum
Sentence: 56 Mos

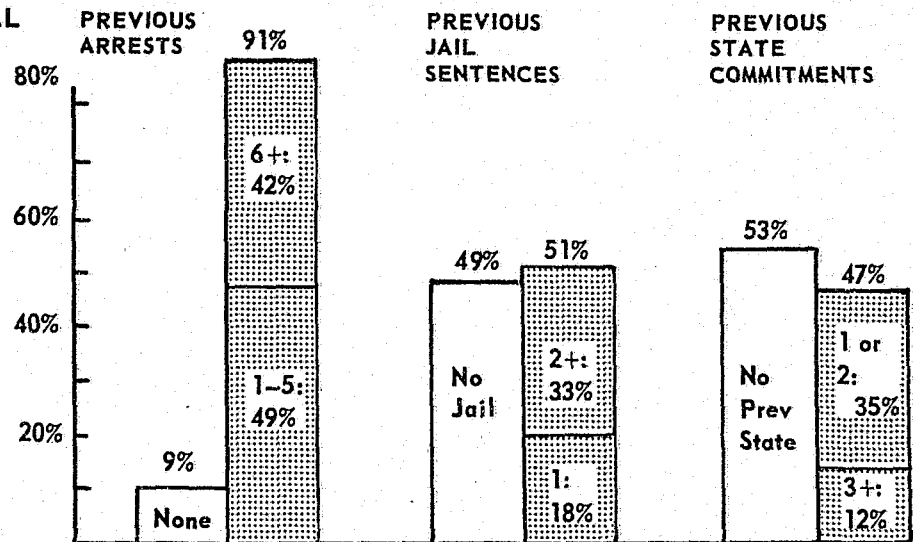
PREVIOUS CORRECTIONAL HISTORY OF PRISON OFFENDERS

The graph shows:

- That significant proportions of total Prison offenders have extensive prior arrest, jail, and state commitment histories,
- That one subgroup of offenders, which includes both the least serious (gambling) and most serious (rape, manslaughter, or murder) offenders, show very small proportions of offenders with a previous criminal history, and
- That one large subgroup of offenders (who comprise 75% of Prison offenders), which includes property, narcotics, and less serious offenses against persons', show large proportions with extensive criminal histories. Among this group, 58% have six or more previous arrests, 38% have 2 or more prior jail sentences, and 56% have 3 prior state commitments

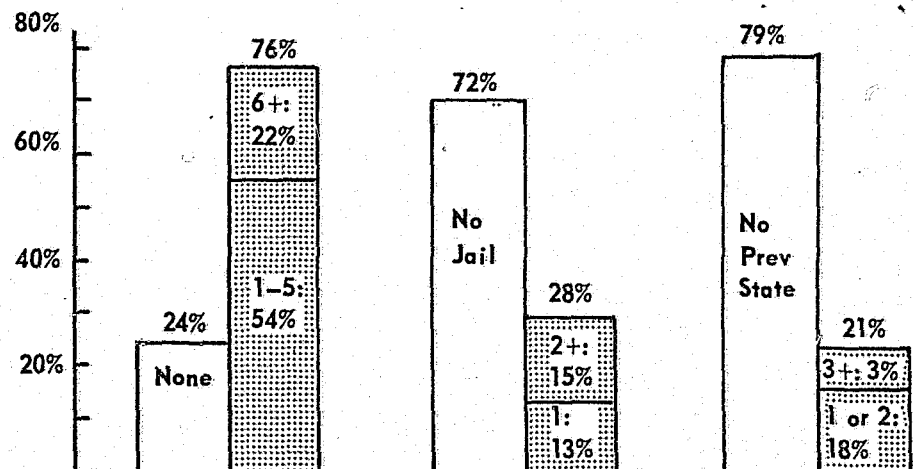
PREVIOUS CORRECTIONAL HISTORY:

Among 5,846 Prison offenders committed from the community and subsequently released from 1970 through 1975:



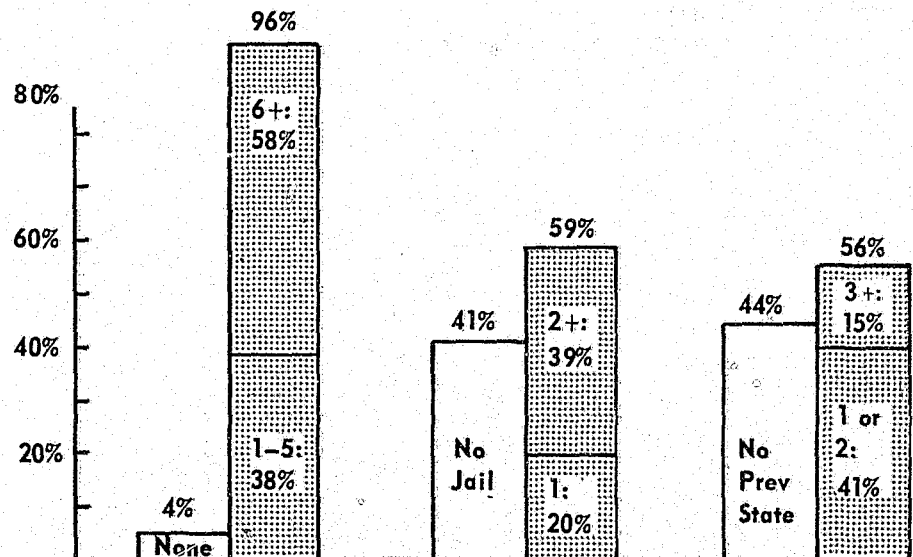
Among the 25% of the above offenders who were committed for

- Gambling (14%) and
- Rape, Manslaughter, or Murder (11%):

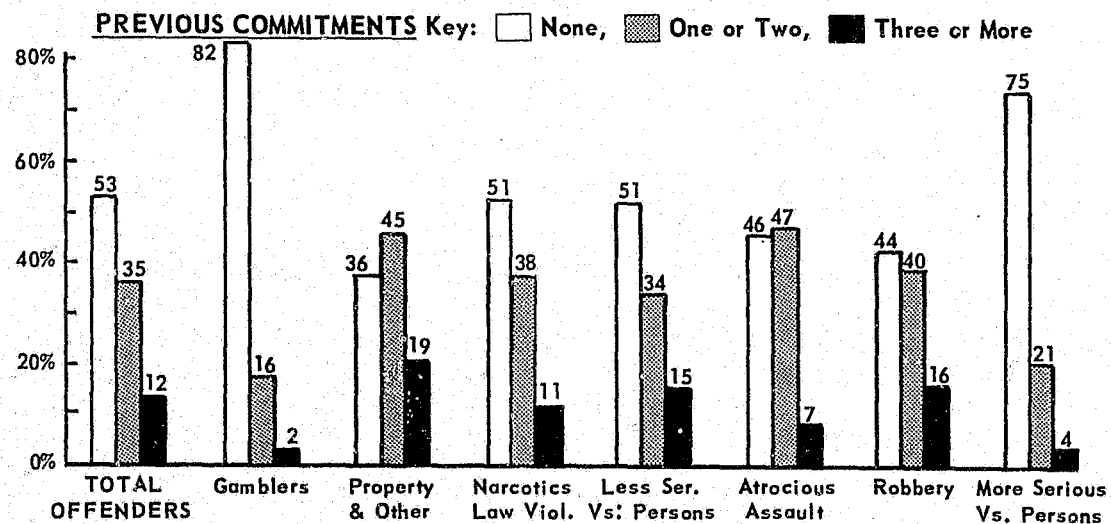
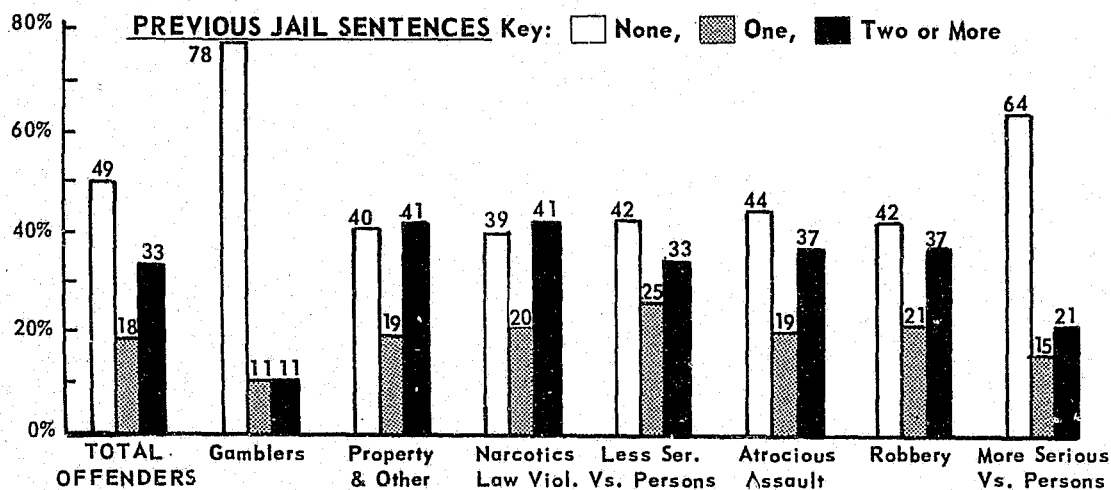
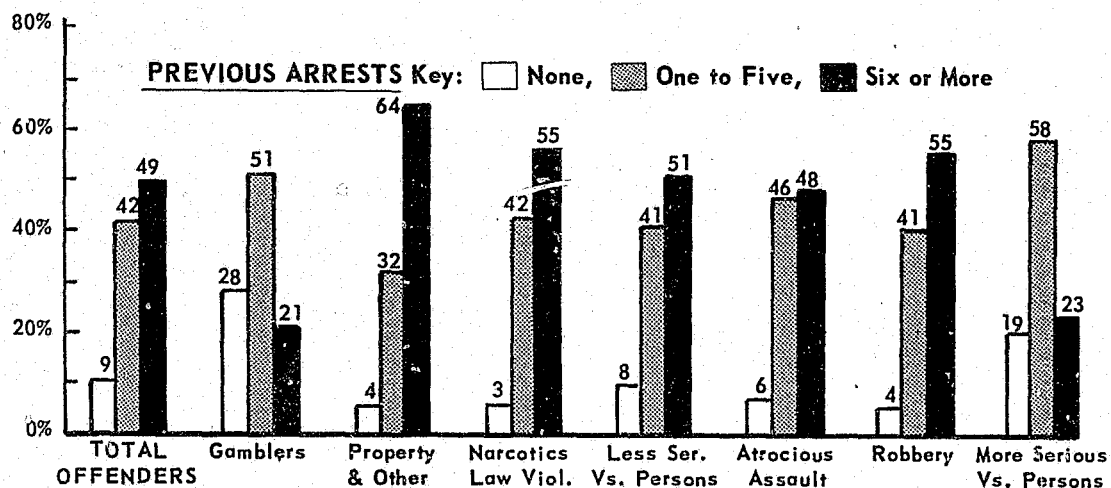


Among the 75% of the above offenders who were committed for

- Property,
- Narcotics, or
- Less Serious Offenses against persons



CORRECTIONAL HISTORY OF PRISON COMMITMENTS: Fiscal 1970-1975
 (This graph details the data on the previous page)



The bar graphs reveal:

- That there is a large group who have an extensive history:
 - 91% had arrests prior to the arrest leading to their present confinement including 49% with 6 or more recorded previous arrests,
 - 51% had previous county jail sentences including 33% with two or more such sentences,
 - 47% had previously been committed to state correctional institutions including 12% with three or more previous commitments
- That there is an impressively large group of Prison offenders who have no recorded prior history
 - 9% had **never** been arrested prior to their present commitment (or such arrests were not recorded in our computer files)
 - 49% had **never** been sentenced to a county jail, and

—53% had **never** been previously committed to a state institution

- That gamblers and the most serious offenders against persons (offenders committed for forcible rape, manslaughter, and murder) show the fewest previous arrests, county jail sentences, and previous state commitments
- That property offenders, narcotics offenders, and robbery offenders show the most extensive prior histories

The implication of the above data, together with that on seriousness of offense is that a significant number of less serious and non-repetitive offenders are included in the population served by state institutions despite the overall increase in the proportion of state offenders who are more serious.

LENGTH OF STAY

The following tables detail length of stay trends and projections for "total departures" from institutions.

Note that the length of stay of total departures includes the length of stay for such short stay offenders as technical parole violators (since they also contribute to bedspace needs). As a result, it should be noted that length of stay of commitments released to the community is significantly longer than the stays reported below.

Note that the projections of length of stay reported

are those used to anticipate the consequences of the "Current Practices" plan described in the following section of this report.

Offenders vs Persons include persons whose most serious commitment offense was murder, manslaughter, rape, robbery, atrocious assault, assault, weapons offenses, and other sex offenses less serious than rape.

Property and other offenders include persons whose most serious commitment offense was a narcotics law violation, a property offense, or gambling.

AVERAGE MONTHS OF STAY	Actual		Projected	
	1970-1973	1974-1975	1980	1985
OFFENDERS VS PERSONS				
Training Schools	9.0	9.1	9.1	9.1
Youth Institutions	9.2	9.7	10.2	10.2
Women's Correctional	18.8	14.5	15.2	15.2
Prisons	35.7	30.2	30.2	30.2
NET % CHANGE PER 5 YEAR PERIOD				
Training Schools		+1%	+0%	+0%
Youth Institutions		+5%	+5%	+0%
Women's Correctional		-23%	+5%	+0%
Prisons		-15%	+0%	+0%
PROPERTY AND OTHER OFFENDERS				
Training Schools	8.0	7.6	7.6	7.6
Youth Institutions	7.1	5.8	6.1	6.1
Women's Correctional	11.8	7.1	7.5	7.5
Prisons	20.0	18.3	18.3	18.3
NET % CHANGE PER 5 YEAR PERIOD				
Training Schools		-5%	+0%	+0%
Youth Institutions		-18%	+5%	+0%
Women's Correctional		-40%	+5%	+0%
Prisons		-9%	+0%	+0%

The data reveals:

- That length of stay of juvenile offenders against persons has stayed constant (+1%) while the stay for property and other offenders has dropped slightly (-5%) during the past six years.

Taken together with the increased seriousness of the small number of juveniles who are still being admitted, a projected future decrease in stay appeared unlikely if current release practices are continued.

- The length of stay of Youth Correctional offenders against persons has increased by 5% while the stay of property and other offenders has dropped by 18%.

A very minor 5% increase in stay for Youth (+9 days) and Women (+12 days) is projected. This

represents the most minimal recognition of the current strong support for firmer handling of the younger adult offenders admitted to state institutions.

- The length of stay of Prison offenders has dropped by 15% for offenders against persons and by 9% for property and other offenders.

These reductions occurred at the same time as the seriousness and repetitiveness of offenders being admitted increased significantly. As a result, greater reductions in stay for Prison offenders did not appear to represent a reasonable assumption in anticipating a continuation of current practices.

LENGTH OF STAY PROJECTIONS

Prison Offenders: The length of stay of Prison Offenders against persons has dropped by 15% and for Prison offenders against property by 9%. These reductions have occurred despite increases in both the seriousness and the prior criminal history of offenders being admitted to the Prisons. However, for projection purposes it was assumed that Prison length of stay could be held to current levels.

PROPERTY AND OTHER OFFENDERS: Among prison offenders during the past six years, less serious offenders (such as gambling, property, and narcotics offenders) showed little change in seriousness of offense or extent of history, yet served a higher percentage of higher maximum sentences.

OFFENDERS VS PERSONS: The drop in average stay for prisoners occurred despite significant increases in reported previous arrests, jail sentences, and state commitments among Prison offenders against persons. For example, there was

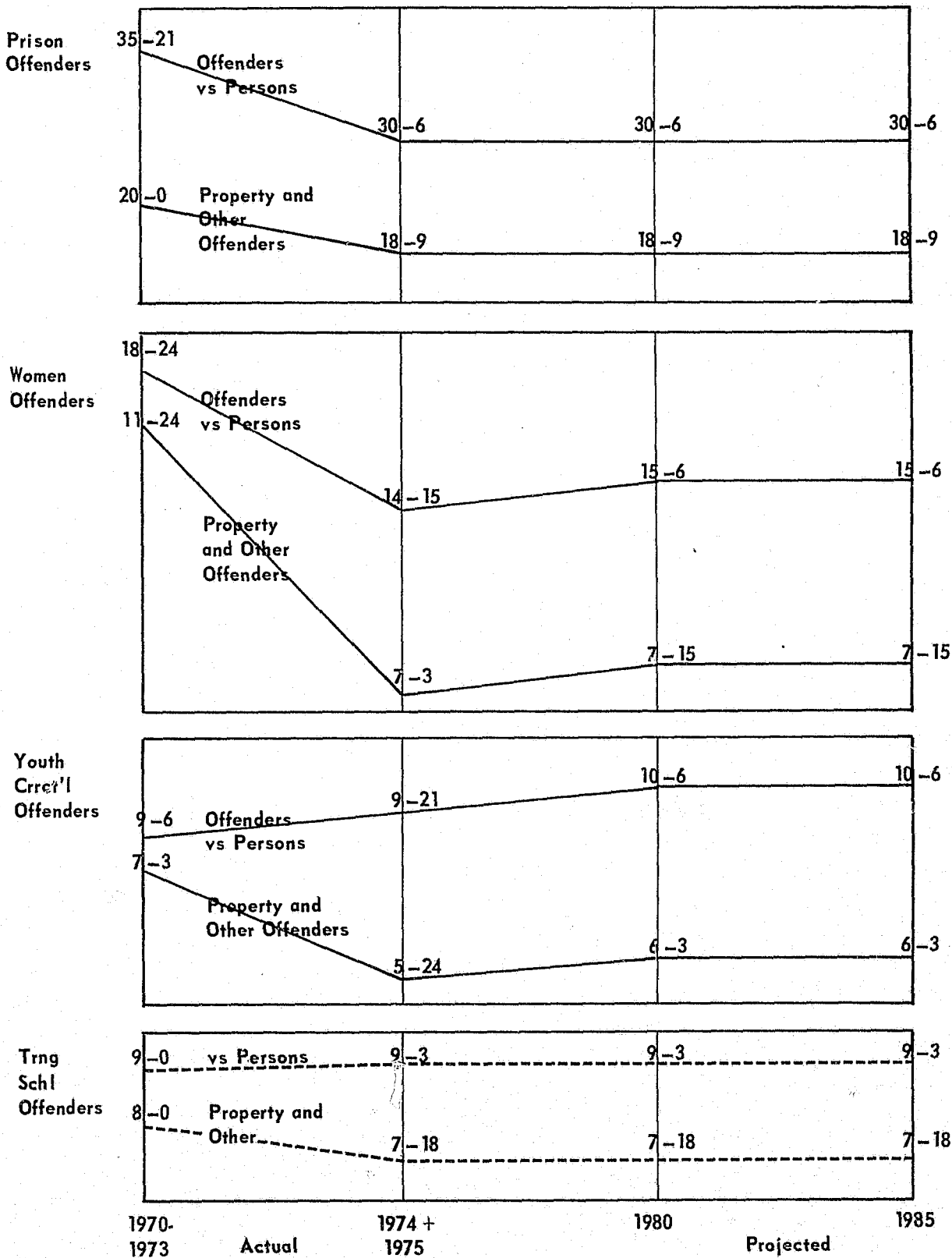
a 30% increase in atrocious assault first commitments who had 6 or more previous arrests and 2 or more previous jail sentences.

Again, note that despite a one year increase in average maximum sentence for Prison first commitments for murder and rape from 13.6 to 14.7 years; average stay for these offenders dropped from 62 to 60 months.

Youth and Womens' Correctional Offenders: The length of stay of Youth and Women is very short compared to Prison stays. An anticipated nine-day increase in stay for Youth offenders and a 12-day increase for Women represents minimal recognition of the current pressures for increasing the stay of these offenders.

Juvenile Offenders: The length of stay of juveniles has stayed basically unchanged despite the limitation of state admissions to only the more serious juveniles in the past ten years. No changes in length of stay are anticipated through 1985.

AVERAGE LENGTH OF STAY IN MONTHS-DAYS



"INCAPACITATION OF OFFENDERS"

It is noted that New Jersey correctional institutions do not "incapacitate" offenders for overly long periods. 90% of Prison offenders serve 61 months or

less and the comparable figures for other institutions are 20 months or less. (These figures do not include time spent in county jails.)

MAXIMUM MONTHS SERVED BY 90% OF COMMITMENTS SUBSEQUENTLY RELEASED TO THE COMMUNITY

Among Youth Correctional Commitments for:

Property and Other Offenses

11

Offenses against Persons

17

Murder, Manslaughter, Rape

40

Among Training School Commitments

19

Among Women

20

Among Prison Commitments

61

Among Prison First Offenders for:

Gambling

13

Property and Other Offenses

28

Narcotics Law Violation

32

Less Serious Offenses Vs Persons

44

ATROCIOUS ASSAULT

40

Robbery

54

More Serious Vs Persons

(12 Yrs) 143

Among Prison Repeat Offenders for:

Gambling

22

Property and Other Offenses

28

Narcotics Law Violations

32

Less Serious Offenses Vs Persons

44

ATROCIOUS ASSAULT

40

Robbery

61

More Serious Vs Persons

138

Institutions:

Current Capacity And Overcrowding

The Correctional Master Plan, before it could formulate recommendations in the area of institutional modification or construction, required a data base which analyzed the adequacy of the existing institutional system.

As part of this data-gathering, the Master Plan contracted with a senior staff person in each institution to assist in a housing unit analysis. In mid-1975, a survey of bed spaces in each institution was conducted by this staff. In April 1976, these capacities were updated and reviewed for uniformity of judgment in an on-site survey. The purpose of the survey was to determine the number of bed spaces throughout the system which provide 50 square feet of gross floor space.

BEDSPACE STANDARD

Fifty square feet (e.g., a space 6' x 8' including space for bed and toilet) was set as the standard required to house persons most of whom are out of their housing units for 10 hours or less each day and in their cells for a large proportion of the remaining 14 hours. This represents a challengeable minimum standard and falls significantly short of the recommendation of the National Advisory Commission which offers 80 square feet and the discontinuation of dormitories as a guideline (*Corrections Task Force Report*, Chapter 11, "Major Institutions", p.358).

OTHER STANDARDS

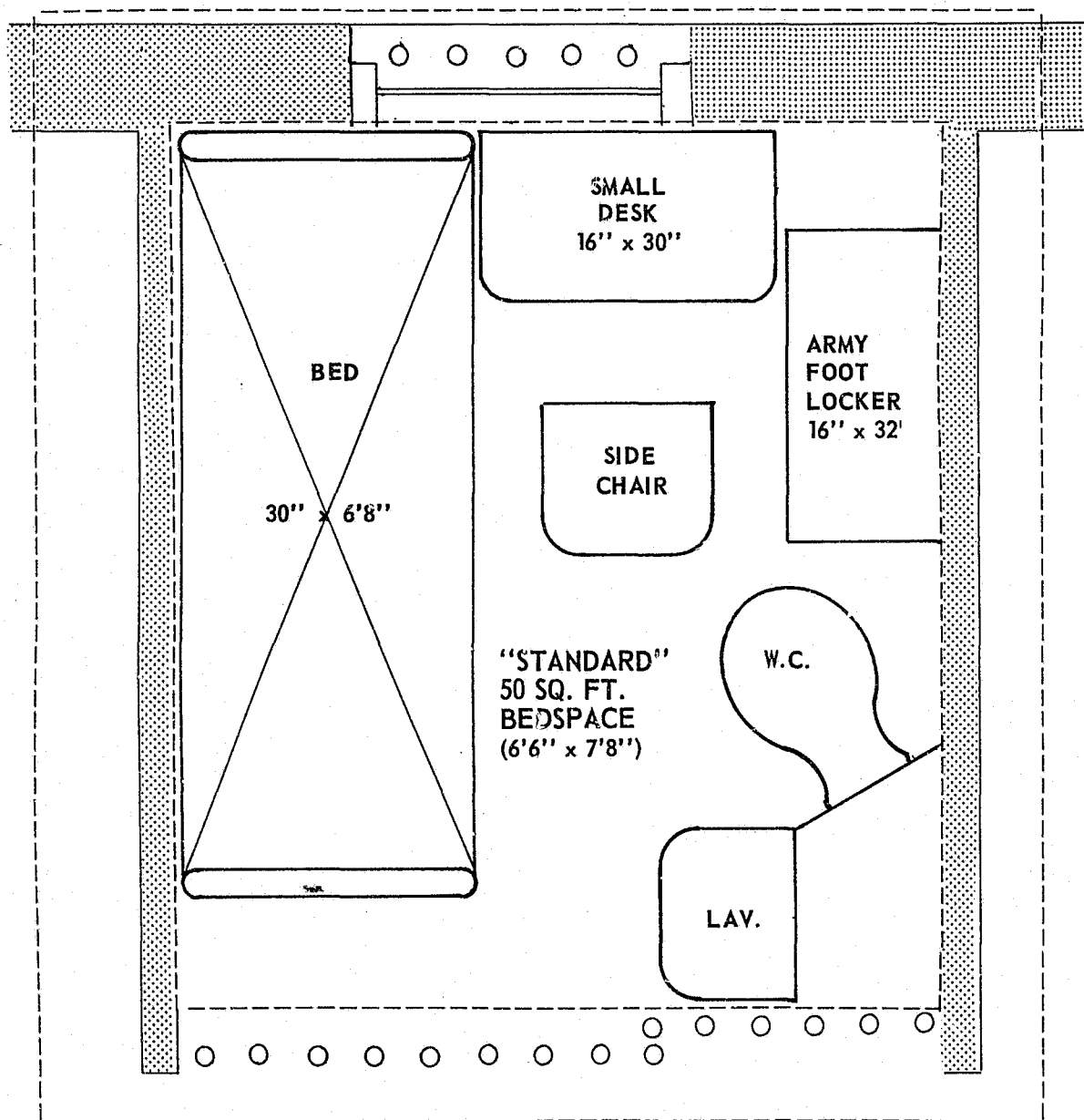
In evaluating this standard of 50 square feet it must also be kept in mind that the definition of "standard" employed took into account only square footage and

did not consider other physical factors such as general condition of housing units, sufficiency of physical support systems, etc. These "standard" beds include:

- 256 Training School standard bedspaces which require such major renovation that a feasibility study is needed to assess the relative benefits of total replacement rather than rehabilitation. Further, a \$2.5 million renovation estimate has been put forward for a needed new steam plant, water line and boiler at Jamesburg.
- 439 beds at Annandale which are included despite a \$1,000,000 estimate for plumbing, boiler and other substantial maintenance needs.
- Approximately 300 beds at Leesburg Farm which require an estimated \$800,000 for steam lines, boilers and structural renovations.
- 172 beds at Trenton State Prison which meet our definition of standard. Yet the support systems at Trenton (plumbing, heating, electricity, etc.) have been documented to require at least \$2.1 million for a 5-year lifespan.
- 563 of the beds counted as standard at Rahway which are in need of approximately \$900,000 to upgrade severely deteriorated toilet and plumbing facilities.
- 500 beds at Leesburg Medium which are in need of an estimated \$460,000 to upgrade the electrical system and to provide needed administrative space.
- 585 bedspaces at Bordentown Main, for which approximately \$500,000 is needed at present for heating cells in four wings. It is further estimated that \$2 million will be required over the next 5-10 years to keep the institution functioning at a standard level.

CONTINUED

1 OF 3



NATIONAL STANDARD: 80 SQ FT BEDSPACE
(8'6" x 9'5")

Program Space: It must further be kept in mind that program space has not figured in the definition of "Standard". Using the ratio of educational program space to standard bedspace found at Yardville, one of the newer facilities, the number of inmates which could be supported from a program viewpoint would be reduced from 585 to 243 at Bordentown and from 439 to 146 at Annandale.

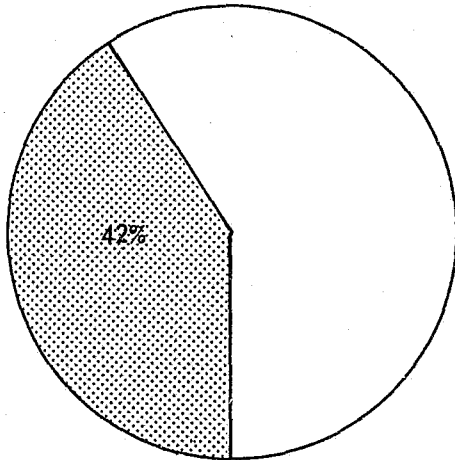
Age Standards: It is noted that 634,000 square feet

or 23 percent of State institutional floor space were built over 50 years ago.

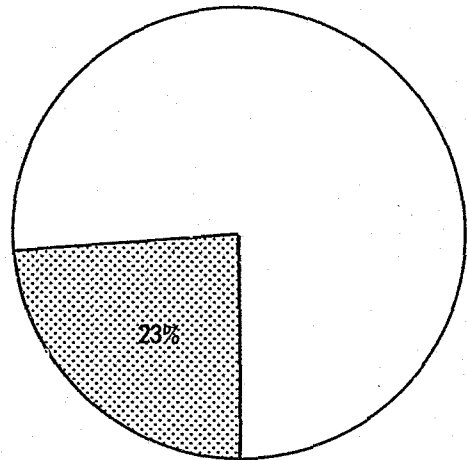
Geographic Standards: Also note that, while Rahway is located adjacent to Union County, no major institutions are located in Essex, Passaic, Bergen, Hudson, or Union Counties. 54% of current Correctional admissions are from these counties and, even in a small state such as New Jersey, serious problems of accessibility to institutions result from this situation.

**SUBSTANDARD CHARACTERISTICS OF
"STANDARD" BEDSPACES**

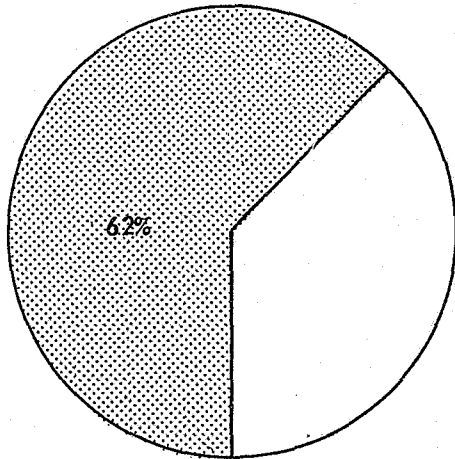
**PERCENT OF STANDARD BEDSPACES
REQUIRING RENOVATION:**



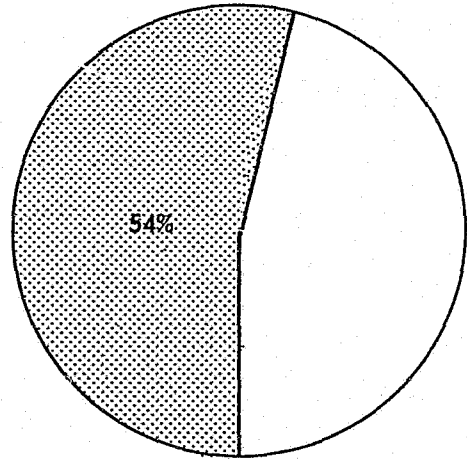
**PERCENT OF INSTITUTIONAL SPACE
OVER FIFTY YEARS OLD:**



**PERCENT OF "EDUCATIONALLY
SUBSTANDARD" BEDSPACES AT
BORDENTOWN AND ANNANDALE**



**PERCENT OF ADMISSIONS FROM
PASSAIC, BERGEN, ESSEX,
HUDSON AND UNION COUNTIES:**



CURRENT OVERCROWDING

It is difficult to detail accurately the "capacity" of a correctional institution. Very often cells are used to accommodate an extra inmate; dormitory facilities can use bunk beds; beds can be squeezed into corridors or other areas not designed or intended for sleeping; entire buildings or rooms can be commandeered for conversion into temporary makeshift dormitories. To the extent that such practices are feasible and are practiced, institutions have an extremely flexible and expansive capacity. Such practices, however, sacrifice human, program, custody, and social consideration for expediency and the immediate alleviation of institutional or legal pressures.

When such drastic measures are resorted to, the concept of providing minimal housing standards is of necessity violated. From legal, humanitarian, programmatic and managerial points of view, this situation is intolerable.

The table below specifies the current bedspace use in relation to available capacity. Included in total bedspaces are:

- **Standard Bedspaces** (but note the severe deficiencies described above which can exist and still allow for counting a bedspace as "standard"),
- **Substandard Bedspaces**
 - Which result from doubling up of inmates in standard bedspaces (and thus make an equivalent number of standard bedspaces substandard) or
 - Are located within housing units but are areas such as hallways or dayrooms which are not designed for beds, and

• Emergency Bedspaces

- Which result from doubling up on substandard beds, or
- Which are located in areas **outside** housing areas which are not designed for bedspace use, or
- Whose use represents a disruption or limitation of movement or program activities which are essential for long-range institutional functioning (education, treatment, recreation, etc.)

The 5,482 standard bedspaces included in the accompanying table are located as follows:

2667 MEDIUM OR MAXIMUM CUSTODY BEDSPACES

172	at Trenton Main
708	at Rahway Main
504	at Leesburg Medium
180	at the Adult Diagnostic and Trtmnt Cntr
518	at Yardville Main
585	at Bordentown Main

1738 MINIMUM CUSTODY BEDSPACES

302	at Clinton Correctional
439	at Annandale Main
311	at Leesburg Farm
362	in Prison satellites
218	in Youth satellites
106	in Adult Half Way Houses

441 ADULT SUPPORT FACILITY BEDSPACES

286	in Youth Reception Unit
60	in Prison Reception Unit
95	in Vroom Readjustment Unit

636 TRAINING SCHOOL BEDSPACES

444	at Jamesburg
192	at Skillman

OVERCROWDING ON JULY 1ST 1976	Total Beds Needed	Total Standard Beds	Percent of Standard Capacity	July 1, 1976 Bedspaces Used		
				Stan- dard	Sub- stan	Emer- gency
Total Bedspaces	7049	5482	129%	5136	1431	482
In County Jails	150	0	(+100%)			150
In State Facilities	6899	5482	126%	5136	1431	332
Medium/Maximum	4020	2667	151%	2653	1139	228
Minimum Custody	2007	1738	115%	1639	292	76
Adult Support	339	441	77%	311		28
Training Schools	533	636	84%	533		

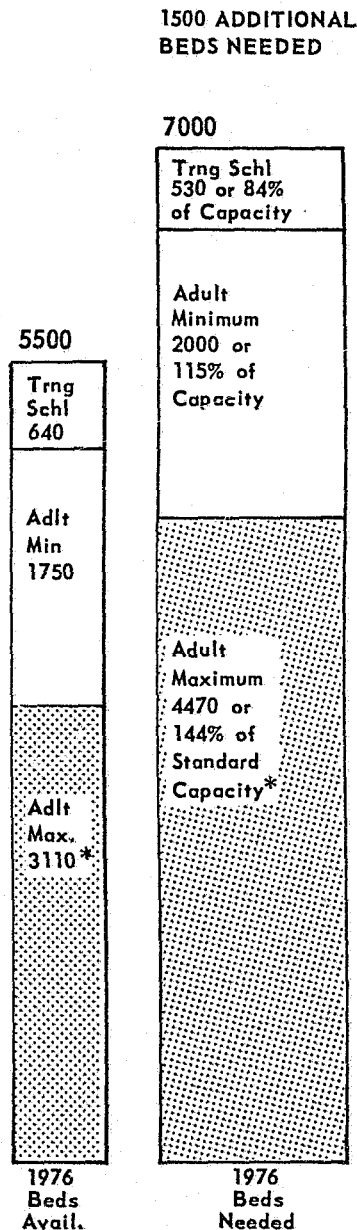
The accompanying graph reveals, in relation to current overcrowding:

- That state medium/maximum facilities for general housing were functioning at 151% of standard capacity on July 1, 1976.
- That medium/maximum facilities were forced to use 1139 substandard and 378 emergency bedspaces (including 150 in county jails) in order to house the number of offenders on July 1, 1976 who required medium or maximum custody,
- That overcrowding in minimum custody facilities was significant (115% of standard capacity) and forced the use of 368 substandard or emergency bedspaces.
- That excess capacity was available in Adult Support and Training School facilities. However, it should be noted that even within these categories, there was selective overcrowding (i.e., the Prison Reception unit was 46% over standard capacity).

THE CURRENT SEVERE OVERCROWDING IN STATE FACILITIES PRESENTS A SITUATION WHICH DEMANDS IMMEDIATE ATTENTION.

And added to this already critical situation are anticipated increases in state offenders resulting from projected increases in the New Jersey Correctional Catchment Population.

CURRENT OVERCROWDING (Figures rounded)



*Includes general med/max and adult support facilities

New Jersey Corrections; State Institutions: Policy Alternatives And Future Needs

It is not possible to predict exactly what New Jersey's future correctional requirements will be. It is possible to project, however, what these requirements will be, based on certain assumptions. The factors which are most pertinent in projecting institutional requirements are admission rates and length of stay. In addition, the physical status of existing institutional facilities must be considered in determining construction needs. It is a combination of these factors and the choice among policy alternatives that determines what the New Jersey correctional capacity needs will be in 1986.

The Correctional Master Plan has formulated three basic directions which the New Jersey correctional system may take. They involve specific assumptions concerning commitment rates, length of stay, and organization of services. Each, of course, has fundamentally different costs and implementation schedules. These three plans are presented below. For purposes of identification they will be identified as Plans A, B, and C:

All Three Plans Assume:

- That all offenders will be housed in bedspaces that meet a challengeable standard of 50 square feet by 1986,
- That present bedspaces which fail to meet other minimum standards will be renovated,
- That the rate of admissions, from an increasing New Jersey correctional catchment population, reflects current practices, and
- That existing state facilities which can be converted to correctional use will be exhausted before considering new construction

Note that estimated costs are in 1976 dollars and that Bedspaces Required is the average resident population plus seven percent, which provides administrators with a reasonable amount of flexibility.

PLAN A: THE STRICT SENTENCING PLAN

ASSUMPTION 1: ADMISSION RATES

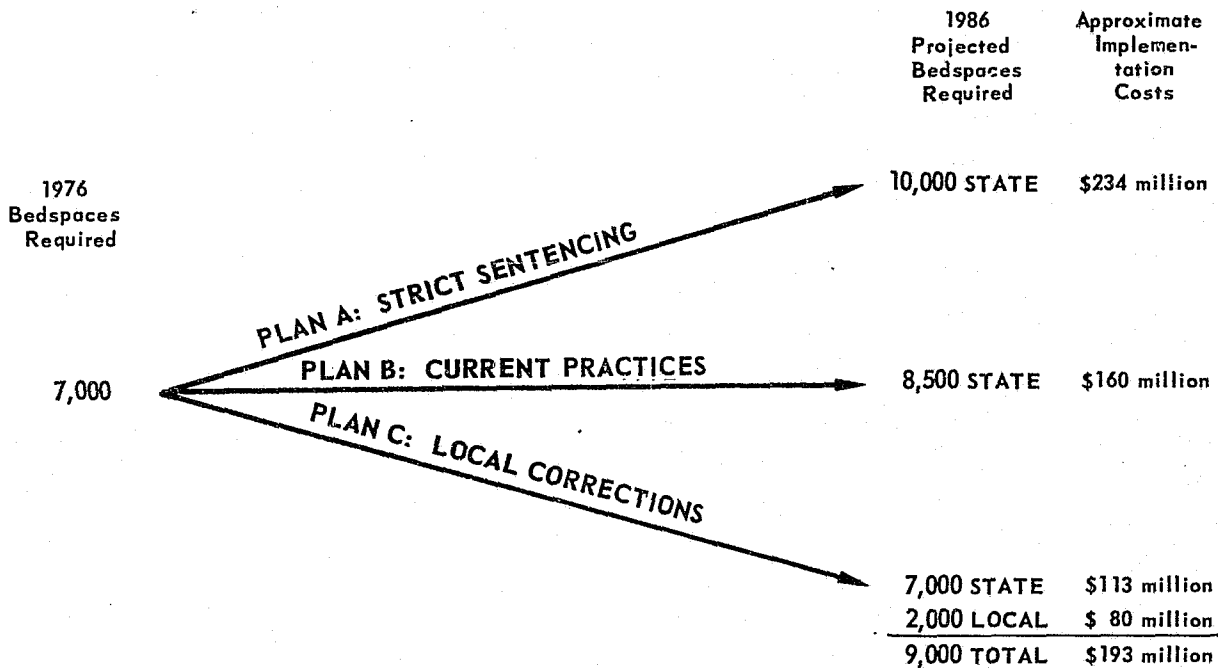
Plan A (and Plans B and C) all assume that the rate of admission from an increasing New Jersey Correctional Catchment Population (See previous data analysis) will reflect current practices.

ASSUMPTION 2—LENGTH OF STAY

Plan A assumes that there will be an increase in the length of stay of incarcerated offenders.

In the preceding discussion concerning length of stay, it was noted that even in the face of increased seriousness of commitment offenses and despite an increase in the criminal history of those committed, the length of stay, especially in the Youth Correctional Complex, has been relatively short. In view of this, and amidst a growing public sentiment for incarcerating offenders, Plan A assumes that there will be at least a modest increase in the length of stay for offenders.

To translate this policy change into a projection, it is assumed that the difference between average length of stay in the Youth Complex and in the prison Complex will be closed by one-third. That is, if the average Youth stay for total admissions is 7 months and the average Prison Stay is 25 months, the Youth Stay will be increased to 13 months (by adding 6 months, or $\frac{1}{3}$ the 18 month difference).



ASSUMPTION 3: ORGANIZATION OF SERVICES

Plan A assumes that there will be no basically different organization of correctional services.

Adoption of Plan A endorses the perpetuation of the isolated and costly present functioning of municipal, county, and state correctional services for New Jersey offenders.

PROBABLE CONSEQUENCES OF PLAN A

(Numbers are rounded for clarity.)

- From a 1976 state correctional population of approximately 7000 offenders, there will be an increase of approximately 3000 residents producing a correctional resident population of **10,000 in 1986**.
- Because of the severe physical deficiencies noted in the Housing Unit Analysis and the need for a large number of new bedspaces, there will be an anticipated capital cost of **\$234,000,000** in 1976 dollars, excluding financing costs. This figure is based on the present standard bedspace capacity of 5482. It must be kept in mind that the figure of 5482 (including support facilities) is challengeable since it utilizes 50 square feet as standard. Included are extensive major renovation and maintenance costs which will occur during the next 10 years. The \$234,000,000 would allow the elimination of all substandard bedspace.

- The pursuit of Plan A will also cause the severe overuse of substandard and emergency bedspaces until the new institutions are constructed. The increased use of such bedspaces in overcrowded institutions presents **almost certain** legal and managerial problems.
- It must also be kept in mind that the acquisition of the vast capital sums needed to pursue Plan A is a chance process at best, given the bond issue method of financing institutional construction in this state.
- Further, even if capital funds are made available through a bond issue, design and construction time requirements would place use of such new bedspaces **five years** from now.

PLAN B—CURRENT PRACTICES PLAN

ASSUMPTION 1 — ADMISSION RATES:

Under Plan B, as inferred from the title, it is assumed that admission rates will reflect current practices during the next 10 years.

ASSUMPTION 2 — LENGTH OF STAY

Similarly, under this plan there is an assumption that current length of stay practices for the various offense types will remain unchanged.

This Plan B assumption of no change in length of stay was reviewed by Master Plan staff with a range of senior criminal justice system personnel. The gen-

eral response was that extraordinary efforts would be required to keep length of stay at current levels, especially for Youth Correctional offenders who now experience relatively short stays compared to Prison offenders.

ASSUMPTION 3—ORGANIZATION OF SERVICES

Plan B does not call for reorganization of correctional services within the state. Essentially, the present pattern of the state assuming responsibility for the bulk of offenders continues.

In effect, Plan B will be endorsed if no changes in any of the above three factors occur. Plan B merely projects the likely consequences on the correctional system of an increase in the state's population over the next 10 years. (The detailed statistical projection for Plan B are presented in Correctional Master Plan Data Volume.) A review is presented in the previous section of this report.

To summarize, on July 1, 1975 there were an estimated 7.2 million New Jersey residents. For purposes of this projection, it was assumed that in 1985 there will be 7.7 million residents of New Jersey. This figure is the most conservative projection offered by the New Jersey Department of Labor and Industry. It completely discounts net immigration. Other projections range up to 8.6 million. A demographic analysis of the present correctional population was undertaken to define New Jersey's "Correctional Catchment Population" and with age and race trends taken into consideration, the institutional population projections were made.

PROBABLE CONSEQUENCES OF PLAN B

(Numbers are rounded for clarity)

- From the present state correctional bedspace requirement of 7000, there will be an increase to a need for slightly more than 8500 bedspaces in 1986. This increased requirement will stem solely from the projected increase in that segment of New Jersey's population who constitute the correctional catchment population.
- Recalling from the housing unit analysis that there are approximately 5482 standard beds (including support facilities), this translates into the need for capital improvement of existing cells and the construction of approximately 3000 new bedspaces. The anticipated capital outlay for these bedspaces plus needed renovations will be in the area of \$160,000,000, again the figure cited in terms of

1976 costs, exclusive of financing costs.

- This increase in residential population will necessitate a corresponding increase in annual operating costs of approximately \$18 million.
- The adoption of Plan B will necessitate, as does Plan A, the continued use of substandard bedspaces until renovation of existing facilities or necessary construction can occur. This action will incur the possibility of legal and population management problems as noted above.
- Similarly, to accommodate the influx of offenders in the face of severe space limitations, it will be necessary to utilize a considerable number of trailers as temporary bedspaces until more permanent facilities become available.

PLAN C: LOCAL CORRECTIONS PLAN

ASSUMPTION 1: ADMISSION RATE

The thrust of Plan C is to restrict state institutional correctional services to the more serious offender while shifting responsibility for less serious offenders to local programs and facilities.

For projection purposes, less serious offenders are defined as those state offenders with a current length of institutional stay (**not sentence**) of less than one year. Such offenders comprise 56% of state admissions and primarily include technical parole violators, gamblers, property and narcotics first commitments, and a large proportion of Youth Correctional and Women Offenders.

As in the previous two plans the rate of admission from an increasing New Jersey Correctional Catchment Population is assumed to reflect current practices.

ASSUMPTION 2: LENGTH OF STAY

In keeping with increasingly widespread support for firmer handling of serious offenders, Plan C assumes an increase in length of stay for the more serious offenders to be served by state facilities.

In keeping with a modified just deserts model, the projected increase in stay is based on the elimination of indeterminate sentences for Youth and Womens' Correctional serious offenders. As in Plan A, this change is expected to lead to increases in stay for Correctional offenders (i.e., one third the difference between current Correctional and Prison stays for serious offenders is added to the stay for serious Youth Correctional offenders still being admitted to state institutions).

ASSUMPTION 3: ORGANIZATION OF SERVICES

Plan C assumes a fundamental reorganization of correctional services in New Jersey.

Plan C dramatically increases the role of sub-state units of government (individual or combinations of municipalities and counties) in the handling of offenders.

The adoption of this plan would increase the ability of the state to provide for serious offenders with longer length of stay and improve the capacity of local corrections to provide for offenders with current institutional stays of one year or less.

PROBABLE CONSEQUENCES OF PLAN C

(Numbers are rounded for clarity)

Plan C recommendations for the local delivery of services to New Jersey offenders are expected to result in the application of a uniform set of minimum standards (including the use of the least restrictive and costly alternatives) in handling New Jersey offenders.

Plan C projections and recommendations result in an expected increase in needed bedspaces from 7000 to 9000. This increase of 2000 includes:

- 2000 more local program or bedspaces than the 150 currently used,
- 500 more medium/maximum bedspaces in state facilities to serve an increased population of serious offenders. This increase results from increases in the age groups in the New Jersey Correctional population characterized by longer stays and in the longer stays for serious offenders called for in Plan C. No changes in admission rates for the less serious offenders to be served locally are projected.
- 500 fewer bedspaces in state adult minimum custody, adult support facility, and juvenile facilities.

Plan C calls for the housing of all offenders by 1984 in bedspaces which meet minimum standards. For medium/maximum custody offenders, a total of 2000 new standard bedspaces are required to meet this objective and include:

- 500 new bedspaces needed to house the expected increase in medium/maximum offenders,
- 1330 new bedspaces needed to replace substandard and emergency bedspaces now in use, and
- 170 new bedspaces needed to replace old Trenton Prison bedspaces which meet sheer space standards but which may be lost in demolition.

Place C recommendations provide these 2000 bedspaces for medium/maximum offenders, as follows:

- 1200 in newly constructed facilities (e.g., three 400 bed facilities),
- 600 in existing Department of Human Services facilities converted to continuing offender use. (These facilities are part of the bedspace which must be used to house sharp increases in offenders during the period before new facilities can be occupied or before significant numbers of offenders can be channeled to local correctional services), and
- 200 in temporary (trailer) housing. These bedspaces are retained at the end of Plan C in the hope that our projections are too high (although these projections are more likely to be too low).

The primary reasons for the differences in capital costs of Plans A, B, and C are as follows:

- **PLAN A: STRICT SENTENCING PLAN:** The increase in length of stay for all state offenders leads to a total estimated capital cost of \$234 million.
- **PLAN B: CURRENT PRACTICES PLAN:** The holding of length of stay to current levels holds costs to the level required to deal only with increases in New Jersey Correctional Catchment Population. The resulting total cost is \$160 million.
- **PLAN C: LOCAL CORRECTIONS PLAN:** The state continues to bear the fiscal responsibility for less serious offenders. The increase in cost compared to Plan B is the result of the increases in length of stay for serious offenders. The resulting total cost of Plan C is \$193 millions.

The estimated total capital costs of Plan C in 1976 dollars are \$193,000,000 and include expenditures of \$64,000,000 through 1980 and \$129,000,000 from 1980 to 1984. Included in the \$193,000,000 are:

- \$80,000,000 for the local corrections capital program and represents funds that would otherwise be required to build state bedspaces. Plan C anticipates that more than half of this amount will be expended in developing non-institutional program spaces.
- \$67,000,000 for the state new facilities program described above
- \$19,000,000 for conversion of existing Department of Human Services facilities to correctional use and for temporary (trailer) housing facilities and to allow existing bedspaces to meet minimal standards beyond sheer space.
- \$27,000,000 for renovations to existing facilities

as required to meet standards other than sheer space.

The estimated increase of \$20,000,000 in annual operating costs for 2000 additional offenders reflects:

- Increased operating costs in state facilities which must provide increased custody for a more difficult population,
- Decreased operating costs in state facilities using bedspaces which meet physical security stan-

dards and do not present the exorbitant custodial costs associated with the use of substandard and emergency bedspaces.

- Maintenance of the state's fiscal responsibility in local delivery of correctional services to less serious offenders. The exact nature and formula for payment to localities would be determined during the Phase I study effort.

New Jersey Corrections;

State Institutions Recommendations:

A LOCALLY ORIENTED* CORRECTIONS PLAN

It is recommended that a locally oriented corrections plan be adopted to serve New Jersey's correctional needs. Under this plan, only serious offenders should be assigned to state correctional institutions and responsibility for less serious offenders should be transferred to locally based facilities and programs. The state should provide funding for facilities and services to local units serving offenders who under present practices would be incarcerated in state facilities. (Less serious for projection purposes was taken to mean those types of offenders with expected lengths of stay of one year or less.) Under this plan a single sentencing and release structure would apply to all state offenders.

Receipt of state funding, however, will be contingent on adherence by local units to standardized correctional and operational guidelines to be promulgated by the Department of Corrections.

LIMITED STATE CONSTRUCTION

The council is aware of the current use of substandard and emergency bedspace that can be remedied only by construction. The Council supports only construction which replaces such existing and antiquated facilities and which is consistent with the recommended correctional philosophy.

The present best estimate of required state bedspace construction to accomplish the above is approximately 1200 by the year 1984. This estimate assumes:

- That a significant number of less serious offenders now served by state facilities will be served by local facilities and programs in 1984,
- That length of stay will be increased for more serious state offenders as a result of implementing a single sentencing structure for all offenders sentenced to state facilities, and
- That present state bedspace capacity can be supplemented by transferring or converting a significant number of existing bedspaces to state offender use and by continuing to use some temporary (e.g. trailers) bedspaces after 1984.

This number of 1200 newly constructed bedspaces can be reduced if other criminal justice practices which reduce admissions or length of stay and which are consistent with the recommended philosophy are implemented.

When the proposed recommendations are implemented to support programs and services in local communities and to use such programs for less serious offenders (currently 56% of state admissions), it will be necessary to reassess the need for new construction of additional state institution space. Such construction should not be undertaken until attainment of maximum implementation of local correctional services.

- There is a severe present deficiency in standard bedspaces. The Correctional Master Plan recommends that:
 - for *existing* facilities, at least 50 square feet of bedspace be provided for every inmate, and other renovations be undertaken as necessary to meet minimal standards.
 - before any new construction is undertaken, all suitable existing bedspaces should be utilized.
 - for *additional or replacement* bedspaces, the

*See page 179 for consideration of the tasks involved in implementing the local corrections plan.

standards to be adopted should comply with the physical and space standards promulgated by the National Advisory Commission on Criminal Justice Standards and Goals.

RATIONALE

The preceding material presented projections of bedspace requirements and a summary of three alternative plans whereby those needs might be met. In deciding which plan best suits New Jersey's needs it is important to keep in mind that this decision did not have to be made in the way that correctional decisions have traditionally been made. Rather, it appeared highly appropriate at this critical juncture to consider factors not traditionally considered before endorsing any one plan. Only to the extent that the Master Plan deviates from the historical pattern whereby the "state" acts in isolation does it appear that New Jersey's correctional future would be essentially different from past experience. Further, the Master Plan presented an opportunity, through the particular type of plan it recommended, to address the probable future problems of other criminal justice components.

In earlier material, an institutional population of enormous size was projected for the Department of Corrections. Let us consider these projections at this point with a fuller appreciation of their implications. The National Institute of Mental Health has prepared projections for correctional institutions nationally through 1985. The NIMH projections used the same method as did the Master Plan staff. (This method entails a calculation by age, sex and race of who is incarcerated and then applies these rates to the estimated future population with figures supplied by the U.S. Bureau of the Census.)

The NIMH projections virtually coincide with Master Plan projections. NIMH projects a 39% increase nationally from 1970-1985. The Master Plan staff projects a 36% increase over those years for New Jersey. These figures are pointed out here primarily as a source of validation but also to forewarn us. In the language of the NIMH report, "Of particular importance is the fact that large increases will be occurring in age groups known from past experience be characterized by consistently... high incarceration rates in correctional institutions."

This increase will undoubtedly have profound and potentially devastating effects on all agencies and organizations which deal with offenders in New Jersey. This includes, of course, the courts, probation services, county jails and penitentiaries, and the pri-

vate sector. It is reasonable to assume that the effects of this increase will be felt proportionately upon every corrections-related activity. Unless and until these components begin to cooperate in a variety of possible ways it is highly likely that demands for services will far and soon exceed the ability to meet them. What is needed is the adoption of a plan which is committed to the development of a relationship not currently present among the various justice components identified above, in the interest of sheer survival if not for increased efficiency or effectiveness. As an example, for the State of New Jersey to be forced to pay for the institutions needed under Plan A or Plan B would be questionable in the face of our present economic conditions and the actual "returns" on these investments.

Plan C, however, while also incurring considerable expense, utilizes the least restrictive and least costly dispositions compatible with the demands of public safety, thus appearing to be economically as well as philosophically superior. Further, the reorganization of the delivery of correctional services in Plan C is expected to result in a fuller utilization of existing facilities. In addition, in view of the extensive criticism concerning institutional effectiveness (what do they really accomplish?) and efficiency (what do they cost to plan, construct, operate and finance?) does New Jersey want to commit itself to such a vast program of capital construction?

What New Jersey has failed to acknowledge in the past is that, present structures notwithstanding, correctional activities are related and the functioning of one component does have real consequences for the other. As an example, if courts give longer sentences or increase the commitment rates, the Department of Corrections is directly affected. If the Department cannot accommodate the increased admission, then county jails are forced into a role they are not prepared to assume. Similarly, if monies which could be used to expand probation or other less costly non-institutional dispositions are sunk into the construction (and continuing operation) of new facilities, does this limit the dispositional alternatives available to the sentencing judge? In summary, we can no longer afford to deny that we share a common correctional fate.

The identification of a problem area or funding responsibility as belonging to just one component is short-sighted, costly and counter-productive to the achievement of common correctional goals. The state in isolation from counties and localities or corrections in isolation from the courts and probation cannot

possibly respond with the level of effectiveness clearly required. The Master Plan was based on the realization that solutions to present and future correctional problems do not lie within the exclusive province of any one component. Neither the time nor the resources exist to perpetuate current inefficient and ineffective patterns of correctional service delivery.

Plan C, the plan adopted, acknowledges and is for-

mulated upon two main factors:

- 1.) The demands facing corrections in New Jersey are critical to the point of requiring innovation in correctional planning;
- 2.) There currently exists no sufficiently constituted body with the authority, legitimacy and resources to address the total correctional system needs.

New Jersey Corrections:

Description Of Parole Services

This section describes the organization and nature of parole service delivery. It is based on interviews with parole staff in central office and each of the district offices. In addition, a survey was conducted to gather information on a 20% statewide sample of parolees.

Overall Organization

The Bureau of Parole is the operational agency which is responsible for supervising persons released from New Jersey's correctional institutions, prisons and training schools. The basic activities of the Bureau are parole planning, release, and supervision. In addition, the bureau conducts initial investigations on applications for executive clemency. The Bureau supervises parolees age 14 and over. Those persons under 14 years of age, and some individuals aged 14-16, are the responsibility of the Division of Youth and Family Services. Organizationally, the Bureau falls under the jurisdiction of the Department of Corrections.

The Bureau of Parole operates from nine district offices located throughout the state, offices in the major correctional institutions, and a residential facility (P.R.O.O.F.) in Jersey City.

Bureau of Parole Staffing Plan

The Bureau is headed by a Chief, under whom serve seven Supervising Parole Officers. While each of these seven positions carries specialized duties, collectively the Supervising Parole Officers have jurisdiction over district parole offices, institutional parole officers, special programs, and in addition, serve as Probable Cause Hearing Officers.

Field operations are carried out in the District Parole Offices, each of which is headed by a District Parole Supervisor (DPS) who is assisted by one or more Assistant District Parole Supervisors. Duties of the DPS include: personnel management and discipline, general supervisory duties, local public relations, staff training, and assistance with difficult cases. The primary responsibility of the Assistant DPS is case review, but the Assistant also assumes responsibility in the absence of the DPS.

Each district office employs two or more Senior Parole Officers. One of these positions is federally funded by SLEPA, as a part of the Community Resources Specialist Project, initiated in July, 1975. The Resource Specialist is responsible for developing and coordinating community resources, such as employment, housing, narcotics and alcohol treatment, etc., to assist Parole Officers in serving the needs of their clients. The second and/or third Senior Parole Officer(s) serve as district training officer, assist with difficult cases, and handle statistical data within the district.

The Parole Officer is responsible for direct supervision of parolees. These duties, as carried out in the district offices, serve two basic purposes: service and surveillance. The service function includes provision of assistance to the parolee in finding work, obtaining education, and dealing with personal concerns including living arrangements, inter-personal relationships, etc. The surveillance function is designed to assure that parolees meet the conditions of their parole, such that they do not present a danger to themselves or the community.

Institutional Parole Officers are also placed at each

of the State's major correctional facilities. Here, the parole officers counsel inmates on parole-related matters, develop the parole plan for each inmate who is eligible for parole, and handle administration of the parole release.

It is worthwhile to consider the role of the Supervising Parole Officer in assessing the overall effectiveness of the Bureau's basic structure. Prior to 1972, the SPO's were primarily responsible for overseeing District Parole Offices. However, subsequent to the Supreme Court Decision *Morrissey vs. Brewer* 408 U.S. 741 (1972) which outlined in detail the procedural aspects which were constitutionally required for parole revocation, the SPO's took on a new and sizeable burden of serving as Probable Cause Hearing Officers, in addition to their other duties. For example, in July 1975, the number of hearings held by SPO's was 206 and, among individual SPO's, ranged from 4 to 63.¹

As a result of the differential in hearing loads, the amount of time left for District Office supervision must, of necessity, vary. In addition, interviews with Bureau staff revealed that Supervising Parole Officers interpret their own roles and priorities differently. The result is that some District Offices receive limited supervision due to the number and nature of the Probable Cause Hearings. A possible solution to both the variation in hearing loads, and maintenance of the Hearing process, such that both supervisory and hearing duties would not create conflicts in the time available for fulfilling these functions.

¹ Bureau of Parole Monthly Report, July 1975.

Linkages With Other Organizations

The Bureau of Parole interrelates with a variety of governmental, social service and business agencies. Governmental linkages include New Jersey State agencies such as Police, Division of Youth and Family Services, SLEPA and the State Correctional Institutions, as well as appropriate inter-state links concerning adults serving their parole in and outside of New Jersey.

Most social service and business relationships revolve around providing services to parolees in order to secure housing, employment, counseling, treatment, rehabilitation, etc. Such linkages are critical to adequate parole supervision, and require substantial effort on the part of the parole staff. It is hoped that the federally-funded Community Resource Specialist Program will reduce some of the burden from the district office staff by providing a person to follow up on information and resources discovered by, and needed by, the parole officers. In addition, the Resource Specialist can coordinate and disseminate information about resources throughout the district. Another effort which has been implemented in some district offices allows for representatives of agencies, such as training or employment counselors, to maintain regular office hours in the district parole office. Thus, such individuals are physically more accessible to clients, and the scheduling of appointments for clients is made easier. This procedure, however, seems to be quite limited at this time. Expansion of such a service should assist both the client and the parole officer.

Policies And Procedures

Pre-parole Plans

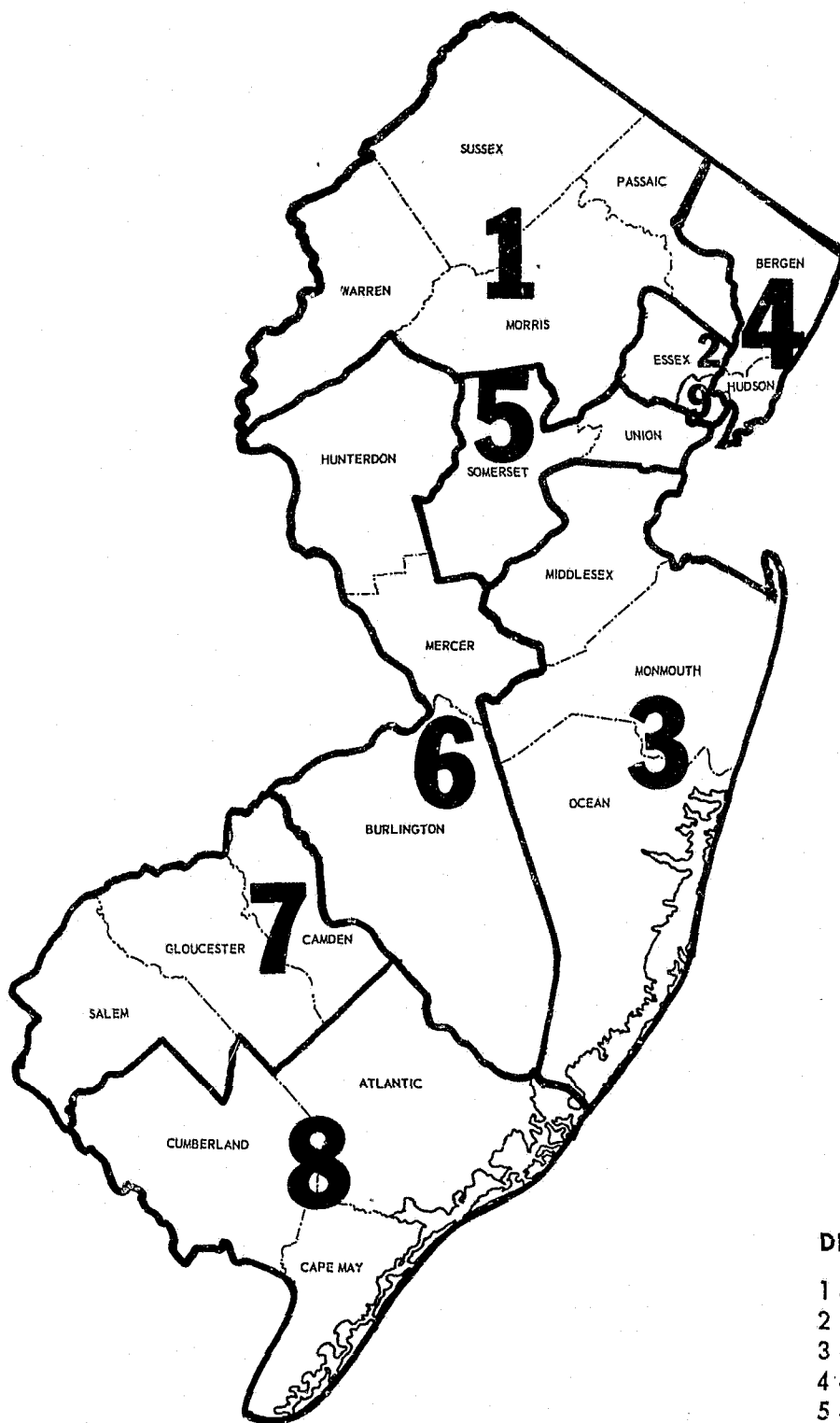
Prior to release from a correctional institution, a pre-parole plan must be developed for every eligible parolee. The two most important components of this plan are the establishment of an approved residence, and provisions for employment or other visible means of support (NJSA 30:4-123.19).

This plan, which serves as required information in the parole-decision making process, is first developed by the Institutional Parole Officer in consultation with the prospective parolee. The pre-parole plan is then sent on to the District Office which geographically serves the intended residence, so that

both residence and potential employment can be verified. In some instances a residence cannot be identified by the IPO and the District Office must bear responsibility for developing a placement. As stated in the Bureau's Procedural Memorandum #14, Pre-parole Reports:

The evaluation shall reflect the suitability of the parole plan in relation to the subject, and in no way shall include comments about the parolability of the subject.

The District Office next submits the verified plan to the IPO and the Central Office. The parole plan is technically viable for a period of six months, at the end of which time the plan expires (NJSA 30:4-123.19).



DISTRICT OFFICES

- 1 - Clifton
- 2 - East Orange
- 3 - Red Bank
- 4 - Jersey City
- 5 - Elizabeth
- 6 - Trenton
- 7 - Haddon Twp.
- 8 - Atlantic City
- 9 - Newark

Pre-parole planning is directly related to the operation of the Parole Board and YCI Boards of Trustees. The IPO must be responsive to the release schedules of these authorities, which are predictable in the case of minimum-maximum sentences, but less so in regard to indeterminate sentences. Thus, the workload tends to vary in the development and investigation of pre-parole plans. A summary of parole releases for the first six months of 1975 serves to illustrate this point.²

PAROLE RELEASES - 1975

	JAN	FEB	MAR	APR	MAY	JUN
State Prison Complex	98	77	94	86	86	116
YCI	201	178	195	161	139	187
Clinton	15	9	19	8	12	24
Jamesburg Boys	12	18	20	3	12	17
Jamesburg Girls	4	2	3	3	2	1
Skillman	11	0	2	6	1	1
	345	286	336	270	254	347

The above figures shows a variation of almost 40 percent in parole releases during the period. The variation may be higher among parole districts and emphasizes the need for coordination between the paroling authorities and the Parole Bureau, to reduce or accommodate the peaks and valleys shown above. Such peaks undoubtedly create difficulties for the Institutional Parole Staff, but even more so for the District Office Staff who must manage the increased load in pre-parole investigations along with their regular supervision load.

Reports

Bureau of Parole operations involve an extensive reporting system. For example, parole officers alone submitted 59,254 written reports in FY75.³ These reports, combined with the reports regularly generated by District Office management, represent a heavy investment in time and energy. Following are descriptions of some of these reports.

The Bureau of Parole utilizes a series of report forms and files to record both the progress of the parolee while under supervision, and the management and activities of the District Offices. The reports in this latter group include, but are not limited to:

- a monthly narrative report covering the major

activities of the district office (P.M. #18)*

- an annual report summarizing activities of the district office for the fiscal year (P.M. #18)
- permanent record cards (P.M. #11)
- case folders (P.M. #11)
- warrant file (P.M. #11)
- arrest and disposition file (P.M. #11)
- missing file (P.M. #11)
- inventory file (P.M. #11)
- daily reminder follow-up file (P.M. #11)
- supervision file (P.M. #11)
- investigation log (P.M. #11)
- daily summary activity reports (P.M. #15)
- statistical record of case movement (P.M. #8)

With many of these reports and files, data is first supplied by the parole officer on a specified time table, and then summarized for report to central office or properly maintained in district office files.

Another group of reports relate more directly to caseload supervision by the parole office staff. Again, many of these reports are first submitted by parole officers to district office, and then forwarded to central office in summary or complete form. These reports include, but are not limited to:

- **case sheets**, which together constitute the parole officers case book (P.M. #11). A case sheet is filled out for each parolee, in the parole officer's caseload, and all pertinent contacts are noted. Case-books are reviewed not less than semi-annually, and rated as satisfactory or unsatisfactory.
- **chronological supervision reports** (P.M. #3). This report is submitted by the parole officer for each client in his/her caseload, and lists all pertinent contacts, as well as an assessment of the parolee's needs, problems and progress. This report is prepared in triplicate, and remains in the district office case folder until submission to Central Office not less than semi-annually for cases under intense or regular supervision, annually for cases under quarterly, semi-annual or annual supervision, and upon submission of other special reports, e.g., transfer summaries, crisis reports.
- **special report form** (P.M. #2). This report will be further discussed under Violation Reports, below, however, the form is also used for reporting: 1) first visits, 2) enlistment (military), 3) change of status, and 4) death.

² Extracted from document, *Admissions, Releases, and Residents June, 1975*, Correctional Information Systems, Division of Correction and Parole, July 1, 1975.

³ Bureau of Parole Annual Report, FY75.

*P.M. = Procedural Memorandum - Bureau of Parole
The full content and format of each report is described in the procedural memorandum noted.

A final element of the report process involves a computer print-out issued by Central Office which summarizes parole activities for the preceding month. Parole staff are expected to review this printout to ascertain that the print-out, case movement record, and casebook are in agreement.

Violations of parole conditions and subsequent actions are reported primarily on two forms, the Special Report Form (P.M. #11, mentioned earlier) and the Parole Summary-Violation Report (P.M. #6). The Special Report form is often submitted along with the Parole Summary-Violation Report, and is used to report the following circumstances:

- **notice of non-arrival**, where the parolee does not report within five days after parole from an institution.
- **arrest**, submitted immediately upon notification, particularly in cases of serious crimes; and **supplemental arrest form** to update or fill-in arrest report.
- **missing** (from parole supervision)
- **decision for probable cause hearing**, in the event the parolee is missing, arrested or has ignored an unpaid fine. This report must accompany a Parole Summary-Violation Report.
- **continue on parole**, following an arrest or location of parolee.
- **disposition report**, following final court disposition after an arrest
- **warrant series (disposition)**, wherein the court has made final disposition of charges pending at the time of a parolee's release, and the **warrant series report**, detailing the status of charges pending at the time for the parolee's release from an institution
- **release from custody**, in the case where a parolee is released from custody to parole supervision on recommendation of the District Parole Supervisor or Chairman of the State Parole Board
- **fine**, for offense (per P.M. #4, Fine Cases).

The Parole Summary-Violation Report, while often submitted with a Special Report, is intended to be a complete and separate summary of conditions with no reference to the Special Report Form. It is submitted upon recommendation for the issuance of a declaration of delinquency or following a new commitment to a penal or correctional institution.

Stipulations on the content and recipient of the above reports are detailed in the appropriate Procedural Memoranda.

Parole Conditions

Upon release from a correctional institution, parolees are issued a certificate by the paroling authority. This agreement, signed by both authority and parolee, stipulates the terms and conditions by which the parolee must abide in order to maintain parole status. Correctional institutions in New Jersey issue standard, or printed, certificates to which special conditions may be added, for example, specifying participation in drug or alcohol treatment programs.

The New Jersey Office of Fiscal Affairs, in Preparing its report "Program Analysis of the New Jersey Parole System" dated August, 1975, stated as a major finding:

There are at least four separate sets of parole conditions being used in New Jersey which establish different standards of conduct for those released from each institution. Such inconsistency presents a serious problem for the parolees who must live by these standards and the parole officers who must judge behavior by them.

The use of special conditions, specific to the parolee, is a valid procedure. However, the above mentioned sets of conditions present an inconsistency in both behavioral expectations and degree of compliance for the parolee. In addition, it is often difficult to understand the rationale behind the different sets of conditions. A comparison of New Jersey Parole Conditions developed by the OFA for their report clearly illustrates the inconsistencies of the system.⁴

The implications of this system on parole supervision are clearly and accurately stated by the Office of Fiscal Affairs.

Enforcement of these conditions creates an inherent dilemma in the parole officer's responsibility regarding the supervision of a parolee. The officer must simultaneously perform the role of advisor/counselor and law enforcer. The parole officer is expected to counsel a parolee with respect to a social or physical problem, yet to acknowledge the existence of that problem is sufficient cause for revocation.⁵

In addition to the problems presented by differential parole conditions, are those which result from the number and specificity of the standard conditions. The chart on parole conditions serves to illustrate the sheer quantity of restrictions which are placed on the parolee in New Jersey. The National Advisory Commission on Criminal Justice Standards and Goals spoke to this issue in stating:

⁴ Office of Fiscal Affairs, Program Analysis of Parole in New Jersey, August, 1975, p. 62.

⁵ OFA, p. 63.

COMPARISON OF NEW JERSEY PAROLE CONDITIONS

	Minimum - Maximum	Female Indeterminate	Male Youth	Female Youth
Comply with the law	3	3	3	3
Reside in approved residence	3	3	5	3
Change employment or residence	1	1	1	1
Maintain gainful employment	3	—	3*	3*
Report to Parole District Supervisor, or representative	3	3	3	3
First arrival report	3	3	3	3
Follow advice of parole officer	—	3	—	—
Report trouble or arrest	6	6	6	6
Pay a fine or post bail	6	1	1	1
Support dependents	3	—	3	—
Associate with persons of bad character	4	4	—	—
Friends and companions	—	—	5	5
Liquor usage	4	4	4	4
Narcotic usage	2	4	4	4
Indebtedness	1	1	5	1
Out-of-state travel	1	1	5	1
Marriage	1	1	5	1
Divorce	1	1	5	—
Motor vehicle registration and license	1	1	—	1
Weapons; hunting license	1	1	1	1
Curfew	—	—	—	5
Act as informer	—	—	2	—
Restitution for crime, when required	3	—	—	—
Visiting an institution	—	—	—	1

*Or attend school, if legal age.

Legend

- 1 — Must have permission
- 2 — Prohibited
- 3 — Compulsory
- 4 — Avoid
- 5 — Follow reasonable advice regarding
- 6 — Report to Parole District Supervisor or representative

Source: Compiled by OFA Staff from institutional parole certificates.

Problems of differential enforcement were bound to occur, and did. A great deal of ambiguity developed for both parolees and parole officers as to which rules really were to be enforced and which ignored. Studies have demonstrated that officers tend to develop their own norms of behavior that should result in return to prison. These norms among parole officers became very powerful forces in shaping revocation policies . . .⁶

Aside from the above-stated effect on revocation, such conditions place unrealistic and unnecessary expectation on the parolee in his effort to develop a viable life style in reintegrating into the community. At the same time, extensive conditions continually 'test' the parolee's ability to make decisions concerning his desires, needs and future. While some parolees may require this sort of intensive supervision, many do not.

The fewer the limits required by the parole system, the greater the opportunity of locating alternative behavior

⁶National Advisory Commission on Criminal Justice Standards and Goals, *Corrections*, U.S.G.P.O.; 1973; p. 412.

styles that are satisfying and meet the tests of legality. This is not to say that rules should not be enforced, but that there should be as much honesty in the enforcement process as possible.⁷

Further discussion of Parole Conditions, and of the OFA's findings and recommendations, will be presented later in this report in the section on Parole Supervision. Briefly, the OFA has recommended establishment of a minimum number of standard conditions, to be supplemented by appropriate, parolee-specific special conditions; this recommendation is clearly appropriate.⁸ The National Advisory Commission on Criminal Justice Standards and Goals has taken a similar position,⁹ and further, formal responses to the OFA's report have concurred with the need for revising parole conditions in New Jersey.¹⁰

Probable Cause Hearings

The State implemented constitutionally required procedures for dealing with parole revocation in March, 1973. The procedures resulted from the Supreme Court decision *Morrissey vs. Brewer* 408 U.S. 741 (1972) relative to due process in revocation of parole. The Bureau's Procedural Memorandum #20 provides details on the full procedure for the Probable Cause Hearing; following is a summary of the procedures.¹¹

1. District Parole Supervisor requires parolee to appear before hearing officer, where reasonable cause has been demonstrated that parolee has violated conditions of parole.
2. Notice of Probable Cause Hearing sent to parolee by registered mail, or warrant issued if parolee is viewed as presenting a danger to the community or if mailed notice is considered insufficient.
3. Bureau conducts hearing within ten days of service of notice or warrant. Determination can be made at hearing to apprehend, detain or continue parolee in custody pending final hearing, if probable cause is found.
4. Final Revocation Hearing held by Hearing

⁷ National Advisory Commission, p. 413.

⁸ OFA, Recommendation 12, p. 65.

⁹ National Advisory Commission, Standard 12.7, p. 433. Each State should take immediate action to reduce parole rules to an absolute minimum, retaining only those critical in the individual case, and to provide for effective means of enforcing the conditions established.

¹⁰ OFA.

¹¹ Extracted from Office of Fiscal Affairs Report, Program Analysis of Parole in New Jersey, August, 1975, p. 103.

Officers of the State Parole Board, or Youth Complexes. Parolee may request witnesses and counsel.

5. Final determination made by Board of Parole or Boards of Trustees of YCI's, based on information gathered at Final Revocation Hearing.

BUREAU PROGRAMS AND CLASSIFICATION OF PAROLEES

Special Programs

The Bureau of Parole currently operates only two special programs to help serve the needs of parolees. One is a residential facility (PROOF) and the other a volunteer legal assistance program (VIPP). Both are described below.

Prior to July 1975, there were 11 specialized caseloads in a project funded by SLEPA from June 1973 to June 1975. Nine caseloads dealt with narcotics users, and 2 caseloads were established to assist inmates released at the expiration of their maximum term. This latter group were not part of the parole population, however, they were deemed to need special assistance in re-orienting to community life. In July 1975 these 11 caseloads were disbanded, and the parolees and ex-inmates integrated into regular district caseloads.

Proof House

The Bureau of Parole began operating a special residential facility for parolees (PROOF) in December 1969, located in a low-income housing project in Jersey City. As stated in the Bureau of Parole FY74 Annual Report:

The Bureau of Parole operates a Parole Resource Office and Orientation Facility (PROOF) which houses parolees who have experienced a malfunction in parole adjustment. Rather than possible return to an institution, an opportunity to reside at PROOF and participate in a program of 24-hour-a-day seven-day-a-week social diagnosis is offered. Length of stay varies from a few weeks to several months when, hopefully, the parolee is returned to his home district to continue parole in the community. In addition, no more than two work releases are also occasionally housed at PROOF, being accepted from the State Prison at Rahway.

PROOF can house a maximum of 15 residents at one time. During FY75, a total of 130 parolees were in residence on an average of 28.7 days. Eligibility requirements for residence state that the parolee must

be male, at least 16 years of age, and may not have a current record of arson, sex offenses, or serious psychological problems.

PROOF is staffed by one senior parole officer, who serves as on-site supervisor, seven full-time parole officers, who work on a shift basis, and one full-time clerical worker. Off-site supervision of the facility is the responsibility of a Supervising Parole Officer in the Central Office in Trenton. Among the special services provided at PROOF are:

- a team approach to operation of the facility and supervision of residents
- 5 day-a-week group counseling sessions
- therapy
- in-depth admitting interview for the parolee, diagnosis of problems and development of a treatment plan.

According to the Bureau of Parole FY75 Annual Report, seven P.O.'s is the minimum number with which the facility can function. Provisions of better service to clients requires the addition of an eighth parole officer and/or aide.

The Bureau's FY74 Annual Report speaks positively about this facility; however, the OFA Report questions its effectiveness. While residents, who were selected on the basis of presenting special parole adjustment problems, were aided in finding employment, the recidivism rate was high. As of 1972, when 200 parolees had been in residence at PROOF:

- 9% were arrested while in residence
- 34% were arrested within one year of terminating residence
- 27% had their parole revoked.¹²

The OFA Report suggests an increase in facilities of this kind, but also suggests that the Bureau update its statistics on the program, and evaluate its effectiveness.

VIPP Program

The second special program of the bureau is the Volunteers in Parole Program (VIPP), which was initially set up to utilize the services of volunteer lawyers, who could work with parolees on a one-to-one basis. The program was inaugurated with the use of Federal Funds administered by SLEPA, who channeled the funds to the State Bar Association. In FY74, however, management of the VIPP was transferred to the Bureau of Parole, and all VIPP staff were placed on the Central Office rolls of the Bureau

of Parole. Thus, the program is expected to continue functioning within the Bureau when SLEPA funds are exhausted.

The Bureau's comments on numbers served under the program are as follows: As of June 30, 1975, VIPP has a cadre of 250 volunteers available for assignment. One hundred and thirty-one of them were actively working with parolees on the street, and 27 others had been matched up with inmates pending the inmates' release from institutions.¹³

Work Release Program

The Work Release Program, through which inmates leave the institution for employment, is administratively a program of the correctional institutions. However, this program will be briefly discussed here because of the high level of involvement required by the Bureau of Parole.

The basic procedures are outlined in Procedural Memorandum #16 of the Bureau of Parole. Essentially, the Institution Coordinator initiates the process by informing the Institutional Parole Officer of the prospective employment situation. The IPO then transmits this information by phone to the appropriate District Office, where the situation is investigated and reported to the IPO. The IPO reports again to the Institutional Coordinator, who notifies the IPO of approval or disapproval of the plan. The IPO then notifies the appropriate District Office and Central Office.

Once the inmate is engaged in the work release program, it is the responsibility of District Office personnel to closely monitor the inmates personal and job performance. Immediate reporting, by phone, of tardiness or absenteeism is mandatory. The District Office must supply written performance reports weekly during the first month, and tri-weekly thereafter.

In all cases, except emergencies, the channel of communications is from Institutional Coordinator to the Institutional Parole Officer to the District Parole Supervisor, and the reverse of this system.

Classification of Parolees for Supervision

Parolees are assigned a classification of supervision after their initial visit with the caseworker. This classification system denotes the minimum number of contacts required in a given period, between the parole officer and the parolee, his/her family and others. The classification categories fol-

¹² OFA Report, p. 58.

¹³ Bureau of Parole FY75, Annual Report, p. 11.

low; the number of contacts noted indicate a minimum requirement.

Category	Contacts
Intense	<ul style="list-style-type: none"> — two positive home visits per month — two office or community visits per month — one employment verification and/or school visit per month — collateral visits as required
Regular	<ul style="list-style-type: none"> — one positive home visit per month — one office or community visit per month — one employment verification and/or school visit bi-monthly
Quarterly	<ul style="list-style-type: none"> — one positive home visit every 3 months — one employment verification every 3 months
Semi-annual	<ul style="list-style-type: none"> — one positive home visit semi-annually — one employment verification semi-annually
Annual	<ul style="list-style-type: none"> — one positive home visit per year — one employment verification per year
Recorded	— as determined by individual case

As of the first visit to the caseworker, all parolees are assigned to intense or regular supervision. Subsequently, the parolee may advance in status, on a minimum timetable requiring at least six months successful adjustment at each supervision level, or according to special guidelines noted in P.M. #8.

Procedural Memoranda #8 and #13 define and outline classification procedures. However, it appears that assignment to a category, or a change in status, is much at the discretion of the district office. The guidelines offered in P.M. #8 indicate that intense supervision is assigned "... to those cases requiring more intense supervision than a regular case." Similarly, regular supervision status is accorded "... to those cases requiring less than intensive supervision."

Discussions with the Bureau of Parole staff indicate that the classification system is in effect. Maintenance of supervision requirements is verified through periodic casebook reviews at the District

level, and, to the maximum extent feasible, parole officers are expected to fulfill these requirements.

The use of a classification system for parole supervision is a valid approach. Classification schemes of one sort or another are used in many states including Pennsylvania, California, Oklahoma, Mississippi, Oregon, Maryland and North Carolina.

Common to all the systems developed is the premise that different types of offenders have differing supervision needs, and that formal procedures for determining and responding to offender needs benefit both the client and the agency by directing agency resources to those clients who need them most. The major differences between the systems are seen in the ways that cases are classified, and in the range of supervision alternatives offered. Classification strategies range from the relatively straightforward approach of reducing supervision level with the passage of time, (Mississippi, Oregon) which has been used in a less formalized manner in Nevada, to experimentation with actuarial scales used to predict the probability of clients' success under supervision, (Pennsylvania, California).¹⁴

Classification systems in other states are based on length of time under supervision and offender type (Maryland), or matching of offender type with type of supervision, i.e., specialized caseloads or assignment based on special skills of parole officer (North Carolina). Research is still required to assess prevailing classification systems and determine which methods are most successful.

A review of New Jersey's system, as compared to others surveyed, indicates that the guidelines for assigning classification levels are somewhat vague. As cited earlier, the prevailing definitions provide minimal direction, which creates a reliance on the assessment abilities of the parole staff. In New Jersey, however, only 32.1% reported training in assessment, in response to a survey conducted for this report. Assessment must be recognized as a skill which requires training and experience.

¹⁴ National Clearinghouse for Criminal Justice Planning and Architecture, *Nevada Corrections Master Plan, Probation and Parole*.

Parole Supervision

Staff Allocations within Bureau

As of June 1975 the Bureau employed a total of 306 persons. Of these, 216 were professional staff and 90 were para-professional/clerical. District Office staff totals ranged from a low of 19 employees in District #8 to a high of 33 in District 3. The PROOF facility in Jersey City employed 9 individuals, and there were 24 Bureau personnel placed in correctional institutions. The table below displays the total staff breakdown for the Bureau, as of November, 1975.

Assignment of Parolees for Supervision

Supervision assignments in the district offices are made on a strict, geographical basis. Each parole officer is assigned to a geographic area within each of the parole districts, and generally, all parolees who dwell in that area automatically fall into that parole officer's caseload. Some exceptions are made in special cases and to balance male and female case-

load components. Efforts are made to ensure that all parole officers supervise both male and female parolees.

It is reported that geographic boundaries are altered to equalize caseloads according to size or degree of difficulty, i.e., high number of clients under intensive supervision. The impression is, however, that boundary adjustments are not frequent.

This system, whereby caseloads are assigned geographically, is clearly an area for review and possible restructuring. An important component of parole administration is a continuing effort to achieve the best match of parolee needs with parole officer skills and qualifications. While one parole officer might best serve youthful offenders, another might be better suited for dealing with older parolees. Similarly, individual parole officers may have special aptitudes for assisting narcotics users or alcoholics. This does not necessarily suggest a system based entirely on

Parole Bureau Staffing, June 1975	Chief	SPO	VIPP Dir.	VIPP Coor.	Pro. Dir.	Supervisors		Sen. Par. Ofcr.		P.O.	Clk.	Total
						Dis- trict	Asst.	Adm.	Field			
C.O.	1	7	1	1	*1			1		1	7	20
DO #1						1	2	1	1	17	±10	32
DO #2						1	2	1	1	15	8	28
DO #3						1	1	2	1	19	9	33
DO #4						1	1	2	1	19	8	32
DO #5						1	1	2	1	13	7	25
DO #6						1	1	2	2	13	6	25
DO #7						1	1	2	1	14	8	27
DO #8						1	1	1	1	9	6	19
DO #9						1	2	1	1	17	8	30
Sub-Totals						9	12	14	10	136	70	251
Proof								1		7	1	9
IPO-YCIA								1			1	2
IPO-YCIB								1		2	1	4
IPO-YRCC								1		2	15	8
IPO-CiV								1			1	2
IPO-NJSA								1		3	4	8
Sub-totals								5		7	12	24
TOTALS	1	7	1	1	1	9	12	21	10	151	90	304

Includes one position (left) which is being used for funds for the Division and one senior clerk-stenographer (YRCC) being used by Hearing Officers at YRCC.

* Federal funded positions (and clerical in Central Office) plus one senior clerk-stenographer for VIPP program.

(Eight parole officer positions being utilized by the Division and thirteen parole officer positions being held because of budget cutback and reduction in caseload. In addition, four clerical positions have been commandeered by the Division).

assigning caseloads according to personal characteristics. However, the arbitrariness and rigidity of strict geographic assignment seems to serve neither the best interests of the client nor the parole officer in the delivery of parole services.

Work Unit System

In an attempt to ameliorate, to some extent, the rigidity in the geographic system of caseload assignment, some districts use a team approach. By this method, parole officers are grouped into three- or four-person teams. Each team member is then responsible for exploring and developing resources to meet particular service needs, e.g., housing, employment, drug and alcohol rehabilitation, mental health, and coordination with the parole volunteers. Thus, parole officers may not have to develop all of the resources needed by the client, but can rely on other team members for some of the necessary resources. Ideally, teams might meet weekly to discuss problems and approaches, and maintain constant contact for the sharing of resources.

This approach has not been implemented fully in all districts. No effort has been made to evaluate the effectiveness, or efficiency of the team structure, on a Bureau-wide basis. However, the impression is that the team structure does not alter, in any way, the rigidity inherent in the geographic assignment of parolees.

Caseload Analysis

During the year 1973-74, a total of 12,784 persons received parole supervision; as of 6/30/74 there were 8618 parolees under supervision.¹⁵ Over 95% of the total number of persons released from New Jersey correctional institutions are released to parole custody. Included in this group are 99% of those released from the Youth Correctional Institutions complex, 87% from the State Prison complex, and 90% from the Correction/Institution for Women.¹⁶ As of June 30, 1974, the average parole caseload ratio was 53:1.¹⁷ According to a sample parole staff profile carried out in the Fall of 1975, as part of the Corrections Master Plan Survey, approximately 54% of parole officers carried caseloads ranging from a

low of 50 to a high of 63. A further indication of the spread in caseload size is the reported low and high range of 45 to 76 in one parole district, as of November 1975. As of 11/24/75 this district carried 724 cases total, resulting in an average caseload size of 55.7, slightly higher than the 1974 FY figures for the total Bureau.

A parole profile survey, also carried out in preparation for this report, provides data on personal characteristics of parolees in New Jersey. The survey involved a sample of 1405 cases, from which the following, basic characteristics can be noted:

PAROLEE PROFILE		
Characteristic	Category	%
Sex	Male	95.2
	Female	4.8
Racial/Ethnic Category	White	32.3
	Black	59.6
	Spanish (Other than Mex. Amer.)	7.6
	Other	.4
Age	Under 18	2.8
	18-29	65.8
	30-39	20.1
	40 & Over	11.2
	Unknown	.1

This parolee profile survey was completed for a 10 percent sample of the active caseload and provides certain additional descriptive data, which can be viewed as representative of the state as a whole, including the following:

- In terms of residence of parolee, the largest caseloads are in Essex, Hudson, Passaic, Camden, Union and Monmouth counties which collectively represent 67% of the State's parolee caseload. Caseloads in the other 15 counties represent 1/3 of the state's total caseload.
- 10% of the parolee caseload is reported as also being, simultaneously, on probation.
- 8% of the parolees had been committed to prison within 12 months of the date of the survey; 30% of parolees had been committed to prison within 24 months; and over half (55%) had been com-

¹⁵ Bureau of Parole Annual Report, FY 74, p. 11.

¹⁶ Correctional Information Systems, Dept. of Corrections.

¹⁷ New Jersey State Law Enforcement Planning Agency, Criminal Justice Plan for New Jersey 1975, Document #19, p. 16. As of June 30, 1976 the average caseload was 55.

mitted to prison within 36 months of the date of the survey.

- Nearly 40% of parolees had been on parole for 12 months or less for the current sentence, and 64% had been on parole 24 months or less. Parolees who had been on parole for 36 months or less represent 80% of the current caseload.
- 80% of parolees had not had their parole revoked under the current sentence. The 20% with parole revocations were evenly split between technical violations and new offenses.
- Approximately six percent of parolees were served by New Jersey under interstate compact arrangements.
- 17% of the parolee caseload had absconded while on parole.
- One-third of the parole caseload is listed as having no known violations. 25% had occasional, non-serious violations, and approximately 40% had persistent, non-serious violations or serious violations.
- Approximately 44% of parolees were viewed by parole officers as likely to fail in the current parole; success in parole adjustment was expected in 56% of the cases.
- Approximately 69 percent of parolees required four major kinds of services; alcohol-drug services; (17%); psychological services (13%); employment (23%); and educational services (16%). An additional 18% of parolees were viewed as having no social service needs.
- 41% of parolees had no prior incarcerations; 18% had one prior jailing, 14% had two, and 10% had 3 prior incarcerations.

It should be emphasized that unemployment constitutes a significant problem, for both the parolee and the parole officer. A major condition for parole release is the seeking and maintaining of employment, however, "according to figures established by the Bureau of Parole, in 1973, only 57% of those under supervision in New Jersey for that year were classified as employed. These parolees earned an average of \$3,040 annually."¹⁸ Other available figures show even lower employment rates.

It is apparent that New Jersey requires high level parole services to meet the range and concentration of serious problems described above. It is obvious that whatever can be done to strengthen parole supervision and services will aid the entire criminal justice system, ease the burden on the state's limited tax re-

sources, and most importantly, avoid the tragic consequences of recidivistic criminal acts. Parole officers themselves, as indicated by the above described survey results, paint a rather bleak picture of service requirements and expectation of successful results. The high concentration of caseloads in six counties, the infringement on supervisory time caused by probable cause hearings, the rigidity of the geographic assignment of cases, and the difficulty of coordinating the institutional and parole responsibilities, services and work volumes suggests the need to explore possible restructuring of parole services.

Parole Functions and Operations

In earlier sections, the basic duties of the parole officer were mentioned. A brief reiteration of the nature and number of contacts will be discussed here to provide a general overview. Basic duties encompass the functions of parole release, supervision, revocation and discharge.

Parole release is primarily handled by the Institutional Parole Officer, with significant input from the Field Parole Officer who must investigate and verify the pre-parole plan developed by the IPO. Pre-parole planning is a time-consuming task for all parole staff involved, and is complicated in that the timing for such investigations is dictated by the State Parole Board or Boards of Trustees of the YCI's who decide whether an inmate should be considered for parole. Thus, the load of pre-parole investigations may vary from month to month. In one district the pre-parole investigation load was estimated at 1-10 investigations for each parole officer.

Parole supervision, revocation and discharge places the largest burdens on the District Office Personnel, and, in the case of revocation, on the Supervising Parole Officers who must officiate at Probable Cause Hearings. The most significant aspect of this work, in terms of staff and time, lies with parole supervision. The classification system, discussed earlier, outlines and defines the minimum number of contacts to be made with each parolee. In addition, however, parole officers spend much time in developing resources for clients, such as employment, rehabilitation, housing, etc. The following two tables summarize the activities of Field and Institutional Parole Officers. As can be noted in the charts, a major task for the parole officer is in the filing of reports. As reflected in the table, parole officers submitted 59,254 written reports, including 51,519 supervision reports and 7,735 investigation reports. District Offices reported 873,730 miles traveled in performance of

¹⁸ OFA, *Program Analysis of the New Jersey Parole System*, p. 60.

duties. Transportation is reported as a difficult problem. The July, 1975 monthly report of the Bureau indicated that 46.6% of officer's time was spent in the district office and 53.4% was spent in the field, representing a slight decrease in field time over the preceding month.

Staff Qualifications & Training

Parole officers are hired through civil service testing, (written and/or oral) and establishment of a list, which is based on test scores and bonus points for veterans preference. New parole officers are assigned to open positions in District Offices from this list. The District Parole Supervisor must accept personnel assigned without the benefit of any prior interview or review. The employee is placed on a 4 or 6 month probationary period, after which civil service (permanent) status is granted. Interviews with Bureau supervisory level staff brought out that success in the position could rarely be assessed in the 4 or 6 month period; thus, most employees become permanent before their suitability can be established.

In most cases the minimum education requirement

for the position of Parole Officer is a Bachelor's Degree. The staff profile developed for this report showed the major field of study for staff in the sample as being quite mixed. The largest group (13%) had an education degree, most likely reflecting the extreme shortage of teaching positions currently available in New Jersey and surrounding states.

New parole officers are, for the most part, untrained when assigned to a position. In response to the survey questionnaire, only 22.6% indicated that they had received related training prior to taking the job. Training of parole officers is, for the most part, handled on an in-service basis. As stated in the "New Jersey Bureau of Parole Manual 1974," addressed to new parole officers and trainees:

You will receive on-the-job training in the district and when deemed advisable by the supervisor, you will be assigned a caseload within the district. You will also receive additional training at the Bureau level with other new officers, when scheduled.

A review of Bureau of Parole Annual Reports indicates that a variety of workshops, symposia and training sessions on special issues are held throughout each year.

ACTIVITIES OF INSTITUTIONAL PAROLE OFFICERS ⁽¹⁹⁾

	Preparole Interviews	Inmate Requested Interviews	Released On Parole	Parole Classes	Violation Summaries
NJSP	2808	1495	1161	383	315
YRCC	1879	1757	786	90	
YCIB	1128	1009	724	83	47
YCIA	922	*	753	30	
TSB-J	155	180	116	19	7
CIW	272	453	173	53	
TSC	16	96		16	3
Totals	7180	4990	3713	674	372

NJSP - New Jersey State Prison Complex

YRCC - Youth Reception and Correction Center, Yardville

YCIB - Youth Correctional Institution, Bordentown

YCIA - Youth Correctional Institution, Annandale

TSB-J - Training School for Boys, Jamesburg

CIW - Correctional Institution for Women, Clinton

TSG - Training School for Girls, Jamesburg

* Unclear if this is to infer zero interview or if data was unavailable.

¹⁹ Table is from Bureau of Parole 1975 Annual Report, inside back cover.

SUMMARY DAILY RECORD OF ACTIVITIES OF FIELD PAROLE OFFICERS (23)

Fiscal Year 1974 - 1975

DISTRICT NO.	FIELD AND OFFICE CONTACTS												REPORTS SUBMITTED					SUMMARIES SUBMITTED (6)					HOURS		MILEAGE	
	TYPE OF CONTACT (1)							SUPERVISION (2)			INVESTIGATION (3)		SUPERVISION (4)		INVESTIGATION (5)											
	C	E	H	N	O	S	T	P	PO	R	P	N	F-19	F-21	AR	PP	SR	DR	OA	PV	TR	TS	Office	Field	State	Personal
DO 1	8085	211	6148	1969	7807	4	8090	11948	17481	1673	1263	480	2786	4170	13	64	238	124	4	191	93	178	15976	16421	11849	1467
DO 2	7985	218	4954	2160	5578	27	9529	11398	15905	1261	1087	1086	2741	2822	3	526	123	97	23	267	151	156	13849	13082	45318	3377
DO 3	11822	404	9130	2622	9821	40	11600	15690	24743	1856	2678	875	3137	3165	97	682	472	132	15	180	168	148	13900	15318	168589	303
DO 4	10488	251	6660	3041	8156	27	11950	15449	21355	2849	1250	474	2741	3289	36	581	344	146	18	286	96	131	16174	16005	78053	737
DO 5	10260	533	7485	2362	6060	60	8837	11593	19514	1127	1679	1690	1957	3212	1	487	137	32	45	221	126	38	11056	11322	74169	52
DO 6	9679	804	7462	2050	5527	77	9059	11543	19781	1810	975	452	2088	2226	7	481	286	71	20	209	133	103	10401	12618	91771	593
DO 7	12576	680	6276	2566	6522	123	15941	13679	28425	4076	625	339	2437	6052	35	568	158	46	20	250	104	168	12002	13538	122531	812
DO 8	7362	768	4064	1750	6492	94	4660	8521	13616	2210	1245	673	1103	1493	2	387	66	105	58	210	81	65	7461	18625	133273	-
DO 9	8909	323	9475	1648	8293	54	5726	10842	21337	1708	6489	1254	2813	3307	-	788	628	39	13	258	127	130	12640	19739	32767	1164
TOTAL	87156	4176	62554	20168	64256	506	85692	11063	182107	18570	17291	7323	21783	28736	194	5091	2459	792	216	2070	1079	1165	113459	129168	865229	8510
GRAND TOTAL	324220							311340			24614		51519		7735			5322					242627		873730	

Legend:

- (1) C - Community Contact other than E H or S
 E - Employment Contact
 H - Home Contact
 N - Visit Made - No Contact
 O - Office Contact
 S - School Contact
 T - Telephone Contact (Significant)
- (2) P - Positive Contact with Parolee
 PO - Positive Contact other than Parolee
- (3) P - Positive Contact
 N - Negative Contact
- (4) F-19 - Chronological Report
 F-21 - Special Report
- (5) AR - Admission Report Supplemental
 PP - Pre-Parole Report
 SR - Special Report
- (6) DR - Discharge Summary
 OA - Other Agency Summary
 PV - Violation Summary

Figure 5 from Bureau of Parole 1975 Annual Report, pp. 18-19.

Parole officers were also surveyed on the types of training that they had received, and had found, or would find, most useful. Eighty percent or higher reported training in interview and counseling techniques, community service referral and agency policies, and similar high percentages matched the usefulness question. Only 52% reported training in legal procedures, but 72% indicated that such training had been or would be useful. And, while 47% indicated previous law enforcement training, only 56% spoke of its usefulness.

It would seem that a significant system change which should be explored is a possible revision in selection procedures. District Office supervisors should be accorded a degree of review and choice in selection procedures particularly if caseload distribution moves away from the strict, geographical assignment system which currently prevails. Current procedures would make the task of matching skills with needs all but impossible.

Parole Work Volumes

The table is taken from the Bureau of Parole FY75 Annual Report. It represents total number of cases under New Jersey's jurisdiction throughout the year including cases supervised in other states.

NUMBER OF PAROLEES SUPERVISED

5 Year Comparison - (1971-1975)

1970-1971	1971-1972	1972-1973	1973-1974	1974-1975
10,410	11,684	12,852	13,609	13,061
+10.2%	+12.2%	+10.0%	+5.8%	-4.0%
+25.5%				

FY75 saw a decrease of the in-state cases supervised, which continues the trend begun in 1974 when these cases decreased for the first time since 1968. There was an increase in out-of-state supervision (26 cases

or 6%) and Central Office supervision (20 cases or 2%) from the preceding year. However, in-state supervision dropped by 584 cases (7%), and overall Bureau responsibility dropped by 538 cases (6%).

A sample of Probable Cause Hearing loads for July, 1975 for six hearing officers serves as an illustration of revocation hearings in New Jersey. The following figure was extracted from the July, 1975 monthly report of the Bureau of Parole.

PROBABLE CAUSE HEARINGS	TOTAL
TOTAL REFERRALS	206
Hearing Requested and Hearing Held	127
Hearing Waived and Hearing Held	5
No Parolee Response, Hearing Held	49
Hearing Waived, No Hearing Held	25
TOTAL RECOMMENDATIONS	206
Probable Cause Found	164
Continuation on Parole Recommended	42
Although Valid Violation Determined	36
No Valid Violation Determined	0
Other	6

Institutional Parole Officer activities for July, 1975 are listed below by institution, indicating the number paroled and number of pre-parole interviews held.

Institution	Number Paroled	Number Pre-parole Interviews
Jamesburg	8	8
Annandale	73	66
Bordentown	42	113
Yardville	44	165
State Prison	86	228
Clinton	16	31

TOTAL CASES UNDER SUPERVISION - 1974-1975 (By Institutions)

	IN NEW JERSEY				IN OTHER STATES				CENTRAL OFFICE SPECIAL FILE				TOTAL
	UNDER SUPER-VISION 7/1/74	TOTAL CASES ADDED	TOTAL NO. SUPER-VISED 1974-1975	UNDER SUPER-VISION 6/30/75	UNDER SUPER-VISION 7/1/74	TOTAL CASES ADDED	TOTAL NO. SUPER-VISED 1974-1975	UNDER SUPER-VISION 6/30/75	UNDER SUPER-VISION 7/1/74	TOTAL CASES ADDED	TOTAL NO. SUPER-VISED 1974-1975	UNDER SUPER-VISION 6/30/75	UNDER SUPER-VISION 6/30/75
Training School for Girls	55	18	73	32	1	0	1	1	0	1	1	1	34
Correctional Institution for Women	373	161	534	319	23	16	39	24	3	6	9	6	349
Training School for Boys, Jamesburg	314	136	450	232	5	5	10	3	0	1	1	1	236
Youth Correctional Institution Complex													
Annandale	1,669	747	2,416	1,450	58	34	92	56	5	14	19	8	1,514
Bordentown	1,975	854	2,829	1,811	114	66	180	116	28	17	45	25	1,952
Youth Reception & Correction Ctr.	1,390	771	2,161	1,305	83	63	146	98	22	11	33	23	1,426
State Prison	1,789	1,143	2,932	1,855	175	109	284	189	48	26	74	62	2,106
Psychiatric Hospitals (Sex Offenders)	37	0	37	35	5	0	5	3	0	0	0	0	38
Out-of-State Cases in N. J.													
Female	13	19	32	20	0	0	0	0	0	0	0	0	20
Male	433	225	658	405	0	0	0	0	0	0	0	0	405
Total	8,048	4,074	12,122	7,464	464	293	757	490	106	76	182	126	8,091
Under Supervision 7/1/74	8,048				464				106				8,618
Total Cases Added		4,074				293				76			4,443
Total No. Supervised 1974-1975			12,122				757				182		18,061
Under Supervision 6/30/75				7,464				490				126	8,080

New Jersey Corrections:

Parole Services Recommendations

- All correctional service, of both a residential and non-residential nature, provided for offenders not in institutions should be integrated in the organizational structure of the Department of Corrections.
- The proposed single unit which delivers community-based services should be administratively organized into Correctional Service Areas.
- A rational system for classification of parole supervision needs should be instituted.
- The traditional caseload system for assignment to parole supervision should be replaced by a work-unit system.
- The number of existing partial residency programs (such as prerelease or work release) should be increased in accord with the number of admissions from each Correctional Service Area.

Rationale for Parole Recommendations

Based upon the preceding descriptive analysis of New Jersey's existing parole agency, the Bureau of Parole, issues and problem areas which should direct the course of future planned change can be delineated. The objectives of parole, its organizational structure, staffing, workloads, and service delivery patterns are all areas which should be examined. These issues are outlined in the following section of this report.

Purpose

The purpose(s) which parole is intended to serve should determine its organizational, staffing, and programmatic structures. Unfortunately, the objectives of the New Jersey system of parole, like those of many of its counterparts in other states, have never

been specifically defined and stated in a manner adequate to operationalize the actions necessary to achieve them. The current New Jersey parole system appears to assume the traditional stance of attempting to prevent renewed criminal behavior on the part of persons released from the state's prisons. Two possible ways of achieving this basic goal are: (1) surveillance of parolees, essentially a law enforcement function; and (2) providing and/or obtaining necessary social services for parolees. When the same staff person is required to perform both of these parole functions, as is the case in the New Jersey parole system, conflicts frequently develop between the roles of "enforcer" and "helper." With the increasing emphasis on reintegration of offenders into the community, parole is becoming an increasingly vital component of the corrections system. It is, therefore, appropriate to reexamine and articulate the purposes of parole in order to ensure their consistency with the goals of the total corrections system.

Staffing Patterns

Staff roles in the New Jersey parole system for the most part follow the pattern common to traditional parole agencies. The "career ladder" of the Bureau extends from the Chief, who heads the agency, through the levels of Supervising Parole Officer, District Parole Supervisor, Assistant District Parole Supervisor, Senior Parole Officer, Institutional Parole Officer, and Parole Officer. Parole Officers comprise the bulk of the staff and, as discussed above, serve the dual functions of service and surveillance. Several specialized roles have been developed at and below the Senior Parole Officer level. Using federal

funding every District has implemented an innovative program involving Community Resources Specialists, drawn from the ranks of the Senior Parole Officers. In some Districts, an additional Senior Parole Officer specializes in staff training and compilation of statistical data. Another specialized role within the Bureau is that of Institutional Parole Officers, who develop preparole plans and handle administrative functions related to release on parole. Though the regional approach of the Bureau's administrative structure represents a progressive step toward increased responsiveness to the needs of localities, staff role specialization in terms of direct service functions is only beginning to be explored by the Bureau.

Linkage of the Bureau's operations to other resource agencies is also of vital concern. This is currently facilitated by the Community Resources Specialists; in addition, personnel from other agencies maintain office hours in a few District offices in order to provide service to parolees. However, both of these efforts are quite limited in scope at this time. As the role of the parole office shifts to accommodate changes in goals for the parole system, close linkage of community agencies to the parole agency will be increasingly critical to effectively accomplish the reintegration of parolees into free society. Thus, expansion of these programs and development of other innovative forms of coordination should be seriously considered.

The Bureau's lack of orientation and training for new staff members, though fairly common among parole agencies in general, is also problematic. Only 22% of staff responding to the Master Plan survey indicated that they received parole-related training prior to being employed by the Bureau. Limited in-service training in the form of workshops and special training sessions is available, but financial assistance for obtaining training outside the Bureau is severely restricted. Only a few Districts have a Senior Parole Officer who focuses on staff training and, though Assistant District Parole Supervisors have staff training among their responsibilities, their primary duty, which occupies most of their time, is considered to be case review.

Workload

The workload of parole staff is generally assigned in terms of caseload ratios. In 1974, the average parole caseload was 53 per officer. In November, 1975, actual caseloads of individual officers ranged from a low of 45 to a high of 76. In addition to case supervision, parole officers must complete many

types of reports; in FY 1975, an overburdening 59,254 written reports were completed by parole officers. In that year, each parole officer completed an average of about 362 reports, or about 1.6 per working day. Combined with caseloads which are above levels recommended by the National Council on Crime and Delinquency (35 cases per officer), this "paper-workload" constitutes a considerable strain on parole staff resources. These figures are representative of reports filled out by line staff and do not include reports generated by administrative parole staff.

A specific problem area affecting the workload of Supervising Parole Officers since 1972 is the probable cause hearings that must be conducted prior to parole revocation. In July, 1975, the number of hearings held per Supervising Parole Officer ranged from four to sixty-three. The responsibility of conducting probable cause hearings draws time away from supervision of District parole offices. Since individual Supervising Parole Officers may interpret their priorities differently, some Districts may receive less supervision than others.

Service Delivery

New Jersey parolees are typically assigned to a supervision classification level after their initial interview with a parole officer. These levels range from intense to regular, quarterly, semi-annual, annual and recorded. They are defined only in terms of degree of surveillance required, not in terms of the quantity or type of services to be provided to the parolee. The assignment of a parolee to a supervision level is at the discretion of the District offices, but the guidelines for assigning parolees to levels are quite vague. For example, intense supervision is assigned "... to those cases requiring more intensive supervision than a regular case," while regular supervision is assigned "... to those cases requiring less than intensive supervision." At a minimum, six months of "successful adjustment" are required before transfer to a lower level of supervision is possible, though what constitutes successful adjustment is not clearly or uniformly defined across Districts or individual officers.

Currently, the assignment of parolees to officers is made on a strictly geographical basis. There are no systematic, routine procedures by which the needs of individual parolees can be matched to the special skills or expertise of officers. Geographic boundaries can be altered to equalize caseloads with regard to size or intensity of supervision required, but such adjustments are not made regularly or frequently, so

that caseloads, as mentioned above, show significant variability across officers.

New Jersey parolees are required to abide by a lengthy list of conditions, to which still more "special" conditions may be added in individual cases. There are no fewer than four separate sets of parole conditions now in use for the several subgroups in the corrections system. Persons with minimum-maximum sentences must abide by one set, women with indeterminate sentences another, and male and female youths still others. The varying number, specificity and content variety of parole conditions create real problems for supervising officers; differential enforcement of conditions is a predictable result.

The Bureau has operated a partial residential facility for parolees (PROOF) since 1969. It offers an alternative to reincarceration for parolees who have "experienced a malfunction in parole adjustment." Occasionally, the program also accepts a maximum of two work-releasees from Rahway State Prison. The house has a maximum capacity of 15 residents, and all resident must be male, 16 or older, and have no record of arson, sex offenses, or serious psychological problems. Though reported recidivism rates for PROOF participants are relatively high (34% arrested within one year of terminating residence), selection of nearly all residents of PROOF is based on poor adjustment on parole. The 34% recidivism rate, may, therefore, represent a substantial reduction in the proportion of recidivism that could be expected among this population without benefit of the PROOF program. During 1975, PROOF housed 130 parolees for an average stay of about one month each; this is less than one percent of the total statewide caseload. According to data collected in the Master Plan survey of New Jersey parolees, supervising officers judged fully 17% as likely to be definitely unsuccessful on parole. Clearly PROOF, with its severely limited capacity, cannot fill the evident need for intensive services, especially for parolees not residing in or near Jersey City.

The Bureau of Community Services is responsible for the operation of two community service centers (CSC's) for adult males, and three Community Treatment Centers (CTC's) for juvenile males. The former are intended to function as prerelease facilities for offenders within nine months of their release from prison. The latter function as alternatives to state commitment for juveniles. There is no formal structural relationship between this Bureau and the Bureau of Parole although, at a functional level, coordination

of the two Bureau's efforts would seem to be essential.

In summary, New Jersey's Bureau of Parole faces the following set of major problem areas which require positive action:

1. The Bureau has not clearly articulated its purpose and goals, thereby impeding the development of the functions and activities necessary to meet these objectives.
2. The traditional purposes of parole entail inherently conflicting dual roles. New purposes must begin to evolve in line with the changing demands on the total corrections system.
3. Staff roles follow traditional, generalized surveillance service delivery patterns, which can lessen the effectiveness of staff in both spheres.
4. The lack of specific criteria for assignment of parolees to supervision levels, and the use of an exclusively geographic case assignment strategy can create an unequal distribution of the workload across officers.
5. There is no comprehensive, coordinated, state-wide system of partial residential facilities which can meet the apparent need for both "halfway out" and "halfway in" programs.

From the analysis of problems currently experienced by the system, and knowledge of progressive correction standards, recommendations for the future development and improvement of parole services in New Jersey can be formulated.

Though it is generally agreed that the basic purpose of parole is reduction of recidivism (though definitions of recidivism vary greatly), the specific ways in which this goal may be achieved are neither obvious nor widely recognized. The traditional model of the generalist parole officer who performs both the surveillance and the helping functions creates conflicts which may interfere with the parole agency's ability to attain its goals. New approaches to parole have been developed and are being utilized in several jurisdictions which can alleviate these conflicts and may contribute to a greater effectiveness of parole in preventing future criminal behavior of persons released from prison. Parole is an essential part of any system of graduated release from state prisons; together with work release facilities, it makes a major contribution to the reintegrative function, a primary goal of the corrections system.

It is proposed that the Bureau of Parole and the Bureau of Community Services be integrated into a single unit for the more efficient delivery of correc-

tional services to offenders outside of institutions. Such a unit would constitute a major administrative subunit for the Department of Corrections.

The Division of Community Services is to have a regionally organized administration. The advantages of this regional approach to service delivery have been outlined in the context of the organizational recommendations. The National Advisory Commission on Intergovernmental Relations (ACIR) points out that there is a "need for interlocal approaches to providing major public services," and that "the possibility of achieving economies of scale in the production of public goods and services has served as a strong incentive for cooperation."

The Bureau of Parole has already attempted to establish a regional administration of parole services through its nine districts. It is questionable, however, whether the "economies of scale" mentioned by the ACIR can truly be achieved with nine substate regions in a state as geographically small as New Jersey, which has only 21 counties in all; the largest existing parole district encompasses four counties, while the two smallest include only portions of a single county (Essex). Workload equalization seems to have been the guiding principle used in delineating district boundaries; the percentage of the total statewide parole caseload found in each district ranges from 7 to 15 percent with six out of the nine districts clustering at around 9 to 12 percent. Given that the percentage of parole caseload per county ranges from .3 to 23.7, it is apparent that district boundaries have been drawn to reduce this disparity as much as possible.

A regional approach to service delivery must be based on principles of efficiency, economy, and feasibility. Unfortunately, as the ACIR points out, it has often been true that "political feasibility and acceptability have varied inversely with effectiveness." In order to optimally balance these considerations, criteria for developing and defining substate regions must incorporate several interrelated factors:

1. Existing local government boundaries (especially counties).
2. Existing administrative and political affiliations.
3. Corrections workloads.
4. Transportation and communications linkages.
5. Demographic similarities (e.g., urban/rural, population density).
6. Available community services.

Workload equalization, the guiding rationale for the present parole districts, is thus only one of several factors which should play a part in determining re-

gional service area boundaries. A regional system can quickly become administratively "top-heavy" when regions proliferate beyond an optimal number. In a state like New Jersey, which is small in geographic area, it is difficult to justify the development of more than four or five substate regions.

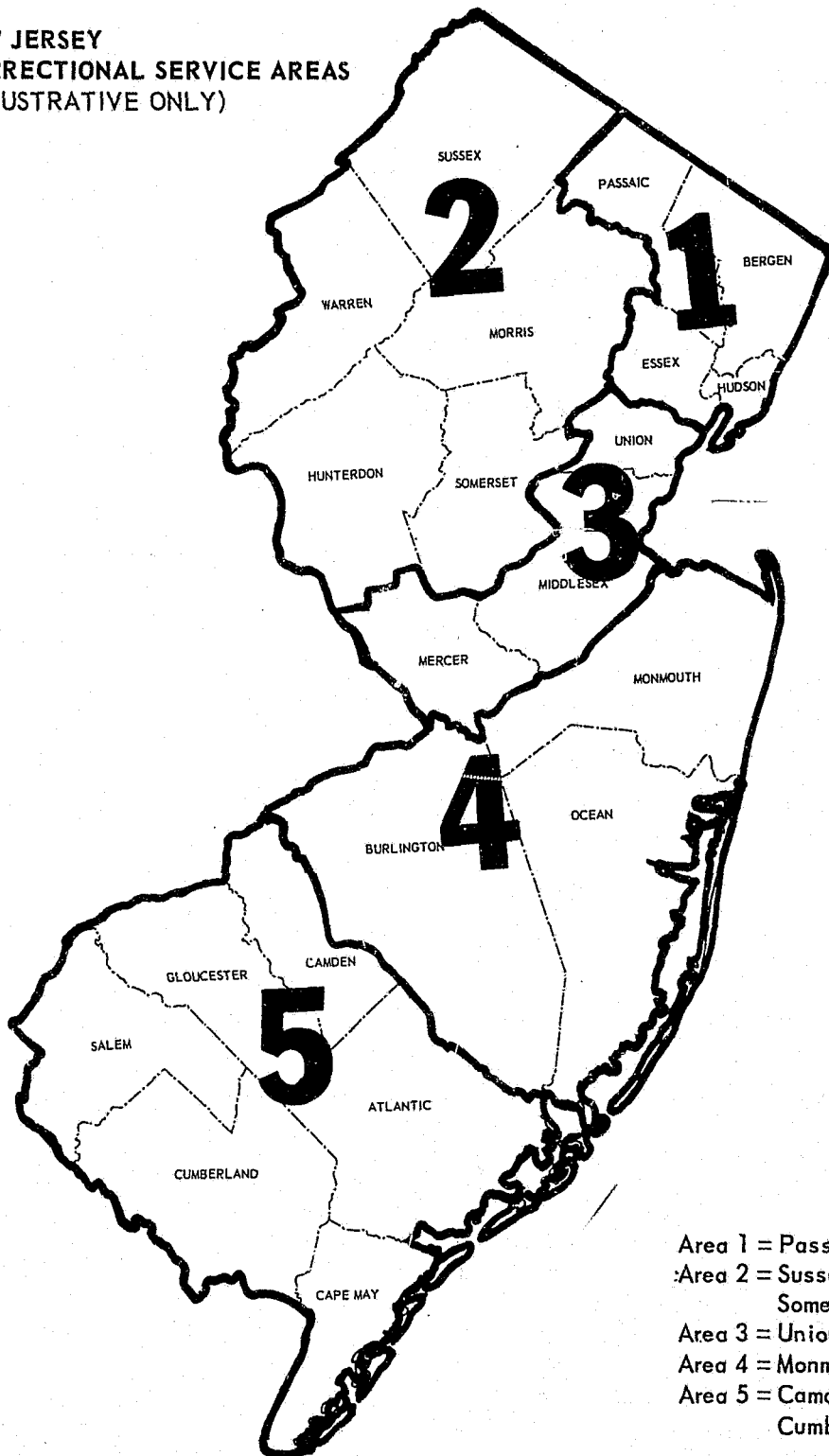
The accompanying map illustrates hypothetical regions for the Division of Community Services. The smallest of the five regions (3 and 4) contain three counties, while the largest (5) encompasses six counties. Regions 1 and 3 comprise the urban belt of the state, with the highest population density and parole caseload per county. Regions 2, 4 and 5 are relatively more rural, with scattered population centers and a smaller proportion of the parole workload. Thus, the proposed regions are homogeneous units with regard to their urban or rural character. In addition, the two urban regions encompass roughly equivalent geographical areas, while the three more suburban/rural regions are also of similar area; this minimizes necessary travel by the staff of each region. As will be discussed more fully in a later section, staffing patterns for parole services in urban areas can and should differ from parole staffing patterns in less densely populated regions. Maintaining urban and rural regions as separate service areas can facilitate development of these distinctive staffing patterns by enabling regional administrators to focus on the service needs unique to their regions. One final advantage of this proposed five-region schema is its concordance with the probation service areas proposed by the Administrative Office of the Courts in its probation unification plan for New Jersey (only the placement of Mercer County is inconsistent with the AOC proposal).

Staffing Parole Services

Some degree of staff role specialization in the proposed Division of Community Services is recommended in the organizational section of this report. The need for a tripartite parole officer role specialization, with case managers, assessment specialists, and program developers, is especially critical in the urban regions, where workload levels, in terms of cases to be supervised, reports to be developed, and community resources to be cultivated, are quite high. Case managers are seen as those who maintain responsibility for an assigned caseload, while assessment specialists and program developers perform specialized functions which assist case managers in serving the parolees in their caseloads.

Too often, the day-to-day demands of case super-

**NEW JERSEY
CORRECTIONAL SERVICE AREAS
(ILLUSTRATIVE ONLY)**



- Area 1 = Passaic, Bergen, Hudson, Essex
Area 2 = Sussex, Warren, Morris, Hunterdon,
Somerset
Area 3 = Union, Middlesex, Mercer
Area 4 = Monmouth, Burlington, Ocean
Area 5 = Camden, Gloucester, Salem,
Cumberland, Atlantic, Cape May

vision and crisis management do not allow generalist parole officers to devote time to critical assessment tasks or to community resource development. With staff specifically assigned to these functions, the overall efficiency and effectiveness of parole staff can be enhanced. New Jersey is already experimenting with Community Resources Specialist positions in each parole district; this effort should be expanded, particularly in the urban regions of the state. The National Advisory Commission on Criminal Justice Standards and Goals states that "a significant number of parolees can do very well without much official supervision." In keeping with this premise the role of parole staff is evolving from the more traditional one of surveillance to that of service broker or resource manager for most parolees. Program developers can play a central part in effecting such a role shift by coordinating and facilitating linkages with

other social service agencies. Parole agencies have also become aware of the necessity for developing adequate assessment techniques to identify those parolees requiring more intensive surveillance and/or services; assessment specialists, with expertise in this area, can assist both case managers and the regional administrators in implementing a parolee classification system which maximizes the use of relatively scarce resources for those requiring the most service.

Development of specialized staff roles will require increased training opportunities. There is potential for a career ladder which begins at the case manager position and allows promotion to the assessment specialist or program developer positions as further experience and training are acquired. Financial incentives can also encourage parole staff to continue their training and education.

	Total New Jersey	Distributed by Region				
		Region 1	Region 2	Region 3	Region 4	Region 5
N. J. POPULATION Percent	100	39.2	11.5	19.9	14.4	15
ADMISSIONS TO N. J. STATE INSTITUTIONS Percent	96.5	46	2.9	17	13	17.6
N. J. JAIL POPULATION:						
Number	3881	1680	213	708	555	725
Percent	100	42	6	20	14	18
N. J. PAROLE CASELOAD						
Number	7464	3581	280	1308	1047	1248
Percent	100	48	3.9	17.5	14	16.6
N. J. ADULT PROBATION CASELOAD:						
Number	28248	13281	1889	5714	2562	4802
Percent	100	46	8	20	9	17

*Approximately 4% are admitted from out of state.

Parole Service Delivery

Client Classification Systems

One of the most pressing needs which the New Jersey Bureau of Parole faces is the refinement of its parolee classification system. Guidelines for assigning parolees to the six currently available levels of supervision are vague, and in some instances tautological, providing little real guidance. If unwarranted abuses of discretionary decision-making are to be eliminated or curtailed in both sentencing and parole granting, then it will be necessary to insure that fairness and equity prevail in correctional classification systems as well.

Relatively objective classification systems which permit parolees to be classified into various levels of parole supervision are being utilized in other jurisdictions. The three basic supervision types can be called intensive, regular, and minimum; termination upon successful completion of the requirements of parole constitutes a fourth category. The criteria most typically used in such classification schemes include:

1. Length of time on parole (this criterion is already used to some extent by the Bureau of Parole).
2. Performance on parole:
3. Probability of success on parole.

Data on these factors was obtained in the Master Plan survey of New Jersey parolees and was used to computer-classify a 1,405-person random sample into three supervision levels and a termination category. Performance on parole was assessed using an item which asked for the frequency and relative seriousness of any violations of parole which the parolee had committed. Probability of success on parole was measured using a scale developed in California to provide such classifications. This scale is reproduced in the table below.

	Add
If arrest-free five or more years	16
If no history of any opiate use	13
If no family criminal record	8
If commitment offense not checks or burglary	13
Take age at commitment times 0.6	
Add 21 for all cases	21
	Subtract
3 times number of aliases	—
5 times number of incarcerations	—
	Equals
Base Expectancy Score (BES) =	

If Base Expectancy Score is:	Then the percentage of that score group with favorable outcomes after two years is:
92-100	87%
73- 91	76%
63- 72	64%
44- 62	53%
34- 43	49%
15- 33	29%
0- 14	14%

All of the information utilized in calculating the base expectancy score (BES) is provided on the questionnaire. The scale was originally designed to predict parole success and is, therefore, normed on a sample of prisoners released after a period of incarceration. It would, therefore, be inappropriate to interpret scale scores on an absolute basis, especially for probationers. However, as a means to estimate the relative probability of success, under community supervision the scale does have demonstrated validity for California and for federal parolees and for probationers in Essex County, New Jersey. It was developed and tested originally through a two-year follow-up of groups of parolees who had been terminated from parole supervision. The correlation of the items on the scale and other data with the parolee's success or failure was determined, and the scale items were shown to be highly correlated, either negatively or positively, with the outcome of the cases after two years. (Thus, a client with a BES of 63 or more would have 64% or better estimated probability of success on community supervision.) Ideally, New Jersey should develop its own risk assessment scale based on a follow-up study of New Jersey parolees, but the scale used provides a foundation on which further study can be based. In this report, the 64% probability of success is used as the dividing line between high and low expectancy of success; clients with a 64% or better BES are classified as relatively low-risk (of failure), while all others are classified as high-risk.

The table below records the number of parolees from our sample whom we classified into different levels of supervision based on a combination of length of time on parole, performance on parole, and probability of success on parole. For the purpose of this combination, the following definitions of these three factors were used:

—Length of time on parole is divided into the first

six months, second six months, second year, and more than two years on parole.

- Parole performance is described as good (no known violations), fair (occasional, non-serious violations), doubtful (frequent non-serious violations), or poor (serious violations), and
- Probability of parole success is described in terms of either a high or a low base expectancy score.

In developing the table, parolees were classified into different levels of supervision according to the following rules:

Parolees assigned to *intense* supervision included:

- All parolees in their first six months on parole.
- All parolees with continued poor parole performance and less than two years on parole
- All parolees in their second six months on parole with fair or doubtful parole performance
- All parolees in their second year on parole with doubtful parole performance and low base expectancy scores
- All parolees beyond their second year on parole with poor performance and low base expectancy scores

Parolees assigned to *regular* supervision included:

- All parolees in their second six months with good parole performance

- All parolees in their second year with either fair performance and low base expectancy scores or with doubtful performance and high base expectancy scores

- All parolees beyond their second year on parole with poor performance and high base expectancy scores

Parolees assigned to *minimum* supervision included:

- All parolees in their second year on parole with either good or fair performance and high base expectancy scores or with good performance and low base expectancy score

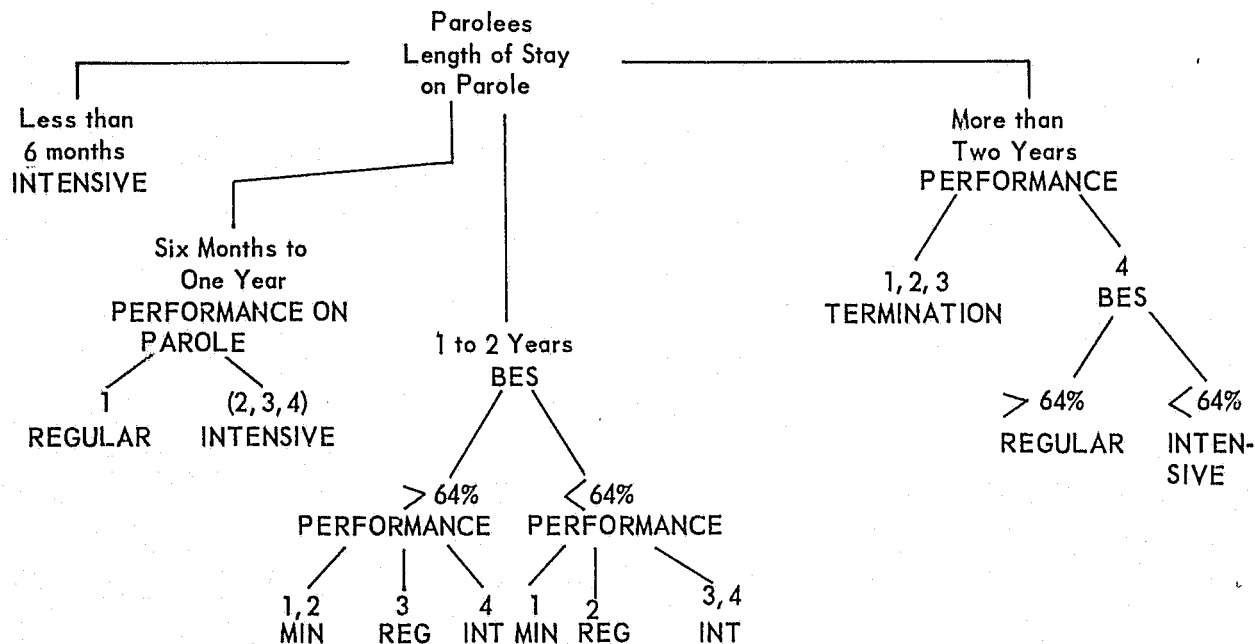
Parolees *terminated* from parole included:

- All parolees with more than two years on parole with good, fair, or doubtful performance

The accompanying flow chart is a linear representation of the classification process described above.

Of the 1,405-person sample, 155 could not be classified due to missing data. The following table illustrates the results with the remaining 1,250 persons.

According to this classification system, about one-fifth of New Jersey's parolees could be terminated from supervision, but of those remaining on supervision, nearly 70% would require intensive su-



PERFORMANCE ON PAROLE KEY

1 = no known violations
2 = occasional, non-serious violations

3 = frequent non-serious violations
4 = serious violations

pervision and services. This finding further underlies the need for developing specialized staff roles which will enable parole staff to provide these intensive services.

Supervision Level	Number	Percent of Total	Percent of Those Not Terminated
Intensive	658	52.6	67
Regular	216	17.3	22
Minimum	109	8.7	11
Terminate	267	21.4	
	1,250	100.0	983

Work Unit System

Development of a work unit system for assignment of cases and other tasks to staff is crucial, to ensure as equitable a workload distribution as possible. Since intensive supervision of a parolee should entail more concentrated and time-consuming effort on the part of parole staff, the intensive cases should be weighted accordingly. Intensive supervision requires not only increased surveillance, but also considerable efforts at service brokerage. Minimum supervision requires only a small commitment of time to record-keeping for surveillance purposes, and involves no service brokerage functions except at the specific request of the parole client: active intervention in a minimum supervision case should occur only if a crisis necessitates it.

Therefore, using regular supervision as a normative standard wherein one regular supervision client is one work-unit, an intensive supervision client can be seen as constituting four work-units, and a minimum supervision client one-half of a work unit. Thus, if an optimal workload is set at 60 work units, a case manager could supervise and service 15 intensive supervision clients, 60 regular supervision clients, 120 minimum supervision clients, or any combination of types of clients which yields a total workload of 60 units. These numbers are offered simply as illustrations of what is meant by a workload as opposed to a caseload approach to parole supervision. As New Jersey develops explicit definitions of the surveillance and service requirements of each supervision level, work unit figures can be adjusted and weighted accordingly. In addition, comparable work units for other tasks performed by parole staff (e.g., preparole investigations and other reports) can be developed which will further facilitate equitable workload assignments.

Using this work unit system applied to the approx-

imately 7,300 parolees under supervision at any one time during 1973-74, and the percentages of persons at each supervision level as estimated from the use of the proposed classification system on the Master Plan sample, an estimate of the number of parole staff required to adequately supervise the state-wide caseload can be obtained. First, about 20 percent of the 7,300, or 1,460, can be terminated using the classification system discussed previously. Of the 5,840 remaining, 67%, or 3,912, would be intensive cases, 22 percent, or 1,285, would be regular cases, and 11 percent, or 642, would be minimum cases. This translates to a total workload of 17,254 work units. Depending on the number of work units felt to be optimal (and the number of resources available) a more rational allocation process could be introduced into the system using this method.

Relationships to the Paroling Authority

Several aspects of the relationship of parole services to the parole decision-making authority should be redefined. The probable cause hearing workload places considerable demands on supervising parole officers; for example, in July, 1975, 206 probable cause hearings were requested. Supervising parole officers must devote a substantial proportion of their time to tasks other than supervising the operations of the district offices. The probable cause hearing workload is large enough to justify the hiring of at least five full-time hearing officers whose only task would be to conduct probable cause hearings. Not only would this alleviate workload pressures of supervising parole officers, but it would also provide a hearing process which is more clearly separate from parole services, since these hearing officers could be on the staff of the paroling authority.

Preparole plans are developed by institutional parole officers for all prospective parolees. It is difficult for these parole officers to anticipate when a youthful offender serving an indeterminate sentence is going to be eligible for parole, even though the YCI Boards of Trustees has promulgated guidelines which are used to estimate the length of time a prisoner will serve before becoming eligible.

If such indeterminate sentences are replaced by fixed maximum sentences, and parole grant is presumed at first eligibility, then the erratic workloads and uncertainties of preparole planning will be alleviated. In the sentencing and parole decision-making model proposed in this Plan, the role of institutional parole officers will become increasingly more critical, since they will constitute a primary linkage mecha-

nism between the proposed Division of Community Services and the institutions within the Division of Institutional Services. For example, institutional job training programs may begin to become more intimately linked to job opportunities in the community through the combined efforts of the institutional parole officers, program developers and case managers.

A final modification of the policies of the paroling authority which could greatly simplify the supervision tasks of case managers is a reduction in the number of standard conditions of parole which every parolee is required to obey. The number and variety of parole conditions which are now applied to various classes of parolees in New Jersey create an enforcement dilemma for supervising parole officers. The National Advisory Commission of Criminal Justice Standards and Goals recommends in its Standard 12.7 that parole conditions should be reduced "to an absolute minimum, retaining only those critical in the individual case" and that an "effective means of enforcing the conditions established should be provided."

Partial Residence Programs

Work release programs, operated in minimum security residential settings in the communities to which prisoners return on parole, can provide an extremely valuable resource for easing a new releasee's transition from prison to the free society. New Jersey's Bureau of Community Services has attempted to initiate development of such "prerelease" settings, but to date only a very small proportion of prisoners have an opportunity to participate in work release prior to being paroled. It is probably not essential for all prisoners to participate in such a work release program, but opportunities should be available to a substantial proportion of both male and female inmates. Placement in a work release facility for up to nine months prior to release on parole could comprise a vital step in a graduated release program for inmates evaluated as needing intensive services. Such a graduated-release program has special value for New Jersey, where a majority of the current parole caseload can be classified as requiring intensive supervision.

New Jersey should commit itself to developing a number of partial residence programs located throughout the state. The actual number and location to be developed should be determined by the proportion of admissions from the Correctional Service Areas. Using the hypothetical areas previously suggested, admission data would indicate that Area

1 should develop 16 such centers, Area 2 should develop 2 centers, Area 3 should develop 6 centers, Area 4 should develop 5 centers and Area 5 should develop 6 centers. Such centers would be appropriate for any correctional service delivery system recommended. There is also a need for short-term residential alternatives, similar to the existing PROOF program, for parolees experiencing adjustment difficulty. The network of work release facilities developed for the pre-release function could provide space for parolees needing such a "halfway-in" placement. Such factors as community attitudes, availability of appropriate facilities, and number of beds required for halfway-in parolees should determine whether the work release facilities should be multi-purpose or whether two separate networks of partial residential facilities should be developed.

In considering the expansion of community corrections programs, special note should be made of the critical importance of community acceptance. During 1975, a number of serious incidents involving offenders on furlough led to a very sharp restriction in the selection criteria for offenders who could be released to furlough or assigned to the work release program. As a result, offenders on work release or on furlough dropped from 361 in December of 1975 to 105 in December of 1976. Primarily as a result of this restriction, the total number of offenders in partial residence programs of the Department of Corrections dropped from 501 in December of 1975 to 301 in December of 1976.

As of December 31, 1976, the count of 301 offenders in Community Corrections programs of the New Jersey Department of Corrections included 141 offenders in half way in programs and 160 offenders in half way out programs.

The 141 offenders in halfway-in programs included

- 12 adult offenders at the Camden Service Center,
- 69 juveniles in three Community Treatment Centers, and
- 60 sixteen and seventeen-year-olds at four Residential Group Centers

The 160 offenders in half way out programs included

- 43 offenders in two Community Service Centers for Adults,
- 87 offenders on work release,
- 12 offenders in the Bureau of Parole's Proof House (half-way back in), and
- 18 inmates on furlough

New Jersey Corrections:

Description Of Probation Services

This section discusses the organization and nature of probation services. It is based on interviews with probation staff in the Administrative Office of the Courts and the county probation offices. In addition, a survey was conducted to gather information on a 10% statewide sample of probationers.

INTRODUCTION

This report on the New Jersey probation system was undertaken as a part of the Correctional Master Plan Project. The objective was to survey probation operations as a part of the State's total correctional system. The survey undertaken makes possible an evaluative description of the system based primarily on county-by-county visits and interviews with the chief probation officer and/or the deputy. County interviews included a request to have each probation officer complete a detailed profile on a 10 percent sample of his/her existing caseload of adult (excluding juveniles) probationers. These two sources—the county interviews and the probation profile analyses—provide the bulk of the operational data and information for this report.

The value of this data is enhanced if caution is used in interpreting statistics concerning individual counties where the sample number of probationers was small (i.e. Burlington, Cape May, Cumberland, Gloucester, and Somerset each contains less than 2% of the state probationers, and Hunterdon, Salem, Sussex, and Warren each contain less than 1%.)

A National Prospective on the Probation Function

The National Advisory Commission on Criminal

Justice Standards and Goals, in accord with earlier recommendations developed from the 1950's onward, emphasizes the need for expanded use of probation as an alternative disposition to institutionalization. The rising rate of crime, high costs of institutionalization, difficulties of reintegration into the community, and overall failure of the social and criminal justice systems to respond effectively to these deficiencies, have led to the need for appropriately funded and manned probation services. The Commission states that probation has failed in reaching its potential due to two major factors—(1) the lack of a system for selecting who should receive probation and (2) the lack of the necessary support and services to probationers. Currently, overcrowded jails, tight corrections budgets and limited, inadequate probation services exist. The Commission's general observation is that probation is not adequately structured, financed, staffed or equipped with necessary resources. A major shift of money and manpower to probation as a community-based corrections service is viewed as a national objective and requirement to facilitate the use of probation as a preferred disposition. The shift may also require strengthening the position of probation in the framework of government, defining upgraded goals and objectives for the probation system, and developing an organization that can meet such objectives.

Placement of probation within a governmental framework varies among the states and remains an area of controversy. The two main issues are (1) its organizational structure and location, and (2) the nature of its services. In all states, correction components and subsystems operate within the execu-

tive branch, sometimes in the judicial branch, and sometimes under mixed arrangements. On the state/local control issue, state governments operate most subsystems of corrections, except for probation, jails and some juvenile detention facilities which have varying organizational patterns.

The National Advisory Commission suggests that arguments for unifying probation are more persuasive. Advantages cited are: it would facilitate a more rational and standardized allocation of probation staff services, increase the possibility of interaction and administrative coordination with corrections and allied human services, increase administrative and political access to the budget process and establishment of priorities, and provide for the courts a uniform level of community supervision for those offenders not incarcerated, thus making possible an expanded use of probation supervision for offenders.

On the state vs. local issue, the National Advisory Commission states that uniformity in probation can be best achieved when there is a unified and state-administered probation system. The tremendous variations in local agencies (resources, staff, etc.) would be evened out, and the lack of strong, consistent leadership and supervision, which often is observed in locally controlled probation agencies, would be corrected. Moreover, a unified state-administered probation system can more easily organize and respond to the needs of a particular locality or region without being overly influenced by local political options and impediments. New programs can be devised and implemented without requiring additional approval by local political bodies. Greater assurance is provided that uniform accountability on goals and objectives can be met, and that uniform policies and procedures can be developed. Also, more efficiency in the disposition of resources is assured because all staff members are state employees and a larger agency can make more flexible use of manpower, funds, and other resources.

A major problem which has prevented the effective development of probation is that the service goal has never been clearly delineated or given the priority which it required. Local control of probation frequently produces an emphasis on non-supervision aspects of probation to the extent that programs of supervision of offenders are insufficiently staffed and supported. The unification of these functions, as described above, would improve this situation in that standards of probation service delivery would be es-

tablished for the entire state based on an objective consideration of need.

Furthermore, there is often inadequate differentiation between services to be provided by probation and those that should be provided by other agencies such as mental health, employment, housing, education and public and private welfare agencies. Many agencies do not want to be associated with offenders. Probation administrators lack influence and funds to procure these other services and therefore are forced to expand their own roles and services. This leads to duplication and a negative categorization of services and inhibits the reintegration of probationers into the community. Probation agencies are also known to assume responsibilities and functions unrelated to probation, thus further stretching probation agency effectiveness in providing basic services to the probationer.

The National Commission points out that services to probationers are complicated by an overemphasized casework approach which features the officer's complete control of the case. Greater attention must be given to classifying probationers and establishing workloads, as opposed to caseloads.

Difficulties may also arise from the lack of a framework or guidelines for probation decisions and a lack of statutorily designated responsibility. Depending on the role orientation of the probation agency, varying decisions are made about and for the probationer. The Commission places emphasis on the classification—rather than the traditional “treatment”—of offenders and/or their needs and the development of appropriate service programs.

At the operational level, the Commission summarizes seven basic objectives to achieve a more effective probation service delivery system:

- development of a goal-oriented service delivery system
- identification of service needs of probationers systematically and periodically, and specification of measurable objectives based on priorities and needs assessment
- differentiation between those services that the probation system should provide and those that should be provided by other resources
- organization of the system to deliver services including purchase of services for probationers and organization of staff around workloads
- movement of probation staff from courthouses to residential areas and the development of service centers for probationers.

- redefinition of the role of probation officer from caseworker to community resource manager
- provision of services to misdemeanants

In the area of personnel, the Commission's report emphasizes that probation services will require more trained staff if probation is to be increased in use as an effective sentencing disposition. An undergraduate degree is recommended as the standard educational requirement for entry-level professional probation work. There is also a need and place for persons who do not have such educational background. Probation

has lagged in the area of using paraprofessionals for tasks traditionally assigned to professionals. In probation, the shift from the casework model to the one based on offender classification should encourage such use of personnel.

The importance of volunteers, the necessity of developing a system in the probation agency for advancement, rather than the current promotion to an administrative or supervisory job, are highlighted. The Commission emphasizes that this responsibility for manpower planning and utilization, including staff development, should rest with the State.

Organization At The State Level

The Administrative Office of the Courts

An operational analysis of probation in New Jersey, unlike parole, is made difficult by the lack of a central, visible governmental agency responsible for administration of all probation functions. Probation is essentially a county function. Yet, there is a central state judicial agency, the Administrative Office of the Courts (AOC) which has specific coordinating responsibilities. Probation services, as a unit, came into its own within the AOC in the early 1970's. An overview of this central state structure is necessary in order to establish a backdrop for the county operational analysis.

Organizationally, in New Jersey, probation is a function of the courts at State and county levels. Within the AOC, the administrative arm of the State Supreme Court, the unit responsible for probation services supervision and coordination is the Probation Services Unit directed by an Assistant Director for Probation. The Probation Unit lies within the Division of Criminal Practice of the AOC. Within the probation unit itself there are three distinct divisions which will be described further on in this report.

The hierarchy of judicial involvement with the probation system is as follows. New Jersey is divided into 12 vicinages each having an Assignment Judge. This Assignment Judge, a judge of the Superior Court, is responsible for the administrative responsibilities and benchtime of the county judges. One of the administrative responsibilities is the selection of the Probation Liaison Judge, a county court judge who acts as liaison between the state and county court

system and the county probation department. The Probation Liaison Judge can report directly to the Assignment Judge. Also attached to the Assignment Judge's office is a trial court administrator for each vicinage. In some counties, the trial court administrator is involved in the probation function, although the duties and responsibilities of this recently created position (1972) are statutorily undefined.

Although coordination and administrative responsibility for probation lie with the AOC, each of the 21 counties in New Jersey has an independently operated and financed probation department. Each county probation department, in accordance with statutory requirements, Supreme Court rules and judicial policy, organizes services to meet the needs of the courts and communities within its county jurisdiction.

New Jersey Statutes Governing Probation

The legal bases for the probation function statewide are set forth in two bodies of legal regulations—the New Jersey Statutes and the Court Rules. A summary of the statutes follows:

1. There shall be a state office to be known as the Administrative Office of the Courts with an administrative director and a deputy administrative director, both appointed by the Chief Justice of Supreme Court. Both directors must be residents the State for not less than three years immediately prior to their appointment. Their compensation, duties and functions are fixed by the Chief Justice or as otherwise provided by law. (NJS 2A:12-1)

2. The director of the AOC, with the approval of the Chief Justice, shall appoint and fix the salaries of the employees needed to perform the duties of the director, unrestricted, by Civil Service regulations. (NJS 2A:12-2)
3. Probation officers, when directed by the court, shall fully investigate and report to the court in writing on the circumstances of the offense, criminal record, social history and present condition of any person charged with or convicted of a crime or offense, and, whenever desirable and facilities exist, they may also obtain a physical and mental examination of such person and report the findings to the court prior to disposition or sentence by the court. (NJS 2A:168-3)
4. The chief probation officer is appointed by judges of the county court. The judges can also appoint, on the application of the chief probation officer, probation officers as may be necessary. Before any order appointing any additional probation officers is made by the judges, a notice of the upcoming order shall be given to the board of freeholders of the county and they will have the opportunity to hear the reasons necessitating the additional probation officers. All probation officers must be appointed in accordance with rules and regulations set by the Civil Service Commission. (NJS 2A:168-5)
5. The chief probation officer has general supervision of probation work under the direction of the court. He may appoint such other employees as may be necessary to carry out the probation service, but the amount expended for probation cannot exceed the amount appropriated for probation in the annual county budget. The chief probation officer can make rules and regulations with respect to the management and conduct of probation officers and other employees as may be authorized by the judge or judges of the county court. (NJS 2A:168-7)
6. Salaries of a chief probation officer or probation officers are set by the judges. Before this action, notice of the time and place of this order shall be given to the board of freeholders of the county who are given the opportunity to be heard upon this issue. The necessary and reasonable expenses of probation officers are also paid for out of the county treasury. The salaries of employees appointed by the chief probation officer are fixed by the board of freeholders in accordance with schedules of the Civil Service Commission and paid in the same manner as the salaries of the probation officers. (NJS 2A:168-8)
7. The county court judges appoint and determine the compensation of temporary probation officers in the case of the absence or disqualification of any probation officer. (NJS 2A:168-9)
8. Probation officers shall have the powers of constables in the execution of their duties. The duties of probation officers include:
 - to make such investigations and reports under sections 168-3 and 168-13 of this title as may be required by the judge or judges of any court having jurisdiction within the county for which the officer is appointed
 - to receive under their supervision, on request of the court having jurisdiction, any person ordered to pay any sum for alimony or support in an order or judgment entered in a matrimonial action
 - to receive under supervision any person placed on probation by any court within the county for which the officer is appointed
 - to collect from persons under their supervision such payments as may be ordered by the court so to be made, and disburse the money so received under the direction of the court
 - to furnish each person under their supervision with a statement of the conditions of his probation and to instruct him regarding them
 - to keep detailed records of all the work done
 - to keep accurate and complete accounts of all money collected and disbursed, and to give and obtain receipts therefore
 - to make such reports to the courts as they may require.
9. The chief probation officer of each county shall, when requested by the superior court, immediately investigate and furnish to the court all necessary and available information and data concerning persons in the probation officer's county who are subjects of or legally interested in any matrimonial action in that court or in any proceeding directly or indirectly involving the custody of infants. Upon order by the superior court, the chief probation officer shall investigate the financial status of applicants seeking relief through forma pauperis petitions. The superior court may also order payments of alimony or support to be made in proper cases through the chief probation officer, who shall distribute such payments as directed by the court. The superior court is empowered and au-

thorized formally to request and require such investigations and information from any chief probation officer as may be necessary to effectuate the provisions of this section, and such requests may be made at any time and at any stage of any proceeding pending in the superior court. The court shall also have the discretionary power in actions involving the custody of infants, to file a certified copy of its order or judgement with the chief probation officer of the county or counties where the child or children reside, with a direction therein to make periodic reports to the court as to the status of the custody. (NJS 2A:168-13)

Court Rules Governing the Probation Functions

1. The Chief Justice of the Supreme Court is responsible for the administration of all courts in the State. He appoints the Administrative Director of the Courts to serve at his pleasure. The Chief Justice shall designate a judge of the Superior Court as Assignment Judge for each county and a judge of each multiple-judge county district court and juvenile and domestic relations court as presiding judge of such court, to serve at his pleasure. (Rule 1:33-1)
2. The administrative Director of the Courts shall be generally responsible for the enforcement of the rules, policies and directives of the Supreme Court and the Chief Justice relating to matters of administration and shall perform such other functions and duties as may be assigned him by the Chief Justice or by rule of the Supreme Court. (Rule 1:33-2)
3. The Assignment Judge, subject to the direction of the Chief Justice or rule of the Supreme Court, is responsible for the administration of civil and criminal justice and for the administration of all courts in the county for which he is the Assignment Judge. Although there are no specific rules relating to probation, the Assignment Judge is responsible for the administration of criminal justice, under which probation falls. (Rule 1:33-3)
4. Probation officers and volunteers in probation shall be appointed in accordance with standards fixed by the Supreme Court. All probation officers and volunteers in probation shall be responsible to and under the supervision of the Chief Probation Officer of the county who shall be responsible to and under the supervision of the judge of the county court, or in counties having more than one judge of the county court, the county court judge

designated by the Assignment Judge to be responsible for the administration of the probation department in the county in accordance with applicable statutes, rules of the Supreme Court, and directives of the Chief Justice, the Administrative Director of the Courts, and the Assignment Judge of the County. (Rule 1:34-4)

The Development and Programs of the AOC Probation Unit

Probation, as a single office operation, began in New Jersey in Hoboken in 1901. As described in an AOC report, the growth of probation was more of a response to an emerging need "... rather than as the structured development of a well-defined concept." In the 1960's, the AOC began to play a greater role in the operations of probation—planning, policy-making, consultation—which led to the creation, in 1972, of a Research & Development Service within the AOC. The objective of this unit was to aid in bringing about improvement in service operations.

The Probation Research & Development Unit, which was brought into existence with a state matching appropriation and State Law Enforcement Planning Agency funds, provides three primary services: (1) an information system, Probation Administration Management System (PAMS), (2) ongoing consultative assistance to county probation departments to further the development and implementation of model programs and probation standards; and (3) the development of operational models for the improvement of probation services. The PAMS has two basic components: (1) a Monthly Statistical Reporting System (MSRS) and (2) a Personnel Inventory Management System (PIMS). The Monthly Statistical Reporting System assembles summary data received from county departments on the numbers of persons supervised, the number of investigations, and the numbers of defendants awaiting disposition over two months due to a presentence investigation which is incomplete or which has not been reported to the Court. Data for the PIMS is collected on a form which gives each employee's name, social security number, address, phone number, sex, date of birth, marital status, military service status, education, special education and training programs, outside employment, related criminal justice experience and probation experience.

Future objectives for the Research & Development Unit consist of a comprehensive, computertized PAMS system of which MSRS and PIMS are the initial steps. The Unit has recommended that the

new system concern itself with the following:

1. the bail population and activities
2. the sentenced population
3. the probation population
4. the probation personnel
5. probation programs and activities/goals and objectives
6. fiscal data and budgetary issues.

In addition to the information system, the Research and Development Unit develops operational models and provides technical assistance to counties which includes specialized reports on a wide range of probation issues. Research & Development also operates the Discretionary Service Purchase Program, a Law Enforcement Assistance Administration (LEAA) funded program to provide emergency services to probationers through the counties.

The Training Unit of Probation has as its major goals "... to upgrade, intensify and expand client services; to help the probation officer attain the knowledge, skills and attitudes requisite to effective job performance, and to involve all levels of probation staff in some type of formal probation training." Fulfilling these goals, the Unit provides (1) all probation personnel with the option of taking on-the-job courses and (2) scholarships through the Educational Scholarship Fund, by which probation personnel can take graduate, undergraduate, and specialized courses at colleges throughout the state.

In April 1974, a grant from SLEPA made possible the appointment of a Coordinator of Volunteers. The Coordinator (1) promotes the use of volunteers, (2) surveys and gathers data concerning the existing volunteer programs, (3) provides consultative services to county probation departments planning volunteer programs, and (4) develops model projects for implementation in improving volunteer services. Volunteer programs existed in 13 counties at the end of the 1973-74 court year; the first one began operation in December 1970. Volunteers are involved primarily in one to one counseling but also perform clerical functions, job development and other related services in some counties. Volunteers to be involved in counseling are asked to commit themselves for one year to the program consisting of training, case assignment, regular meetings with the offender and ongoing contacts with the volunteer supervisor.

County Organization Plans

County organization and staffing persons vary widely among the 21 counties. The patterns will be

described in the county-by-county analysis. County organization has been influenced by a plan developed by the AOC in 1964 (revised in 1966). This plan was developed primarily by the AOC and the Department of Civil Service, with consultation from county court judges and chief probation officers. The counties were grouped into six different organizational categories (A-F), based essentially on their respective populations—with some emphasis on service demands.

A = Essex

B = Bergen, Hudson, Passaic

C = Union, Middlesex

D = Camden, Monmouth, Mercer, Morris,
Burlington

E = Atlantic, Somerset, Gloucester, Ocean,
Cumberland

F = Warren, Salem, Hunterdon, Sussex, Cape May

Although the survey showed that the plan is either obsolete or unused, it has played a part in the development of the current patterns or organization.

SURVEY OF COUNTY PROBATION OPERATIONS

As previously mentioned, the operational survey of county probation operations was based on a visit to each county and structured personal interviews with the Chief county probation officer and/or his deputy. A special questionnaire was constructed for the purpose and covers (1) organization, staffing, and personnel, (2) court-county relationships, (3) operations, (4) work assignment patterns and supervision, (5) community services and relationships, (6) performance. The following sections are based on an analysis of questionnaire responses and related material provided by the county.

Organization of Services

County Probation Departments are responsible to a Liaison Judge appointed from each county by a state court designated Assignment Judge. A Chief Probation Officer presides as department head in each of the counties. Regardless of county size, there are basically three distinct divisions characteristic of each county probation department. They include an Adult Division, a Juvenile Division, and a Family or Domestic Relations Division.

Under the Chief Probation Officer (CPO), there are seven position classifications which are used throughout the state. Although not all counties have staff positions under each of the titles, the positions are:

Assistant Chief Probation Officer	(ACPO)
Principal Probation Officer I	(PPOI)
Principal Probation Officer II	(PPOII)
Senior Probation Officer	(SPO)
Probation Officer	(PO)
Senior Investigator	
Investigator	

In the smaller counties, ACPO's and PPO I's are lacking. PPO II's generally assume administrative responsibilities, while SPO's are designated as supervisors. In Gloucester County, for instance, PPO II's administer Adult Criminal, Juvenile and Domestic Relations Divisions. In Sussex County, one PPO II is given great administrative latitude, which combines direct supervision of the Adult Division headed by an SPO and indirect supervision of the juvenile and Family Divisions (where two POs serve as acting supervisors). In two of the smallest counties (Hunterdon and Cape May), there are no PPO II's at all. Here, the CPO has direct control over the divisions, each of which is immediately accountable to either a SPO or a PO.

In the larger counties, there are more elaborate organizational structures. This is partly due to a breakdown into many functional units and the existence of branch offices. These more populous counties also have at least one ACPO. In Essex County, there are five ACPO's, each assigned to one of the four branches and a Special Projects Unit. In Passaic County, there is a First ACPO, who is Executive Assistant for Administrative Services, Training and Resource Development, Personnel, Plant Facility Management, etc.; and an ACPO, who is Chief of operations for the Family Division, Juvenile Division, and Division of Special Services. In most cases, there is also an Administrative Division.

The inclusion of recently evolved probation functions and services has been handled in various ways. In counties providing a large number of these "special services" (e.g., Essex, Bergen, Hudson, and Passaic), there are separate divisions or branches, which oversee a wide range of programs. Depending on the individual county, Divisions of Special Services might include: Alcoholic Rehabilitation and Remission Units, Volunteer Programs, Job Banks, Pre-trial Intervention, Narcotics Programs, Bail Programs, Urine Drug Monitoring, Adult-Male Section, and Juvenile and Female Sections.

Intake Projects in the larger counties are generally managed as separate units. However, Bail, PTI, and Volunteer Programs are not handled in any systematic manner. In Camden, Essex, and Morris Counties,

Volunteer Services are organized as a distinct probation unit; while in Bergen and Middlesex Counties, Volunteers are coordinated as part of a Division of Special Services. Pre-trial services are also treated differently, ranging from inclusion within the Adult Division (as in Bergen and Middlesex Counties) to separate status under the authority of directors and POs.

In sum, most counties indicate a functional basis for organization and there does not appear to be too much overlapping. As stated by one county, there is a practical chain of command, with PPOs exercising a good deal of authority.

The growth in regular and new probation functions has created a need for additional supervision. A basic concern of many CPOs has been the need for more supervisory personnel. In the smaller counties, inadequate staff and funds were cited as the major problems. In one county, improvement was claimed to depend upon staff expansion.

Some personnel problems were also related. The primary weakness in one county was said to involve the training and experience of supervisors. In another, problems were associated with a lack of personnel training and motivation. In terms of promotion possibilities, one county maintained that no real channels existed; therefore, the SPO has been used as a promotion position. Conversely, in another county, conditions for promotion were not believed to be stringent enough for a "complex organization".

Although probation was originally conceived as a court-system service, its present organization has been affected by SLEPA grants. As a result, organization and staffing have developed along more specialized lines. For the most part, currently operating organization plans highly resemble those provided by the state AOC. The major difference is in the recent proliferation of auxiliary services. These Special Services include: a Narcotics Division, Pre-Trial Intervention, Job Banks, Volunteer Programs, and Alcoholic Rehabilitation Units.

The growth in regular and new functions (such as Bail, ROR, Juvenile Intake and PTI) has called for a plan according to functional divisions. Even though the plans are outdated, present ones follow a similar, but non-specific, structure.

Differences among county units are not lacking, however. The major variations in organizational design relate to differences in the handling of such relatively new services as pre-trial functions, bail-ROR, and Juvenile Intake. Even among the three largest counties, significant structural differences in these

areas can be found. Although the organization plans are based on territorial considerations (in line with branch-office operations), there are differences in supervision of services. For instances, in one county, pre-trial services are under the direct supervision of the court, but the workers are assigned to the Probation Department for purposes of pay and personnel services. On the other hand, in another county, the pre-trial unit is responsible to a Principal Probation Officer II. And in a third county, a Principal Probation Officer I administers pre-trial services, with some supervisory authority given to a PPO II. Supervision of the Bail Unit is another indication of worker detachment. In one instance, the Court Administrator serves as the direct supervisor, although, as before, personnel are assigned to Probation for pay and personnel purposes. In contrast, the Bail Program may be administered by an Assistant CPO working out of the Central Criminal Branch. One county incorporates ROR-Bail in the Adult Division, under a PPO I; while a Senior PO, accountable to a PPO II, supervises Bail in another county.

One further difference is in the supervision of Juvenile Intake. In one county, the Juvenile Court Judge is the direct supervisor, while workers are again assigned to Probation for the above reasons. In another county, the Juvenile Intake Project is an adjunct of the Office of Chief Probation Officer and a PPO I supervises. Juvenile Intake in a third county is supervised by a PPO II. The following charts, from the 1974-1975 Administrative Office of the Courts Annual Report, summarize probation personnel data.

The data show a fairly wide variation in entrance salaries and salary range within each position among the various counties. In general, the variation among counties in terms of salary amounts, is greatest in the higher-level positions and narrows somewhat in the lower four positions. There are some indications that entrance salaries tend to decrease in smaller size counties, but this characteristic is not consistent and there are notable exceptions. For example, the highest entrance salary paid to a Chief Probation Officer was reported by Mercer County which ranks 11th in size. An Assistant Chief Probation Officer in another county (Hudson) is at a salary level much higher than the same position in any other county. There also was a variation in salary ranges for the indicated positions among the various counties. These entrance salary data, ranges and numbers of personnel were as reported during the interviews or were extracted from information provided by the counties. Interpretations of the data had to be made in some instances so that

exact precision, particularly in the entrance salary or range established, cannot be assured. Nonetheless, it is clear that there exists a significantly wide variation in entrance salaries and salary ranges among the counties. These variations do not seem to be associated with population size.

General evaluation of probation personnel systems

Each county rated the following aspects of its probation personnel system: job classification, pay scales, job specifications and qualifications, recruitment, eligibility exams, performance rating, termination and discharge, training. The rating choices were: (1) inferior, (2) needs revision or improvement, (3) adequate, and (4) superior:

- All counties rated their job classification plan as either being adequate or needing revision and improvement. Most of the middle range of counties in terms of population size cited a need for improvement. Two of the three largest, and five of the seven smallest counties rated the present classification plan as adequate.
- Pay scales were rated inferior by four counties, as needing revision and improvement by 10 counties, and as adequate by 5 counties. One county rated its pay scale as superior.
- Over half (12) of the counties indicated dissatisfaction with job specs and qualification requirements. The remainder of the counties, except one, thought this component of their personnel system was adequate. One county used a superior rating in response to this question.
- Recruitment was described as adequate by nine counties and as needing improvement in seven other counties. Two counties rated recruitment as superior while one county cited an inferior rating. Several did not provide any information in response to this question.
- Dissatisfaction was also observable in responses to queries about eligibility examinations. Only six counties believed these exams to be adequate. The rest rated the exams as needing revision or as inferior.
- Performance rating systems were viewed in a better light. Eleven counties rated their performance rating system as adequate or better. Three counties used a rating of inferior. The same general pattern was observable in rating termination and discharge procedures.
- The need for improvement in training programs or in the amount of time available for training was

PROBATION PERSONNEL AND SALARY RANGES

September 1, 1974 to August 31, 1975

County	Chief Probation Officer				Assistant Chief Probation Officer				Principal Probation Officer I				Principal Probation Officer II				Senior Probation Officer				Probation Officer			
	Total	Permanent Male	Permanent Female	Salary Ranges	Total	Permanent Male	Permanent Female	Salary Ranges	Total	Permanent Male	Permanent Female	Salary Ranges	Total	Permanent Male	Permanent Female	Salary Ranges	Total	Permanent Male	Permanent Female	Salary Ranges	Total	Permanent Male	Permanent Female	Salary Ranges
Atlantic	1	0	0	\$13,190-25,038	0	0	0		1	0	0	\$12,330-23,405	1	0	0	\$11,520-21,870	4	3	1	\$10,600-19,985	14	6	2	\$ 9,400-17,845
Bergen	1	1	0	23,981	1	1	0	\$ 19,795	6	5	1	15,000-18,000	9	8	1	13,700-17,100	9	6	3	11,600-15,600	52	34	18	9,200-13,700
Burlington	1	1	0	14,700	0	0	0		0	0	0		3	2	1	12,700	7	6	1	10,200	17	8	9	8,600
Camden	1	1	0	22,000-27,500	1	0	0	20,000-24,500	4	2	0	14,000-20,300	4	1	1	12,000-17,600	9	5	2	10,200-15,100	46	23	8	9,200-13,400
Cape May	1	1	0	15,925-21,079	0	0	0		0	0	0		0	0	0		4	4	0	10,264-13,719	6	2	2	9,975-13,081
Cumberland	1	1	0	13,863-20,843	0	0	0		1	1	0	11,313-17,011	3	3	0	10,573-15,898	2	1	1	9,877-14,852	7	3	0	9,232-13,882
Essex	1	0	0	24,389-32,125	5	5	0	17,860-23,488	9	9	0	16,012-21,067	22	20	1	14,414-19,032	75	58	16	12,822-17,122	110	81	16	11,710-15,595
Gloucester	1	0	1	16,800-22,400	0	0	0		0	0	0		3	1	1	12,500-17,400	3	3	0	10,800-15,000	11	7	2	9,400-12,900
Hudson	1	1	0	24,243	1	1	0	23,098	5	5	0	16,700-18,374	10	9	1	12,500-18,150	39	36	1	11,700-16,356	15	10	5	9,950-11,191
Hunterdon	1	1	0	14,589-19,443	0	0	0		0	0	0		0	0	0		2	1	1	11,223-15,039	4	1	3	9,556-13,074
Mercer	1	1	0	29,023	0	0	0		1	1	0	14,704-19,845	2	1	1	12,704-17,257	19	13	5	11,119-15,004	9	4	4	9,603-12,478
Middlesex	1	1	0	18,804-27,921	1	0	1	15,470-22,975	5	4	1	14,432-20,200	12	8	3	13,735-19,200	26	10	7	11,308-15,717	48	18	23	9,504-12,794
Monmouth	1	1	0	20,531-28,027	0	0	0		1	1	0	13,895-18,065	0	0	0		4	4	0	8,957-13,410	26	15	11	8,124-12,149
Morris	1	1	0	20,700-24,300	1	1	0	16,000-19,000	0	0	0		5	4	0	10,850-15,800	2	1	1	9,950-14,000	28	15	10	8,800-12,650
Ocean	1	1	0	20,000	0	0	0		1	1	0	18,000	1	1	0	16,000	7	6	1	12,000	24	11	6	10,000
Passaic	1	1	0	22,860-28,680	2	2	0	18,920-23,720	3	2	1	16,610-20,840	9	7	2	14,550-18,630	17	7	9	13,490-16,730	43	33	8	11,585-14,585
Salem	1	1	0	16,615-21,600	0	0	0		0	0	0		1	1	0	11,487-14,930	2	2	0	9,923-12,900	6	3	2	9,000-11,698
Somerset	1	1	0	25,000	0	0	0		2	2	0	13,930-19,457	5	5	0	13,916-18,039	8	7	1	11,013-15,348	23	16	7	10,155-14,149
Sussex	1	1	0	18,000	0	0	0		0	0	0		1	0	0	13,000-18,200	1	1	0	10,840-14,640	7	4	3	8,500-12,560
Union	1	1	0	19,850-22,350	2	2	0	17,350-19,850	3	3	0	16,350-18,850	8	7	1	15,350-17,850	21	17	4	11,750-15,750	43	25	17	10,750-14,750
Warren	1	1	0	14,947-20,176	0	0	0		0	0	0		1	0	1	12,296-16,601	3	2	0	11,152-15,058	4	2	2	9,633-13,007
Total	21	18	1		14	12	1		42	36	3		100	78	14		264	193	54		543	321	158	
Total One Year Ago	21	18	1		12	10	0		38	28	1		97	65	14		233	176	47		515	295	113	
Percent Change From Last Year	0	0	0		+17	+20	N/A		+11	+29	+200		+3	+20	0		+13	+10	+15		+5	+9	+40	

* Also includes provisional & temporary, excludes persons on leave.

Source: Probation Administrative Management System-Probation Research & Development.

OTHER PROFESSIONAL AND SUPPORTIVE PERSONNEL

September 1, 1974 to August 31, 1975

County	Senior Investigator				Investigator				Other Professionals Including Project Administrators	Accounting and Other Technical Personnel		Clerical Salary Ranges With Minimum Less Than \$6,000		Clerical Salary Ranges With Minimum Less Than \$6,000		Part-time All Classifications
	Total	Permanent Male	Permanent Female	Salary Range	Total	Permanent Male	Permanent Female	Salary Range		Total	Salary Range	Total	Salary Range	Total	Salary Range	
Atlantic	0	0	0		7	2	0	\$5,115- 9,709	1	6	\$4,170- 9,709	15	\$4,134-10,385	1	\$6,260-11,888	0
Bergen	0	0	0		11	4	4	6,920- 9,782	3	8	5,546- 8,810	6	4,870- 5,292	32	6,127-17,530	0
Burlington	0	0	0		17	5	0	6,600	0	6	4,600	21	4,600	5	6,200	0
Camden	5	3	2	\$ 9,997	31	5	9	8,559	0	6	6,118	3	5,700	42	6,000	4
Cape May	0	0	0		3	2	1	7,659-10,338	0	3	6,001- 9,408	4	5,717- 7,807	4	6,301-10,338	0
Cumberland	4	4	0	8,061-12,123	1	1	0	7,044-10,593	0	1	5,369- 8,074	4	5,369- 8,647	4	6,156- 9,257	0
Essex	0	0	0		10	7	3	8,150-13,044	0	7	6,450-14,161	0		96	6,450-16,434	6
Gloucester	1	0	1	7,720-10,001	12	0	3	7,003- 9,070	0	4	5,225- 9,070	11	5,225- 7,106	2	6,049-10,499	0
Hudson	0	0	0		7	3	4	6,500- 8,500	2	4	6,000-10,900	20	5,200- 7,500	23	6,000- 9,900	2
Hunterdon	0	0	0		1	0	0	9,139	0	3	6,192	0		3	6,827	0
Mercer	0	0	0		0	0	0		0	5	4,792-12,817	21	4,796- 9,114	13	6,122-16,211	1
Middlesex	2	1	0	8,613-13,195	24	0	1	7,600-10,725	4	8	5,035-14,135	25	4,567- 8,894	18	6,121-15,551	0
Monmouth	0	0	0		3	3	0	5,499- 7,149	0	10	5,221- 7,574	16	4,524- 7,882	1	6,684- 9,131	0
Morris	0	0	0		18	4	3	6,900-10,900	0	5	5,400- 9,770	17	5,200- 7,600	7	6,100-13,000	3
Ocean	0	0	0		0	0	0		0	6	5,262- 9,613	10	4,955- 7,958	2	6,340- 8,476	0
Passaic	6	3	3	8,592-11,172	9	2	5	7,794-10,128	2	8	5,540-10,637	29	5,275- 7,563	8	6,412-12,932	0
Salem	0	0	0		1	0	1	6,790- 8,827	0	2	4,711- 7,956**	7	4,960- 7,316**	0		0
Somerset	2	2	0	10,254-14,255	5	5	0	8,791-12,222	0	4	5,679-12,222	6	5,675- 7,883	13	6,083-13,201	8***
Sussex	0	0	0		4	0	0	7,610-10,290	0	3	5,330- 9,205	5	5,330- 7,120	0		1
Union	0	0	0		22	2	16	8,300- 9,800	0	9	7,000-18,675	0		41	6,700-13,175	2
Warren	0	0	0		0	0	0		0	4	5,364-11,796	3	5,632- 7,606	2	6,521-10,697	0
Total	20	13	6		186	45	51		12	112		223		317		27
Total One Year Ago	17	9	4		152	43	46		13	111		279		232		33
Percent Change From Last Year	+18	+44	+50		+22	+5	+11		-8	+9		-20		+37		-18

* Also includes provisional & temporary, excludes persons on leave.

** Based on hourly rate.

*** Includes full-time officers doing related part-time work.

Source: Probation Administrative Management System-Probation Research & Development.

a view held by the majority of the counties. Three counties rated training as inferior and nine additional counties indicated the need for improvement. Only one county used a superior rating.

Personnel turnover

Counties were asked to estimate their professional staff turnover rate by dividing the total of staff departures in 1975 by total professional staff. On this basis, the turnover rates among counties varied from zero (in smaller counties) to 11.8 percent. Five counties had turnover rates between zero and 5 percent. The rates in nine counties clustered between 10 and 11.8 percent. Most of the counties viewed their turnover rates as acceptable and commented that the usual reason for departures was to take better jobs or a failure of provisional employees to do well on the qualifying examination.

Supervision of probation

All counties identified either an assigned liaison judge, or the senior judge, as the individual designated by the court to supervise the probation agency. None of the counties made use of regular written reports (other than an annual report) as the means of supervision. Only six of the counties specified the use of regular supervisory meetings. About half of the counties stated daily communication around problems as the primary means of supervision. Other comments indicated that problem oriented supervision is the typical pattern used.

It is important to note that over half the counties specified that either the degree of supervision was too little, or that there was a need for more regular meetings.

Shared responsibility for probation

Under the present New Jersey system, the County Court is primarily responsible for the operation of probation. However, as previously pointed out, the AOC has important coordinating responsibilities, and the County Boards of Freeholders have funding responsibility. With this background given, the question was asked whether this kind of shared responsibility causes operational problems. County staff were asked to identify both strengths and weaknesses of the present arrangement.

Very few counties commented on any strengths of the present system and these comments were to the effect that the particular county had "no problems" with county judges or Freeholders.

Almost all counties identified weaknesses and

made comments which explained their view. Not unexpectedly, the most frequent criticism of the present system emphasized the fragmentation of responsibility. "Too many people to report to," "Too many bosses," "duplication of effort," "chaotic" were the kind of terms used to specify weaknesses under the present system. It seems clear that the chief probation officer sees himself as the man in the middle. He/she must somehow serve and accommodate judges, be responsive (at least) to the AOC, and maintain good relationships with the Board of Freeholders which provides operational funds. Priorities attached to these relationships may well change depending upon the circumstances and the personalities involved.

Although, no questions were asked during the interviews about possible solutions, some were offered. These ranged from a state take-over of total responsibility to a centralized system under county control. Respondents were aware of the present limited power of the AOC and of strength which attaches to the County Board of Freeholders' funding responsibility. They also felt they had little input into the development of state plans.

Perceptions of the role of the probation officer

Previous sections of this report commented on the role of the probation officer as viewed by the National Commission on Criminal Justice Standards and Goals. That view rejected the one-on-one, surveillance oriented, case work approach in favor of a broader conception of the probation function. Under this broader conception efforts are made to classify probationers in accordance with needs, and to use probation staff flexibly in responding to those needs through the fullest possible utilization of all other community services and programs. In this model the probation officer operates as a "broker" whose objective is to link probation service needs to a full range of community services.

In responses related to this question the counties exhibited a varied pattern. A number of counties identified the "broker" role and indicated some responsiveness to moving in this direction. In one county, the "broker" role was identified for juvenile probationers, but there was a frank acknowledgement that surveillance was the primary objective of adult probation. There was, however, no clearly discernable, sharply identified role in most of the counties. Responses tended to stress the multiplicity of functions, the service arm of the court notion and the variety of tasks faced by probation officers. The lack of sufficient community referral sources was also

stressed. On balance, one would have to conclude that the more traditional probation role and function, covering a wide variety of tasks and activities, is the pattern in most counties.

Major probation service emphases

Counties were asked to identify major probation service emphasis in terms of actual staff time and/or budget allocations. Pre-disposition investigations, case supervision and support payment collections were predominant among the major tasks cited. It seems quite clear that in many counties, pre-sentence investigations and collections demand a very significant portion of staff and budget allocation. Support payment collection activities were cited as requiring a heavy investment of staff time in many of the counties. Several counties reported that the combination of pre-sentence investigations and support collections required 70 percent of the agency's budget. Another county stated that 60 percent of its staff and budget resources was directed to bail and ROR investigations and collections activity. Apparently, it is true in at least some counties that collection supervision goes on for a number of years so that the workload for this activity tends to constantly increase. One county made the seemingly worthwhile suggestion that after a period of time of regular support payments the probation staff should be permitted to cease any oversight.

The conclusion seems inescapable that in many counties the basic function of working with and providing reintegrative services for probationers receives inadequate priority, and probably, also an inadequate allocation of staff and budget resources. Many counties are aware of the need for increased services to adult probationers, but they are in a difficult position to either gain additional funds from county freeholders, or to really control their priorities and work-loads. Further evidence of the general validity of the above conclusions is found in the responses to a question about present county work-load volumes. Respondents were asked whether, in terms of available staff and financial resources, the present probation service work volume was either too high, too low, or about right. Comments on what changes should be made were also solicited. Fifteen counties stated that the present workload was too high. The consistently recommended change was to somehow increase the time and staff available for case load supervision. A domestic relations (collections) caseload of up to 800/PO was cited. Another suggestion was that the

probation agency should be client-oriented, rather than court-oriented. One county suggested that the family cases should be handled elsewhere.

Utilization of probation as a disposition resource

In only two counties was the view expressed that probation was underused as a disposition resource—and in those counties the opinion was qualified to include only certain types of cases. The remaining counties were about evenly divided between the views that (1) probation was overused or (2) the degree of usage was about right.

The view that probation is rarely underused should be understood in the context that most counties believed their present work load was too high. It is somewhat understandable that county staff holding that opinion would not also affirm that probation was underused as a disposition resource. More interesting is the variety of comments that were given. Those who felt that probation was overused indicated the following kinds of reasons:

- probation considered a catchall for all kinds of cases; probation weakened when used for constant violators.
- recidivists given probation due to overcrowding of state institutions; reluctance to place juveniles in institutions
- pressure on judges not to commit
- plea-bargaining makes probationers out of too many persons who cannot be rehabilitated
- probation used for people in need of services that should be provided by other agencies.

Some of the more positive comments supporting the statement that probation was used "about right" were as follows:

- proper types of offender are placed on probation; judges do accept PO recommendations; resources are available but more are needed
- probation is used based on success-failure rates
- county courts stress rehabilitation, probation department has shown success
- judges and POs try to utilize probation to the maximum.

It is obvious that quite different views prevail in different counties. It is also fairly clear that there may be little uniformity in the way probation is used as a disposition resource in the various counties.

Basis for work assignments or probation case loads

A wide variety of bases are used within and among the various counties in assigning probation service

tasks to specific probation officers. In general, probation supervision cases are quite frequently assigned on a geographic basis, i.e., probation officers are designated to cover a certain area or district within the county and all probationers who are residents of that district are automatically assigned to the designated officer. In many counties, particularly the larger counties, "specialists" were used for certain kinds of cases, e.g., drug addiction, alcohol. Also female probationers were assigned to female probation officers. In almost all counties juvenile and adult case loads were assigned to different officers. It should be noted that the use of geographic districts as a basis for case assignment has advantages and disadvantages. Obviously, there is some utility to an automatic case assignment process, and there is something to be said for a system which maximizes a probation officers' knowledge of the community and which minimizes travel costs. The prime disadvantage, however, is that such a system tends to be rigid and makes difficult the matching of probation officer skills and experience with probationer needs for services.

There are some indications that assignments for pre-sentence investigation of cases are somewhat more selective than probation supervision. In some counties, pre-sentence investigations are assigned to higher level staff, or at least a probation officer who writes well, or one who is most knowledgeable. In other counties, investigations are assigned on a rotation basis. Rotation, or some similar uniform splitting of the work load, seems to be the primary assignment used for domestic relations or child custody cases involving support payments.

Equitability in work load assignments

Given the nature and kind of constraints employed in the case assignment pattern described above, it is not unexpected that there exists a wide range in caseloads among individual probation officers in the various counties. Work loads tend to be highest in those cases involving collection of support payments. The range of caseloads in adult probation supervision tends to be wider than in juvenile cases. Some counties frankly admitted to a lack of equitability in the case of probation officer case loads, especially in adult caseload supervision. Most counties were sensitive to the need for basic case load equitability: some indicated that informal adjustments of members, and/or district boundaries were made to equalize case loads. Some other counties linked the need for

equitability to the need for more staff, or more staff training.

Nature and degree of supervision

Principal Probation Officers I or II are usually charged with supervisory duties and responsibilities, particularly in the larger counties. In smaller counties, probation officers function more directly under the chief probation officer. Supervisory procedures range from "on-line," direct supervision in smaller counties to such practices as more formal reports, weekly or monthly supervisory meetings in each of the units, or field offices, which are operative in the larger counties. The ratio of number of staff to number of supervisors varies among the counties but not too widely. It also may vary by type of case, i.e., domestic relations, juvenile, adult, etc. The range of supervisor to probation officer is from 1:3 to 1:12. Highest supervisory ratios tend to be found in adult probation activities. Supervisory ratios for juveniles, and for pre-sentence investigators are generally lower.

When asked whether the degree of supervision was (1) too much, (2) too little, or (3) about right, the responses reflected a fairly distinct cleavage. None of the counties indicated that there was too much supervision, and they were fairly evenly divided between the options of too little and about right. Larger counties tended to specify that the amount of supervision was about right while the smaller counties more frequently stated that too little supervision existed.

Availability and utilization of community services and relationships

All counties expressed awareness of the need for community services and involvement in probation services. Most complained, however, that the kind and degree of community activity was less than needed. Some counties indicated that it was easier to enlist community support around juveniles than around adults. Others were frank to admit apathy and/or disinterest by community groups in relation to probation activities. A full variety of public relations and information activities were reported as means of seeking broader and deeper community involvement. Efforts to use and enlarge the available number of volunteers have been made in most counties. Some of this activity was undertaken with SLEPA funding as special programs. Some counties state they train 80-100 volunteers a year—some on a consistent year by year basis. A number of counties

stated they had a roster of 80-125 volunteers who could be called on. One county indicated an active roster of 650 volunteers of which 450 are actively assigned. Volunteers for juvenile probation work are easier to recruit than for adults.

Performance measurement

Counties tended to combine a very practical view of successful performance with admissions that other, more sophisticated, measures of successful performance were either not available or not possible to develop. Recidivism was frequently identified as one kind of successful performance measure, but not all agreed that such a measure would be valid or effective. In any event, none of the counties kept adequate records to determine recidivism rates. Some responses indicated that manageable caseloads, or an absence of complaints from the court and/or the community were adequate indications of successful performance. Others stated frankly that they were not at all sure of the degree of success their operations produced.

When asked about the ways in which performance was measured, counties outlined a variety of procedures including semi-annual or annual general evaluations, on-going periodic audits, case reading, and weekly case conferences. Some counties used a performance rating system developed by AOC while others rejected such a system. In domestic relations cases, one response made was that success could be measured in terms of amount of money collected.

In terms of their own estimation of how successfully their own agency performs its function, all coun-

ties except two indicated a satisfactory level that could, however, be improved. One county believed that the highest possible level of success had been obtained, and one stated that the level of success was inadequate. Comments added specified that more money and/or staff would be required to raise the level of success. Others called attention to the conflict between investigation and supervision functions.

Seven possible barriers to improved performance were listed and each county was asked to rank these in terms of whether the barrier constituted (1) no problem, (2) a moderate problem and (3) a severe problem. The table below identifies the barriers and ratings assigned to each. Not all counties rated each barrier.

Other barriers identified included a severe space problem, too many directives and unclear policy statements, a need for managerial training, and restrictive civil service requirements.

Possible barrier to improved services	Number of Counties		
	No Problem	Moderate Problem	Severe Problem
a. Weak or unclear organization	13	3	2
b. Below average manpower utilization	13	5	-
c. Lack of good supervision	6	9	2
d. Inadequate staff qualifications	7	9	1
e. Inadequate community services	3	12	3
f. Inadequate funds	2	11	5
g. Too rigid law and policy	10	8	-

Analysis Of Probation Caseloads

In providing probationer profile information, each county was requested to record certain data on 10 percent of their adult probation caseload. Specific instructions were given to insure a random selection of cases. A total of approximately* 2460 cases were selected and detailed information was provided for computer analysis. The data thus compiled provide useful insights on New Jersey's adult probation program and facilitates inter-county comparisons.

*Not all information requested was provided for all probationers included in the sample, thus causing minor variations in the totals used for different tabulations.

Variation in probation caseloads in relation to population

There is a close and consistent relationship between the percent of the state's total adult probation caseload and the percent of total 1970 population in each county, except for three counties—Essex, Bergen and Camden.

- Essex has 13 percent of the state's total population, compared to 21.9 percent of the state's total probation caseload.
- In Bergen, the situation is reversed. The county has 12.5 percent of the state population and 7 per-

cent of the state's adult probation caseload.

- Camden is similar to Essex: it has 6.4 percent of the state's population and 12.5 percent of the state's adult probationers.
- In all other counties there is less than a 2.5 percentage point difference in the percent probation caseload and population comparison.
- As might be expected from the above analysis, Camden and Essex lead in the percent of the population on probation with .065 percent and .055 percent, respectively. Counties with the lowest percentage of the population on probation include Hunterdon (.013%), Warren (.016%), Bergen (.018%) and Burlington (.018%).
- While these data provide rough approximations and comparisons on the use of probation among the counties, they of course do not suggest reasons for observed differences. For example, relatively high probation caseloads may indicate either or both a greater use of probation dispositions or a longer average probation period. The main conclusion is that the data show a high degree of comparability among most counties. There is also some indication that probation is used less in smaller counties than in counties with larger populations.

Variations in probation caseloads by sex — race and age

There are some significant variations among the counties in terms of the probation caseloads when classified by sex, race and age. In general, however, county probation characteristics follow state-wide patterns.

- The sample data show 86 percent of probationers are male and 14 percent are female. In five counties — Hudson, Morris, Gloucester, Sussex and Warren — the male percentage exceeds 90 percent (highest percentage is Hudson with 93.5 percent). In these counties the percentage of female probationers is less than 10% (Hudson, 6.5 percent). The highest female percentages, all above 18 percent, are in four counties — Essex, Union, Mercer, and Atlantic. Mercer is highest with 20.5 percent female.
- State-wide, 38 percent of the probationers are black, 55 percent are white and 7 percent have other racial origins. In comparison to these figures, 89 percent of the state's total 1970 population is white and 11 percent is black and other racial minorities. It is therefore obvious that black and other minority components of the general population are grossly overrepresented in the probationer

caseload. Because the black population is distributed unevenly among the counties, there are correspondingly wide variations in the percentage of blacks among county probationer caseloads. In Essex county, for example, 78 percent of the probationers were black (including other minorities) and only 22 percent were white. Higher than the state average percentage of blacks are also shown in Union (42 percent) and Mercer (45 percent). On the other hand, eight counties had 12 percent or less of blacks in their probation caseloads and nine additional counties had a percentage of black probationers less than the overall state average of 38 percent. It should be noted that four counties had significant percentages of other minority groups in the probationer caseload — Hudson (17%), Passaic (14%), Union (12%), and Middlesex (9%).

- On a state-wide basis, 65 percent of probationers were between the ages of 18-29 years; 19 percent were 30-39; and 16 percent were over 40. In ten of the counties, the percentage in the youngest age group was 70 percent or more, and in two of these the percentage was as high as 78 percent.

Months since placement on probation

On a state-wide basis, 58 percent of probationers had been on probation between 5 and 18 months and 40 percent had probation status between 5 and 12 months. Longer term probations (more than 18 months) represented 33 percent of the total caseload, while those who had been on probation for a short time (less than 4 months) represented 9 percent of the total.

- In three counties (Camden, Ocean and Somerset), the percentage on longer term probation (more than 18 months) ranged around 40 percent — seven percentage points higher than the state average. On the other hand, in five counties (Morris, Mercer, Atlantic, Sussex and Warren) the percentage on longer term probation ranged around 20 percent or lower. In three of these counties, (Atlantic, Sussex and Warren) the percentage was 9 percent or less.
- Nine counties varied significantly from the state-wide average of 9 percent with short term probation experience. The counties were Warren (27%), Sussex (25%), Morris (23%), Atlantic (23%), Mercer (21%), Monmouth (17%), Gloucester (17%), Hudson (16%), and Essex (16%).

Percentage of Absconders and Probation Violators

Based on partial returns (5 counties did not re-

spond) the state wide percentage of probationers who had absconded was 7 percent. Almost 40 percent had one or more probation violations.

- Six counties (Essex, Union, Monmouth, Burlington, Mercer, and Atlantic) reported no absconders. Bergen, Camden and Cumberland reported high absconder rates.
- Of the 40 percent in the state-wide probationers case load who had one or more probation violations, nearly 20 percent reported only occasional non-serious violations, 8 percent reported persistent non-serious violations and 12 percent reported serious violations.
- Five counties (Burlington, Somerset, Sussex, Hunterdon and Salem) reported percentages of probation violators of less than 30 percent. One county (Sussex) reported that none of the probationers in the profile sample has violated probation rules and regulations. At the other extreme, six counties (Camden, Morris, Ocean, Gloucester, Cumberland, and Warren) reported at least 45 percent of their probationers had violated probation. Ocean county reported a 57 percent probation violation rate.
- Higher than average serious probation violations were reported by the five counties: Bergen (16%), Camden (20%), Morris (16%), Gloucester (18%), and Cumberland (17%).

Likelihood of Success on Probation

Statewide, 29 percent of probationers were classified as likely to have an unsuccessful probation experience and 71 percent were expected to possibly, probably or definitely have a successful adjustment. Seven percent were projected as definite failures and 12 percent were expected to be definitely successful.

- As mentioned above, probation officers were asked to indicate the relative certainty of their expectation of success or lack of success in terms of (1) possible, (2) probable, and (3) definite. Variation in these percentage rankings among the counties was wide. Perhaps the most consistent expectation was a possibly successful classification, but even in this category the range among counties varied from 12 percent in Burlington county to 46 percent in Warren county, compared to a state-wide average expectation of 25 percent.
- Counties with smaller population, and a corresponding smaller probationer caseload, tended to be more optimistic about the chances of probation success. Of the ten smallest counties, in terms of population, five had a higher than average expecta-

tion of success for their probationers. One county, Hunterdon, indicated that all probationers in the profile sample were expected to succeed on probation.

- Counties showing the higher percentages of anticipated failures by probationers included Salem (43%), Cumberland (37%), Ocean (38%), Burlington (34%), Camden (33%), and Mercer (34%).

Major Social Service Need.

State-wide, the highest percentage of probationers classified by major social service needs were alcohol-drugs (20%), psychological assessment/treatment (15%), employment (13%) and education (11%). All other specified social service needs included halfway houses/group homes, marital/family counseling, financial counseling/assistance, legal aid, and medical/dental aid and represented 12 percent of the state's probationers. For 29 percent of the state total, no social service need was indicated.

- The less populated counties tended to specify no social service needs. Of the 12 smallest counties, eight indicated that 30 percent or more of their probationers required no social services. Two counties in this group, Burlington and Sussex, indicated that 60 percent of probationers needed no social services.
- Correspondingly, these 12 counties made less than average use of alcohol/drugs and employment as major social service needs. There were exceptions. Warren County indicated 36 percent of probationers required psychological assessment/treatment. Hunterdon County indicated that 44 percent of probationers required employment counseling.
- The reverse of the above observation indicated that the larger counties, with larger numbers of probationers tended to be more definitive about social service needs. There was surprisingly little indication of need for halfway houses, marital/family counseling, legal or medical aid. Urban counties reported higher than average need for financial counseling/assistance and alcohol/drugs treatment.

Characteristics of Probationers.

State-wide, 84 percent of probationers had been arrested one or more times, 28 percent had been previously incarcerated, and 56 percent had been previously convicted of a felony or misdemeanor.

- Variation in the percent of probationers with previous arrests ranges from 50 percent (Hunterdon)

to 100 percent reported by Somerset County.

- For those with previous arrest records, most (67%) had less than a two year elapsed period since the prior arrest.
- Variation in percent of probationers with prior incarceration ranged from 7 percent (Sussex) to 38 percent (Passaic). Most probationers with a previous jailing record had only one prior incarceration.
- Similarly, of those with prior convictions most had only one. Range in percent probationers with prior convictions was from 78 percent in Cumberland to 33 percent in Sussex. A significant proportion of probationers, state-wide (17 percent) and in most counties had 5 or more prior convictions.
- Nearly half (45%) of those with prior arrests were under 21 when first arrested.
- About 30 percent of probationers came from families with some record of a previous offense. High was 44 percent (Passaic) to low of 16 percent reported by Burlington County.
- Opiate dependency was indicated for 27 percent of probationers, ranging from 43 percent in Bergen County to 8 percent reported by Burlington County.
- State-wide, 14 percent of probationers had a prior probation revocation ranging from 36 percent (Warren) to zero (Gloucester and Hunterdon).

Education Level Attained and Employment Status

A significant number (43 percent) of probationers completed no more than the 10th grade. Another 10 percent attended up to the 7th grade. One-third were unemployed and another 11 percent were employed only part-time. When these data are compared to the defined social service need it is clear that there is not a full response to the degree of existing social service needs among probation departments.

- As between urban and rural counties, there is no clear indication that the lack of educational attainment or unemployment varies significantly.

Living Arrangement of Probationers

State-wide, 30 percent of probationers lived with their parents and an additional 33 percent lived alone. 23 percent had other types of living arrangements. In general, the county-by-county percentage ranged around the above state-wide average. There were no sharp cleavages as between urban and rural counties.

Current Offense of Probationers

As shown below, a list of 33 kinds of offenses were

used in recording this information. For purposes of this compilation, this list was further classified into six basic groups: (1) Offenses against Property, (2) Sex, (3) Alcohol/Drugs, (4) Weapons, (5) Offenses Against Family and Children, (6) Offenses against persons, and (7) all other.

Murder/nonnegligent manslaughter	6
Negligent Manslaughter	6
Forcible Rape	6
Robbery	6
Aggravated Assault	6
Other Assault	6
Burglary/Breaking and Entering	1
Larceny/Theft (not vehicle):	
equal to or greater than \$1,000	1
Larceny/Theft (not vehicle):	
less than \$1,000	1
Vehicle Theft	1
Arson	1
Forgery or Counterfeiting (not checks)	7
Check Offenses	7
Fraud	7
Embezzlement	7
Stolen Property: buying, receiving,	
or possessing	1
Vandalism	7
Weapons: carrying, illegally possessing	4
Sex Offenses (except forcible rape	
and prostitution)	2
Prostitution or commercialized vice	2
Sale of Narcotic Drugs (excepting	
marijuana)	3
Possession of Narcotic Drugs	3
Sale of Marijuana	3
Possession of Marijuana	3
Gambling	7
Offenses Against Family and Children	5
Driving While Intoxicated	7
Alcohol Law Violations	3
Disorderly Conduct	7
Vagrancy	7
Trespassing	7
Escape	7

Based on this summary classification, on a state-wide basis, the current conviction of 42 percent of probationers was for property offenses, 28 percent was on alcohol/drug charges, 7 percent for weapons offenses, 4 percent on sex charges, and all other current conviction offenses including offenders against persons represented 13 percent.

County of Residence of Probationers

The great majority of probationers had a permanent address in the county where they were under probation supervision. The following counties indicated, however, that a significant percentage of probationers had permanent residences outside the county.

Percent Residing Outside County

Cape May	34%
Gloucester	29
Bergen	20
Burlington	20
Atlantic	16
Somerset	15
Morris	14
Hunterdon	11

New Jersey Corrections: Probation Services Recommendations

- The probation services should be unified into a statewide agency within the auspices of the Administrative Office of the Courts.
- The efficiency and effectiveness of probation services should be enhanced by the establishment of a probationer classification system and by the creation of a weighted workload (rather than traditional caseload) system.

THE UNIFICATION OF PROBATION SERVICES

Although the disposition of probation was initially regarded as a suspension of a sentence to imprisonment, placing the convicted offender under supervision of the court granting this suspension, in recent years there has been a growing trend toward use of probation as a sentence in itself. Probation can, therefore, be legitimately viewed as a subsystem of corrections, comparable to the sentencing alternative of imprisonment and parole status. The National Advisory Commission on Criminal Justice Standards and Goals describes probation as "the brightest hope for corrections," but also acknowledges that "probation is not adequately structured, financed, staffed, or equipped with necessary resources." This critique is echoed by New Jersey's Administrative Office of the Courts (AOC) in its draft of a plan for a unified probation system; the AOC states that "the existing structure for organizing and administering probation services in New Jersey is defective and in need of substantial modification"¹, and there is general consensus that the quality of probation services in New Jer-

sey must be improved through a program of planned change and development.

The most apparent problem of probation services in New Jersey is the lack of effective central coordination among the 21 county probation offices. Technically, the AOC has administrative responsibility for probation, but probation services are funded independently by each county, and probation officers are appointed by county court judges. The AOC has developed, with funding from SLEPA, several central units concerned with probation services; the Probation Research and Development Unit, the Training Unit, and a Coordinator of Volunteers. The efforts of these groups and individuals to improve and coordinate service operations have been hampered by their lack of control over local funding, the primary source of support for probation services.

Symptomatic of this lack of coordination and uniformity of services is the wide variation in both entrance salaries and salary ranges for the same position in different counties. The AOC in its unification plan points out that "because the counties vary in their ability to finance probation services, substantial disparities have developed over the years in salaries paid to officers and other employees performing similar work."² Entrance salaries for probation officers range

1. *Administrative Office of the Courts (AOC), The Plan for a State Unified Probation System*, February, 1976, p.1.

2. AOC, *The Plan For a State Unified Probation System*, February, 1976, p.2.

from a low of \$8,100 to a high of \$11,700 and though entrance salaries seem to vary more or less directly with county population size, there are even exceptions to this pattern.

During 1974-75, probation services in New Jersey were supported by a total budget of less than 22 million dollars. In response to a question about present workloads, staffs of 15 counties stated that workloads were too high, while 16 counties cited inadequate funding as a moderate to severe barrier to improved services. As of August 31, 1974, a total of 28,688 adults and 11,655 juveniles were under probation supervision in New Jersey. In addition, 18,794 adult presentence investigations were completed between September 1, 1974 and August 31, 1975.³ Including only senior probation officers and probation officers, who are the primary providers of case supervision, the average caseload is 38.4 adult cases per officer. Counting both adults and juveniles, 40,343 persons were on probation in August, 1973; this translates to an average caseload of 53.9 per officer (including only senior p.o.'s and p.o.'s).

There is a need for additional personnel at both line staff and supervisory levels. Inadequate staffing is especially problematic in the smaller counties, and staff expansion is seen as essential to improvement of probation services by many counties. Also in need of improvement, according to a majority of the counties, are training programs for probation staff with optional on-the-job training, and with funding through the Educational Scholarship Fund to participate in other courses; due to the pressures of heavy workloads and lack of adequate promotional and monetary incentives, however, the training opportunities offered by this Unit are relatively underutilized.

The generalist role of most probation officers in New Jersey couples surveillance with provision of services in a casework approach. In interviews, most staff members acknowledged that, in practice, surveillance is the primary objective of adult probation as it is currently operated. Since probation officers are staff of the courts, service to the court is a primary focus, and many of the tasks performed by probation officers are in this category. Generally, all probation officers are required by statute to:

1. make investigations and reports as required by county judges;
2. supervise persons ordered to pay alimony or support (domestic relations cases);

3. supervise persons placed on probation;
4. collect from persons under their supervision any payments required by the court, and disburse these payments under the court's direction;
5. keep detailed records of all the work done.

A limited degree of staff role specialization has occurred: investigators and senior investigators in some counties conduct the various types of predisposition and pretrial investigations required; and some of the more populous counties have developed several special functional units, divisions or branches for a variety of programs (e.g., pretrial services, volunteer services, and narcotics or alcohol rehabilitation). However, although many counties emphasized that their community referral sources were insufficient to the need for services among probationers, no specialized staff role focusing on program development and liaison exists in any county probation office.

In terms of staff time and budget allocations, most counties agree that predisposition investigations, support payment collections, and case supervision are the primary tasks of the agency. However, several counties report that the combination of predisposition investigations and support collections require 70% of the probation agency's budget. This estimate is supported by a recent AOC cost analysis of probation services which reveals that in 1973-74 one presentence report cost \$134 while one year of supervised probation cost \$321. In many counties, providing services and supervision to probationers is not the highest priority task for probation officers, though most counties consistently recommend that New Jersey probation agencies should have increased staff and time devoted to caseload supervision in order to become more client-oriented rather than primarily court-oriented.

No county has developed either a client classification system which assigns probationers to differing types of supervision, or a work unit system which allows workload rather than caseload assignments. Probation cases are generally assigned solely on a geographic basis, which often results in disparities in workloads across districts. Attempts are made to equalize caseloads, but inequities still exist where district boundaries cannot be adjusted, and/or where officers may have workloads composed primarily of cases requiring intensive supervision and services.

In summary, the lack of effective central coordination of probation services in New Jersey has resulted in several pressing problems which require active intervention:

3. AOC Annual Report, 1974-75.

1. The inequities of funding among the counties have led to considerable disparity in starting salaries and salary ranges for the probation staffs of different counties. The inadequacy of funding in many counties affects the quality of service both directly and indirectly, through widespread problems such as understaffing and heavy workloads, and through difficulty in recruiting and retraining high quality personnel.
2. Training programs for probation staff are inadequate and underutilized. Insufficient incentives for further training perpetuate the problem.
3. Correctional services to clients do not appear to be the only or even the major priority among New Jersey's probation agencies. Probation officers are assigned numerous court-related duties only tangentially related to probation. Moreover, few specialized staff roles have been developed, despite recognition of the need for certain special services. The cost-effectiveness of the court-oriented, generalist role for probation officers must be reexamined.
4. The reliance on geographically-based case assignment and the failure to develop any sort of system of classification which takes differing supervision needs into account has resulted in substantial disparities in workload within and across districts.

Recommendations

Organization and Funding Options:

Most groups concerned with the quality of probation services in New Jersey agree that the 21 county probation offices should be consolidated into a unified statewide probation system. As the National Advisory Commission points out, "a State-administered system provides greater assurance that goals and objectives can be met and that uniform policies and procedures can be developed."⁴ A more controversial issue is where this probation system should be placed within the State's organization. Some have advocated placement in the judicial branch, under the AOC; others have advocated placement in the executive branch, either within the Department of Corrections or as an independent department. There are advantages and disadvantages inherent in each approach, but the former solution is at present probably most feasible. The AOC has developed a unification plan for probation services in New Jersey which

would create a Division of Probation Services within the AOC. The major changes in the current system entailed by this plan would be complete State funding and truly centralized administration of probation services. The AOC Division of Probation Services would build upon structures already established within the AOC to improve probation, and would preserve the traditional ties between probation staff and the judiciary. Development of a Division of Probation Services within the AOC would enable implementation of many progressive changes in probation services on a statewide basis, and could resolve many of the dilemmas now facing most county probation agencies.

An alternative scheme would place probation services (probably not including the domestic relations workload) in the proposed Division of Community Services of the Department of Corrections. Under this organizational option, probation staff would be combined with parole staff, and staff workloads would include both probation and parole clients. Though not now feasible given the current direction toward probation unification under the aegis of the AOC, this placement of probation within a unified state corrections agency would remain a potential even after implementation of the AOC unification plan.

Unification under the AOC may be a transitional phase necessary for the upgrading of probation services, until such time as it becomes more advantageous to place probation within a corrections framework. Support for placing probation services within unified state correctional systems is given by the National Advisory Commission in its Standards 10.1 and 16.4.

Intermediate options wherein some of the current probation functions would remain under the AOC, perhaps as a "Division of Court Services," while others would be subsumed under the Department of Corrections, have also been proposed and could be considered for future implementation. This would enable the judiciary to retain staff to perform those functions which are clearly court-related, while enabling the transfer of probation's corrections functions to the Department of Corrections. For example, the AOC could retain jurisdiction over domestic relations cases, pretrial release and intervention programs, presentence investigations, and juvenile probation supervision, while the Department of Corrections would administer adult probation supervision. Some would argue that pretrial functions and presen-

4. National Advisory Commission on Criminal Justice Standards and Goals. *Corrections*, 1973, p.

tence investigations are more appropriately placed under the authority of the Department of Corrections because of the need for close linkages between these and other corrections functions, but the above redistribution of the current functions of probation officers may represent an effective compromise between total placement in either the judicial or the executive branches. Such options would best be approached in the future only after appropriate analysis of both feasibility and desirability.

Staffing:

A unified probation system such as is recommended in this Master Plan will require use of more specialized staff roles, particularly in New Jersey's urban areas where workloads are high. The roles of case manager, program developer, and assessment specialist discussed both in the organizational and the parole services recommendations, are appropriate for probation services, for the reasons elaborated in these sections.

Development of a unified probation system will solve the problem of salary inequities across localities, and may facilitate recruitment of more highly qualified staff in areas which currently cannot afford to pay sufficiently attractive entrance-level salaries. Similarly, problems with inadequate staff training would be ameliorated through establishment of uniform statewide training requirements, both at orientation and on-the-job. Promotions and salary increases based on completion of additional training can be more effectively and realistically organized on a statewide basis.

Probation Service Delivery:

One means of achieving workload equitability and optimal use of probation resources is development of a client classification system which enables differential placement of probationers on appropriate supervision levels. Classification using an objective and uniformly applied set of criteria is a means of individualizing probation service delivery, so that the needs of each client for both supervision and services can be appropriately assessed and responded to by probation staff. The kinds of classification criteria typically used in many jurisdictions are:

1. Type of offense.
2. Length of time on probation.
3. Probability of success on probation.
4. Performance on probation.

All of these can be construed as indicators both of the level of risk which the client presents and of the

level of services which the client requires.

Three basic levels of supervision are utilized in most classification schemes. Intensive supervision is reserved for clients requiring frequent surveillance and/or service intervention on the part of the case manager. It consists not only of a specified number of client-agency contacts, but also of provision of a wide range of social services, either by probation staff or through referrals to other community agencies. Regular supervision is seen as a maintenance level of supervision, with crisis intervention services available as needed. Clients at this level would be expected to function more independently than those at the intensive level. Minimum supervision, the third level, is primarily a clerical function, since it usually entails little personal contact between the client and the case manager, unless such contact is client-initiated. Services of the probation agency should be available at the minimum supervision client's request, so that they will not experience involuntary agency intervention unless their behavior warrants reclassification into another supervision level.

Data obtained from a ten-percent random sample of New Jersey probation clients can be utilized to illustrate the use of one potential classification system for probationers. The rationale and criteria used are essentially the same as those for the parole classification scheme discussed in the parole services section, but the specific combinations of criteria are somewhat different. The type of offense of which the probationer was convicted is categorized as either violent (murder, forcible rape, robbery, and aggravated assault) or nonviolent (all other offenses listed on the survey form). The individual's probability of success is estimated using the parole base-expectancy scale (BES) described in the parole services section. Though this scale was developed from a follow-up study of a sample of parolees, and thus may not be totally appropriate for use with all probationers, it still is a valuable tool which combines several items of demographic data on clients into a single probability-of-success estimate; and a test in Essex County, with probationers, showed the scale to be equally valid for those New Jersey probationers as for California parolees. The 64% probability of success level can be used as a cut-off point between high- and low-risk clients. Client's performance is measured by an item which assesses the relative frequency and type of probation violations committed.

The table below records the number of probationers from the sample classified into different levels of supervision based on a combination of type of

offense, length of time on probation, performance on probation and probability of success on probation. For the purpose of this combination, the following definitions of these four factors were used:

- Type of offense is divided into violent offenses (murder, forcible rape, robbery, and aggravated assault) and non-violent (all other offenses)
- Length of time on probation is divided into the first six months, second six months, second year, and more than two years on probation
- Probation performance is described as good (no known violations), fair (occasional, non-serious violations), doubtful (frequent non-serious violations), or poor (serious violations), and
- Probability of probation success is described in terms of either a high or a low base expectancy score.

In developing the table, probationers were classified into different levels of supervision according to the following rules:

Probationers assigned to *intense supervision* include:

- Violent offenders on probation for:
 - Less than 6 months
 - 6 to 11 months who show fair, doubtful, or poor performance
 - 12 to 23 months who show either poor performance and high base expectancy scores or doubtful to poor performance and low base expectancy scores
 - 24 or more months who show poor performance and low base expectancy scores
- Non-Violent offenders on probation for:
 - Less than 6 months who show fair, doubtful, or poor performance
 - 6 to 11 months who show doubtful or poor performance
 - 12 to 23 months who show poor performance

Probationers assigned to *regular supervision* include:

- Violent offenders on probation for:
 - 6 to 11 months who show good performance
 - 12 to 23 months who show either doubtful performance and high base expectancy scores or fair performance and low base expectancy scores
 - 24 or more months who show poor performance and high base expectancy scores
- Non-violent offenders on probation for:
 - Less than 6 months who show good performance
 - 6 to 11 months who show good or fair performance

- 12 to 23 months who show doubtful performance
- 24 or more months who show poor performance and low base expectancy scores

Probationers assigned to *minimum supervision* include:

- Violent offenders on probation for 12 to 23 months who show either good performance and low base expectancy scores or fair to good performance and high base expectancy scores
- Non-violent offenders on probation for
 - 12 to 23 months who show either fair performance and high base expectancy scores or fair to good performance and low base expectancy scores
 - 24 or more months who show poor performance and high base expectancy scores

Probationers who would be *terminated from supervision* using this particular classification scheme include:

- Violent offenders on probation for 24 or more months with doubtful to good performance
- Non-violent offenders on probation for
 - 12 to 23 months who show good performance and high base expectancy scores
 - 24 or more months who show doubtful to good performance

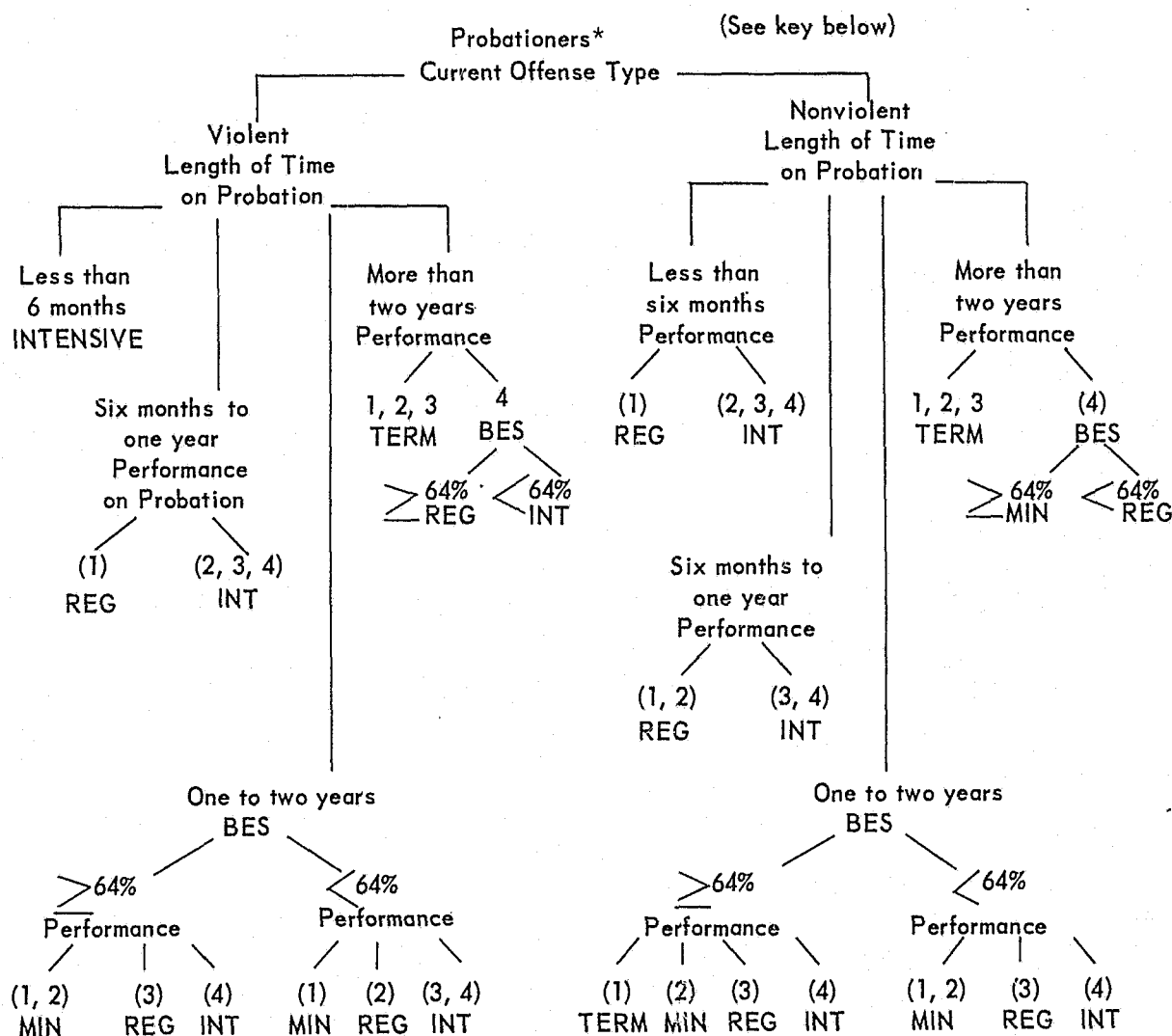
The above rules are reflected in the accompanying form. On the flow chart, performance is keyed as follows:

- 1 = No known violations
- 2 = Occasional nonserious violations
- 3 = Frequent nonserious violations
- 4 = Serious violations

Instructions for completing the survey form indicate that serious violations are only those which endanger either the client or the community.

The flow chart below summarizes the manner in which probationers in the 2,465-person sample were classified into intensive, regular, or minimum levels of supervision, or into a successful termination category. Note that the flow chart for probationers convicted of violent offenses is the same as that used for all parolees (see section on parole services). The chart serves as one example of how a client classification system might be operated. It can, of course, be modified to reflect desired change.

There were 341 persons who could not be classified due to lack of one or more necessary data items. Of the 2,124 who could be classified, 27 percent fall



The following table illustrates the results of applying this classification scheme to the sample of 2,465 probationers surveyed.

Supervision Level	Number	Percent	Percent of Those on Supervision
Intensive	299	14.1	19.4
Regular	928	43.7	60.2
Minimum	315	14.8	20.4
Terminate	582	27.4	—
Unable to Classify	341	—	—
TOTAL	2,465	100.0	100.0

*Performance on Probation Key:

- 1 = no known violations
- 2 = occasional non-serious violations
- 3 = frequent non-serious violations
- 4 = serious violations

into the termination category, while approximately equivalent proportions of probationers remaining under supervision are classified as requiring intensive and minimum supervision (about 20% at each level). A majority of probationers, 60%, are categorized at the regular supervision level. A basic requirement of any classification scheme is revaluation of each client at regular intervals, usually every six months, to assess the appropriateness of his/her current supervision level. The table above represents a "snapshot" of the statewide probation caseload at that point when the survey was administered, but since the sample was a random cross-section of clients from all counties, it is a valid aggregate representation of the proportion of clients which could be expected to fall into each supervision level at any time (barring any drastic alterations in the composition or characteristics of the probation caseload).

Application of these tentative proportions at each level to the August 1974 statewide adult probation caseload yields an estimate of the supervision workload, in terms of number of adult supervision work units for which a unified state probation system would be responsible. Terminating 27.4% of the 28,688-person caseload results in a total of 20,827 adults remaining on supervision. Of these, 4,040 (19.4%) are classified as minimum supervision clients, 12,538 (60.2%) are classified as regular supervision clients, and 4,249 (20.4%) are classified as intensive supervision clients.

A work unit system which weighs each case according to the relative level of effort required on the part of a case manager can be applied using these levels of supervision. Assigning 1 work unit to each regular supervision client, .5 work unit to each minimum supervision client and 4 work units to each intensive supervision client yields a total adult probation supervision *workload* (not caseload) of 31,554 work units. Sixty work units (which could, for example, be comprised of 60 regular supervision clients, 120 minimum supervision clients, or 15 intensive supervision clients) can be taken as a standard workload for each case manager. Applied to the total state workload, this indicates that 526 case managers would be required to provide adequate supervision and services to these 20,827 adults on probation. Given that—1) there were 748 senior probation officers and probation officers in 1974, and 2) about 70 per cent of the supervision workload across the state is comprised of adult cases, it is reasonable to assume that the full-time equivalent of about 70 per cent of the 748 probation officers, or 523, devote most

of their time to adult probation. Thus the 526 case managers required to provide a tri-level system of supervision and services to a reduced adult probation caseload would involve no substantial increase in supervision staff over 1974 levels.

This does not, however, include the potential need for additional assessment specialists who would be required to perform the presentence investigation (PSI) function. An average of 1460 PSI's per month were completed in 1973-74. Using 60 work units as a standard monthly workload for assessment tasks and assigning 4 work units to each PSI (thus assuming one assessment specialist can complete 15 PSI's per month of full-time effort), a total of 97 full-time assessment specialists would be required to complete the 1973-74 workload of PSI's. In 1974, 169 persons were employed by county probation agencies as senior investigators and investigators; their workload presently includes many types of investigations in addition to adult presentence assessments, so that the 72-person surplus does not seem unreasonable. If other types of investigations performed in 1972-74 are included in the total assessment workload, then 974 juvenile predisposition and custody investigations per month weighted at 4 work units each, plus 2,434 other types of investigations per month weighted at 1 work unit each (including bail/ROR, grand jury and others) would increase the total number of assessment specialists required to approximately 200. The number of program developers needed (the third and last specialized staff role) can be estimated using a ratio of one program developer per 500 clients under supervision; based on the 1974 caseload, a total of 42 program developers would be required to serve the statewide caseload of probationers.

These staff requirements are only estimates, since the workload figures on which they are based are not current. However, the work unit system here illustrated can be flexibly applied to yield staff need estimates based on current workloads, and will enable a more equitable assignment of both case management and assessment tasks.

Summary

Many of the present inadequacies of New Jersey's probation system can be traced to its fragmented and uncoordinated administration. It is generally recognized that the first and most basic step toward improvement of probation services is the unification of the 21 county-funded systems into a single state-funded probation services agency.

The AOC has developed a plan which delineates

how a Division of Probation Services could be developed under the aegis of the judiciary. Other organizational alternatives range from total assumption of all probation services by the Department of Corrections to partial transfer of some probation functions, e.g. adult supervision only, to the Department of Corrections, with the AOC retaining all other present functions. Unification of probation services into an AOC-administered statewide system would alleviate present problems of salary inequities, workload variability and staff training and recruitment. It is strongly urged that the client classification scheme and the work unit system discussed above be immediately implemented by the appropriate unit within AOC.

Development of rational methods of assigning clients to appropriate supervision levels and workloads to staff should facilitate service delivery to and supervision of probationers. Many jurisdictions across the country have developed such systems in order to more flexibly meet the challenges of ever-increasing case-

loads and investigation workloads. The development of specialized staff roles around three major functions (case management, assessment and program development) should also be accomplished in a statewide unified probation system. Such specialization can further enhance the capacity of probation as a sentencing alternative to adequately deal with a wide range of convicted offenders.

The ultimate goal of unifying New Jersey's 21 county probation agencies into a single statewide system is the improvement of probation services. Such improvement is essential if probation is to be utilized at an optimal level, thereby minimizing the number of persons who must be incarcerated in the State's prisons. At a cost of \$321 per supervised case per year, probation is certainly less expensive and quite probably a more productive sentencing alternative than incarceration for many convicted offenders.

New Jersey Corrections:

Description Of County Institutions

This section is a summary description of county jail operations in New Jersey. It gives composite information which has been extracted from the county jail survey conducted for the Master Plan. The actual survey data is a facility-by-facility detailed description of county correctional operations, totaling almost 300 manuscript pages in length.

Introduction

Local correctional facilities across the nation are characterized by a transient and heterogeneous inmate population and a multitude of sometimes incompatible functions. Typically, local jails are overutilized and overcrowded, yet understaffed and underfinanced. Unfortunately, the jails in New Jersey do not differ significantly from this pattern.

In the 1960's, a new era of public concern regarding the problems of crime and the detention of offenders emerged. In 1968, the Omnibus Crime Control and Safe Streets Act was put into effect, resulting in the establishment of the Law Enforcement Assistance Administration. The entire criminal justice system, police, courts, corrections, and jails surfaced as an issue worthy of public concern. New Jersey's response has been the development of a comprehensive corrections master plan. This report is the result of the Plan's focus on local jails as a major sector of the state's correctional system.

One of the first tasks undertaken was a survey of the New Jersey jails. A questionnaire/interview guide was developed by the National Clearinghouse for Criminal Justice Planning and Architecture, consultants to the Master Plan. The information collected was categorized into the following major areas:

1. **General information** about the facility, including facility type, type of area surrounding the facility, and limited information about court-related activities;
2. **Architectural information**, including the age of the structure, the physical condition of the facility and its support systems, the holding capacity, types of cells provided, and inspection process;
3. **Fiscal information**, including operating expenses and cost per inmate per day, when obtainable;
4. **Personnel information**, including the number of custody staff, job descriptions and a description of staff training procedures;
5. **Offender data**, including the average daily population, breakdowns of the present population by age, sex, and trial status, and separation capabilities of the facility;
6. **Programming information**, including correspondence and visitation policies, physical activities, religious activities, educational-vocational programs, and in-house support services.

Interviews were conducted in each facility in conjunction with an on-site visit by a designated New Jersey local corrections official who represented the Master Plan. Sheriffs, superintendents, wardens, record-keepers, personnel managers, and others having particular knowledge of the subject areas under discussion were interviewed. When available, supporting literature, reports, and other documents were obtained.

Serious data gaps were noted in several critical areas requiring extensive recordkeeping; information on inmate characteristics and jail budgets were,

in particular, uneven. In addition, discrepancies between information obtained by the New Jersey Department of Corrections and that which was gathered for purposes of this study were noted. For example, one county's facility capacity is reported differently from year to year in the Department's reports and was reported still differently in the Master Plan survey. These deficiencies highlight the needs for improved recordkeeping systems, a uniform reporting system, and increased accountability by most of the jails in New Jersey. This report will utilize the data collected in the Master Plan survey, rather than that collected by the Department. The National Clearinghouse survey instrument utilized has been developed over a long period of time, has been administered previously in a number of states and localities, and has been continuously revised and updated. Also, the Master Plan data was collected by a single person so that interview techniques and/or personal biases would not be likely to vary significantly from locality to locality. Thus, the information obtained can be expected to be more consistent than the Department which employs a number of inspectors who may have a variety of interview styles and/or personal biases.

This section of this report will present the salient characteristics of New Jersey's local correctional system.

General Information

The National Clearinghouse surveyed the following facilities, which include 19 county jails, two county penitentiaries, two county workhouses, two county jail annexes, one county prison, and one city-county jail.

As can be seen in the following chart, most of the facilities are located in commercial-residential areas.

Commercial and industrial areas are excellent sites for correctional facilities. Opportunities for the employment of inmates are enhanced and work release and similar programs can be more easily managed when jobs and training programs for offenders can be

LOCATION OF FACILITIES

	Number	% of Total
Rural	4	15%
Residential	3	11%
Commercial	3	11%
Commercial-Residential	15	56%
Commercial-Residential-Industrial	1	4%
Commercial-Industrial	1	4%

located near the facility. When an institution is located near or in a densely populated area it also has an available pool of persons from which to choose employees. Further, public transportation is traditionally available in and around populated areas. The availability of public transportation affects such activities as visitation in the jail. Finally, the facility located in the center of an urban area is able to draw upon the community's existing programs rather than being forced to duplicate them.

The four facilities which are located in strictly rural areas hold, primarily, sentenced offenders. This is unfortunate, as the programs and services available in urban settings are, perhaps, most important for persons who are serving time.

Urban areas may pose difficulties as well as advantages for correctional administrators. Congested traffic and the scarcity of adequate parking is often mentioned by jail personnel as being a severe problem. Transportation of prisoners both to and from the institution can be inefficient, hazardous, and time-consuming. Nearly 35% of the institutions report that there are no adequate parking facilities for visitors or staff; 45% report adequate parking for visitors; and about 65% report having adequate parking facilities for staff. Only five facilities report adequate parking in all categories. The lack of adequate parking may discourage the families and friends of inmates from visiting.

Most of the detention facilities, 63%, occupy the entire structure in which they are located. Almost 75% reported that the courthouse is part of or adjacent to the jail structure. The detention facility is usually part of a building complex in which the courts and other county offices such as law enforcement and/or probation offices are also located.

An average of 10 prisoners daily are transported from each of the surveyed jails to various courts. Since many of the jails are situated either with or adjacent to the courts, transporting prisoners to court does not usually create security or escape problems. Transportation to court is achieved through the use of underground or overhead tunnels, or through close surveillance by guards, court employees, or Sheriff's officers. Two-thirds of the jail administrators indicated that special detention rooms are provided for prisoners within the court facilities. Other less secure arrangements include the use of jury rooms and individual cells.

Architectural Description

The average age of the facilities visited is 44 years,

the oldest being constructed in 1876. However, 46% of the facilities have undergone some type of renovation or have had additions. These structural changes usually reflect preventative maintenance or attempts to increase holding capacities. In 16 localities, plans to replace outdated facilities are in various stages of development.

The current holding capacities of all the surveyed institutions totals about 5,000. With a 1975 combined average daily population of approximately 3,900, the local jail system is operating at close to 80% of its capacity. An average daily population utilizing 80% of all residential space in the local correctional system is appropriate as it allows 15% to 20% for peak operation days. In contrast, the State prison system is currently operating above capacity. The following chart illustrates the facilities' stated capacities, their average daily populations for 1974 and 1975, and the extent to which each facility was being utilized in both time periods.

The chart clearly depicts a situation for local corrections in which some facilities, 22% of the total, have an average daily population at or above capacity. These peak days strain those facilities still further while other facilities, also 22% of the total, are generally operating well below capacity level. A trend toward an increasing population size is also noted in this chart. Forty-four percent of the facilities experienced an increase of 5% or more in population between 1974 and 1975. Another 37% had stabilized inmate populations while only 19% were able to reduce their populations.

The figures which denote capacity are somewhat misleading, since many of the facilities are double-celling inmates in living units originally designed for single occupancy. According to the New Jersey Department of Corrections guidelines, doubling of single-occupancy cells is "substandard." Thus, the listed capacities of these jails should be adjusted downward. In addition, according to national correctional standards, all residential living space should be single occupancy, thus further reducing acceptable capacity levels. Furthermore, few if any, of the facilities' residential areas meet minimum correctional standards.

Single-person occupancy is considered by criminal justice professionals to be the optimal housing arrangement. Since all 27 facilities utilize holding areas designed for more than one person, none technically meet current corrections standards. In many institutions, however, the bulk of the holding capacity is

in single-occupancy cells; yet most of the single-occupancy cells do not meet minimum size standards of 70 square feet per single-occupancy cells.

There are a total of almost 1,600 single-occupancy cells in the institutions visited. Four hundred and thirty cells hold two persons each; 18 cells are intended for triple-occupancy; 19 units hold from four to eight persons; 26 hold from nine to 12 persons; and 83 units are dormitories which hold over 12 persons each. One of these dormitories is, reportedly, holding over 150 persons. The 27 facilities also have a combined total of over 35 short-term detention rooms and almost 65 isolation cells are available for use across the state.

The need to properly segregate various factions of the inmate population places some restrictions on the local jails. Under New Jersey statutes, males must be out of sight and hearing from females and, if held, juveniles must be segregated from adults. Of the total inmate capacity of 4,900, over 90% is reserved for adult male prisoners, slightly more than 9% for females, and less than 1% for juveniles. Only 6% of the population on the day of the survey was female, demonstrating the difficulty that multi-occupancy designs presents when enough space to accommodate peaks must be reserved for a relatively small proportion of the population. With the exception of one institution, which houses males out of sight but not out of hearing from females, all the facilities which hold females keep males out of sight and hearing from females.

Seventy percent of the facilities reported that juveniles are not detained there. The 30% that hold juveniles usually do so only when a court order requesting that the juvenile be held has been issued. Only three facilities, 11% report having facilities for juveniles. In most instances, should a court order be received, special arrangements for housing juveniles have to be made. Separate juvenile detention facilities are available in almost all counties.

Four facilities separate first offenders from recidivists; seven are able to separate pretrial prisoners from those who are serving sentences; 12 institutions separate co-defendants, when requested by the prosecutor; four separate felons from misdemeanants; nine separate sex offenders from the general population and 14 institutions segregate the mentally retarded and the mentally disturbed from the rest of the inmate population. Two facilities report no separation whatsoever.

The Master Plan also surveyed the condition of

	Total Capacity	1974 Average Daily Population	Percent Utilization	1975 Average Daily Population	Percent Utilization
Atlantic County Jail	172	161	94%	173	101%●
Bergen County Jail	200	109	55%	120	60%
Bergen County Jail Annex	201	107	53%	108	54%■
Burlington County Jail	126	169	134%	187	148%●
Camden County-City Jail	196	189	96%	187	95%
Camden Annex	71	70	99%	70	99%●
Cape May County Jail	72	46	64%	57	79%
Cumberland County Jail	136	99	73%	115	85%
Essex County Jail	645	573	89%	505	78%
Essex County Penitentiary	712	365	51%	476	67%
Gloucester County Prison	67	70	104%	69	103%●
Hunterdon County Jail	45	27	60%	28	62%
Hudson County Jail	302	140	46%	100	33%■
Hudson County Penitentiary	104	124	89%	86	61%
Mercer County Detention Center	138	158	114%	160	116%●
Mercer County Corrections Center	200	144	72%	149	75%
Middlesex County Jail	88	63	72%	73	83%
Middlesex County Workhouse	187	104	56%	105	56%■
Monmouth County Jail	315	211	67%	280	89%
Morris County Jail	120	85	71%	93	78%
Ocean County Jail	126	111	88%	88	70%
Passaic County Jail	228	265	116%	285	125%●
Salem County Jail	108	36	33%	54	50%■
Somerset County Jail	75	45	60%	40	53%■
Sussex County Jail	24	17	71%	17.5	17%■
Union County Jail	249	235	94%	221	89%
Warren County Jail	39	30	77%	34	87%
GRAND TOTAL	4,982	3,753	75%	3,880.5	78%

Key: ● = at or above capacity on the average.

■ = considerably below capacity on the average.

support systems within the facilities. It was noted that in only 44% of the facilities is the plumbing maintained and working properly. The other facilities' plumbing systems needed repairs or totally required replacement altogether. Wiring is in only slightly better condition, with 60% of the systems being adequate, the remaining 40% either needing repair, or requiring replacement. Many of the heating systems were also in varying stages of disrepair. Only 48% were working properly; 43% could function properly with repair; and 9% required total replacement.

Artificial lighting in the prisoners' living areas in 10 facilities was reported to be insufficient for reading. It was found that the lighting fixtures are often constructed in a manner which allows inmates to have access to them. In many cases, including facilities which reported adequate lighting, light fixtures were destroyed, damaged or covered up.

Poor design factors can cause such security problems as: blind spots which prevent adequate supervision of cell areas and/or movement areas; narrow corridors which are dangerous to both inmates and staff; inadequately placed control positions that may reduce an officer's view into cell areas or hinder staff response to crisis situations; and the lack of security vestibules which raises the likelihood of escape and personal danger to both staff and inmates. Two-thirds of the facilities, reported blind spots. Inadequately placed control points are the next most frequently occurring (41%) security problem. Lack of security vestibules or interior pedestrian sally ports were noted by 30% of the facilities. Other security problems created by poor design which occur frequently were the lack of separation capabilities, locking devices which do not function properly, low visibility within living areas, and narrow corridors. Only three facilities report no problems due to poor design.

The limitations of design also create security problems in prisoner movement. The problem most often reported is that of moving inmates to and from visiting areas. Jail administrators typically do not want visiting areas near inmates' living areas, not do they want inmates near areas to which the public has access. Over 10% of the surveyed facilities have security problems when moving inmates to and from visiting areas.

Even though most of the facilities are with or adjacent to the courthouse, 30 % report security problems when moving prisoners to court. Those facilities experiencing court movement problems also report the lack of vestibules and the presence of blind spots. Thus, the movement difficulties are more than likely

with the corrections facility itself. Others stating that movement to court is a security concern are those which are not in close proximity to the courthouse.

Booking areas are usually situated nearer to the perimeter of the facility than are the cell areas. In order to move prisoners from booking to the living areas, jail employees must again deal with internal design restrictions such as narrow corridors, blind spots, and no safety vestibules. Almost 50% of the institutions encountered security problems when moving prisoners from intake areas to the residential areas. Difficulties with prisoners being moved from cell areas to program rooms and dining areas are also reported. Six facilities report that they have no movement pattern problems which are created by poor design.

The availability of specific program areas is illustrated by the following table:

FACILITIES WITH SPECIAL PROGRAM AREAS

<u>Area</u>	<u>Number</u>	<u>Percent of Total</u>
Chapel	14	52%
Outdoor Exercise Area	11	41%
Indoor Exercise Area	8	30%
Multi-purpose Room (separate from cell areas)	10	37%
Dayrooms (living rooms)	9	33%
Private Visiting or Interview Rooms	18	67%
Infirmary (one or more beds)	15	56%
Separate, Quiet Study Area	5	19%
Library (not in multi-purpose room or shelves in a corridor)	16	60%
Classrooms	12	44%
None of the Above	2	7%
All of the Above	1	4%

Only one facility reported the existence of all listed program areas. The number of facilities having no dayrooms, or areas immediately outside the cells where inmates may go during the day, was surprisingly high (18). In many of those facilities, the corridors outside the cell areas are used as pseudo-day rooms.

Only five of the facilities surveyed have access to computerized information systems; the other still manually record all data. Twenty-one facilities have installed intercommunication systems in the prisoners' quarters and seven have installed closed circuit televisions.

Budget

Detailed budgetary information was unavailable for most facilities. However, enough information was obtained to calculate rough estimates of the cost per inmate per day for all surveyed facilities. In most cases, the cost per inmate per day which had been computed by the facilities was inaccurate. Usually maintenance and utility costs were not calculated. For example, one facility reported an inmate cost per day of only 17 cents, yet, by using the jail budget, a rough estimate of \$19.52 was computed. All costs per day were estimated on the basis of total expenditures divided by the average daily inmate populations. The costs range from \$16.00 per inmate per day (a low estimate since all the costs of maintenance and utilities were not available) to over \$36.00. The average daily cost per inmate is estimated to be about \$24.00.

Staffing

The number of custody staff employed by the surveyed facilities ranges from 12 in a facility having

an average daily population of 30, to a staff of 246 in a facility having an average daily population of 573. The National Advisory Commission on Criminal Justice Standards and Goals recommends a minimum of one custody person for every six inmates in the average daily population. Thus, every facility surveyed meets minimum national staffing standards. Because the average daily population and the average size of the custody staff were not both available for any one year, the staff size and the custody population on the date of the survey were used for the following table. The first column represents the number of custody staff which were employed on the day of the survey; column two is the population on the survey date and the third column illustrates the staff/inmate ratio.

The minimum recommended staff/inmate ratio does not compensate for the extra staff which might be required because of substandard architectural layouts in most New Jersey facilities. The need for additional staff due to poor design could represent an expenditure of as much as one and a half million dollars per year.

	<u>Number of Custody Staff</u>	<u>Inmate Population</u>	<u>Inmate Staff Ratio</u>
Atlantic County Jail	57	189	1:3
Bergen County Jail	40	81	1:2
Bergen County Jail Annex	45	107	1:2
Burlington County Jail	59	183	1:3
Camden County-City Jail and Annex	138	230	1:2
Cape May County Jail	34	68	1:2
Cumberland County Jail	35	110	1:3
Essex County Jail	246	492	1:2
Essex County Penitentiary	145	467	1:3
Gloucester County Prison	35	57	1:2
Hunterdon County Jail	20	24	1:1
Hudson County Jail	88	180	1:2
Hudson County Penitentiary	24	118	1:5
Mercer County Detention Center	51	153	1:3
Mercer County Correction Center	37	149	1:4
Middlesex County Jail	27	66	1:2
Middlesex County Workhouse	46	101	1:2
Monmouth County Jail	83	258	1:3
Morris County Jail	40	93	1:2
Ocean County Jail	33	105	1:3
Passaic County Jail	67	334	1:5
Salem County Jail	22	73	1:3
Somerset County Jail	26	27	1:1
Sussex County Jail	14	16	1:1
Union County Jail	66	192	1:3
Warren County Jail	12	41	1:3

Staff salaries are very diverse within the New Jersey jail system. The modal, or most frequently occurring, salary range is from \$10,000 to \$15,000 per year and the average is about \$11,250. Staff turnover in the surveyed facilities runs at about 8%, the highest being 71% and the lowest being 3%. It was found that, as the salary level increases, the staff turnover rate decreases. The exceptions to this trend are three facilities located in highly urbanized areas where the cost of living may necessitate the higher salary standard.

Staff Turnover Rate	Average Salary
5-10%	\$11,300
10-20%	\$11,600
20-30%	\$10,400
Over 30%	\$ 8,900

The exceedingly high turnover rates are probably attributed to a combination of factors: salary; poor assignment of personnel to various positions; the working conditions; the physical aspects of the facility; and the degree of inmate unrest within the jail. At the time of the survey, 40% of the facilities had job openings and 25% of these facilities report that there are usually job openings for corrections positions.

Without exception, all of the correctional facilities are governed by Civil Service in their hiring procedures, even though Civil Service is an option for law enforcement agencies. The Civil Service Chief Examiner formulates a plan which states the class of positions, the job titles, duties, qualifications, and promotion lines. Merit for employment or promotion is determined by the applicant's success in completing a competitive examination, a non-competitive examination, and the meeting of minimum qualifications. Qualifications include standards of age, citizenship, residency, literacy, being of good character, and having no convictions for a criminal offense involving moral turpitude.

Once a person is appointed, a three month probationary period begins; the period can be extended to six months. Only three facilities have elected to extended the probationary period, one to four months and two to six months; yet most administrators have complained that three months is too short of a time period in which to judge new employees' work. After two months, a report on the probationer's progress is written; the report is filed with Civil Service after three months. In order to declare a potential employee unfit for appointment, the corrections administration must show good cause before the Civil Ser-

vice Commission. The employee may be present during the hearing and present evidence and testimony in defense. Unless good cause is shown, the employee is appointed.

It is evident that several job classifications are utilized across the State to fill positions in correctional facilities. Some counties operate facilities independent of law enforcement agencies. Thus, correctional positions are separate from law enforcement positions. In other counties, there is no distinction between the two. In some counties, new law enforcement recruits are assigned to jail positions until law enforcement positions become available. The application for employment is, therefore, for a law enforcement position.

According to available information, all correctional officers receive some type of training for their positions. Usually, training is in-service rather than prior to beginning work. Most facilities also send staff to officer training programs offered by either the county or the state. Formal, on-the-job training in the form of classes, movies, speakers, workshops, and the like is virtually non-existent in the vast majority of the jails surveyed.

Inmate Population

The rate at which New Jersey's counties incarcerate is disparate from county to county. Sussex County, for example, detains 20 persons in its jail for every 100,000 persons in the general population of the county. Its incarceration rate, then, is said to be 20.² Essex County is the antithesis with an incarceration rate of 100. In comparison, the incarceration rate of the nation is 69.7, which is considered by most professionals in corrections to be high. The combined incarceration rate of all surveyed facilities is considerably less (49) than the national incarceration rate.

If an overall incarceration rate of 49 were to be considered a reasonable goal, it could be said that eight New Jersey counties are grossly over-incarcerating. Even though incarceration rates may be affected by crime rates, no direct relationship of this type can be identified in many of these counties. For example, of the 21 counties comprising New Jersey, Salem County has the highest incarceration rate, but ranks only 13th in its violent crime rate and 18th in its non-violent crime rate. Union County which is experiencing a comparatively high violent crime rate (6th in the state), has one of the lowest incarcer-

$$^2 \text{Incarceration Rate} = \frac{X}{100,000} = \frac{\text{Average Daily Jail Pop'n.}}{\text{General Population}}$$

ation rates, 16th in the state. Atlantic, Cumberland, Essex, Mercer, and Passaic counties are ranked in the highest eight in all three categories: incarceration rate, violent crime rate, and non-violent crime rate. Thus, it may not be totally realistic for these counties to reduce their incarceration rates to the desired 49 per 100,000.

The average New Jersey jail population on any given day in 1975 was approximately 3,900. On the day of the surveys, the populations of all facilities totalled 3,914. Adult males comprised 94% of the population, while adult females comprised 6%.

Information concerning the various trial statuses of the inmates present on the survey date was collected and is compiled on the accompanying chart.

In most institutions, inmate security status is based more upon architectural design features (i.e., if there are dayrooms, inmates are not continuously locked up) than upon the characteristics of the detainees. Over 25% of the inmates are classified "maximum" and are being held in continuous lockup; another 41% are classified "medium" and are locked in their cells during the night only. Inmates designated as trustees who work inside the facility at maintenance-type jobs comprise 9% of the surveyed population; another 3% are trustees involved in work projects outside the facility; and 1% of the population is composed of persons who are on "minimum" security status but who are not trustees. Those incarcerates who are on work or study release comprise another 3% of the total inmate population. Finally, the security status of 715 inmates is unknown due to non-reporting.

In over 40% of the facilities, meals are brought to the inmates in their cells. Four facilities serve meals in the dayroom and only seven institutions have separate dining facilities. Several institutions, 19%, serve meals in a combination of ways dependent upon the inmate's particular security classification or, in one case, the sex of the inmate.

On any given day, in the 16 facilities which provided this information, 109 persons are being held for alcohol offenses. The only offense for these persons is their being drunk. In addition, four facilities provide lodging for vagrants and transients.

All of the surveyed facilities provide some level of medical care, either in the form of jail-employed, full-time medical staff or through contractual services. Fifteen institutions are equipped with infirmaries which are defined as having one or more beds. In the 23 facilities which described medical services, 579 inmates require medical attention on an average day.

As discussed earlier, juveniles are not often held in an adult corrections institution. Other facilities for juveniles are available in 19 counties; two counties utilize juvenile facilities located in nearby counties. The Senate Bill 2141, enacted in November of 1973, proscribes holding these particular juveniles in juvenile institutions. Accordingly, juveniles charged with motor vehicle offenses are held in county adult institutions by court order.

Programs

It is somewhat misleading to refer to some of the areas discussed in this section as "programs," for

TRIAL STATUS OF RESIDENT INMATES

<u>Status</u>	<u>Percent of Total County Jail Population</u>
PRETRIAL:	
Under investigation -- not formally charged with an offense	9%
Charged and awaiting indictment	16%
Charged and indicted but awaiting trial	24%
Waiting to enter a plea	3%
Other court processes	1%
	<u>53%</u>
POST-TRIAL:	
Awaiting sentencing	8%
Awaiting appeal process	1%
Sentenced but held for transfer	1%
Awaiting hearings for technical violations of probation and parole	2%
Serving sentences	34%
Being held temporarily for other agencies	1%
	<u>47%</u>
n = 3,914	

some are defined by constitutional law as being rights, and others are considered to be so important that no prison or jail administrator would consider omitting them. Visitation is one such activity.

All 27 surveyed institutions allow inmates to receive visitors. It was ascertained, though, that there are strict limitations on the number and times of visiting periods, as well as the number of visitors any one inmate may receive during a visiting period or over a period of time.

To illustrate, the Essex County Jail maintains a visitor's list for each inmate. The maximum number of visitors allowed is four, and it is only these four persons named on the list who are allowed to visit the inmate. With the exception of lawyers, members of the clergy and other professionals, people not on the list are not allowed to see the prisoner. The total number of visiting hours, liberally estimated, averages nine per week in the 27 facilities responding to requests for this information. Nonetheless, this does not mean that every inmate visits for nine hours every week. In some facilities an inmate is restricted to a minimal number of visits, short in duration, while in others the total time per week is divided among various classifications of inmates, i.e., on Mondays the work releasees may visit during the one-hour visiting period and on Thursdays the females may visit during that period.

The number of days during which visiting is allowed ranges from one to seven, with an average among the institutions of nearly three days. Ten institutions have visiting hours on weekends only; five institutions have visitation on weekdays only and only 12 institutions provide for visitation both during the week and on weekends. Even more restrictive policies are indicated by limitations imposed on the time of day that visitation is allowed. Seventy-seven percent of the facilities restrict visitation periods to days only, the time during which most persons are employed and are unable to visit, while 4% have visitation during the evenings only, and 15% of the facilities permit visitors during both evening and day hours.

The areas in which inmates receive visitors vary widely from institution to institution. Most facilities, however, have made arrangements for separate but secure visitation facilities. The inmates in 13 facilities visit with family and friends through a glass wall and a telephone. In eight of the institutions, screened partitions are provided and, in three, partial solid partitions have been constructed. Chairs and tables within the dining areas or multi-purpose rooms are used in four institutions. Three facilities have a com-

bination of visiting environments, screening inmates for less normative environments according to their higher security status. In only four of the facilities is contact visiting the usual method; all others are secure settings allowing no physical contact between the inmates and their guests.

Even under the current restrictive visitation policies in the 23 facilities which supplied information on visitors, a total of 1,573 visitors visit on any one visiting day. This very poignantly demonstrates the extent to which the visiting program is in demand.

Correspondence usually takes two forms in a local institutional setting: mail and telephone privileges. In every institution, inmates are allowed to both send and receive mail with varying levels of restrictions. As a general rule, all incoming mail is inspected for contraband, the definitions of which vary from facility to facility and, in some institutions, incoming mail is read for content. Likewise, it is also common for outgoing mail to be censored, i.e., to detect escape plans, attempts to incite riots, lewd language, or threats to witnesses.

In most institutions, the inmate, unless indigent, is solely responsible for the cost of the postage. In some facilities, the number of letters that can be sent is also restricted. A limitation placed on the volume of mail for which the facility is responsible for paying is seen as reasonable, but the limitation on the total number of outgoing letters is too restrictive, i.e., sometimes as few as three letters per week. For the inmate whose family and friends are not able to visit, such restrictions do not allow adequate contact.

Telephone privileges are even more restrictive. The inmates in only six facilities are allowed to receive calls, usually limited to emergency situations or calls from professionals such as the inmate's counsel. Nineteen facilities make arrangements for inmates to place outgoing calls, always restricted in time and number. The Camden County-City Jail has devised a workable solution to the problems associated with prisoners' phone calls. Two pay phones have been installed in the inmates' living quarters.

Various kinds of passive, leisure activities are available to inmates in the facilities which were visited. Board games such as checkers and Monopoly, as well as cards, are available in all institutions except one. Inmates may also read books and magazines although, depending on the institution, the type and content may be restricted. In many cases, the reading material is the inmates' own, so inmates must rely on visitors to supply reading material, or to supplement that which is supplied by the facility. The

standards of court review of censorship are becoming progressively more strict. Only one institution approaches adherence to court guidelines which state that censorship of reading material, as well as mail, serves few legitimate penal interests.

For more strenuous physical exercise and the use of leisure time, ten facilities are equipped with outdoor exercise areas and eight with indoor exercise areas. Eleven facilities manage to conduct indoor exercise programs through the utilization of dining facilities or multi-purpose rooms of activities such as pool and table tennis.

Religious services and activities are not offered as a matter of course in six facilities. It is hoped that, should inmates be interested in religious activities, accommodations would be made. The First Amendment right of religious freedom is most fundamental, particularly for incarcerates who cannot freely pursue their religious beliefs and practices.

Radios and/or television sets, sometimes at the inmates' expense, are allowed in all but one corrections facility. Most facilities do provide television sets.

Educational programs (often preparatory for school equivalency exams), some vocational training, and counseling programs are available to only a minimal number of inmates in only a few select facilities. Because of the widespread activities of Alcoholics Anonymous in New Jersey, alcohol counseling is a common program in local institutions.

At least 85% of the facilities have commissary privileges. This is handled most frequently by allowing inmates to place orders with a correctional officer for such items as toothpaste, soap, and stationery. The items are then purchased, the amount deducted from the inmates' accounts, and the inmates receive their purchases the following day. One institution reports a profit of over \$4,000 from its commissary activities, which should be reverted back to the inmates in the form of additional programs and privileges.

Of the 27 facilities surveyed, 60% (16) offered work release programs. The great majority of these programs are operated from within the jail and are only available to a small number of inmates (generally less than ten).

Alternatives to Incarceration

The established programs which are considered to be alternatives to incarceration vary by county, although release on recognizance (ROR) programs are common to all counties. A scale standardized for the state has been issued but the procedures for

utilizing the scale are not standardized. Some counties, for example, use the scale in conjunction with other material such as police or probation reports while other counties do not use the scale at all.

Many counties were unable to provide statistics concerning the number of persons considered for ROR and the number actually released on recognizance. For those counties providing this information, the statistics indicated that the county court's stated policy has not been effectively implemented. In one county, 3,000 persons appeared before the court in 1974. Of these, only 200 were considered for ROR, and only 60 were granted ROR. Other reporting counties displayed similar results. Virtually no county in New Jersey is utilizing the ROR alternative to its fullest potential.

Pretrial intervention programs are virtually nonexistent in New Jersey with only about 15% (3) of the counties offering such programs.

Summary

The descriptions in this section are primarily of county jails and penitentiaries. City jails detain prisoners of city law enforcement agencies, as do lockups. However, lockups usually hold for less than 48 hours or until the first court appearance. Subsequent to the initial appearance, the prisoner is traditionally transferred to the county jail to await trial. The effect upon this section of the plan of omitting local lockups is undeterminable. For example, a county's total holding capacity (the number of beds) may be greater than reported here. Further, the county incarceration rates are probably higher than reported here since information about the number of inmates detained in city jails and lockups is not available. For this reason, rates of incarceration previously discussed in this section must be considered conservative estimates.

The majority of the facilities surveyed are located in the most urban areas of the counties, primarily commercial-residential. They experience the accompanying problems of locating adequate parking for staff, inmates, and inmates' visitors. Almost two-thirds of the correctional institutions occupy the entire structure in which they are housed, and about 75% are with or adjacent to the courthouse. Building complexes designed to accommodate a variety of county offices and functions has been a common approach to jail site location. The courts utilized by 66% of the surveyed facilities provide special detention rooms for the holding of prisoners awaiting court processing.

The facilities are an average of 44 years old but,

nonetheless, appear to be structurally sound as a general rule. Forty-six percent have undergone renovation and/or have had additions since first constructed. The support systems, however, seem to be a major structural problem, with plumbing, wiring, heating, air conditioning, and lighting systems needing extensive repair, and even replacement, in many of the facilities.

The total reported holding capacity of the reporting facilities is approximately 5,000 persons with an average daily population of about 3,900. Residential areas in most facilities do not meet modern correctional standards for housing inmates.

Most facilities have single-occupancy cells, but nevertheless, the greater holding capacity is represented by multi-occupancy cells, particularly those holding four or more persons. This architectural limitation restricts the capability to classify and to separate particular types of inmates from one another, such as felons from misdemeanants and, in one institution, such absolutely necessary separation as males from females.

In many institutions the physical arrangements of the cells, as well as narrow guard corridors, poorly placed control centers, and the absence of security vestibules, create security and movement hazards. Moving prisoners from the jail to the court, from intake to booking, and from cells to visiting and/or program rooms are concerns expressed in approximately 75% of the facilities.

Financial information, though sufficient to make general statements, was lacking in detail for most facilities. Even where budget information does exist, it was often found to be incomplete and/or misleading. Inadequate budgetary information, as well as a lack of knowledge of inmate demographic characteristics, demonstrates the immediate need for improved record and information keeping systems throughout the New Jersey local jail system.

The jails which were examined were found to be generously staffed, both with custody and administrative personnel. The inmate-to-custody staff ratio in all cases is above the recommended minimum ratio of six-to-one. The average staff turnover is about 8% per year. Staff turnover may be related to and affected by such aspects as the salary levels, assignment of duties and responsibilities commensurate with prior training and aptitude and working conditions, both architectural and attitudinal, in the facilities.

The total local rate at which the surveyed facilities incarcerate persons in county facilities is 49 per

100,000 in the general population. The national rate is nearly 70. New Jersey's incarceration rate undoubtedly exceeds 49, since the population being held in city jails and lockups have not been included in these calculations. Forty-nine is considered to be a realistic goal for all counties, but additional research would be necessary in order to determine the actual county incarceration rates.

In 1975, the average daily inmate population in the surveyed facilities was 3,880. Ninety-four percent of the New Jersey jail population is male; nationally, 95% is male. Persons who have not yet been tried for their charges represent almost 55% of New Jersey's jail population. Nationally, 55% are pre-sentence and 45% are sentenced.

Maximum security prisoners comprise 25% of the total population, 41% are medium security, and 16% are various categories of minimum security. The security status of 18% of the inmate population was unreported, although maximum seems the most likely classification of inmates due to available cell types rather than inmate classifications which might be necessary for security. Juveniles are not held in these facilities unless by court order for motor vehicle violations; secure juvenile detention facilities are provided throughout the State.

Visiting is the most common program in all facilities. An average of nine hours per week in each facility is devoted to visiting, although each inmate may visit for less than two hours per week. Hours vary, with about 45% of the facilities providing for both weekday and weekend visiting. Most facilities restrict visiting to the daytime, a limitation effectively omitting working persons who would be inclined to visit family and friends in jail. Secure-type visiting, prohibiting any physical contact between inmates and their visitors, is, unfortunately, the norm, with most visits taking place by telephone with a glass or screened wall separating the individuals. Normative visiting environments such as table and chairs in a multi-purpose room or small private rooms are the exceptions. Even in institutions where normative environments do exist, not every inmate is allowed to visit in this manner.

Correspondence by mail is also allowed in every facility, but restrictions are placed on both incoming mail, which is inspected and censored, and on outgoing mail, which is restricted in number and sometimes censored. Correspondence by telephone is, for all practical purposes, non-existent. Outgoing calls, when allowed, are often restricted in number and

duration and in-coming calls are restricted to emergencies.

Leisure activities such as cards, games, television, and reading are available to most inmates. Counseling, education, and vocational programs are available to only a limited number of persons. More physically strenuous exercise activities such as shuffleboard, ping-pong, and pool are offered in some institutions and, in a few others, indoor and outdoor recreation

areas are available for basketball, calisthenics, and similar activities.

Alternatives to incarceration, notably ROR, are present in every county in varying degrees of implementation and utilization, although a general lack of commitment to using ROR was noted. Pretrial diversion programs are operating in only a few counties and are usually underutilized.

New Jersey Corrections:

County Institution Recommendations

Elsewhere in this report:

- A locally oriented corrections plan which would fundamentally change the state/local corrections relationship is recommended (See page 91 for recommendation and page 179 for consideration of implementation tasks)
- An upgrading of state responsibilities in regard to definition of minimum standards for county and municipal custodial correctional facilities, operations, and programs is also recommended (See page 172)

In this section, four alternate or complementary ways of upgrading and supporting county services in support of the above recommendations are presented for consideration:

- Incorporation of local jail operation into the state system,
- State subsidies to encourage, through the use of incentives, the improvement of jail conditions and practices,
- The coordination of resources for jail operation and services by the state, while jails remain under local jurisdiction,
- The creation of service areas served by a single facility or network of facilities under local control.

REVIEW OF ALTERNATE OR COMPLEMENTARY WAYS OF UPGRADING LOCAL SERVICES

The first step in upgrading county corrections appears to be defining the desired state-county correctional relationship. It is from this relationship, and the demands it will place on both parties, that a statement of organizational, fiscal, architectural and programmatic requirements may be made. If the long range intention is for counties to continue serving the same number and types of offenders as they presently do, then recommendations will be tailored to those conditions, calculated on present practices and patterns of service demand. If, however, a statewide correctional policy is adopted which changes the likely requirements on the counties, this presents a new set of conditions to which the Master Plan must respond. In another section of this Master Plan, the Policy Council recommends the adoption of a "Local Corrections Plan". If implemented, this plan will modify the likely role—~~and~~ requirements—for county corrections. At this stage, then, it seems fitting to state options which may be pursued. The selection

of any particular one would depend on the overall state correctional policy implemented. All four options are intended to generally upgrade and support county correctional services.

It should be pointed out that these options are not mutually exclusive and, in a sense, more than one could be at least partially incorporated into a single plan of action.

Option I — Incorporation of local jail operations into the state system:

The Master Plan Policy Council, in their initial review of the National Advisory Commission on Criminal Justice Standards and Goals, Correction volume, endorsed Standard 9.2, which called for "state operation and control of local (jails) institutions." The National Advisory Commission bases this recommendation on the assumption that availability of the broader base of fiscal and service resources found in state government is necessary to upgrade local jail systems. They conclude that to fully employ these resources at the local level, the state assume responsibility for the operation of local jails.

To be sure, this proposal to expand the state's authority and jurisdiction over what has traditionally been a county function offers one of the more controversial issues to be considered for the state of New Jersey. Beyond the issue of state vs. local control, however, lies a more concrete issue whose impact is at least as great as the political and philosophical considerations; this issue concerns fiscal resources. In the course of gathering data for the Plan, it was learned that the overall budget for the annual operations of local jails was over \$30 million in 1975. This is a conservative estimate, since budget information was either unavailable or incomplete for some facilities. The capital budget required for the state to assume ownership or even to lease these facilities (many of which are substandard) would be staggering.

For the state to assume the responsibility for and fiscal burden of operating detention facilities which have historically been seen as the counties' responsibility would require a substantial reallocation of state funds, even if a multi-phased approach were utilized.

The impact of such a shift in fiscal responsibility would be two-fold. First, given the state's current financial limitations and the absolute absence of surplus funds, a dramatic reordering of funding priorities would be necessary. Other critical services such as mental health, public education, and welfare would be in direct competition for limited dollars. Only if

new tax sources were to become available could such competition be minimized to the point that no services, existing or new, would suffer. Second, if the state assumed operation of jails, it is doubtful that county taxes would be reduced, despite the fact the counties would have been relieved of the fiscal burden of jail operations. The most likely outcome would be to shift the unused funds to other county services. To the taxpayers, then, this would appear to be merely a more expensive means to achieve the same end.

In conclusion, a complete assumption of the operation of local jails by the state, while in some ways desirable, is not likely to be implemented in the near future.

Option II — State subsidies to encourage, through the use of incentives, the improvement of jail conditions and practices:

As in the preceding alternative, the role of the state is severely limited by the funds available for this approach. The only remaining source of funds which can be utilized as incentives is monies available through the State Law Enforcement Planning Agency (SLEPA). While SLEPA is in a position to partially fund corrections programs and new construction, the policy of the Agency proscribes allocation of Part E funds for corrections construction. A change in policy, such that Part E funds could be restricted to construction of multi-county projects, could provide the incentives necessary to move the counties in this direction. SLEPA, however, does not have an inexhaustible supply of funds for any purpose, and Part E funds are limited. Even if Part E funds were utilized in this manner, they would represent only a small fraction of the cost of planning, design, and construction costs. It should be recognized that SLEPA has not shirked its responsibility to support local corrections needs; rather, it has in many cases chosen to fund county programs that have committed themselves to reducing the level of incarceration in the jails. Indeed, the answer to many problems facing jails lies in the system which controls intake and outflow for the facilities. SLEPA also funds programs designed to improve conditions and services within New Jersey's jails; in a sense, of course, such funding acts as a positive incentive to improve jail practices.

Given the fact that SLEPA is already providing a number of incentives, and that the state is otherwise unable to increase substantially the available finan-

cial incentives, much less to subsidize operations, this alternative also suffers from pragmatic implementation problems.

Option III — Coordination of resources for jail operation and services by the State, while jails remain under local jurisdiction.

This alternative would involve the state in coordinating many of its corrections and non-corrections resources with those of the county. A second high priority for the state would be facilitating the much needed communication among the counties. Because of its size and broader jurisdiction, the state has many resources to offer the counties. It could be actively involved in providing such services as: assistance in planning; state-wide group purchasing for specialized corrections equipment and possibly food; participation in the state corrections training program; and, technical assistance in many areas of policy development and operations within the jails. Unlike previous alternatives, this does not require a substantial reallocation of fiscal resources by the state. Many of the services mentioned above are already performed by the state level corrections agency; to extend them to counties, upon request, should not involve a significant increase in funding for staff.

Option IV — Creation of service areas served by a single facility or network of facilities under local control:

Short of incorporating local jails into the state system, local detention services could best be improved by a strategy in which local governments combined their resources to meet mutual needs. The practice of forming multi-jurisdictional districts, regions, or authorities is growing in recognition as a rational, cost-effective method of increasing the services which may be delivered by government. Such multi-jurisdictional efforts as Mass Transit Authorities and regional planning districts are increasingly common, and numerous other cooperative agreements have been formed between counties, cities, and even states.

Detention is no less a vital and expensive service than many of the other services required of government. Given the compact geographical size of the state and the number of counties in New Jersey, the development of multi-county pre/post-trial corrections facilities is a viable solution to the problems of limited fiscal resources and concomitant high

demands for programming and professionalism in local jails.

Multi-jurisdictional agreements are, however, more easily conceptualized than operationalized. Beyond the obvious and sometimes substantial problems presented by political and territorial issues (which often bear little relation to service needs), several other obstacles to implementation must be faced. These are most easily categorized as: problem identification; resource assessment; and assignment of operational responsibility. The mutual needs must first be recognized by the involved parties, an assessment of the most advantageous geographical placement of the program decided upon, and an organizational component established to operate the program.

Virtually all of these issues may be dealt with by either a single ad hoc commission representing the involved agencies, or by an independent agent or agency which acts as a buffer or third party arbitrator between competing interests in a commission. It is not likely that the counties will, on their own initiative, successfully form commissions or committees to begin planning multi-county detention facilities. An independent agency or a collection of agencies would seem likely to successfully identify areas of mutual need and assess the potential for multi-jurisdictional programs. Data currently available to the inspection unit of the Department of Corrections (the Bureau of Operations) and to SLEPA could provide an information base to begin a routine system of need assessment. To facilitate the development of multi-jurisdictional detention facilities, a clear mandate must be given to a new or existing agency to compile data and demonstrate the feasibility and desirability of developing such multi-jurisdictional facilities when appropriate. Without strong moral and financial support for such a movement by the executive and legislative branches of state government, however, the same patterns of independent planning by the counties are likely to continue.

Rationale

The traditional role of local corrections has been limited to the pretrial detention and incarceration of those persons sentenced to brief terms. Recent revelations of the positive impact of community-oriented corrections as a means of reintegrating the offender into his/her community has initiated a broadening of this role; local jails are beginning to be viewed as potential resources in the reintegrative effort. A substantial effort of the New Jersey Correctional Master Plan has been devoted to the evaluation

of the conditions in local jails and their future role within New Jersey's corrections system.

Studies undertaken in the course of the Plan have shown that local corrections in the State of New Jersey follows the pattern apparent in most states. Essentially, the system is best termed a "quasi-system." Its lack of coordination is most evident in the severely limited communication between county corrections officials and the state corrections system and, indeed, among the counties themselves.

New Jersey county jails appear to be partially isolated from one another and isolated from the state. Perhaps the need for linkage among the counties and the state would be less urgent if the overall conditions of local facilities were at an acceptable level. However, this is generally not the case. New Jersey jails have the capacity to house up to 5,000 persons on any given day; in 1975 they were functioning at approximately 80% capacity, with a gross average daily population of about 3,900. Virtually none of the facilities meet national recognized standards concerning cell size, single occupant residency or minimum program space. It should be noted that the total single cell capacity of the state (1,600) comprises only 32% of its total jail capacity.

New Jersey's local jails are organized in a variety of ways, all of which are in need of modernization and upgrading in facilities, staffing, and services. This is not a sudden revelation; many administrators, elected officials, and the citizenry are beginning to move toward upgrading county correctional systems. Unfortunately, many of the changes initiated by this movement may simply repeat many of the mistakes already made. This is because one of the most limiting factors in the planning and development of adequate program and facility resources has been the fragmentation of corrections services within the state. County planning and budgeting has the inherent effect of insulating the counties from one another. Other factors such as inter-county competition for industry and potential fiscal resources and strong traditions of county "home rule" have had the cumulative effect of restricting exploration of those alternatives requiring multi-county efforts to satisfy mutual needs.

The alternatives which have just been examined address many of the difficulties experienced in attempting to find solutions for the problems facing county jails. Conceptually, the only truly feasible solution revolves around the coordination of scarce resources among the counties themselves and between the counties and the state.

The Master Planning Policy Council reviewed the Local Institutions chapter (Standards 9.1 to 9.10) of the National Advisory Commission on Criminal Justice Standards and Goals' *Corrections* volume. It overwhelmingly supported the principles established by the Commission. These standards were: 9.1, Total System Planning; 9.2, State Operation and Control of Local Institutions; 9.3, State Inspection of Local Facilities; 9.4, Adult Intake Services; 9.5, Pretrial Detention, Admission Process; 9.6, Staffing Patterns; 9.7, Internal Policies; 9.8, Local Correctional Facility Programming; 9.9, Jail Release Program; and 9.10, Local Facility Evaluation and Planning.

To implement these standards would involve a total re-evaluation of the role of state corrections and its relationship to local corrections. Furthermore, as noted earlier, Standard 9.2, State Operation and Control of Local Institutions represents one of the more controversial correctional issues for the state of New Jersey. Immediate operationalization of all the standards may be neither politically feasible nor desirable for New Jersey at this time.

It should be emphasized that the goal sought by the Master Plan in the area of local corrections is ultimately to raise the level and quality of services available in local jails. Services, in the broadest sense, include those programs which provide safety, security, and meaningful ways to occupy the detainees' time and energy. Potential means of bringing about this goal have been discussed, with particular emphasis on the role of the state government as either catalyst or resource. *The Master Plan has not sought to explore methods of bringing local corrections systems under the jurisdiction of the state, but to identify ways of bringing local jails up to minimum standards of service delivery.*

In a sense, each of the four alternatives described above has certain qualities to recommend it; the state should attempt to balance the advantages of each. Rather than incorporate jails into the state system in order to improve the conditions and practices in local corrections, it is recommended here that the state should first explore the less drastic alternatives, which still hold considerable promise of facilitating improvement. A thorough, ongoing evaluation of the operation and the success or failure of the recommended system of regulation and/or coordination should be undertaken as a part of its implementation. Only when there is sufficient indication that the program cannot provide within a reasonable time frame the desired improvement in jail conditions

should it be abandoned in favor of more direct and costly measures.

The goal of these recommendations has been the development of programs, policies, and practices which comprise an adequate system of corrections at the local level. With the pressing need to deal with less serious state offenders within county correction systems, a reevaluation of priorities is called for. Several outcomes are possible. The counties may:

- attempt to identify nonincarceratory programs

which present a greater range of alternatives for pre-trial and post-trial detention;

- attempt to identify mutual needs with other counties and develop multi-county programs and/or facilities;
- attempt, with their own resources, to provide services which meet minimum standards.

In any of these eventualities, the state's role should be that of facilitator, arbitrator, service agent, and enforcer of standards.

Organizational Analysis Of The New Jersey Division Of Correction And Parole*

A comprehensive, efficient, and effective approach to the disposition of the criminal justice offender necessarily reflects an organizational structure which is capable of integration, coordination, and long range planning. The crisis in the American correctional system indicates that few of the component systems now have this capability. Indeed, even a cursory examination of the organizational structures of the correctional systems of the 50 states demonstrates that most have developed on an *ad hoc* basis, with no deliberate effort toward fully coordinated service delivery. New components have been attached as a need arose or was recognized.

The consequences of an *ad hoc* approach to organization in corrections are fragmentation, duplication of function, lack of long range planning or anticipation of needs, and a strong tendency toward management-by-crisis. The objectives and operations of such a system become largely reflexive; that is to say, they develop as uncoordinated responses to a variety of events and pressures. The administration finds itself consistently responding after the fact, without reference to long range impact and changing direction and policy in response to such pressures as crises in public relations, urgent needs for space, and funding. The end result is a system which seems lacking in goals and overwhelmed with conflicting directions. No correctional system, however, is without goals, whether stated or unstated, short term or long term.

* NOTE:

This analysis of the organizational structure of the Division of Correction and Parole, and its findings, were used in the subsequent restructuring of the Department of Corrections after its creation on November 1, 1976.

Furthermore, all correctional systems tend to proceed on the basis of their goals. Explicit goals entail obvious advantages of long term perspective, coordination of services, and personal recognition and devotion to organizational objectives. This explicitly goal-oriented alternative to the reflexive posture is a reflection of an organizational structure that has been specifically designed to achieve the objectives of the correctional system. In general, these objectives include: (1) developing alternatives to incarceration to relieve space pressures and explore more effective means of reintegrating offenders into society; (2) minimizing the destructive effects of incarceration and maximizing its constructive potential; and, (3) developing means for continuing evaluation of correctional services so that anticipation of needs and a range of alternative responses becomes possible. Every correctional system would need to tailor these primary objectives to its own strengths and limitations, but the importance of management-by-objectives remains paramount in ensuring efficient, resourceful and responsive delivery of services.

New Jersey is currently experiencing the types of difficulties in its correctional system that are indicative of the reflexive posture. Despite good intentions, many innovative staff members, and a shared sense of commitment within the Division, long range planning and management-by-objectives is beyond the scope and capability of the correctional system as it is currently organized. Crises and changing pressures are endemic to corrections, but an organization can be structured so as to analyze and resolve problems in a manner consistent with its long range objectives and implementation strategy. Functioning within an

administrative structure bequeathed to them by decades of *ad hoc* organization, the Division of Correction and Parole is unable to do this.

METHODOLOGY

The organizational analysis of the Division of Correction and Parole for the Correctional Master Plan proceeded in three stages. The first involved an analysis of the administrative components of New Jersey's correctional system as they have been formally described in various existing documents. Once familiarity with the organizational structure was acquired, a chart attempting to reflect day to day operations and lines of communication within the Division was developed (figure 1).

From this table, key functions and staff were identified, and a number of interviews with staff were requested. An attempt was made to interview the supervisors of the major administrative units in the Division. Each interview emphasized discussion of the interviewee's perception of certain key organizational issues. It was intended that this would provide an "inside view" of the correctional system that would aid in the development of an individualized, mutually responsive Master Plan. The key organizational issues discussed were:

1. The current objectives of the unit; the current goals of the Division; and the ways in which unit goals related to Divisional goals.
2. The current functions of the unit.
3. The lines of authority and communication surrounding the unit.
4. The objectives and functions the head of the unit saw as appropriate for that unit in the future development of the Division.
5. The ways in which future objectives and functions might have an impact on organizational structure.
6. Important barriers to achievement of their objectives, if any.

The interviews constituted the second stage in the study.

The third stage involved analysis of the organization's philosophy, structure and operations. The analysis proceeded according to a model of administrative and fiscal adequacy developed by the Advisory Commission on Intergovernmental Relations in their report, *State-Local Relations in the Criminal Justice System*.

Within this model, there are four major criteria

against which administrative adequacy should be judged. These are:

1. Functional Completeness
2. Geographical Adequacy
3. Popular Responsiveness
4. Structural Sufficiency

Functional Completeness refers to the ability of the system to deliver comprehensive, coordinated services; that is, the degree to which all necessary functions are represented in the system and organized for efficient delivery of services. *Geographical adequacy* refers to the need for the system to encompass a large enough area and population to ensure that its functions will be performed with a modicum of technical expertise. Developing such expertise is, of course, related to the financial base of the geographic area. The criterion of *popular responsiveness* requires that the system be comprehensible and accessible to the general public; some control should be located in the hands of an elected representative or board, to ensure popular support and the credibility of the system to the public. *Structural sufficiency* involves investing the requisite legal authority in the system so that its functions can be adequately executed. This refers not only to specific enabling legislation, but also to the distribution of decision-making and implementing authority such that lack of coordination and cooperation among the components of the system has minimal impact on its functioning.

In addition to administrative adequacy, an organization or system must be evaluated in terms of fiscal adequacy. As developed by the Advisory Commission, fiscal adequacy includes the availability of stable and sufficient financial resources and organization to permit economies of scale and to prevent externalities in the provision of services.

In the following pages, a description of the current responsibilities and functions of the administrative units of the Division of Correction and Parole is presented. Following this, issues concerning the Division's organization as they emerged from the interviews are discussed.

The Director:

Organizationally situated within the Department of Institutions and Agencies, the Division of Correction and Parole is charged with the operational responsibility for correctional institutions and supervision of paroled offenders in New Jersey. The Division is headed by a Director who reports to the Commissioner of the Department. The Director is responsible for the operation of the entire Division of Correction

NEW JERSEY DIVISION OF CORRECTION AND PAROLE

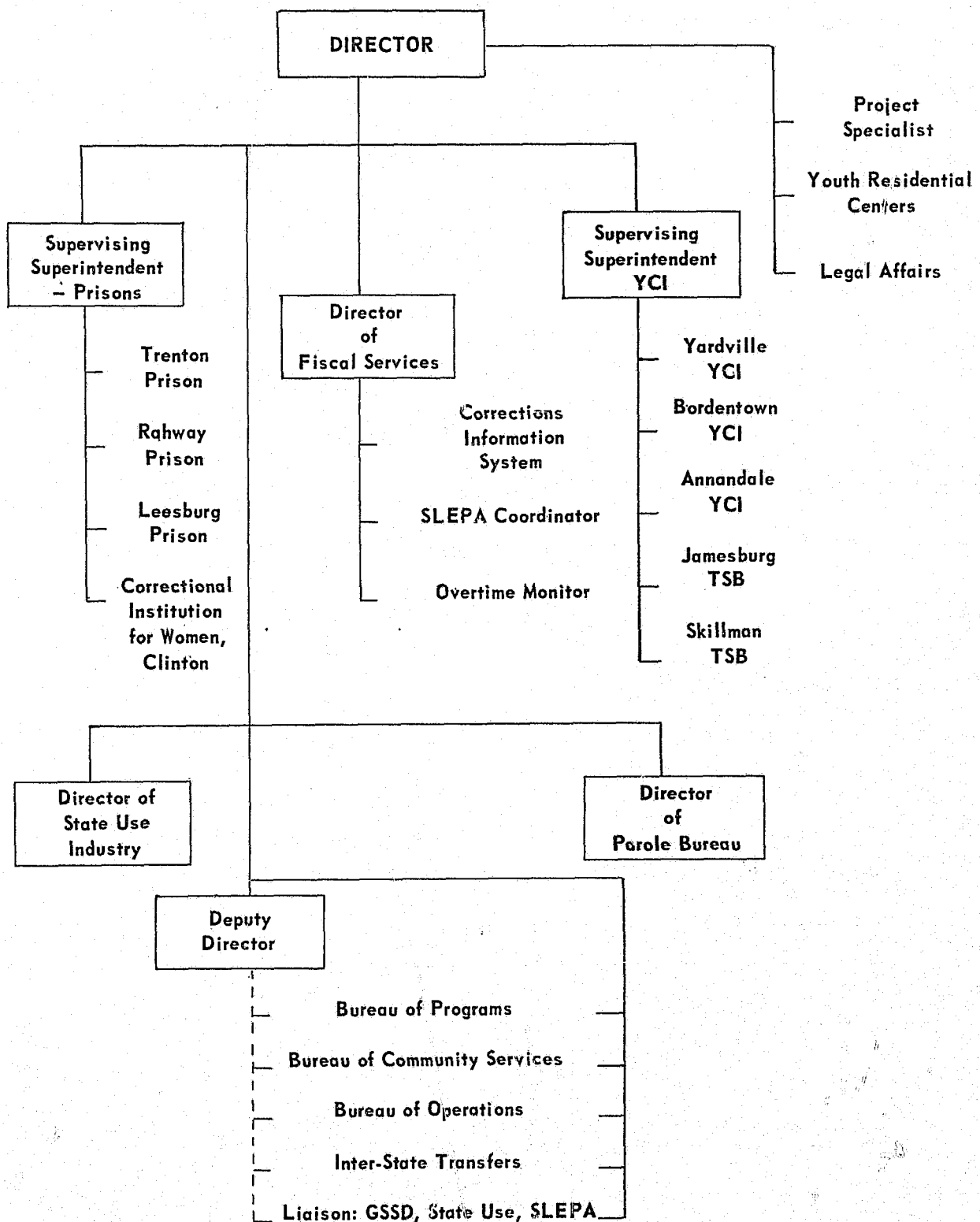


FIGURE 1

and Parole. As such, he has final authority over all its component units. He often serves in a direct advisory role and participates in the decision-making processes of the Bureaus and the correctional institutions. In time of crisis, this decision-making role becomes paramount. He formulates and guides Division policy and its implementation. He is the primary liaison in the communication process between the Division and the Commissioner of its umbrella agency, the Department of Institutions and Agencies.

The Deputy Director:

The Deputy Director assists and supports the Director, channeling information from several of the Bureaus to the Director's office. He handles complaints and inquiries from the public and from offenders' families. He oversees the implementation of the Interstate Corrections Compact. He reviews and comments on proposed standards. The current Deputy Director is also participating in the development of possible innovations in New Jersey Corrections, notably a revision of parole functions and the establishment of an interstate "time bank".

The Youth Correctional Institutions:

The Youth Correctional Institution Complex is composed of three (3) Youth Correctional Institutions at Yardville, Bordentown, and Annandale, and 6 satellite units at West Trenton and Wharton Forest (Yardville), the Neuropsychiatric Institute and New Lisbon (Bordentown), and Stokes Forest and High Point State Park (Annandale). In addition to the YCI's themselves, the two Training Schools for Boys and Girls at Jamesburg and Skillman, for juvenile offenders 8-16 years of age, are also part of the YCI complex. The YCI's were originally designed for the incarceration of offenders under 30 years of age who had been given indeterminate sentences, but with the current problems of overcrowding, a substantial proportion of the YCI bed space has been formally reassigned to offenders who are technically sentenced to the Prison Complex.

The entire complex is supervised by the Supervising Superintendent, who acts as coordinator. He Provides direction for the superintendents of the individual institutions, coordinating the relations between institutions in matters such as transfers, programs, staffing, reporting procedures, and union matters. He is responsible for the coordination of allotted resources among the YCI's. At present, one of his major functions relates to the resolution of the bed space crisis. As chairman of the Reception

and Classification committee, he plays a major role in the distribution of offenders to available beds. The Supervising Superintendent reports to the Director regarding the operation of the YCI's. YCI superintendents, following long tradition, also tend to report directly to the Director, especially in crisis situations.

The State Prison Complex:

The State Prison Complex consists of three major institutions at Trenton, Rahway, and Leesburg, as well as three satellite units at West Trenton, Marlboro and Rahway Camp. The Correctional Institution for Women at Clinton is under the same administrative authority. These institutions serve adult offenders with minimum-maximum sentences. Admissions are classified according to security needs and assigned to one of the prisons or to a satellite unit. With the present overcrowding and the movement to reduce the population of the Trenton facility, however, available bed space has become a primary criterion for assignment.

The Prison Complex and the superintendents of its institutions are supervised by a Supervising Superintendent who serves much the same function as the Supervising Superintendent of the YCI complex. He provides direction for the institution heads and coordinates the needs of the institutions in the Prison Complex. He assists in the development of the budget. Like the head of the YCI complex, the position of Supervising Superintendent is a new one without administrative and clerical support. The position has experienced difficulties similar to the YCI Supervising Superintendent's in role definition; superintendents of Prisons tend to bypass the head of their complex and report directly to the Division Director on matters they consider urgent or critical.

Bureau of Fiscal Management and Planning:

The Bureau is responsible for the preparation of the budget for the Division of Correction and Parole. As a result of this fiscal management role, its Chief also acts in an advisory capacity to other bureaus on questions of the financial feasibility of various program alternatives. He is present for consultation in meetings with the Division Director relating to policy decisions, program changes, and so on.

In addition to budgetary and advisory responsibilities, several other distinct functions are directed from the Bureau of Fiscal Management and Planning. Among these is the development of a Correctional Information System, a management information tool that is expected to be entering information in a

matter of months. The coordinator of the SLEPA funds allotted to the Division also works out of the Bureau of Fiscal Management and Planning. A project specialist who monitors the accumulation of overtime among correctional officers has been attached to the Bureau in an effort to reduce expenditures related to overtime.

The Chief of the Bureau reports directly to the Director of the Division. In addition to the staff in his Bureau, the Chief also maintains close communications with the Business Managers of each correctional institution.

Bureau of Parole:

The Bureau is the administrative agency responsible for the supervision of most persons over the age of 16 paroled from training schools, YCI's, and prisons in New Jersey, as well as parolees from other states who reside in New Jersey and require supervision. Other responsibilities include parole planning and making investigations for applications for Executive Clemency. The Bureau of Parole is not a parole decision-making agency.

The Bureau of Parole maintains a number of institutional parole offices (in the training schools, YCI complex, and Trenton State Prison complex) for planning and release, as well as nine (9) district parole offices in strategic physical locations throughout the state. It also operates a residential facility (P.R.O.O.F.) in Jersey City for parolees who are finding adjustment to the community difficult and need additional support.

The Administrative staff of the Bureau is composed of a Chief and seven (7) Supervising Parole Officers. These seven officers are responsible for Probable Cause hearings, interstate matters, operational procedures, statistics, training, and the nine district offices and their supervisors.

The Chief, who reports directly to the Director of the Division establishes policy and procedural guidelines. Certain of these procedures have been formalized as standards by the Bureau of Programs. Although the Bureau of Parole operates and coordinates services in the community, it has no structural relationship to the Bureau of Community Service.

Bureau of State Use Industry:

This Bureau operates 23 different industries out of 20 shops located in seven of New Jersey's correctional institutions. The industries are deliberately diversified in order to reduce their impact on any one outside competitive manufacturer.

The Bureau is responsible for overall planning, selection of products, management of equipment and materials, coordination of processes, product distribution, and technical advice and services to the prison industries. However, the superintendents of the institutions are responsible for managing and directing the industrial shops within their institutions, adhering to manufacturing schedules, and meeting the inmate training objectives established by the Bureau. Shop supervisors and all State Use staff members at the institutions are responsible directly to the Superintendent, who is their appointing authority.

The Central Office staff with their administrative and coordinating responsibilities is under the supervision of the Chief of the Bureau of State Use Industries, who reports directly to the Director of the Division of Correction and Parole. However, the Bureau operates semi-autonomously from the Division, largely because it is expected to be economically self-sufficient. All operating costs, salaries, inmate wages, etc. are furnished by the Bureau from its income. This semi-autonomy of the Bureau from the Division and the industries from the Bureau results in curtailed lines of communication between the agents responsible for planning and the agents responsible for implementation.

Coordination of State Use Industry needs with other program priorities has proven difficult. For maximum efficiency of operation, with its many repercussions for competitiveness, income, and quality of products, a stable, skilled work force is necessary. No formal structure exists for dealing with the many conflicts with other programs that arise from these needs.

Bureau of Programs:

The title of this Bureau implies the translation and implementation of policy into program elements. The actual function of the Bureau of Programs is the development of a set of minimum standards to ensure equitable, workable, and acceptable practices in New Jersey's correctional system. The standards are generated by the Bureau's staff from correctional guidelines suggested or established by national organizations, other states, advisory bodies and recent court decisions. They have been directed at numerous areas such as classification, inmates' rights, discipline, and parole revocation hearings. Standards are directed at the residential facilities and programs. Their intent and impact is short or medium range planning. The Bureau of Programs has no direct means of implementing, supervising or enforcing standards, although

there is some feedback on the institutions' adherence to the guidelines via audits by the Bureau of Operations. Institutions may make "requests of variance" regarding particular standards that they feel are not feasible or appropriate for their facility.

The Chief of the Bureau of Programs may report to the Director or the Deputy Director of the Division. He also communicates with the heads of the correctional institutions regarding the development of new standards.

Bureau of Operations:

The Bureau of Operations has multiple functions, but its primary responsibility is the inspection of all state, county and local correctional facilities to determine compliance with standards for programs, maintenance, operations, inmate rights, and the physical plant. Inspections and programs audits are made on a yearly basis with each facility receiving approximately one day's investigation.

The state facilities are evaluated against Division standards promulgated by the Bureau of Programs. The standards against which the local facilities are evaluated were recently developed by the Bureau of Operations and are endorsed by bodies such as the American Correctional Association and the National Council on Crime and Delinquency. If a facility is found to deviate from the standards, the Bureau of Operations notifies the administration of the facility. However, if action is not taken despite repeated warnings, the Bureau can only refer the deviating institution to the Courts. The Bureau's power of enforcement is thus entirely indirect. Difficulties with deviations have been especially troublesome in the county and local facilities, the facilities with which the Bureau is least closely associated.

Other functions of the Bureau of Operations include coordinating of escort for returning escapees, acting as a liaison during inmate crises and disputes, serving as the 4th level of appeal for employees grievances, and reviewing plans for major new construction. Bureau of Operations personnel consult with local corrections administrators on county work release programs in accordance with recent legislation, and also give aid in writing or amending rehabilitative programs for inmates.

The Chief of the Bureau of Operations may report directly to the Director or Deputy Director of the Division. While he communicates directly with the facilities under audit, local corrections facilities communicate with the Bureau of Operations through the Director of the Division who then refers matters to

the Chief. All Bureau output is cosigned by the Director.

Bureau of Community Services:

The Bureau was created to plan, implement, supervise, and coordinate the community-based correctional facilities and services in the Division of Correction and Parole. At present, the Bureau exercises these functions through 3 community treatment centers (CTC's) for juveniles and 2 community service centers (CSC's) for adult offenders. The juvenile treatment centers are designed as alternatives to institutions for adjudicated male delinquents 14-16 years of age. The Community Service Centers act as transitional pre-release facilities for male offenders 18 years and over who come from within the city limits in which the CSC is located and who have less than 9 months remaining before release. Several additional facilities have been projected for the near future.

The Bureau of Community Services is essentially a one-position operation. This position, that of the Chief, is funded by the state, but no state funding for additional central office staff or clerical workers is provided. Under the Chief are the staffs of the community facilities, whose superintendents he selects. Several of the facilities and their staff are likewise not funded by the State. Federal funds have been requested (through SLEPA) for several of the projected facilities.

The Bureau of Community Services is not responsible for all of New Jersey's community-based facilities. A women's halfway house at Clinton, the four residential group centers for older adjudicated male delinquents, and the PROOF facilities are the responsibilities of three other agencies. The Bureau of Community Services also does not have any formal structural relationship to the Bureau of Parole, the other major unit responsible for community service to the offender.

The community services offered by the Bureau of that title are largely restricted to residential facilities. Programs for juveniles not residing in the Community Treatment Centers have recently become operational. These represent virtually the only diversionary (i.e., non-residential) alternatives to incarceration that the Division of Correction and Parole currently sponsors. However, these programs do not serve the adult offender population. The Bureau of Community Services has legal authority to house in its facilities adult offenders participating in the county work release programs, but to date active cooperation between

state and county resources has not taken place, largely because of unresolved financing issues.

Youth Residential Centers:

Responsibility for the four Youth Residential Centers (Highfields, Warren, Ocean and Turrell) is not assigned to a Bureau or to either of the Supervising Superintendents of the prison/YCI complexes. Rather, they are under the supervision of a coordinator who reports directly to the Director of the Division.

The coordinator is not only responsible for the operation of the four centers; he also serves as a liaison between the Division of Correction and Parole, the Division of Youth and Family Services, and the Courts. The relatively long experience of the Youth Residential Centers and the relationship they have evolved with the judicial and probation systems facilitates a degree of cooperation and coordination that the juvenile treatment centers of the Bureau of Community Services have not yet experienced.

The Youth Residential Centers serve only the 16-18 year old adjudicated male delinquents. The Centers are generally not located in the youths' home residence areas, unlike the Community Treatment Centers for the 14-16 year old delinquents. Neither type of center services the younger (14 and below) or the older (18-21) delinquents, although the latter may be placed in a Community Service Center for the last few months of his sentence.

Legal Services:

An attorney is retained by the Division of Correction and Parole to serve as a legal assistant to the Director. The great majority of his contacts are directly with the Director or Deputy Director. He does not defend the Division in court because he is not affiliated with the Attorney General's Office; however, he may informally assist in the preparation of a

case when the Division becomes the defendant in a suit. Other functions of the Legal Assistant are to provide the Division with advice on matters such as the legality of new programs, due process requirements, constitutionality, and inmates' rights. He prepares the Interstate Compact contracts. He also conducts classes at the Correctional Officer's Training Academy.

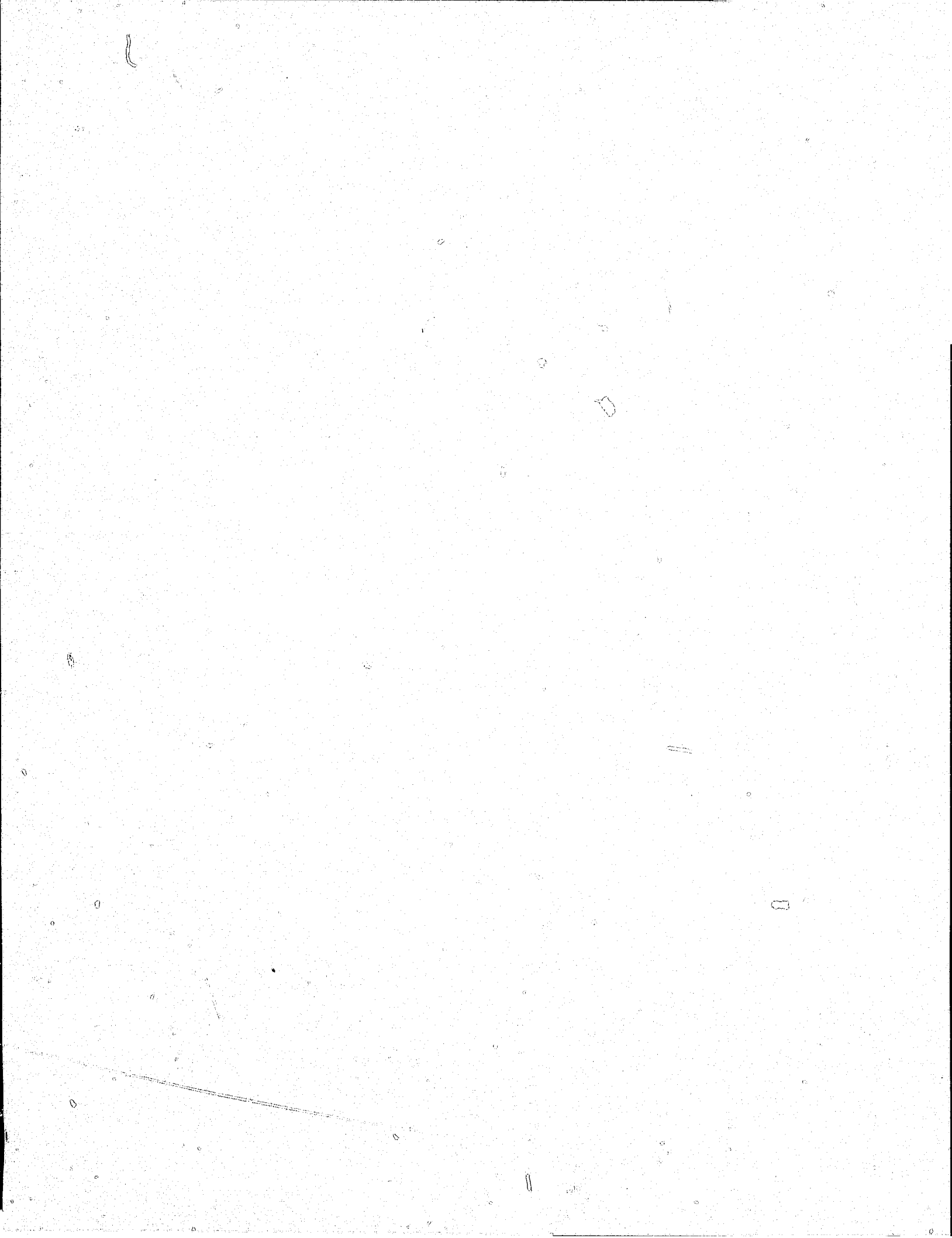
He does not come into direct contact with inmates, nor does he provide them with legal counsel, instruction, or referrals. Another function not formally assigned to him or anyone else is preventive legal action against lawsuits, by keeping the Division systematically abreast of new court decisions and their implications for policy, programs, and planning.

Project Specialist:

Reporting directly to the Director is a Project Specialist, who is assigned as a troubleshooter to areas or projects which merit immediate attention. Projects assigned to the Specialist since the position was created include classification and the furlough program. The Project Specialist has no formal affiliation with any of the Division's other functional units. Her authority over the project to which she is assigned emanates from executive command.

Liaison Functions:

Reporting to the Deputy Director and the Director himself is the person responsible for divisional liaison between the Garden State School District, the Bureau of State Use Industry, and SLEPA. There have been conflicting demands between the GSSD, the institutions, and the State Use Industries with regard to inmate program priorities. The liaison agent coordinates the needs of the different programs, and is also used as a troubleshooter and mediator in other situations that require intervention, such as intrainstitutional affairs. He has, however, no bureaucratic affiliation.



CONTINUED

2 OF 3

Analysis Of

Division Structure

The following analysis proceeds from the model developed by the Advisory Commission on Intergovernmental Relations in their report, *State-Local Relations in the Criminal Justice System*. The Division of Correction and Parole is discussed in terms of the degree to which it meets the Commission's criteria:

- Administrative Adequacy
- Geographical Adequacy
- Popular Responsiveness
- Structural Sufficiency
- Fiscal Adequacy

ADMINISTRATIVE ADEQUACY

To a large extent, the ways in which the Division fails to meet these criteria can be traced to the reflexive course to which the corrections system is bound by its current organizational structure. It is caught in a circular process whereby the services available to New Jersey's offenders are defined by the functional administrative units available for delivering the services, and vice versa; the result is that New Jersey's de facto correctional philosophy is institutional. This may or may not accord with the self image and implicit objectives of the Division of Correction and Parole. The implications of this circular process for effective and comprehensive service delivery are obvious: when the objectives of a correctional system remain implicit, the functions and structures necessary to accomplishing these objectives may remain unrecognized and unrealized.

Functional Completeness:

It would appear that the organization of the Divisions of Correction and Parole is *functionally incom-*

plete. That is, not all functions necessary for a comprehensive correctional system are formally or even informally performed by an administrative unit in the Division. The most important functional deficits in the Division of Correction and Parole are identified by this analysis include: (1) lack of evaluative capacity; (2) lack of long-range planning capability; (3) lack of alternatives to incarceration; (4) lack of communication with other key components of the criminal justice system and between the units of the Division itself. A corollary impediment to administrative adequacy is fragmentation and duplication of function; this is most apparent in the dispersion of responsibility for (1) community services, (2) juvenile services, and (3) for the development of correctional standards.

Information and Evaluation:

One of the Division's most serious functional deficits is the lack of systematic or reliable means of obtaining information about the functioning of the correctional system. An information system is being developed at this time, but it appears to be primarily for management and not sufficiently oriented toward evaluation. The potential value of systematic feedback as a basis for policy does not seem to be sufficiently acknowledged in New Jersey corrections. Programs and services tend to be evaluated subjectively by those responsible for them. There is no agency whose expertise is in the area of research and objective evaluation of the services offered by the correctional system.

Long Range Planning:

The virtual absence of long term planning capacity is closely related to the lack of an information base and is perhaps the most single functional deficit in the Division of Correction and Parole. No unit or agency has the mandate or the capacity to translate information about the present system, its needs, and the needs of the target populations into active planning for future programs, services, and facilities. As has been repeatedly stressed, this inevitably leads to a crisis-orientation and increasing curtailed options for response. Planning and evaluation are inseparable and must be concurrently developed.

Alternatives to Incarceration:

Another functional deficit in the Division is the lack of alternatives to incarceration. Such community services as exist are largely residential and even those are directed at highly specified target populations. Few alternative placements except incarceration in training schools, YCI's, or prisons are available for several potential target populations (e.g., youth under 14, or over 18 years of age). The authority to implement diversionary programs is scattered, not only within the Division but beyond it, in the courts, local and county governments, and the Division of Youth and Family Services. The most widely used alternative to incarceration—probation—is not presently related to the Division of Correction and Parole. There appears to be little commitment of funds or manpower to the development of new alternatives.

Lack of Communication:

The isolation of the Division from other major components of the criminal justice system reflects a marked functional deficit. No regular channels of communication, feedback, and coordination exist between the Division and the courts, the legislature, the police, the Parole Board, or local correctional authorities. The void in official, systematic liaison activities has a significant impact on the present programs of the Division; an excellent example is the difficulty experienced by the Bureau of Community Services in having the courts utilize the Community Treatment Centers for juveniles in their dispositions. As the activities of the Division expand further into the community, formal liaison and coordination with the rest of the criminal justice system will be critical to the success of the programs.

The Division of Correction and Parole also suffers from a lack of communication among its own units.

This is exemplified in non-systematic and disputed lines of communication and authority. It was not unusual for the interviewers to be given conflicting answers to questions regarding who reports to whom, the structure of feedback loops, and the distribution of authority. It appears, however, that when in doubt the head of virtually every administrative (and sometimes operational) unit relies on reporting directly to the Director of the Division. Information thus tends to flow in a nonsystematic fashion from unit to Director to other unit, with little or no lateral communication. This enormous concentration of responsibility into the hands of a single administrator and the omission of any formal mechanism ensuring routine communication between units leads to a kind of heedless independence of the units from each other. Thus it is possible, for example, for the Bureau of State Use Industries to consider planning a new shop in a building the institution planned to demolish. A secondary level of authority responsible for coordinating similar and related functions is virtually non-existent in the Division of Correction and Parole.

There are other important functional deficits evident in the New Jersey Correctional System. There are no units responsible for designing and implementing comprehensive programming for inmates at institutions; no systematic means of assessing the needs of offenders according to criteria more sensitive than age, level of security, or available bed space; no unit that devotes itself to public information and response. Still other deficits, perhaps less momentous, exist. In some cases, they are the result of a choice of priorities, but many times they result from oversight or failure to recognize a need. These oversights are the legacy of haphazard organizational development.

Fragmentation and Duplication of Function:

A corollary obstruction to administrative adequacy in the organizational structure of New Jersey's correctional system is fragmentation and duplication of function. The most obvious example of this is the distribution of a single functional concept, Community Services, across at least three separate units: the Bureau of Parole, the Bureau of Community Services, and the Youth Residential Center Program. The extreme inter-relatedness of these functions requires close cooperation among them for maximal impact. Such coordination can only be ensured by structural integrity of planning, implementation, and administration. It seems pointless for essentially similar programs serving essentially similar popu-

lations to be under separate coordinating administrators.

Juvenile services suffer from similar fragmentation. The problem here is exacerbated by the fact that these services are scattered among at least three separate systems: the Division of Correction and Parole, the Division of Youth and Family Services, and the courts. The Division of Correction and Parole handles some nine residential facilities for juveniles under 18, a few nonresidential programs attached to residential facilities, parole services for most offenders over 16, and the Youth Correctional Institution Complex for offenders 15 to 30 years of age. The Division of Youth and Family Services handles parole supervision for all those under 14 years of age and for some juvenile offenders between 14 and 16. The district courts handle probation services. Essentially then, New Jersey has no juvenile correctional system, but merely an aggregate of uncoordinated services.

A final example of this fragmentation is the development of standards. The Bureau of Programs creates standards for state correctional institutions; the Bureau of Operations is in the process of developing minimal standards for local correctional facilities. Parole standards were drafted as a statement of existing policies and practices.

GEOGRAPHICAL ADEQUACY

Another criterion by which administrative adequacy should be judged is that of geographical adequacy. This means that a system must encompass a large enough area to ensure that its function will be performed with a modicum of technical expertise and stable financial resources. The state-level correctional functions in New Jersey certainly have an adequate geographical base. (If anything, the base is too broad to be sufficiently responsive to local and regional correctional needs.) However, few counties or municipalities can hope to satisfy this criterion without extensive provision of services from the state; they do not have the financial resources necessary to develop and maintain technical expertise in service delivery. This has serious repercussions on the administrative adequacy of the entire New Jersey corrections system. The organizational structure of the Division of Correction and Parole contributes to continued geographical inadequacy insofar as the interrelations between the state and local corrections functions are profoundly limited. The state (through the Division) provides virtually no services to alleviate the burden of responsibility on local governments.

POPULAR RESPONSIVENESS

The third major criterion against which administrative adequacy can be judged is popular responsiveness. This simply refers to the organization's ability to maintain sufficient public credibility and support to implement its policies. Ordinarily, popular responsiveness entails public input into corrections policy through the use of a citizen advisory board or other elected representatives. An administrative unit involved with public and press relations and information can play a key role. Comprehensibility and accessibility of the system are critical to meeting this criterion.

The Division of Correction and Parole has no active boards or administrative units of this type. The outcry in New Jersey over the furlough program is only the most recent example of the consequent lack of public credibility and support. Part of the difficulty in this case may be the public's failure to comprehend the nature, guidelines and goals of the furlough program. Unfortunately, there are not established channels within the current Divisional structure through which reassuring information can be provided. Nor is it reasonable to expect the public to have any sense of identification and commitment to the programs and policies of the corrections system with no input or mechanism for initiating change. The public cannot be expected to support unfamiliar correctional practices which they do not understand.

STRUCTURAL SUFFICIENCY

Still another criterion of administrative adequacy is structural sufficiency; that is, placing the requisite authority in the system so that its units can execute the responsibilities assigned to them. The Division of Correction and Parole is structurally insufficient in several respects, notably in its powers of enforcing minimal standards, selecting and regulating its prison industries, and its ability to take constructive action despite resistance from local governments.

The Bureau of Operations offers the most salient example of structural insufficiency. This Bureau has been designated as the unit of inspection but has not been given legislative authority for direct enforcement of standards. This has greatly diluted the impact of the inspection process. Another instance of structural insufficiency is revealed in the statutes relating to prison industry. Although much pressure has been placed on the Bureau of State Use Industry to provide a constructive and profitable training experience, they are handicapped in this endeavor by statutory restrictions which limit contracting with private in-

dustry, the goods which can be produced, and the incentives which can be offered to the inmate employees. The industrial skills acquired by the inmate may or may not be transferable to the free community since the pace, quality controls and performance demands of prison industries are not comparable to those of private industry. These skills may or may not be useful because the industries have not been selected with future employment opportunities in mind. Additionally, the resources from which pay incentives are drawn are limited by the requirement that all profits above a minimal level revert to the State Treasury.

An additional aspect of structural sufficiency is the requirement that the correctional system be organized so as to prevent any single unit or minority of units from impeding constructive action by the other units. In the Advisory Commission's model, this referred primarily to governmental entities. Local governments in New Jersey can at this time effectively impede the establishment or impair the efforts of community services offered by the Division of Correction and Parole. Perhaps due to a legacy of non-involvement, there are no structural provisions for encouraging utilization and coordination of services to target populations which are under the jurisdictional authority of a county or municipality.

Within the Division, a comparable problem exists. There is so little utilization of a secondary, coordinating level of authority that the Director must give personal attention to much of the Division's routine information flow and decision-making processes. This constitutes an inadvertent but often significant bottleneck in initiating constructive action.

FISCAL ADEQUACY

Fiscal adequacy complements administrative adequacy in correctional systems. The concept of fiscal adequacy entails stable fiscal resources sufficient to carry out designated responsibilities. Further, the system should be organized to achieve economies of scale, to avoid dependence on external funds for essential services, and to anticipate all reasonably foreseeable fiscal needs. Fiscal adequacy is intimately related to geographical adequacy, and is partially a function of popular responsiveness. Insofar as New Jersey corrections does not meet the criteria for geographical adequacy and popular responsiveness, it is also fiscally inadequate. Other fiscal difficulties include limited resources, concentration of resources on incarceration of offenders, and the use of short-term, externally provided funding for a substantial proportion of its noninstitutional alternatives

to incarceration.

Corrections usually receives minimal funding from state legislatures, and is traditionally the fiscal underdog of the criminal justice system. This is no less true in New Jersey than elsewhere, and the problem is compounded by the delegation of such major services as probation, to the financial support of local governments. However, the Division of Correction and Parole is so organized that most of its limited resources must be spent on the most expensive correctional alternative—institutionalization. The present organizational structure revolves around institutional facilities. Virtually all the Division's functional units—even those committed to community services—are primarily concerned with the administration of residential facilities. Virtually none, except parole, is actively involved with non-residential services. This emphasis on residential services has grown out of the urgent need for space to accommodate the growing number of offenders. Efforts to resolve this problem have centered almost entirely in the available services—mostly institutional—and have not been directed at developing alternatives. A corollary outcome of this uneven distribution of resources is that community-based correctional programs (residential and non-residential) have no stable, internally supported source of funding. They consistently receive second priority and, if implemented at all, are generally financed on a short term basis. The future of the least expensive means of dealing with the offender is considerably less secure than that of the most expensive alternative.

It should be emphasized that the administrative and fiscal inadequacies discussed in the preceding pages are not unique to New Jersey. Furthermore, it should be obvious that no correctional or criminal justice agency can ever be organized so as to fully meet all criteria for administrative and fiscal adequacy. However, as the Advisory Commission on Intergovernmental Relations cautions, "Where criminal justice systems, in a general way, do not meet the conditions of being administratively and fiscally sound, they will face increasingly problems of effectiveness, efficiency, and equity." These are the problems New Jersey is facing today.

One of the repercussions of the increasing pressures and problems faced by the Division of Correction and Parole is the morale of the organization. A subtle but significant atmosphere of resignation and fatalism is striking to the outside observer. The staff of the Division give devoted effort, but against great odds for constructive changes.

New Jersey Corrections:

Organizational Recommendations

It was recommended that an agency of state corrections be established at the department level of government.* The jurisdiction of the Department of Corrections shall include all offenders sentenced or committed to the custody of the Commissioner of Corrections by a court of competent jurisdiction. The purpose of this agency shall be to provide for adult and youthful offenders those institutional and community-based programs and services within its jurisdiction which best protect the public through the reintegration of offenders into society for lawful community living. The Commissioner shall be professionally qualified to administer the department in accordance with the highest professional correctional and managerial standards.

The Department of Corrections, with the advice and consent of local correctional officials, shall define minimum standards for county and municipal custodial correctional facilities, operations and programs. The Department shall be charged with the responsibility for inspecting the custodial facilities, operations, and programs; for offering technical assistance to these facilities, and may enter into contractual arrangements with the facilities for the purchase of care. (Legislation should be enacted to authorize the Department of Corrections to enforce in the courts the minimum standards it promulgates.)

The Department of Corrections shall have responsibility to upgrade, expand, and utilize non-institutional services for offenders within its jurisdiction, when consistent with the demands of public safety. To accomplish this, the table of organization which shall be created for the Department of Corrections shall indicate a unit with a community services mission at the same organizational level as the unit with an institutional services mission.

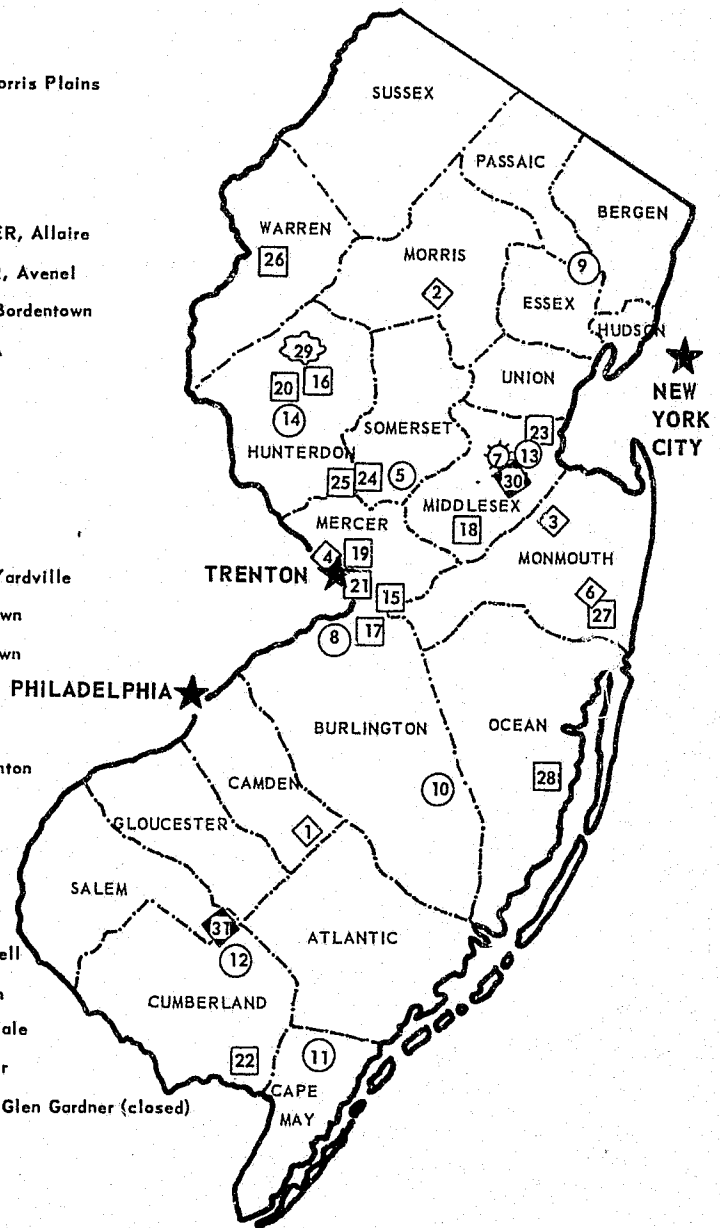
To ensure the highest possible degree of public support and confidence, the departmental structure should reflect a strong professional management component, such as a management services unit and the use of an advisory board with representation from the ranks of citizens and other components of the criminal justice system.

Corrections in New Jersey is a mixture of activities which are administered along jurisdictional or functional lines. That is, certain organizations are responsible for particular segments of corrections. Counties, for instance, maintain detention and short-sentencing facilities. Municipalities administer lock-up and holding facilities. Probation services are maintained for the courts through county-administered departments. The state government has two main correctional functions: the operational responsibility for long-term correctional institutions and the supervision of offenders paroled from these institutions. The Division of Correction and Parole which is charged with the state-administered correctional functions is organizationally situated within the Department of Institutions and Agencies. It is interesting to review the size and scope of that department. The wide range of responsibilities of the Department is at once obvious: seven operational Divisions, a department-wide school district and a Commission for the Blind. The enormity of the task is reflected in a single statistic: approximately one of seven New Jerseyans receives services supported by the Department of Institutions and Agencies. The Department directly administers thirty-one institutions for the following purposes: mental health, testing and diagnosis, mental retardation, corrections, chest diseases, and disabled veterans services. (See attached chart indicating the location and type of institution.)

*This recommendation was enacted with the passage of Assembly Bill 1912, effective Nov. 1, 1976.

NEW JERSEY STATE INSTITUTIONS

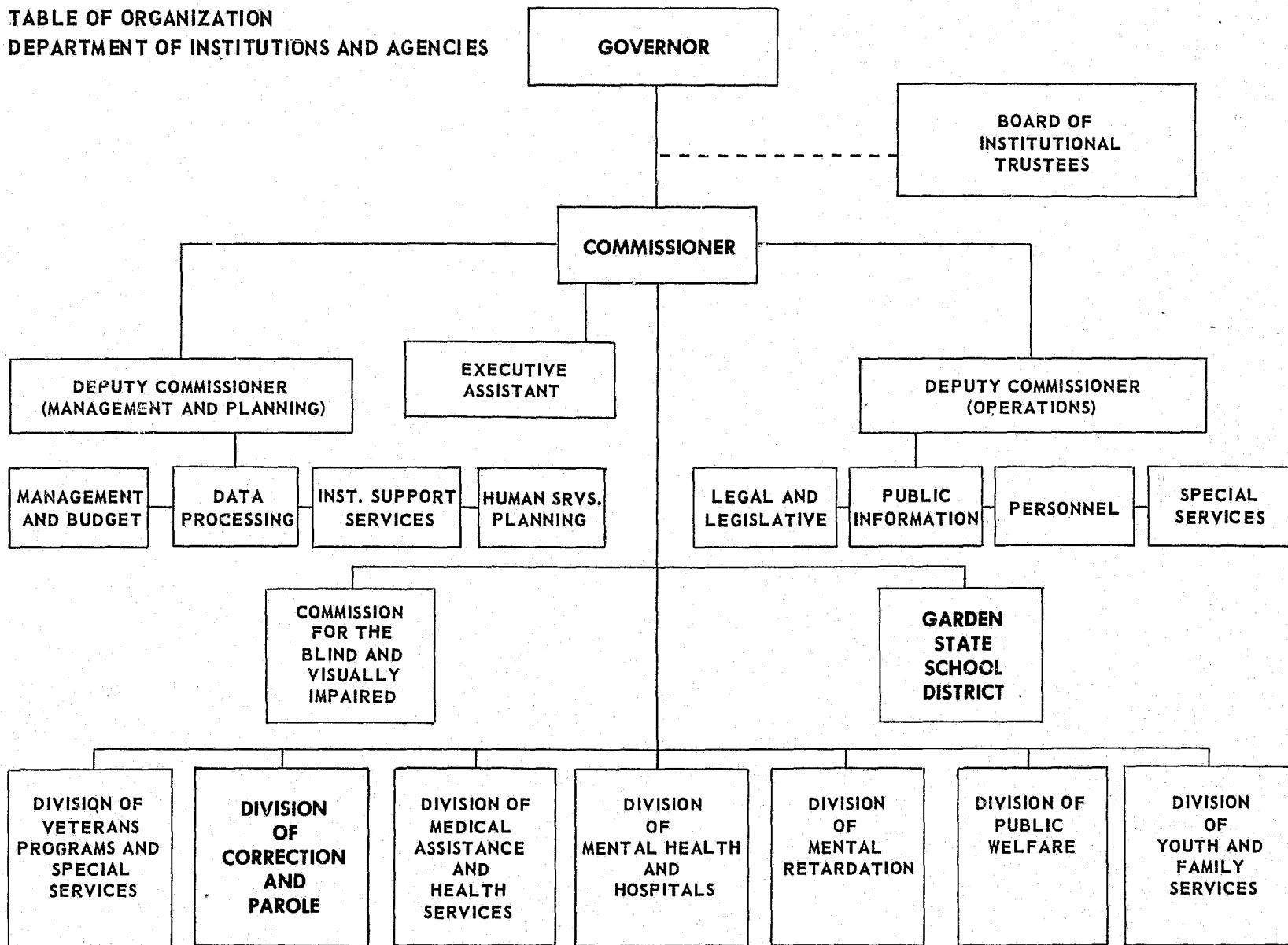
- 1 ANCORA PSYCHIATRIC HOSPITAL, Hammondon
- 2 GREYSTONE PARK PSYCHIATRIC HOSPITAL, Morris Plains
- 3 MARLBORO PSYCHIATRIC HOSPITAL, Marlboro
- 4 TRENTON PSYCHIATRIC HOSPITAL, Trenton
- 5 NEURO-PSYCHIATRIC INSTITUTE, Skillman
- 6 ARTHUR BRISBANE CHILD TREATMENT CENTER, Allaire
- 7 ADULT TREATMENT AND DIAGNOSTIC CENTER, Avenel
- 8 JOHNSTONE TRAINING & RESEARCH CENTER, Bordentown
- 9 NORTH JERSEY TRAINING SCHOOL AT TOTOWA
- 10 NEW LISBON STATE SCHOOL, New Lisbon
- 11 WOODBINE STATE SCHOOL, Woodbine
- 12 VINELAND STATE SCHOOL, Vineland
- 13 WOODBRIDGE STATE SCHOOL, Woodbridge
- 14 HUNTERDON STATE SCHOOL, CLINTON
- 15 YOUTH RECEPTION & CORRECTION CENTER, Yardville
- 16 YOUTH CORRECTIONAL INSTITUTION, Bordentown
- 17 YOUTH CORRECTIONAL INSTITUTION, Bordentown
- 18 TRAINING SCHOOL FOR BOYS, Jamesburg
- 19 TRAINING SCHOOL FOR GIRLS, Trenton (closed)
- 20 CORRECTIONAL INSTITUTION FOR WOMEN, Clinton
- 21 STATE PRISON, Trenton
- 22 STATE PRISON, Leesburg
- 23 STATE PRISON, Rahway
- 24 TRAINING SCHOOL FOR BOYS, Skillman
- 25 HIGHFIELDS RESIDENTIAL GROUP CTR., Hopewell
- 26 WARREN RESIDENTIAL GROUP CTR., Washington
- 27 TURRELL RESIDENTIAL GROUP CTR., Farmingdale
- 28 OCEAN RESIDENTIAL GROUP CTR., Forked River
- 29 NEW JERSEY HOSPITAL FOR CHEST DISEASES, Glen Gardner (closed)
- 30 HOME FOR DISABLED SOLDIERS, Menlo Park
- 31 HOME FOR DISABLED SOLDIERS, Vineland



LEGEND

- | | |
|-------------------------|---------------------------|
| ◇ MENTAL HEALTH | □ CORRECTIONAL |
| ⊗ TESTING AND DIAGNOSIS | ⊕ CHEST DISEASES |
| ○ MENTAL RETARDATION | ◈ DISABLED VETERANS HOMES |

**TABLE OF ORGANIZATION
DEPARTMENT OF INSTITUTIONS AND AGENCIES**



The budget figures (appropriations for Fiscal Year 1976) indicate the cost of state correctional services vis a vis the entire Departmental appropriation.

DIVISIONS	FY1976 APPROPRIATION (in \$000's)
Mental Health and Hospitals	105,380
Mental Retardation	79,128
Correction and Parole	48,942
Medical Assistance and	
Health Services	227,619
Public Welfare	223,275
Youth and Family Services	42,550
Veterans Programs and	
Special Services	7,193
Commission for the Blind	5,148
Dept. Management and	
Support Programs	3,815
Garden State School District	942
Capital	9,669
Debt Service	6,503
State Parole Board	305
TOTAL	760,469

The Corrections portion represents approximately 6% of the total Department budget. This relatively small portion does not, however, accurately reflect the amount of time and attention actually allotted to Corrections by the Commissioner and her staff. The nature of Corrections, with the problems attendant to the incarceration of large numbers of individuals in antiquated facilities, is such that it often requires the full-time attention of an administrator with cabinet status and immediate access to the executive officer. The present organizational status of Corrections within the Department of Institutions and Agencies, it is felt, limits the capability of the Department to devote its administrative attention to its other Divisions and operations. There is consequently a strong case to be made for the creation of a Department of Corrections independent of the Department of Institutions and Agencies.

A Department of Corrections:

In October of 1975, the Council of State Governments studied the many issues involved in the establishment of a separate Department of Corrections. The report issued by that group, *Human Resource Agencies: Adult Corrections in State Organizational*

*Structure** outlines many relevant details concerning the organizational placement of state correctional activities. Generally, state correctional operations may fall into one of three organizational postures: (1) it may be established as a separate and independent Department of Corrections; (2) it may be combined with other criminal justice-related activities such as state police or probation and retain an identity such as a Department of Criminal Justice; or (3) it may be placed with other service areas such as mental health, welfare, and childrens services, and designated as a "Human Resources Agency."

Presently, state correctional activities are included in Human Resource Agencies in thirteen states. This number is diminishing; one year ago, fifteen states included Corrections in such agencies. The following table identifies these states.

The Council of State Governments defines quite adequately the disadvantages of locating state corrections within a larger human resources agency. Among the disadvantages which generally pertain when corrections is included in a Human Resources Agency are the following:

- The goals and objectives of adult corrections are often confused with the primarily social service orientation of other units.
- Lines of authority and accountability may be unclear.
- A management style reflecting an emphasis on security which is peculiar to corrections will probably differ greatly from that of other operations within the Human Resource Agency.
- Loss of direct access to the legislature is a handicap in directly presenting corrections' case for legislative support or reform.
- The failure to possess "autonomy" in policy determination generally weakens the authority of the correctional administrator which diminishes effectiveness vertically within the correctional division, and horizontally between the administrator and other key individuals in the criminal justice system.
- The organizational separation of the state-administered correctional operations (in New Jersey this primarily means long-term sentencing institutions and parole supervision) from those components operated by other agencies impeded the functioning of the parts as a system. In the words of the Council, "Another difficulty is the separation of

**Human Resource Agencies: Adult Corrections in State Organizational Structure*, published by The Council of State Governments, Iron Works Pike, Lexington, Ky. 40511.

STATE HUMAN RESOURCES AGENCIES THAT CONTAIN ADULT CORRECTIONS

STATE	NAME OF AGENCY	Reorganization date **
Alaska	Department of Health and Social Services	1959
California	Health and Welfare Agency	1968
Delaware*	Department of Health and Social Services	1969
Florida*	Department of Health and Rehabilitative Services	1968
Hawaii	Department of Social Services and Housing	1959
Iowa	Department of Social Services	1967
Massachusetts	Executive Office of Human Services	1971
Missouri	Department of Social Services	1974
New Jersey	Department of Institutions and Agencies	1948
Oregon	Department of Human Resources	1971
South Dakota	Department of Social Services	1972
Utah	Department of Social Services	1969
Vermont	Agency of Human Services	1970
Washington	Department of Social and Health Services	1970
Wisconsin	Department of Health and Social Services	1967

* Adult Corrections separated from HRA in July 1975.

** Note that New Jersey's Reorganization date is the earliest of all 15 states on the list.

Source: Council of State Governments, **Human Services Integration: State Functions in Implementation**, September 1974.

adult corrections from other parts of the criminal justice system. Criminal justice programs have a major impact in the adult corrections functions, but the HRA/corrections agency cannot easily effect decisions and planning in criminal justice."

In general, then, it may reasonably be concluded that the particular issue—where to locate state corrections organizationally—has no absolute answer but rather must be decided on the basis of the merits of the individual case under consideration. When the particular circumstances of New Jersey are appraised, a strong argument for the creation of an independent department of corrections can be made of the following three grounds:

1.) Correctional policy can best be determined by a full-time, professional correctional administrator at the cabinet level. The problems, issues, and decisions facing corrections today requires the independence and executive support of a cabinet position. As presently constructed with division status, corrections cannot receive the full-time policy attention of the individual who ultimately must determine or approve policy. Given the wide range of departmental priorities, demands and responsibilities, a division of corrections often receives departmental policy-making attention in proportion to the press of the crises and emergencies it experiences. With the creation of a department of corrections, ongoing policies

and attention to correctional issues would emanate from a priority list exclusively determined by correctional interests. A related benefit anticipated from the elevation of corrections to department level would be the enhancement of the general status of corrections which would facilitate progress in accomplishing change. The authority inherent in a cabinet position would improve the status of the correctional policy-maker in transactions with significant criminal justice officials such as members of the judiciary, legislators, county correctional officials, etc.

2.) Of the many "human services" represented in the Department of Institutions and Agencies, corrections because of its security and custody orientation is somewhat unique. The inclusion of corrections in a primarily social service organization creates problems since the other components of criminal justice do not as readily identify with or relate to a "human service" organization as they would to a professional and exclusively correctional organization. If improved relationship and increased communication between courts, jails, probation departments and institutional corrections is sought, then the establishment of a department of correction may be seen as a helpful, if not necessary, first step. It has been discussed earlier that a great many of the problems facing New Jersey corrections stem from a fragmented, poorly communicating system. An independent department of corrections, properly organized, staffed and sup-

ported, would help to remove many existing doubts now present in other correctional agencies that the "state correctional agency" does not have a correctional orientation, is not attuned to correctional problems and cannot possibly be seen as a source of resolution for New Jersey's correctional ills due to its size, structure, and philosophical orientation.

3.) One of the most significant problems facing corrections today is the apparent lack of professionalization. Lacking as it does a distinctive organizational identification, correctional work is not viewed as a separate and distinct area of endeavor with a clear culture, values, and career ladder. As long as this condition exists, corrections will be handicapped

initially by not being able to attract and ultimately by not being able to retain potential talent. A separate and distinct identity is necessary for professional status with its attendant benefits.

In general, it is reasonable to assume that much may be gained by the creation of a Department of Corrections. This is not to imply that the establishment of a Department will, in and of itself, achieve all the desired ends which prompt the significant administrative move. This action, accompanied by other necessary organizational modifications, will, however, significantly increase the likelihood of an upgrading of correctional services.

Organizational Structure

Immediately after the organizational analysis of the Division of Correction and Parole was completed, the staff and consultants proposed a new organizational structure for consideration by the Policy Council. That particular proposal represented an effort to rectify several deficiencies noted in the analysis and was based on existing legal and administrative conditions. It must be noted that the organizational structure proposed by the staff was designed prior to the creation of a Department of Corrections with specific statutory requirements and also prior to the availability of significant data which made possible institutional projections leading to the adoption of a Local Corrections Plan. These developments have altered the specific applicability of the proposed structure. The implementation of such a plan and the establishment of a department present different demands on the organizational structure than could reasonably have been anticipated during work on the proposal. The proposed structure, however, is presented in the Plan document (as Appendix A) since it offers a model reflecting basic administrative and organizational principles relevant to any of the several organizational structures which might be adopted for the Department of Corrections. It does, for instance, attempt to embody the Policy Council's organizational recommendations upgrading community services and substantially improving technical and managerial services.

Undoubtedly, the structural model developed by the Master Plan staff contains some concepts or ideas which will prove applicable to the organizational requirements of the Department of Corrections. The mandates for organizational change which emanated from the analysis are presented here as guidelines for the specific Departmental structure to be developed:

1. Long and short range goals and objectives of the Department must be clarified and explicitly stated. The functions necessary to accomplish these goals must be incorporated into the organizational structure.
2. The titles of the administrative units should reflect their functions to avoid confusion and duplication of effort.
3. Organizational capacity for planning and evaluation must be developed in the form of an administrative unit with technical expertise and executive mandate for this function.
4. Closely related to the preceding recommendation, the organization must develop an appreciation for a systematic means of gathering information on its functions.
5. Greater coordination of state and local corrections is imperative for comprehensive, effective service delivery.
6. The emphasis of the Department must be shifted

from almost exclusive use of institutionalization toward increased use of nonresidential alternatives to incarceration whenever consistent with considerations of public safety. This implies an upgrading of parole and community services to a higher administrative level and the introduction of expanded non-residential correctional service into the Department.

7. Similar functions should be consolidated under a single administrative unit.
8. All services for juveniles should be coordinated by a single organizational unit, regardless of its organizational location.
9. Lines of authority should be clarified so that

all parties are clear as to whom they are responsible.

10. More authority should be delegated into the hands of a second and third line of command.
11. Greater popular responsiveness, through public input into policy and an active public relations program, should be established.
12. Legislative action should be sought to repair obvious structural insufficiencies in the corrections system, such as the lack of authority to assure compliance to jail standards.
13. Financial resources should be distributed more appropriately among the various correctional alternatives, and new sources of funding sought for the development of additional alternatives.

Implementing The Local Corrections Plan

This section contains a detailed explanation of the steps necessary over an eight-year period to implement the locally oriented corrections plan.

Included are:

- A Draft Phased Implementation Plan to satisfy institutional needs and
- Assignment of an implementation group and a review of its tasks.

PHASED IMPLEMENTATION PLAN

The central problem in the implementation of Plan C, the locally oriented corrections plan, is that an increase of 1200 medium/maximum offenders to be housed in state facilities is expected by 1980. These added offenders are expected against the background of a current situation in which the state has exhausted all substandard and emergency bedspaces for medium/maximum offenders and has turned to the forced holding of state offenders on county "waiting lists."

The medium/maximum bedspace problem is the result of the following two factors:

- New medium/maximum facilities started now can not be occupied until after 1980
- Local Corrections (who must continue to serve their present populations) can not be expected to absorb an additional significant number of less serious state offenders until the Master Plan Implementation Tasks have been completed. 1980 is a reasonable target date for completion of these implementation tasks.

The accompanying graph reflects the expected phase by phase absorption by various Plan C Components of expected numbers of state offenders. The

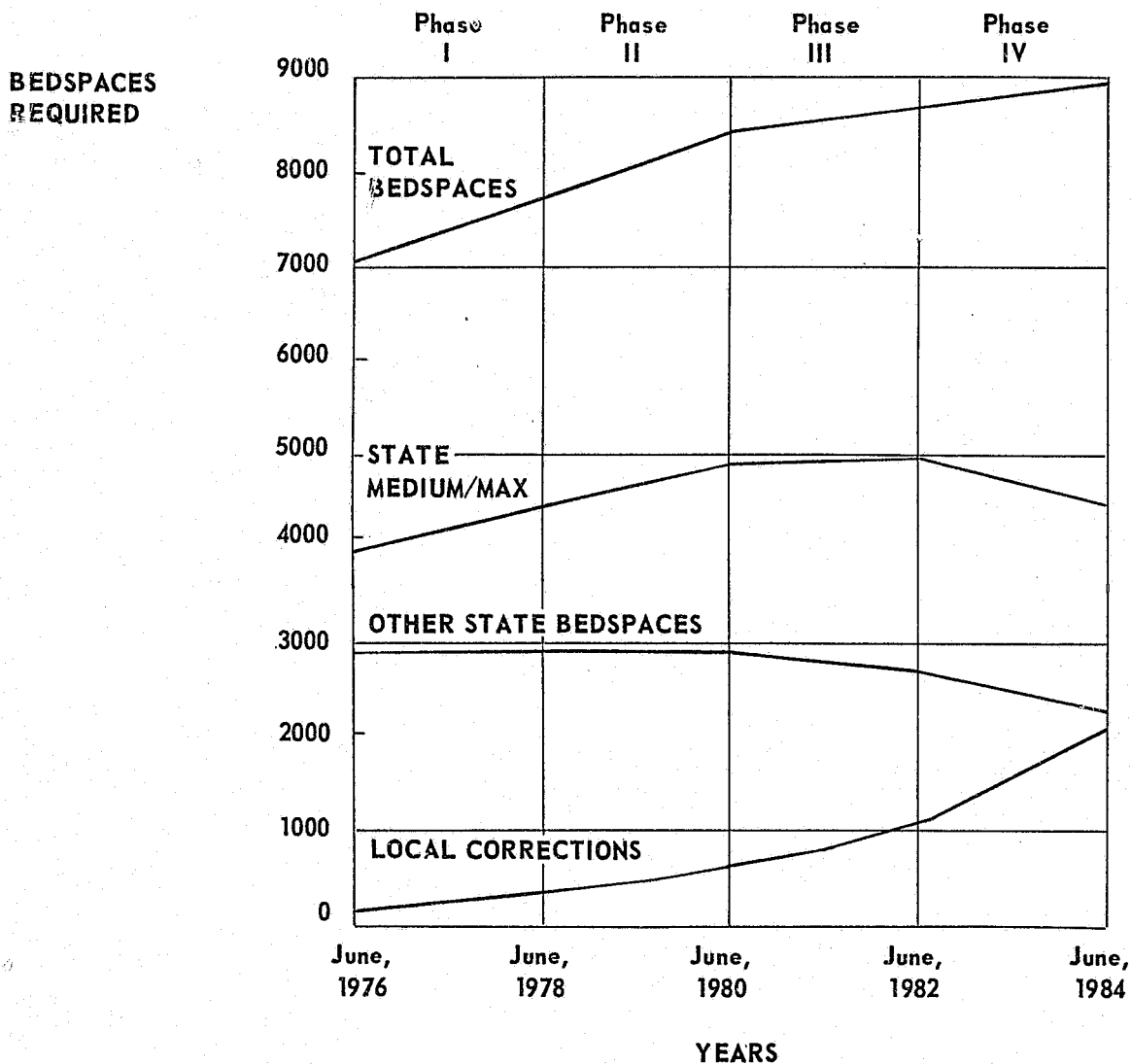
following pages describe the proposals for dealing with this and other problems. One expected result of the Plan C recommendations is that overcrowding in state medium/maximum facilities will be reduced from a current 151% of standard capacity to 138% by June of 1978, to 134% by June of 1980, to 123% by June of 1982, and to 100% by June of 1984.

It should be noted that the proposals to implement Plan C were developed on the basis that they would provide the bedspace needed and that they were apparently feasible. The kind of specific planning and information gathering required to implement them will undoubtedly reveal that some are not viable. However, it is thought that the process of exploring these alternatives in depth with operational personnel will lead to uncovering alternatives which did not emerge during our research. One thing that we can say is that a package of recommendations on a level and scale comparable to the recommendations described below will be required if our projections turn out to be sound, as we expect they will.

It should also be noted that the recommendations are the most specific in regard to medium/maximum bedspaces which present the most critical problems. They are also relatively more detailed for Phases I and II since the recommendations for the later phases will almost surely be revised depending on what is actually implemented during the next two to four years.

The number of bedspaces expected to be provided by the Plan C recommendations during each phase are detailed in the worksheets which follow the narrative description below.

DURING PHASES I AND II OF PLAN C, (PRIOR TO THE AVAILABILITY OF NEW FACILITIES AND PRIOR TO AN INCREASED LOCAL CORRECTION CAPACITY), THERE IS PROJECTED TO BE A SEVERE STRAIN ON STATE FACILITIES.



DESCRIPTION OF PHASES I AND II (JULY 1976 — JUNE 1980)

State bedspace needs during the next four years reflect:

- The need to absorb in state facilities the increases in state offenders based on sharp increases in New Jersey Correctional Catchment Population (See Correctional Master Plan Data Volume),
- The need to continue the housing of less serious offenders in state facilities until local capacity

can be developed to accommodate these offenders,

- The need to accommodate in state facilities the increase in resident inmates resulting from the planned increase in stay for more serious offenders, and
- The need to assume that pressures on medium/maximum facilities will mount as more serious offenders with longer stays comprise an increasing proportion of the offender population housed in state facilities.

The most serious implication of the above is an expected increase from 1976 to 1980 of 1,200 in the number of adult offenders requiring medium or maximum custody bedspace. Since new facilities cannot be occupied by that date, Phase I and II recommendations focus on a range of expedients characterized in many cases by exorbitant operational costs and doubtful continuing quality.

DURING PHASE I (JULY 1976-JUNE 1978) the expected increase in adults requiring medium or maximum bedspaces is 630. This total includes the need to absorb offenders currently on county "waiting lists".

The Phase I recommendations to absorb these 630 offenders are:

- To transfer juveniles and selected less serious offenders now housed in medium/maximum bedspaces to Training School and local facilities
- To add temporary (trailer) bedspaces to free bedspaces for medium/maximum inmates,
- To add the use of bedspaces not currently used for general offender housing (i.e., the Prison Reception Unit, a new psychiatric unit at Vroom main, and the basement of the Adult Diagnostic and Treatment Center),
- To use additional substandard bedspaces at Trenton, and
- To discontinue the current use of emergency bedspaces at Rahway, Leesburg, Yardville, and Bordentown

The expected result of these recommendations are:

- The continued use of 1140 substandard bedspaces in medium/maximum facilities, and
- A reduction in overcrowding in state medium/maximum custody facilities from 151% to 138% of standard capacity.

Other Phase I recommendations include:

- Development of the local corrections implementation plan,
- Transfer of selected minimum custody facilities for juvenile and local corrections use,
- A merger of Prison and Youth reception units to improve population management and provide added bedspace for housing, and
- Initiation of renovation of existing facilities as required to meet minimal standards beyond sheer bedspace.

In addition, expected increased in bedspaces needs during later phases must be anticipated during Phase I as follows:

- Planning and design for one new medium/maximum facility needs to be completed,
 - Conversion of an existing minimum custody facility for medium custody use and renovation of the main psychiatric facility at Vroom need to be completed for correctional use during Phase II.
- The estimated Phase I capital costs total \$25,000,000.

DURING PHASE II (JULY 1978 - JUNE 1980), an additional increase of 570 in offenders requiring medium or maximum custody bedspaces is expected.

The Phase II recommendations to absorb these 570 offenders are:

- To purchase local services for additional less serious offenders,
- To transfer the Vroom main psychiatric facility to correctional use,
- To occupy the minimum custody facility which was converted during Phase I to medium custody use,
- To use additional substandard bedspaces at Trenton

The expected result of these recommendations are:

- The continued use of 1160 substandard bedspaces plus 350 temporary bedspaces in medium/maximum facilities,
- A reduction in overcrowding in state medium/maximum facilities from 138% to 134% of standard capacity.

Other Phase II recommendations are:

- To initiate local programs and facility planning and design as required to serve less serious state offenders
- To construct the new medium/maximum facility designed during Phase I
- To plan and design two additional medium/maximum facilities
- To continue required renovations started during Phase I

The estimated Phase II capital costs total \$39,000,000.

DESCRIPTION OF PHASES III AND IV (JULY 1980-JUNE 1984)

Bedspace needs for state offenders during Phases III and IV reflect:

- Less sharp expected increases in the New Jersey correctional catchment population from which state offenders are drawn,
- A leveling off at higher levels in length of stay for more serious offenders served by state facilities, and

- A planned increase in capacity of local programs and facilities to absorb less serious state offenders.

The overall increase of 560 in expected bedspace needs from 1980 to 1984 reflects:

- An increase of 1500 less serious offenders expected to be served locally
- A reduction of 850 adult offenders served by state facilities
- A reduction of 100 juveniles served by Training School facilities

The Phase III and IV recommendations are:

- To complete the development of local programs and facilities required to serve less serious state offenders,
- To occupy the new 400 bed facility during Phase III that was constructed during Phase II,
- To construct and occupy an additional new 400 bed facility,
- To construct a new 400 bed housing unit,
- To transfer to local use or phase out state mini-

mum custody facilities no longer required for more serious state offenders.

The estimated Phase III and IV capital costs total \$129,000,000.

The expected results of Phase III and IV recommendations are:

- Delivery of local correctional services for 2150 less serious state offenders who will represent 56% of total state offender admissions according to present projections,
- Continued use of 930 substandard bedspaces at Trenton, Rahway, and Bordentown through Phase III but elimination of use of all substandard state bedspaces by the end of Phase IV,
- Continued use of all temporary (trailer) bedspaces through Phase III but elimination of half of these bedspaces by the end of Phase IV,
- A reduction in overcrowding in state medium/maximum facilities from 134% to 123% of standard capacity during Phase III and from 123% to 100% of standard capacity during Phase IV.

DETAILED BEDSPACE PLAN

Note: The following pages present the detailed number of offenders "expected" to be housed at present and proposed locations.

This is a **draft** plan with many detailed locations which appeared reasonable during planning likely to be found to be not feasible for implementation for unanticipated reasons.

However, if some of these detailed alternatives are not possible, comparable numbers of bedspaces will need to be found elsewhere if the Master Plan projections of total bedspaces prove to be correct.

Plan C: Detailed Worksheet ^{1/}	PHASE I JULY 1976 – JUNE 1978						
	Initial			Net Chng	Resultant		
	Capacity		BEDS NEEDED		Capacity		BEDS NEEDED
	Stan- dard	Std + Sub			Stan	Stan + Sub	
PLAN C BEDSPACES	5482	7483	7049	+701	6254	8363	7750
Local Programs	0	150	150	+235	127	402	385
State Bedspaces	5482	7333	6899	+466	6127	7961	7365
Existing (incl. Convrted)	5482	7333	6899	+112	5773	7607	7011
Temporary	0	0	0	+354	354	354	354
New Construction	0	0	0	–	0	0	0
PLAN C BEDSPACES	5482	7483	7049	+701	6254	8363	7750
MEDIUM/MAXIMUM TOTAL	2667	4206	4170	+382	3216	4725	4552
Local Medium/Max	0	150	150	–30	0	120	120
State Medium/Max	2667	4056	4020	+412	3216	4605	4432
Existing ^{2/}	2667	4056	4020	–37	2767	4156	3983
Converted ^{3/}	0	0	0	+95	95	95	95
New Construction	0	0	0	–	0	0	0
MINIMUM CUSTODY TOTAL	1738	2117	2007	–149	1690	2807	1858
Local Programs	0	0	0	+265	127	282	265
Transferred State Facil	0	0	0	+127	127	144	127
New Programs	0	0	0	+138	0	138	138
State Minimum, Adults ^{4/}	1738	2117	2007	–414	1563	1925	1593
Institutions	1052	1260	1268	–216	1052	1260	1052
Prison Satellites	362	452	425	–190	235	308	235
Youth Satellites	218	299	268	–47	170	251	221
Adult Halfway	106	106	46	+39	106	106	85
ADULT SUPPORT UNITS ^{5/}	441	441	339	+18	381	381	357
JUVENILE CORRECTIONS ^{6/}	636	719	533	+450	967	1050	983
Existing Trng Schls	636	719	533	+127	636	719	660
Converted/Transferred Facil	0	0	0	+323	323	323	323

DETAILED WORKSHEET; NOTES:

1/ This worksheet, which specifies a particular combination of the use of existing standard, substandard, converted, temporary, and newly constructed bedspaces, is intended to provide a starting point in the development of an operational plan to provide the needed bed/program spaces if the Local Corrections Plan is to be implemented. Minor or major changes would be expected in the options presented in this Worksheet as implementation planning proceeds.

See page 84 for a definition of standard and substandard bedspaces. Note also that "Beds Needed" includes a 7% increment above expected resident counts to allow for required minimum management flexibility.

Custody levels distinguished in the Worksheet include medium/or maximum vs minimum. In regard to capacity, a bedspace is counted as medium/max if it is included within a secure perimeter. In regard to Beds Needed, a bed is counted as needed on the basis of the number of offenders requiring housing within a secure perimeter.

2/ State Medium/Maximum Custody, Existing: The main institutions at Trenton, Rahway, Avenel, Leesburg, Yardville, and Bordentown are included. The changes in counts during each phase reflect:-
- A reduction in the use of emergency bedspace during Phase I and

	PHASE II JULY 1978 – JUNE 1980				PHASE III JULY 1980 – JUNE 1982				PHASE IV JULY 1982 – JUNE 1984			
	Net Chng	Resultant			Net Chng	Resultant			Net Chng	Resultant		
		Capacity		BEDS NEEDED		Capacity		BEDS NEEDED		Capacity		BEDS NEEDED
		Stan	Stan + Sub			Stan	Stan + Sub			Stan	Stan + Sub	
	+668	7174	9025	8418	+279	7821	9712	8697	+277	9009	9826	8974
	+250	635	652	635	+443	1078	1339	1078	+1069	2147	2208	2147
	+418	6539	8373	7783	-164	6743	8373	7619	-792	6860	7618	6827
	+418	6185	8019	7429	-564	5989	7619	6865	-1442	5456	6214	5423
	-	354	354	354	-	354	354	354	-150	204	204	204
	-	0	0	0	+400	400	400	400	+800	1200	1200	1200
	+668	7174	9025	8418	+279	7821	9712	8697	+277	9009	9826	8974
	+558	3873	5262	5110	+220	4398	5787	5330	+218	5547	5975	5548
	+125	245	245	245	+125	370	370	370	+671	1041	1041	1041
	+433	3628	5017	4865	+95	4028	5417	4960	-453	4506	4934	4507
	+21	2767	4156	4004	-305	2767	4156	3699	-1104	2595	3023	2595
	+412	507	507	507	-	507	507	507	-	507	507	507
	-	0	0	0	+400	400	400	400	+800	1200	1200	1200
	+125	1953	2332	1983	+92	2075	2494	2075	+92	2162	2468	2167
	+125	390	407	390	+318	708	969	708	+398	1106	1167	1106
	-	127	144	127	+196	323	384	323	-	323	384	323
	+125	263	263	263	+122	385	385	385	+398	783	783	783
	-	1563	1925	1593	-226	1367	1525	1367	-306	1054	1301	1061
	-	1052	1260	1052	-	1052	1260	1052	-304	741	944	748
	-	235	308	235	-90	145	174	145	-	145	174	145
	-	170	251	221	-	170	191	170	-2	168	183	168
	-	106	106	85	-85	0	0	0				
	-	381	381	356	+15	381	381	381	+14	381	381	385
	-14	967	1050	969	-48	967	1050	921	-47	919	1002	874
	-14	636	719	646	-48	636	719	598	+1	636	719	599
	-	323	323	323	-	323	323	323	-48	283	283	275

- An initial increase in use of substandard bedspaces at Trenton followed by a reduction in the use of such bedspaces at Trenton, Rahway, and Bordentown during Phases III and IV as replacement bedspace becomes available.

- 3/ State Med/Max Custody, Converted: Included for initial planning purposes are the maximum custody facility which now houses psychiatric patients at Vroom Building and an unspecified minimum custody facility which would be converted for use by medium custody state offenders.
- 4/ State Minimum, Adult: Included are the main institutions at Clinton, Annandale, and Leesburg Farm. Counts in these and other minimum custody units for adults are affected by the diversion of juveniles and less serious adults from these units. As a result, a number of these bedspaces are transferred to local or juvenile use or are phased out during the plan.
- 5/ Adult Support: Included are the Prison and Youth Reception Units and the Vroom Readjustment Unit.
- 6/ Juvenile Corrections: Included are the present Training Schools at Jamesburg and Skillman and a number of Department of Human Services units which are needed to house adjudicated juveniles who, under the present plan, would no longer be housed in Youth Correctional facilities.

Implementing The Local Corrections Plan:

The Implementation Group And Its Tasks

Throughout the material above there has been much discussion of possible change. We have noted that some proposals have been specifically aimed at individual components (e.g. instituting a classification system for levels of parole supervision) while others are of a more general level involving more than a single component (e.g. advocating the use of the "least restrictive" of a series of dispositions). Further, some recommendation areas are within the purview of the existing state correctional structure while others go beyond traditional boundaries or present conceptions of corrections.

Those recommendations which concern areas under the administrative control of the Department of Corrections can be implemented as they are accepted by the Commissioner. The others will require the understanding, support and cooperation of a variety of "outside" agencies. Because of this and also because it is futile to propose a plan with no regard for implementation, some thoughts are presented here concerning how the Master Plan can be implemented.

Unless a strategy for implementation is spelled out, the Plan can become just another document with valuable potential which goes unrealized and unfulfilled. It is quite likely that the implementation of the Plan's recommendations would be greatly enhanced by the formation of a body or a group formed for that purpose. As the Plan is presented to the Commissioner some thought must be given to ensure its "success", and it will succeed only to the degree that it is used to determine or influence the future of corrections in New Jersey.

Two major decisions must be made concerning the

establishment of a group charged with the implementation of the Master Plan:

- the composition of the group
- the nature of the tasks the group is to perform

THE IMPLEMENTATION GROUP

The tasks required for implementation are awesome; they will clearly require the participation and cooperative effort of individuals outside the area of "State Corrections". The reasons have been developed throughout this report: the solution to present and future correctional problems does not lie within the boundaries of the state correctional agency. Therefore, the group charged with effecting the necessary changes to implement the Master Plan must take cognizance of that fact. The group must include those who are empowered to represent and who can therefore act on behalf of the other components of the Criminal Justice System and the units of government to be affected by the Plan. Who are these others:

- the judiciary. The absolute necessity of the participation of the courts and probation services is evident. There can be no fundamental change in corrections without the planned cooperation of the courts.
- the legislature. As the enactor of the Penal Code and Statutes governing the administration of corrections, and as the authority for correctional budgets, the legislature is essential to the implementation of the Master Plan.
- local corrections. Since the role of local corrections will be enhanced and substantially modified by adoption of the Master Plan, the cooperation of the

chief correctional executives and the freeholders is necessary.

- law enforcement and prosecutors. It is clear that the implementation of the Master Plan depends on inter-governmental cooperation both horizontally (executive, judicial, and legislative) and vertically (state, county and local).

As a guideline, it is suggested that the highly technical charges placed on the group would warrant as small a number as is deemed essential to maximize effectiveness and to streamline the decision-making and policy formulation which lies at the core of these tasks.

The Nature of the Implementation Tasks

The following tasks would fall upon the Implementation Group. These tasks, as might be expected, vary widely in nature since they reflect the range of recommendations suggested throughout the Plan. The tasks outlined below would be required to implement Plan C which represents a fundamental reorganization of Correctional Services.

Statutory and Administrative Tasks

There are numerous statutory and administrative tasks necessary to accomplish the sentencing and parole recommendations.

Statutes and court practices would have to be modified to:

- Institute a modified just deserts model of sentencing and release
- Adopt a general sentencing scheme which utilizes the least restrictive sentencing alternatives
- Establish a single sentencing structure for all offenders committed to state institutions
- Channel more serious offenders to State facilities and less serious offenders to local facilities
- Institute a system for both more serious state and less serious local offenders which maximizes the use of alternatives and the early reintegration of offenders into the community

REORGANIZATION TASKS

As Plan C is considered, it must be remembered that what is entailed is a basic redefinition of which correctional services are provided for which offenders and by whom. Here we are talking about approximately 56% of those offenders currently admitted to state institutions but who would be channeled into localities under the less serious offender aspect of Plan C. The magnitude of this task is not to be under-

estimated. An effort which directly affects so many agencies and units of government (which have historically functioned independently) and which undertakes to change long-standing practices of courts and local correctional officials will undoubtedly present a taxing challenge to the Implementation Group.

Therefore, the rationale and motivation for recommending this Plan must be made clear to all involved. Until and unless new patterns of correctional service delivery are defined and implemented, all correctional agencies in New Jersey will surely suffer. The unacceptability of alternative actions, above and beyond the anticipated benefits of greater efficiency and effectiveness, demonstrates the necessity of this task.

The group charged with the implementation of the local corrections plan must initially define its scope of activities. To accomplish the objectives of the plan, at least the following activities would be necessary:

- An analysis of what is the most desirable unit at which correctional services and programs should be organized and delivered. Should each county attempt to provide all correctional services or should some services (residential or community-based) be provided jointly? An example might be a relatively specialized service such as detention for female offenders, or the establishment of a restitution center. How should these correctional areas be defined—according to political boundaries or according to catchment areas which are determined by an analysis of the actual location of offenders and availability of services? The very first task or reorganization, then, is the establishment of Correctional Service Areas, according to criteria defined by the Implementation Group. (Data such as is presented in the figure relating criminal justice statistics by county might serve as a basis for this necessary analysis.)
- Undoubtedly much information, not currently available, is required to provide a sound basis for the Implementation Group to determine the actual Correctional Service Areas around which services to all less serious offenders should be organized. The absolute necessity of accurate data for such planning was demonstrated in the course of the Master Plan. At a minimum, the Implementation Group will need to survey local offenders as well as the facilities and programs available in each locality and on the state level. From this information could be formulated a statement of facilities and services required and available. An example of this task would be to survey the distribution of

NEW JERSEY CRIMINAL JUSTICE STATISTICS BY COUNTY										
COUNTY	STATE POPULATION (% OF)	ADMISSIONS TO STATE INSTITUTIONS ¹ (PERCENT)	JAIL POPULATION ²		PAROLE CASELOAD ³		ADULT PROBATION CASELOAD ⁴		CRIME RATE PER 100,000 ⁵	
			%	NUM.	%	NUM.	%	NUM.	1974	1975
Total	100.0	100.0	100	3,881	100	7464	100	28,248	4,723	5,060
Atlantic	2.4	5	4	173	4	300	2	605	6,042	6,439
Bergen	12.2	4	6	228	4.2	319	7	2,070	3,387	3,777
Burlington	4.4	3	5	187	4.1	309	2	647	3,383	3,914
Camden	6.6	8	7	257	7.9	589	8	2,380	5,650	5,715
Cape May	0.9	0.6	1	57	0.7	54	2	519	8,251	7,575
Cumberland	1.7	2	3	115	1.8	138	2	474	4,978	5,361
Essex	12.5	23	25	981	23.7	1763	23	6,546	6,233	6,651
Gloucester	2.5	1	2	69	1.2	91	2	448	4,459	5,176
Hudson	8.2	9	5	186	10.7	801	9	2,555	4,112	4,923
Hunterdon	1.0	0.2	1	28	.5	35	1	168	1,870	1,194
Mercer	4.3	5	8	309	4.8	359	4	1,165	5,411	5,727
Middlesex	8.2	4	5	178	4.4	332	8	2,175	4,525	5,115
Monmouth	6.5	8	7	280	8.0	599	4	1,204	4,702	4,984
Morris	5.5	1	2	93	1.1	79	3	899	3,758	3,793
Ocean	3.5	2	2	88	1.9	139	3	711	5,369	5,592
Passaic	6.3	10	7	285	9.4	698	7	2,110	5,985	6,048
Salem	0.9	1	1	54	1.	76	1	376	3,405	3,912
Somerset	2.8	1	1	40	1.7	126	2	508	3,696	3,914
Sussex	1.2	0.4	1	18	.3	20	1	162	3,182	3,707
Union	7.4	8.	7	221	8.3	617	8	2,374	4,627	4,778
Warren	1.0	0.3	1	34	.3	20	1	152	3,214	3,287

¹ Approximately 4% are admitted from out of state.

² 1975 Average Daily Population. Source: Survey of County Correctional Facilities for N. J. Correctional Master Plan, Dept. of Institutions and Agencies, 1975.

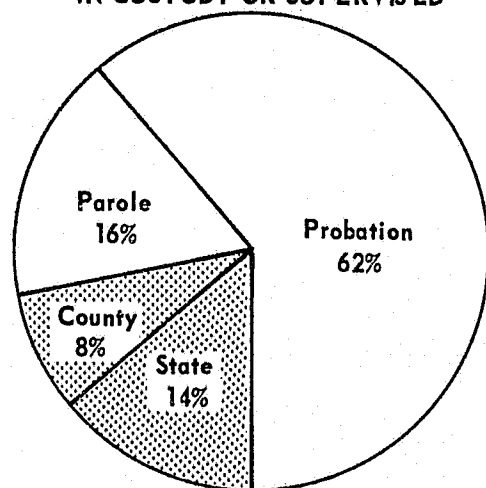
³ Source: Annual Report - 1975, Bureau of Parole. The figures for separate counties are estimated from Bureau of Parole caseload data which is reported by 9 District Offices each of which may encompass more than one county.

⁴ Adult Probation Cases under supervision on August 31, 1975. Source: Administrative Office of the Courts, Trenton, N. J.

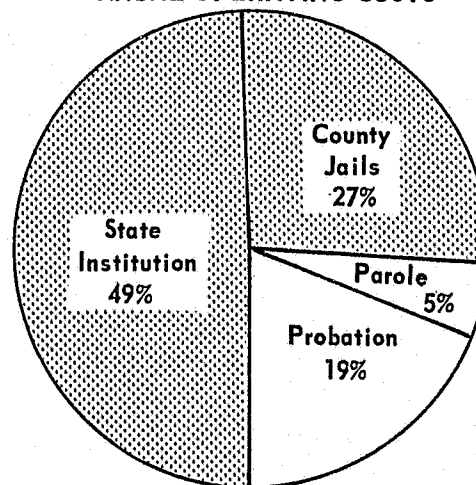
⁵ Source: Crime in New Jersey - 1975 Uniform Crime Reports.

NEW JERSEY CORRECTIONS: OFFENDERS AND COSTS

48,000 OFFENDERS
IN CUSTODY OR SUPERVISED



\$112 MILLION FOR
ANNUAL OPERATING COSTS



narcotics law violators and programs (residential and non-residential) throughout the state. From this information could be specified:

- What service needs were not being provided,
 - What were the existing catchment areas, and
 - What resources were needed in which areas.
- A determination of fiscal responsibility must be undertaken. It is difficult to imagine a reorganization task in which the imagination, creativity, and diplomacy of the Implementation Group will be more challenged. Accompanying the administrative and programmatic reorganization there lies the critical task of defining fiscal responsibilities and methods of financing services which will be delivered along non-traditional lines. The less serious offenders who are the state's current responsibility will receive a variety of services at the local level; what will the cost of the services be and what methods of payment should be created?
 - The final reorganization task suggested here to be undertaken by the Implementation Group involves the setting of standards which will govern the actual operation of the Correctional Service Areas. Participation in the local plan and receipt of State funds will be contingent upon meeting these standards. Standards will be required for:
 - **Decision-making**—These refer to those standards which will be used to determine assignments of offenders to various programs or services, to transfer offenders from one program or level of supervision to another and also to release an offender from a program. Such standards would be expected to reflect the philosophical tenets endorsed in the Plan, namely modified just deserts and adoption of a scheme to utilize the least restrictive program or service alternative. (e.g. First-time property offenders must make restitution to the victim and pay a fine before an incarceration sentence may be imposed.)
 - **Service Delivery**—As a condition of receiving state funds for the provision of services to the less serious offenders who would remain in the lo-

calities under Plan C, standards would be required specifying the nature and quality of services to be provided in each service area. Each Correctional Service Area, as determined by the Implementation Group, would be expected to provide a range of programs (residential and non-residential) sufficient to permit the implementation of a "least restrictive" disposition policy. This would ensure that a range of suitable alternatives would be available throughout the State for offenders. The provision of a program of partial residency, for example, offers the sentencing judge an alternative to either probation or incarceration neither of which might be appropriate. Another example of a Service Standard might be the requirement that an Intake Center be created in each service area established by the Implementation Group.

- **Capital Expenditure**—Since considerable money for providing services to current state offenders will be allocated to the Correctional Service Areas designated by the Implementation Group, standards must be created to ensure that such funds are spent in a manner which reflects the Master Plan correctional philosophy. All money, therefore, should be spent in accord with the "least restrictive alternative" policy. Standards to ensure this would require, for example, justification (yielded by the survey of local offenders and programs, noted above) for expansion of detention and incarceration capacities. Such standards, utilizing maximum alternatives to incarceration could ensure the creation of a wider range of sentencing dispositions to the judiciary. Further, any funds expended for capital construction should be made contingent upon meeting progressive correctional standards, both architectural and programmatic. The establishment and enforcement of such standards would result in the upgrading of present county facilities physically and programmatically.

APPENDICES

A. A MODEL OF ORGANIZATIONAL STRUCTURE

B. THE JUVENILE ISSUE

C. INDIVIDUAL COUNCIL MEMBERS' STATEMENTS

Appendix A: A Model Of Organizational Structure

This material was prepared to offer a model of how correctional services might be organized based on an analysis of the Division of Correction and Parole. It was proposed before the recommendation to adopt a Local Corrections Plan. It would require modification to be adapted to the implementation of such a plan and also to conform to the statutory requirements of Assembly Bill 1912 creating a Department of Corrections.

In reviewing this early organizational model proposed by the staff, it is helpful to remember its specific objectives. It was designed to provide both the essential operational and managerial components which characterize efficient and effective correctional administration. It attempted to ensure the regular and systematic assignment of responsibility and authority for the performance of clearly defined tasks. The organizational principles which guided the design of the structure are:

- (1) organizational objectives should be clearly defined and policies formulated accordingly;
- (2) these objectives must be translated into functional and operational components;
- (3) the span of authority of any individual must permit effective communication;
- (4) lines of authority and responsibility must be explicit;
- (5) to attain its objectives, an organization must possess the ability to plan, evaluate and modify its operations;
- (6) all components are related and total organizational effectiveness is determined by the ability of each unit to attain its goal.

The attached table of organization (Figure 1) entitled "Division of Corrections" was prepared by Master Plan staff and consultants (prior to the creation of the Department) to illustrate how the organization might be restructured in keeping with the findings of the previous analysis. The overall functions and responsibilities of the Division of Corrections were distributed across three separate organizational wings. These are under the authority of a Deputy Director for Institutional Services, a Deputy Director for Community Services, and a Deputy Director for Technical Services. The fourth wing, under the au-

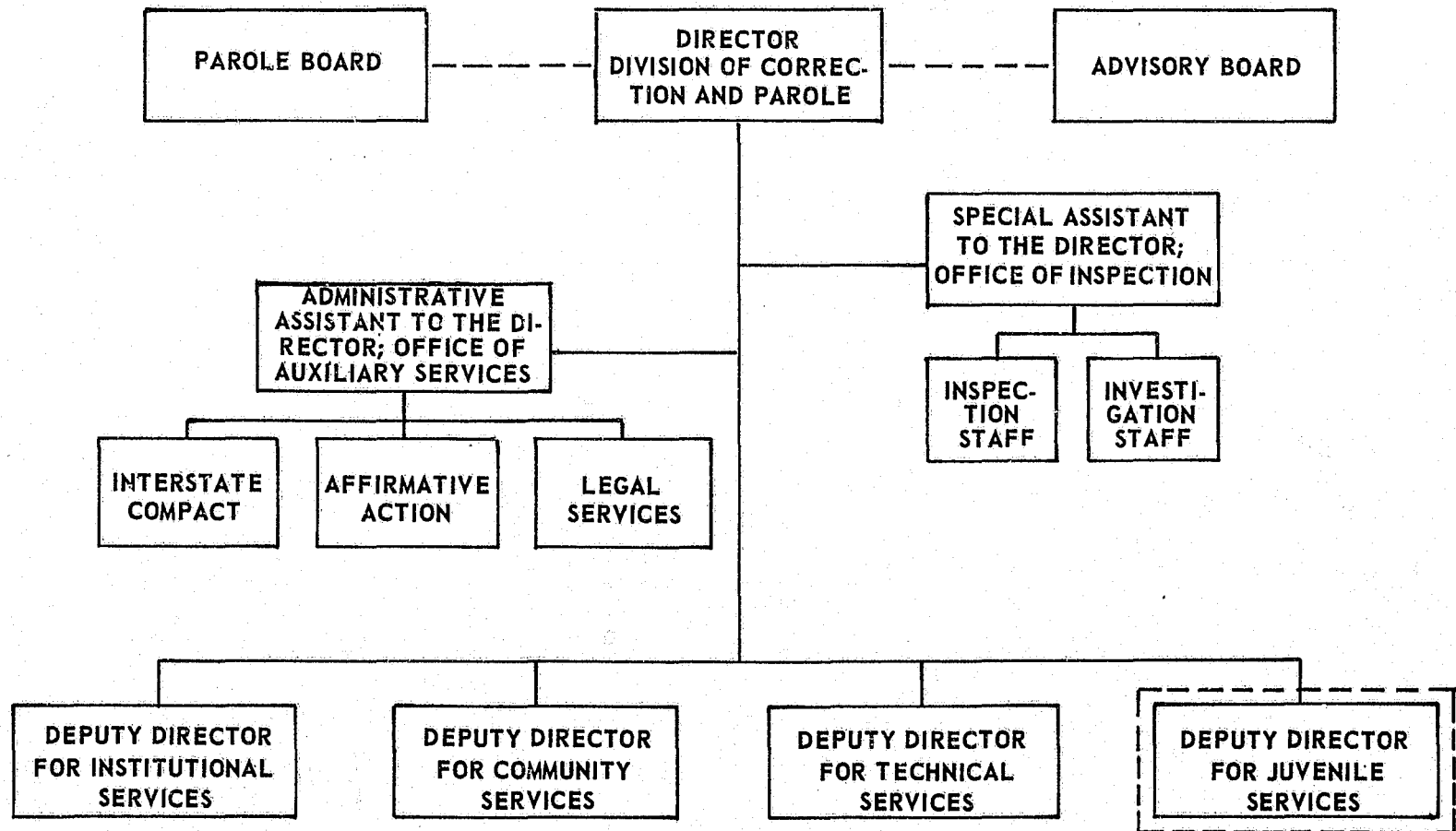
thority of a Deputy Director for Juvenile Services, appears on the organizational model, but was not developed further, pending resolution of the issue as to where juvenile correctional services might best be organizationally located. (See Appendix on Juvenile Organizational Issues.)

The roles and administrative support of the wings are presented in detail in succeeding sections of this Appendix. A brief functional description of the role of each of the Deputy Directors may, however, be helpful here. The Deputy Director for Institutional Services is responsible for all long-term, state correctional facilities: the institutions currently part of the Prison Complex, the YCI Complex, and the Correctional Institution for Women. The Deputy Director for Community Services is responsible for all short-term residential facilities for adults, including pre-release centers and halfway houses, all community supervision activities including parole and diversionary programs, assessment functions including pre-parole investigations, and community program development and coordination. The Deputy Director for Technical Services is responsible for most indirect supportive services, including technical assistance on capital development, the information and evaluation systems, short and long term planning, personnel, training, and fiscal management.

All Deputy Directors report directly to the Director of the Division of Correction. The Director, of course, has final authority and responsibility for all operations of the Division, but under the proposed reorganization, most direct supervisory authority has been delegated to the Deputy Directors. The Director maintains close communications with the operation of the system through regularly scheduled meetings with the Directors, and plays a key role in the formulation of Division policy, disseminating it through the secondary, coordinating level of authority. The Director's most important responsibilities are to ensure the coordination of all functions in the correctional system, and to maximize the integration of this system into the total New Jersey criminal justice system. This demands well-developed communication and cooperative efforts with the Legislature, the courts, the police, local authorities, and other service-oriented agencies (such as the Division of Mental Health, and Youth and Family Services).

DIVISION OF CORRECTIONS

FIGURE 1



The heads of two additional offices report directly to the Director. The first of these is the Special Assistant to the Director, Office of Inspection. This unit has been retained as a separate office in order to ensure its capability for independent investigation. Its functions have been divided between two separate staff teams: the inspection staff and the investigation staff. The former is responsible for inspections to ensure compliance with written standards of minimal treatment levels and humane living conditions in all state and local correctional facilities. A minimum of two inspections (of each facility) per year should be made. One should be announced and one unannounced and unscheduled. Variance from the established standards should be reported in writing to both the Special Assistant and the Director of the Division. Should a facility fail to comply with a standard over a reasonable period of time, the Office of Inspection should have the authority to force compliance through condemnation of the facility. It would then be unlawful to commit or confine any persons to it, and all residents should be relocated until a renovated or new facility is available. Such authority is in accordance with the standards established by the National Advisory Commission on Criminal Justice Standards and Goals. A second staff team is responsible for investigating, on an ad hoc basis, any complaints and reports of noncompliance to standards received by the Office of Inspection. This enables the Office to provide prompt investigations whenever such action becomes necessary.

The Special Assistant to the Director, as head of the office, should have a Bachelor's Degree in one of the following areas: business, business administration, architecture, or one of the behavioral sciences (e.g., psychology, sociology). He should have prior supervisory experience in correctional institutions, or as an inspector or investigator. An extensive knowledge of correctional programs and the current trends in corrections should also be required. The Special Assistant supervises and coordinates the activities of the inspection and investigation staff. A major responsibility is the maintenance of effective working relationships with state and local corrections authorities. The Special Assistant keeps the Director advised as to any unusual conditions in correctional facilities throughout the state, and informs him/her of the needs of the facilities.

The other unit in a direct line below the Director is the Office of Auxiliary Services. It is headed by the Administrative Assistant to the Director. The Administrative Assistant is appointed by the Director to

serve as an official aide, to whom the Director can delegate troubleshooting, liaison, and research (etc.) duties on an ad hoc, short term basis. The Administrative Assistant may act as a personal representative and proxy for the Director on occasions when the Director is unable to be present, and does what can be done to facilitate the Director's task of monitoring and coordinating a large and complex organization. A secondary role is the supervision of the managers of the three suboffices in the Office of Auxiliary Services: Interstate Compact Affairs, Affirmative Action, and Legal Services. These managers report to the Administrative Assistant, who keeps the Director advised of their activities.

The Manager of Interstate Compact Affairs coordinates all services and transfers which fall under the Interstate Compact, for both institutionalized and paroled offenders. The Manager has a staff of Escort Officers who take over the Escort duties of the current Bureau of Operations. If an Interstate "time bank" should be established, the Manager will be responsible for its upkeep.

The Manager of the Affirmative Action suboffice is responsible for the development, implementation and administration of an Affirmative Action Plan approved by the necessary state and federal agencies. In this capacity, the manager also monitors job discrimination and maintains close communication with the Personnel Unit in the Division of Technical Services.

The Manager of Legal Services is an attorney whose responsibilities are very similar to the present legal assistant to the Director. He/she may assist in the preparation of cases in which the Division of Corrections is a party, advise the Director on matters for which legal advice is desirable (such as constitutionality and legality of new programs, offenders' rights, due process requirements, etc.), prepare Interstate Compact Contracts at the request of the Manager of Interstate Compact Affairs, and conduct classes on legal issues for the Training Unit of the Division of Technical Services. An important function to be added to this role, however, is that of systematic research into the legal implications of new court decisions for Divisional policy, programs, and planning. The Manager of Legal Services keeps the Director advised of such implications through the Administrative Assistant. It is hoped that this sort of activity may reduce the number of lawsuits in which the Division becomes a defendant.

Two extraorganizational bodies which have considerable impact on the policies and direction of the

Division of Corrections are the Parole Board and the Citizen Advisory Board. This latter Board may be jointly appointed by the Governor, Commissioner of the Department, and the Director of the Division. It is designed to increase the popular responsiveness and credibility of the correctional system by providing representative segments of the public with input into Divisional policy. Segments of the public who should be represented might include: the courts, the unions of correctional employees, the business sector, community action groups, and other interested citizens. Precedent for such an advisory body has been set

by the existence of Boards of Trustees for the various institutions. However, the proposed Citizen Advisory Board would have no decision-making powers, unlike the existing boards.

In the sections to follow, the roles and functions of each of the major wings of the Division will be fully developed. Job descriptions and suggested qualifications for each administrative position will be presented. The final definition of these qualifications should be developed in collaboration with the Department of Civil Service.

Institutional Services

In this section, the proposed organizational framework for the delivery of institutional services is presented (See Figure 2). In addition to the topmost, coordinating level of administration, the major positions and/or units proposed for the large adult institutions have also been projected. It should be noted that the superintendents of all seven major institutions are under a single supervising authority. The distinction between prisons and youth correctional institutions, already breaking down in practice, has been eliminated, consistent with the Master Plan recommendation to modify the current sentencing practices.

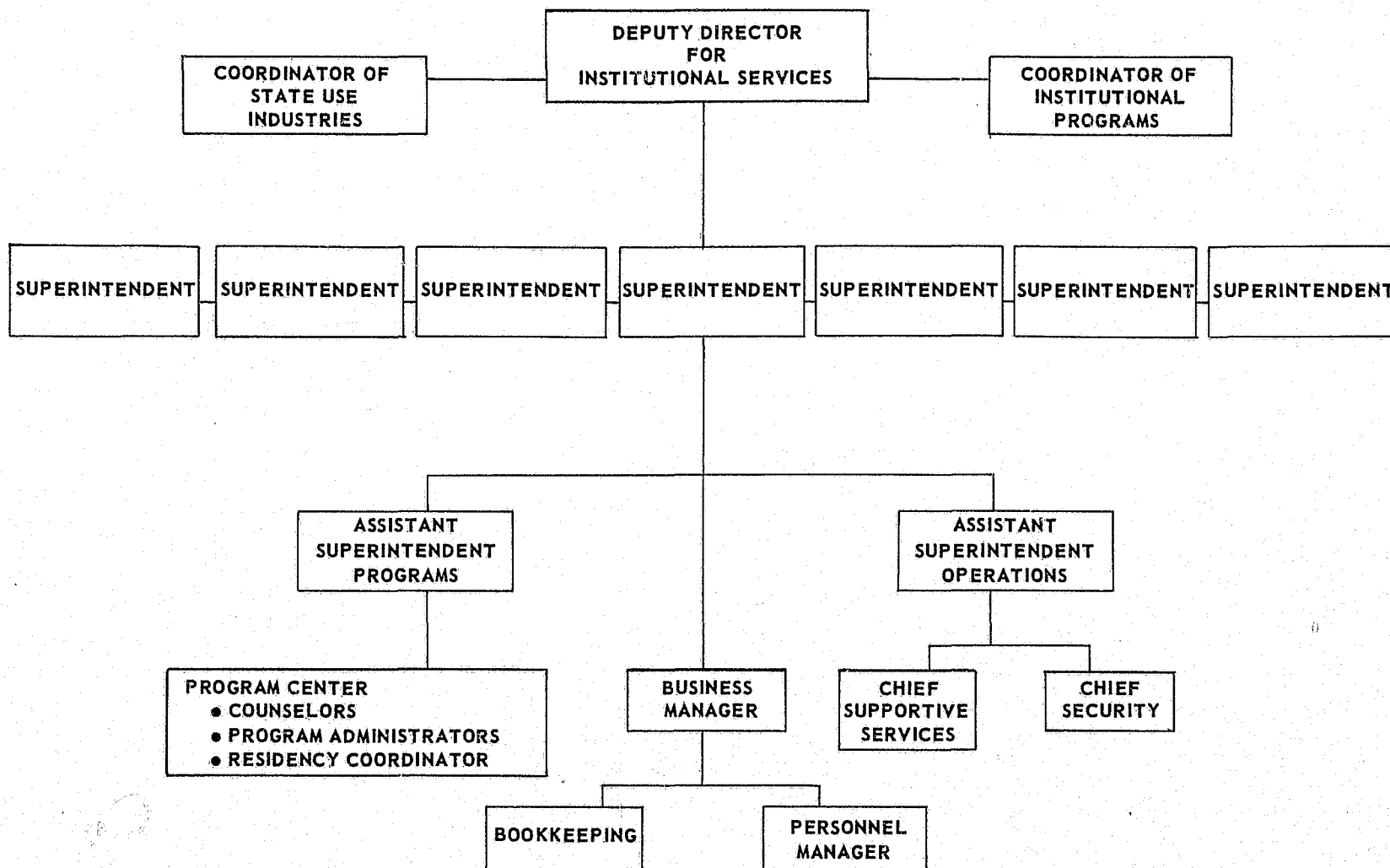
The Board of Trustees has for several years served a valuable function as a monitor of institutional activities for the Youth Correctional Institution Complex in New Jersey. The involvement of citizens in corrections is not only a laudable goal but, as corrections moves toward a more community-centered approach, a requisite condition for an effective corrections system. The role of citizens as interpreters of public attitudes and needs and as enlists of public support for the corrections system is extremely valuable and should be encouraged and fostered. An advisory board may fulfill many of the same functions as the existing Board of Trustees does in relation to the YCI Complex. Thus, the recommended development of a Citizens' Advisory Body for the Division of Corrections has a precedent in the advisory and monitoring functions of the Board of Trustees.

However, this recommended advisory body is not seen as a policy—or decision-making group, unlike the present Board of Trustees with its extensive policy-making powers. Under the present system,

the youthful offender classification has created an autonomous correctional institution administration which inhibits the distribution of inmates between institutions. It is not necessary to separate classes of offenders in different institutions. It is architecturally feasible to provide facilities for many different security and program levels within one institution and thus allow almost any inmate to be located geographically close to his/her own community. However, if different sentence classifications prevent such an organization within a particular institution, such a regionalized approach to institutionalization is impossible.

Under current practice, to provide the same service and distribution ability as a unified system, New Jersey must maintain two institutional systems, a state prison system and the youthful offender system. Two administrators are involved with (1) the incarceration of adults; (2) the rate at which inmates leave the institutions; (3) the rate at which inmates enter the parole supervision system; and (4) the provision of programs for inmates. This organizational duplication of services is mandated by the sentencing policy which determines the institutional placement of offenders. As a consequence, it is the judiciary that has jurisdiction over the distribution of offenders within the correctional institution organization. This power allows the judiciary to control populations of inmates in particular institutions, hampering any attempts by the Division of Corrections to effectively organize, distribute resources, or regionalize service delivery.

Consolidation of the administration of all non-juvenile correctional institutions will permit a broader, more sensitive range of classification criteria. Age



and seriousness of offense will continue to be important factors in the classification of offenders, but separation of offender types and ages should be accomplished **within** institutions by means of assignment to relatively independent, residential areas. Additional factors can be taken into consideration as a "classification for risk" process as defined through the combined efforts of Institutional and Technical Services. Finally, in a consolidated system, many offenders can be assigned to an institution on the basis of regional ties, and then to a particular residency area on the basis of risk classification. Eliminating the often arbitrary distinctions between the YCI and Prison populations will facilitate programming based on sophisticated assessment of offender needs, enable the grouping of offenders according to criteria both objective and meaningful, and encourage the maintenance of community and family ties.

The conceptual basis for two major departures from the current organizational structure should be noted. Perhaps the more fundamental modification is the separation of residency (and, thus, internal security) from control point and perimeter security. Residency is conceptualized as a program function, placed under the authority of an Assistant Superintendent of Programs, and directed by Unit Supervisors who report to a Residency Coordinator. Control point and perimeter security is directed by the Chief of Security, who reports to the Assistant Superintendent of Operations. Internal security considerations have not been dismissed, but security and programming needs have been integrated in order to focus the efforts of the correctional institution on the primary and integral objectives of creating an environment with minimal destructive impact and maximum potential for reintegrating the offender into the community. Thus, line staff members in residency units rely on personal relationships and appropriate staff/resident ratios in maintaining internal security, and are trained in primary counseling and crisis intervention techniques.

Another important departure from current institutional organization is the proposed creation of a Program Center in each institution. The Center plans, monitors and coordinates all rehabilitative program services for the residents of the institution, although the services are delivered by program supervisors and line staff, or even by extra-institutional agencies or persons (e.g., psychiatrist) with whom the Program Center contracts. The Program Centers of each correctional facility are closely associated with the Coordinator of Programs for Institutional Services. The

Coordinator, in turn, will be in close contact with the Planning Unit under the Deputy Director of Technical Services. The use of coordinated, centralized program centers will enhance the efficacy and impact of programs upon the incarcerated offender through more detailed assessment of individual and population needs, and systematic integration of these needs and the program alternatives in the institution.

In the pages immediately following, the qualifications and responsibilities of each administrative position in Institutional Services will be briefly described. The delineation of most direct service positions are beyond the scope of this report and will not be discussed.

Administrative Positions:

Institutional services has three positions at the highest coordinating level.

Position: Deputy Director for Institutional Services

Qualifications: A Master's degree in one of the social sciences with extensive experience in the management of correctional institutions.

Job Description: As head of institutional services, the Deputy Director is responsible for the policies, programs, support, and security of all adult penal institutions in New Jersey. As such, the Deputy Director must maintain regular and frequent contact with the Superintendents of the various facilities to ensure maintenance of Divisional standards, coordination of institutional needs and a smooth flow of information between the Superintendents. The Deputy Director has responsibility with the Director for the hiring of the Superintendents, who report directly to him. Program initiation, alterations, extension and discontinuation are monitored and approved by the Deputy Director through consultation with the concerned administrators, the coordinator of Institutional Programs, and the Planning and Evaluation Units staff from Technical Services. Final authority for the allocation of resources remains his/hers.

Also, at the highest coordinating level, but under the authority of the Deputy Director, are the two Coordinators. Both of these positions maintain direct lines of communication with the relevant units and staff within each institution. While their authority in the institutions is channeled through the Superintendent and the Assistant Superintendent of Programs, they are the supervisory and coordinating administrators in their respective program areas.

Position: Coordinator of Institutional Programs

Qualifications: Master's or doctoral degree in the behavioral sciences, with extensive experience in institutional programming.

Job Description: The Coordinator of Institutional Programs has a number of important advisory and supervisory responsibilities and activities. She/he coordinates the needs and resources allocated to program activities in and across the institutions, monitors the quality and representativeness of program offerings, consults with the Deputy Director and institutional administrators on program initiation, alteration, extension and discontinuation. A key aspect of his/her role is channeling feedback between institutional programming and Technical Service Units for Evaluation and Planning. Information on the functioning of the institutional programs is passed through the Coordinator to the Information and Evaluation Unit; their final report is made to him/her. Similarly, pilot programs are passed through the Coordinator to the Information and Evaluation Unit; their final report is made to him/her. Similarly, pilot programs designed by the Planning Unit are referred to the Coordinator for review and assignment to an institution. Liaison with the Garden State School District is assumed by the Coordinator. She/he also assists in the interview and hiring from the final Civil Service list of candidates for the position of Assistant Superintendents of Programs and provides supervision and guidance in the design and implementation of programs and their evaluation.

Position: Coordinator of State-Use Industries

Job Qualifications: Extensive experience in business management, with a bachelor's or master's degree in business or a related field.

Job Description: The Coordinator of State-Use Industries formulates and supervises Divisional procedures on such matters as the priorities and objectives of prison industries, choice of products to be manufactured, purchase and maintenance of equipment, and the representative distribution of shops and industries across institutions. She/he is responsible for monitoring the quality, pace, and competitiveness of state-use industries, and ensuring industry conditions consistent with advanced correctional practices and comparable to those of private enterprise. She/he explores and proposes new industries and incentive programs, and may request or review such proposals from other sources (e.g., the Planning Unit). Should conflicts of interest arise between state use industries and

other program elements at the institutional level, the coordinators may mediate the difficulty or, if necessary, consult with the Deputy Director.

At the next level of administrative authority under the Deputy Director are the superintendents of New Jersey's adult institutions.

Position: Superintendent

Job Qualifications: At a minimum, a Bachelor's degree in the social sciences or corrections, with administrative experience in correctional institutions.

Job Description: The Superintendent is the head of his/her institution. She/he is responsible for its programming, its industries, its supportive services, and its security. Thus his/her role is primarily that of coordinator: she/he supervises operations in each of the three major divisions within the institution; coordinates their needs; and arbitrates and resolves conflicts between the needs of the divisions. She/he reviews the dispositions of the Disciplinary Committee and is authorized to approve, order furthering hearings, or reduce the sanction imposed. The Superintendent has final choice among the candidates for Assistant Superintendents of Programs and Custody, and reviews the hiring and training requests submitted by these Assistant Superintendents for their staffs. They report to him/her regarding the needs and operation of their divisions at regular intervals.

Under each Superintendent are two Assistant Superintendents. One is responsible for all programming and rehabilitative activities of the Institution, including residency, and one is responsible for all support and security activities.

Position: Assistant Superintendent of Programs

Job Qualifications: Ph.D. or Master's degree in a social or behavioral science and experience in correctional programming. A "systems" orientation and competence in research and information gathering activities is critical.

Job Description: The Director of Programs is both head of programming (including the prison industries) within a given institution and head of its Program Center, with the concomitant responsibilities of assessment, planning, treatment, evaluation, and supervision. She/he manages the Program Center and supervisory staff; allocates the available resources among the programs; and develops outside contracting resources for certain program needs. Final decision-making on immediate planning, implementation, evaluation, and

following-up needs is his/her responsibility. As head of the Program Center, the Assistant Superintendent participates in and coordinates the assessment efforts, in which each resident is comprehensively evaluated for skills, deficits and special programming needs. The resident's assignment to a residency area and the offer of program services are the result of decisions made by a Program Center team whose plans the Assistant Superintendent reviews and approves. In addition, he/she designs and supervises the data collection for all programs, is consulted on all program developments by the Coordinator, and formulates the institution's response to feedback from Technical Services' Planning Unit.

Immediately under the Assistant Superintendent of Programs is the staff of the Program Center, the body responsible for assessment and programming of the residents in the institution, and for the planning, implementation, and data collection activities of all programs. This staff may be divided into the coordinating, central office personnel and the program supervisors. These positions constitute the coordinating administration for the institution's program activities. Nonprogrammatic elements such as custody, security and maintenance are administered by a separate staff under the authority of a second Assistant Superintendent.

Position: Assistant Superintendent of Operations

Job Qualifications: A Bachelor's degree, preferably in Business Management, and experience in institutional management. A strong background in security is desirable.

Job Description: The Assistant Superintendent of Operations coordinates all operational needs and activities, including institutional maintenance, inventory, food services, laundry, medical services, and control point and perimeter security. She/he is responsible for maintaining Divisional standards in the institution in all of these areas. Determination of operational priorities, administration of policy, and hiring of the Chiefs of Supportive Services and Security are all under his/her authority. The Assistant Superintendent of Operations sits on the Disciplinary Committee with the Superintendent and Assistant Superintendent of Programs. While the supervisory authority for security is largely delegated to the Chief of Security, the Assistant Superintendent of Operations retains administrative responsibility for the security of the institution and, thus, the authority to institute contingency plans (e.g., shutdowns or riot man-

agement) also remains his/hers, subject to the review of the Superintendent who has final responsibility for security in the institution.

Two Chiefs divide the supervisory responsibilities for the routine secure operation of the institution.

Position: Chief of Supportive Services

Job Qualifications: Experience in institutional management and a Bachelor's degree in a Business field.

Job Description: The Chief of Supportive Services supervises building and grounds maintenance, medical, food and laundry services, and house-keeping service in the above areas and reports any deviations to the Assistant Superintendent of Operations. She/he reviews and makes recommendations on maintenance and other supportive service needs and priorities. The Chief also assists in the development of an inventory adequate to meet the institution's needs and ensures that it is maintained at that level.

Position: Chief of Security

Job Qualifications: Extensive experience in correctional security supplemented by a Bachelor's degree in a field such as Corrections, Police Science or Law Enforcement.

Job Description: The Chief of Security is responsible for maintaining adequate security at the perimeter and all control points of the institution. She/he designates these control points, ensuring adequate coverage in all key areas by security personnel. The Chief appoints the shift supervisors, but retains authority for the allocation and scheduling of manpower and equipment across the various shifts and duties. She/he identifies possible problem areas, including staff needs for inservice training, and formulates recommendations on resolving security needs for both the Assistant Superintendent of Operations and the Superintendent.

At the same administrative level as the Chiefs of Supportive Services and Security and the coordinating central staff of the Program Center, but reporting directly to the Superintendent, is the Business Manager.

Position: Business Manager

Job Qualifications: A Bachelor's degree in Business or Accounting.

Job Description: The Business Manager, after consultation with concerned administrators, prepares an annual budget for the institution and submits it to the Fiscal Management Unit under the Deputy Director for Technical Services for review and

incorporation into the Division's budget. She/he conducts a continuing audit on budget items and monitors the institution's account. The Personnel Manager and bookkeeping staff are under his/her immediate supervision.

The organizational framework for institutional services described above has several advantages over the present administrative structure. Chief among these is the establishment of coordinating administrative authorities for all program functions and of clear mechanisms for gathering, processing and utilizing information about the effectiveness of these functions. Creation of a Program Center and its coordination of all programming greatly facilitates the development of adequate individualized services

for each offender through detailed assessment of individual needs. The placement of residency under this same program authority and the personalization of security procedures, diminish the depersonalizing, destructive aspects of institutionalization and, consequently, tend to allay many of the most common management difficulties. Finally, the separation of Programs and Operations eliminates the (often unsatisfied) need for multiple areas of expertise in both areas.

To alleviate the most urgent of the problems faced by the current organizational structure—the need to accommodate increased numbers of offenders—this model of organizational structure now considers a greatly expanded role of Community Services.

Community Services

Community Services, as can be deduced from Figure 3, play a greatly expanded role in this structural model of New Jersey's correctional system. Small, community-based residential facilities are only one of four types of services essential to an advanced system of community corrections. The other three are (1) assessment services, including pretrial, and parole investigations; (2) program development and referral services; and (3) community supervision services, including parole. In order to provide these services effectively, a certain amount of staff role specialization is necessary, and all services must be coordinated in such a way as to avoid fragmentation and duplication of function. The proposed reorganization provides for supervisory and line staff positions for each of these types of services to be monitored and integrated by a Regional Coordinator.

The use of regions as the primary administrative unit is a major departure from current practice. Under the regional system, an offender receives all community correctional services (and perhaps institutional services as well) in the region from which he/she comes. Thus offenders from Newark would have available to them all those community services and resources developed in that region.

The advantages of a regionalized system are manifold, but foremost among them are responsiveness to special regional needs and the development and extension of a wide variety of community alternatives to incarceration to offenders who do not live in major

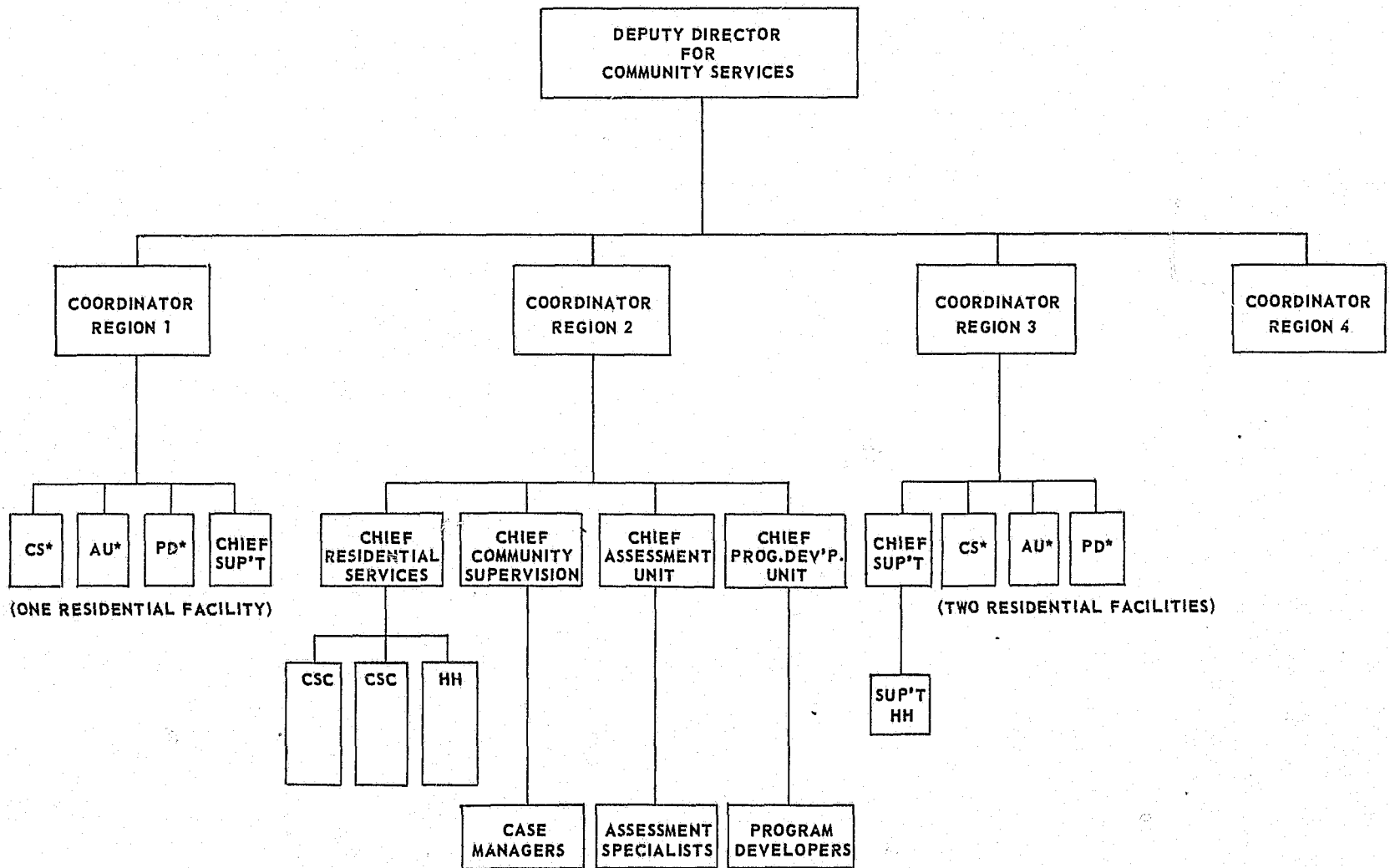
urban centers. Different levels of role specialization are appropriate to the different regions; the more urban the region, the more specialized the roles within a service area (e.g., program development) become.

Obviously, the effective use of community corrections is feasible only insofar as each region is able to provide adequate services and supervision for the offenders committed to its responsibility. The structure depicted in Figure 3 has been developed to make optimal use of community alternatives, and to encourage the availability of a wide variety of community programs. Coordination of services, and the assessment and classification procedures that guide the assignment of offenders to particular programs eliminates expensive overlap in the services provided by various agencies to correctional clients. With minimum duplication of effort and maximum feedback on the system's operation, it becomes possible to make the most efficient use of resources and, thus, to offer both a wider variety of programs and a higher quality of service. Furthermore, as will be discussed later, a major function of the program development and referral unit in each region is to maximize utilization of appropriate services already offered by agencies other than the Division of Corrections.

The rest of this section will describe the administrative positions and roles necessary to the delivery of effective community correctional services. At the highest administrative level, of course, is the Deputy Director.

COMMUNITY SERVICES

FIGURE 3



*CS - Chief, Community Supervisor; AU - Assessment Unit; and PD - Chief, Program Development

Position: Deputy Director for Community Services

Job Qualifications: A Master's degree in the social sciences or social work, and extensive experience and expertise in the areas of community organization and systems planning.

Job Description: The Deputy Director is responsible for the policies, programs, and operation of all community services in all corrections regions. The most important single component of his/her role is the coordination of all regional activities, to ensure a smooth flow of information, equitable allocation of resources, and maintenance of Divisional standards and policy. The Deputy Director monitors the establishment and implementation of a state-wide system of community services, and appoints the Regional Coordinators. She/he serves as the primary source of information about the functioning of his/her sector to the Director, and, in order to maintain a smooth and updated flow of such information, chairs the regularly scheduled staff meetings with the Regional Coordinators. Another major function is consultation and review of program decisions (for initiation, renewal and termination) with concerned community services administrators, based on the feedback from Technical Services' information and evaluation unit. The Deputy Director may also assist the Regional Coordinators in their efforts to develop resources and services through strategic use of administrative support and prestige.

Reporting directly to the Deputy Director are the Regional Coordinators. These positions are drawn on a line with each other, reflecting the similarity of their functions and their common organizational level.

Position: Regional Coordinator

Job Qualifications: A Master's degree in one of the social sciences or social work; thorough knowledge of and experience with community organization, the criminal justice system, and the resources and services available in his/her region. The Coordinator must have considerable expertise in social planning and public relations.

Job Description: The Coordinator is responsible for all community correctional services offered by the state in his/her region. She/he hires the four Unit Chiefs in the region and coordinates their efforts, to ensure the smooth and integrated delivery of services. She/he also maintains direct lines of communication with other Regional Coordinators. The Coordinator establishes final priorities between competing needs and goals of the four

types of service, and allocates the resources assigned the region. She/he monitors the implementation of Divisional policy and serves as the primary channel of data flow from regional services to the information and evaluation unit and back. She/he is an integral part of major decision-making efforts in all of the service units, and consults as well with the Planning Unit in their long-range planning efforts for the region. Development and maintenance of productive relations with the communities of the region is absolutely essential for effective community corrections; the Coordinator plays a critical role in this effort through the cultivation of key personal and professional contacts and extensive public relations activities.

Beneath the Coordinators are the Chiefs of the four types of regional units: Residential Services, Community Supervision, Assessment, and Program Development.

Residential Services:

Position: Chief, Residential Services

Job Qualifications: Bachelor's degree in a field such as psychology, social work, law, counselling, criminology, or correctional psychology, plus experience in corrections, preferably as a Superintendent of a community-based residential facility.

Job Description: The Chief of Residential Services, acts as a supervising superintendent for the Superintendents of all community-based correctional facilities in the region, facilitating active communication between them, assisting in the allocation of resources, and coordinating the implementation of any county-operated programs (e.g., work release) utilizing bedspace in state-operated facilities. The Chief is the primary regional figure with whom Technical Services' Planning Unit consults in the planning of new facilities, and a key figure in decision-making for and development of projected facilities. She/he monitors the implementation of all residential services, following the standards established by the Office of Inspection and policies formulated by the Deputy Director. The Chief of Residential Services communicates frequently with the other Unit Chiefs to ensure efficient and effective use of residential services through appropriate referrals both to and from state facilities.

In regions with three or more community-based residential facilities, the Chief of Residential Services is head of an independent central office. In regions with two such facilities, the head of the larger facility (e.g., a Community Service Center) is designated

as Chief, and the head of the smaller facility (e.g., a Halfway House) acts as Deputy Chief. In regions with only a single facility, the Superintendent of that facility is also Chief of Residential Services in that region.

Assessment Unit:

Position: Chief, Assessment Unit

Job Qualifications: Bachelor's degree in a social science discipline, with graduate work and demonstrable sophistication in the investigation and use of statistical prediction and other objective assessment tools. A comprehensive understanding of the entire criminal justice process and extensive knowledge of resources and alternatives available in the system are critical to the role. The Chief must be capable of constructive interaction with law enforcement and courts personnel, as the recommendations of the Assessment Unit will have little impact without the active cooperation of these groups.

Job Description: The Chief of the Assessment Unit is responsible for the delivery of prompt, adequate and sophisticated assessment services at the pre-trial, and preparole, phases of the criminal justice process. In this role, she/he keeps abreast of recent developments and experimental tools in correctional assessment, works closely with the Information and Evaluation Unit in the development of tools appropriate for New Jersey offenders, and monitors the procedures utilized by the Assessment Specialists. She/he also works closely with the Residential Service and Community Supervision Unit Chiefs to ensure appropriate referrals to their services, and with the Chief of the Program Development Unit to provide an important source of feedback on needed resources and possible locations.

The Assessment Unit serves all functions related to risk-evaluation (unless incarceration is recommended, at which time the Institution's Program Center assumes all further assessment responsibilities). These functions include information gathering, interviewing, classification and analysis using the most sophisticated and experimentally well-documented tools available. Some of the necessary information may be gathered by law enforcement or courts personnel, but the Assessment Specialist assigned to the case would be responsible for the adequacy of the final analysis and recommendations. This Unit also is a central source of valuable infor-

mation for the correctional information system and the Planning Unit. Assessment Specialists are an intermediate step on the Division's career ladder, falling between line-staff positions (such as Case Managers) and Administrative supervisory positions.

Community Supervision Unit:

Position: Chief, Community Supervision

Job Qualifications: Bachelor's degree in one of the social sciences, plus graduate work in the applied behavioral sciences, and at least two years of direct-service experience in case management.

Job Description: The Chief of Community Supervision is responsible for all parole, and diversion services, offered by the state in the region. All case managers are under his/her authority. She/he is responsible for supervising their activities, although direct supervisory duties are delegated to supervising Case Managers. Similarly, the operation of diversion programs is directly managed by Program Supervisors who report to the Chief. As head of the individual supervision services, however, the most important single component of the Chief's role involves the coordination of all other elements in the team approach to case management. She/he is the integrating link in the feedback chain between community supervision, assessment, and referral services for offenders committed to Community Services, ensuring that the team works smoothly together.

The Community Supervision Unit is responsible for most of the functions currently carried out by the Bureau of Parole. The Case Managers are the primary supervising agents for all nonincarcerated offenders. In addition, however, the Community Supervision Unit assumes responsibility for state-run diversion programs for the nonadjudicated adult offender.

Program Development Unit:

Position: Chief, Program Development Unit

Job Qualifications: Bachelor's degree in one of the social sciences, plus at least two years experience with community organization or program development and a thorough knowledge of the service resources in the region. The Chief must be an aggressive, service-oriented individual with strong public relations skills.

Job Description: The Chief of the Program Development Unit has three primary responsibilities: (1) appropriate referrals to all available service resources, both correctional and noncorrectional;

(2) advocacy of correctional clients through well-developed liaisons with services not operated by the Division of Correction; and (3) development of services for offender needs not being currently met in the region, usually through cooperation with some other service agency or through independent efforts of the Division of Corrections. The Chief plays an especially active role in this last activity. Acting on information input from the Chiefs of the other units, the Chief identifies emerging or unsatisfied program needs in the region and provides supervision and guidance for the program development efforts of his/her staff. Through consultation with the Regional Coordinator and Deputy Director, she/he determines priorities in development and assigns specific responsibilities to the Program Developers. The Chief is the pivotal figure in the systematic coordination of correctional agencies and existing community resources. Through the Coordinator, she/he is the primary source of information for the planning Unit and the Deputy Director for Community Services on long-term needs in New Jersey community corrections.

The Program Development Unit has as its general objectives: (1) developing official intake and follow-up procedures to facilitate referral to all relevant public agencies in the region (e.g., employment, mental health, drug and alcohol programs); (2) obtaining the funds necessary to purchase services from individual vendors (e.g., psychologists), and from social service agencies (e.g., marital counseling, education, vocational training, methadone maintenance); (3) initiating new programs for correctional clients in need of services which are currently either nonexistent or inadequate (e.g., a vocational training program for a group of community supervisees interested in a particular career area); and (4) establishing time limits for client involvement in different social service programs to facilitate formalized evaluation of program effectiveness in accomplishing clients' stated goals

and objectives.

On an ongoing basis, the activities involved in meeting the above objectives would be carried out by a staff of Program Developers and would include: needs assessment, interagency linkage, community public relations, planning and development of new programs, arranging for the purchase of essential services, and systematic evaluation of the effectiveness of different programs with different types of clients. Program developers would need to work closely with Case Managers and Assessment Specialists in assessing the needs of clients in their respective districts. While those individuals would be responsible for needs assessment on a case by case basis, the program developer would collectively assess the needs of the total caseload in a given district, based on information received from the Assessment and Community Supervision Units.

The organizational structure proposed for the delivery of community services would remedy the most pronounced deficits of the current service delivery structure: the organizational and philosophical emphasis on institutional corrections, the isolation from and lack of coordination with both local corrections authorities and courts and community resources; and the failure to provide for or coordinate services delivered at the community level, such as residential programs, parole, diversion, and systematic assessment of both individual and population needs. It will, however, be apparent that the efficient and effective operation of both institutional and community services demands the availability of staff which are provided the time and resources to develop the necessary technical expertise. The need for such indirect services staff is not specific to any particular direct service area, but extends across the entire Division of Corrections. The necessary technical services and the organizational structure proposed for their delivery are described in the following section of the report.

Technical Services

As New Jersey's system of corrections has developed and expanded, the need for highly specialized technical expertise in the operational aspects of the system has become critical. Services such as statistical analysis, research design, program evaluation, long-term planning, inservice and preservice staff

training, data processing, budgetary systems, architectural and engineering recommendations for facility renovation and development, and personnel management of the large number of correctional employees represent the wide range of activities that must be undertaken by the Division in order to deal effec-

tively with the performance demands all correctional systems face today.

None of the functions assumed by Technical Services are direct services, and none of them are limited in impact to a single correctional alternative. Institutions, community-based residential facilities, parole, community diversion, and local corrections will all routinely have need of technical services. In order to avoid duplication of function and to enable the Division to concentrate the resources available for the development of technical expertise, the Technical Services identified as critical to the effective delivery of direct services have been centralized under the authority of a Deputy Director. Whereas Institutional and Community Services will operate through the activities of numerous line staff members, Technical Staffing is rarely carried more than three or four levels below the Deputy Director. This phenomenon is a result of the unusually high levels of professionalism and specialization required for Technical Services. (See Fig. 4.)

Technical Services, as discussed here, is comprised of six units, responsible for (1) information and evaluation, (2) planning, (3) capital development and architecture, (4) training, (5) personnel, and (6) fiscal management. The specific functions of each unit and its coordinators are detailed in the succeeding pages. In charge of the Coordinators is the Deputy Director.

Position: Deputy Director

Job Qualifications: A Master's degree in one of the social sciences, with extensive experience in administration/management. Obviously, the Deputy Director cannot be expected to have expertise across the broad range of services offered by his wing of the Division, but he/she should have an adequate academic and professional background in corrections and administration.

Job Description: The Deputy Director for Technical Services coordinates the activities of all the units. Close communication and cooperation between the units is absolutely essential; the Deputy Director ensures continuity through regularly scheduled staff meetings, chaired by him/her. The Deputy Director is ultimately responsible for the delivery of Technical Services; he/she employs the Coordinators, allocates the resources among their Units, monitors the output of the Units to be sure Divisional standards and policies are upheld, consults with and reviews the recommendations of the Unit Coordinator(s), designates priorities for

assistance and intervention and/or research. The Director relies on him/her for information about the present activities, capabilities, and limitations of the Technical Services. With the Director and other Deputy Directors, he/she assists in problem definition and the assignment of responsibility for the development of solution alternatives. (Thus, for example, the Director and Deputy Directors might decide to investigate the efficacy of a certain type of diversion program: responsibility might then be assigned to the Planning, Information and Evaluation, Fiscal Management, and Training Units for various steps in the development process, and to the Coordinator, Chief of Community Supervision and Program Developers of a certain region to implement and collect information of a pilot program.) The Deputy Director for Technical Services also provides, through staff meetings, feedback to the Deputy Directors of the other wings on the functioning of their programs and services.

Information and Evaluation Unit

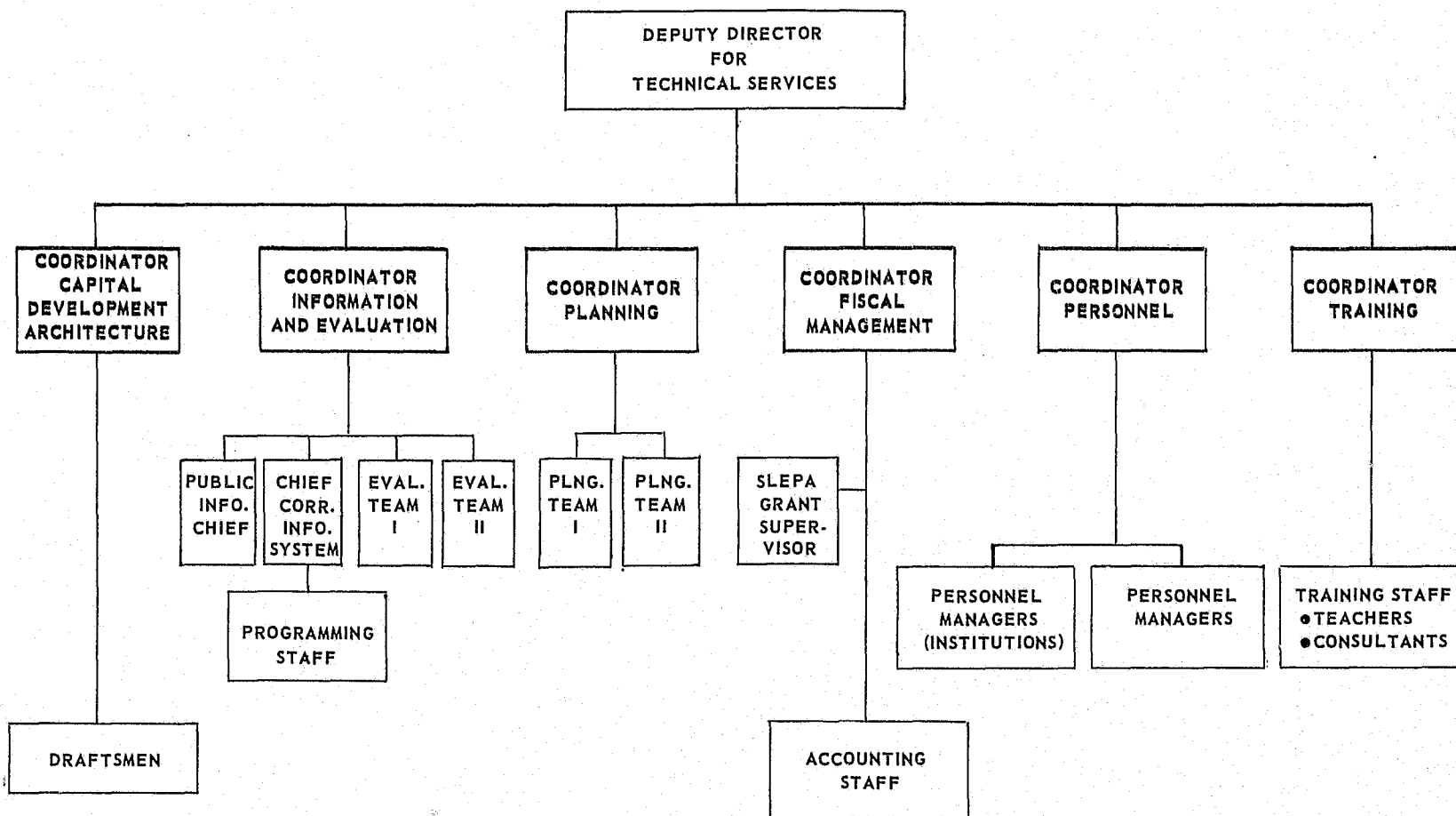
One of the key innovations in the proposed organizational structure is the Information and Evaluation Unit. It has three primary functions, each fulfilled by staff with specialized training for that particular responsibility. The three functions are: public information, the development, maintenance and use of a correctional data-processing system, and systematic evaluation of various aspects of the correctional system.

The Public Information Office is designed to increase and maintain popular credibility and support for the Division of Corrections, primarily through the education and preparation of the public in modern correctional philosophy and programming. This basic goal can be realized in many ways, including: the dissemination of information about the effectiveness of innovative programs explored by the Division; coordination of all public communications (including speaking engagements, interviews, press releases, tour groups, Annual Reports, and Division of Corrections pamphlets); assumption of responsibility for dealing with public inquiries and complaints, including requests for information from the families of offenders.

The Correctional Information System should be capable of assisting two somewhat distinct functions: management and research. As a management tool, the System should hold personnel information such as number of employees, capacities, location, salaries,

TECHNICAL SERVICES

FIGURE 4



age, education, and other demographic variables, as well as the basic personnel records for all employees (e.g., each employee's work hours worked in that pay period, accumulated retirement, vacation time and sick leave, and overtime). It should also hold offender data such as sentencing information, parole dockets, demographic and assessment information, program participation, and progress reports. Such information makes possible considerable reduction of manpower needs, and assists in the efficient operation of the Division. The programming, entering and retrieval of information from the system is supervised by the Correctional Information System Chief.

As a research tool, the Correctional Information System stores the information on program functioning gathered by Program Centers and Community Services. This information is utilized by the Evaluation teams in analyzing the efficacy and efficiency of New Jersey's corrections programs. The teams interpret the data and prepare reports to the Deputy Directors and concerned administrators, providing feedback on program functioning. The activities of the Evaluation Teams must be carried out in close conjunction with those of the Planning Unit. The two units have remained organizationally separate in order to permit greater independence of evaluation, but it should be obvious that feedback is useless without considered recommendations for change. (Such recommendations, as will be discussed later, are supplied by the Planning Unit in accompanying or subsequent reports.) The Evaluation teams also design and conduct quasi-experimental research on topics with implications for planning, such as changing offender characteristics. Since data systems are no better than the data on which they are based, the Evaluation Teams may also provide technical assistance in the development of efficient data-gathering techniques to other units and services of the Division.

At the head of the Information and Evaluation Unit stands the Coordinator.

Position: Coordinator, Information and Evaluation Unit

Job Qualifications: A Master's or doctoral degree in one of the applied behavioral sciences, demonstrated competence in applied research, and five years of supervisory experience in corrections.

Job Description: The Coordinator supervises the Chiefs of the Public Information Office and the Correctional Information System and the Evaluation Teams. For the former, his/her responsibilities are largely to ensure a smooth flow of informa-

tion from these offices to the Deputy Director, to monitor the appropriate use of the Information System, and to assure that the quality and content of information disseminated to the public accurately reflects the Division's policies and activities.

The Coordinator is far more actively involved in the Evaluation process. She/he has the research skills to provide professional guidance and supervision to the Evaluation Teams in their activities. The Coordinator assigns the projects to the Teams, works closely with its members in the interpretation of data and coordinates the Teams' use of the Correctional Information System. She/he has final responsibility for the project report ultimately issued by the Team. The information flow to and from the Planning Unit is channeled through the two Coordinators.

Planning Unit:

Serving functions closely allied to those of the Information and Evaluation Unit is the Planning Unit. Competent, soundly-based long-term planning is critical to the adequacy of any correctional systems. The Planning Unit is responsible for operationalizing the long-term goals of the Division as defined by the Director and Deputy Directors. This entails the development of detailed implementation strategies for achieving these goals, including estimates of staff and training requirements, financial commitments, and possible capital development needs, as well as the formulation and description of the program elements involved. Ordinarily, such long-term planning would be presented in terms of phased implementation to minimize organizational upheaval.

In addition, the Planning Unit investigates promising new lines of development in Correctional Systems, including current research on new programs or alternatives. From such investigations the Unit may design pilot projects in various program areas and recommend that particular regions, communities, or institutions implement them. The Planning Unit would provide guidance and supervision to the pilot project at all stages.

The Planning Unit must be in close communication with both Institutional and Community Services, as well as the other Units within Technical Services, if it is to produce workable strategies for implementation of Divisional objectives. In Community Services, the primary liaison would be with the Chiefs of the Program Development Units; in Institutional Services, it would be with the Coordinator of Institutional Programs and the Assistant Superintendents

of Programs. In addition, the Planning Unit would serve as a technical resource for the Program Development Units and the Institutional Program Centers.

The Planning Unit is staffed by at least two Planning Teams of three members each. The activities of the Teams are coordinated and supervised by the head of the Unit.

Position: Coordinator, Planning Unit

Job Qualifications: A master's or doctoral degree in the social sciences, preferably an applied behavioral science such as social work or psychology, a strong background in social systems planning, and five (5) years experience in corrections.

Job Description: As head of the Unit and the only staff member with professional-level skills in systems planning, the Coordinator heads both Planning Teams. She/he is responsible for project assignment and maintaining the balance between short- and long-term planning needs. The Coordinator has extensive direct input into most projects, but an important additional component of his/her role is maintaining continuous feedback to and from Institutional and Community Services, through regularly scheduled contacts. She/he is also the primary source of information for the Deputy Directors and Director about long-term planning needs.

Capital Development and Architectural Unit:

A third unit proposed for Technical Services is the Capital Development and Architectural Unit. New Jersey has an acute need for technical assistance in the remodeling and refurbishing of many correctional facilities. Unless such renovation is reviewed and approved by an office possessing the necessary knowledge of and experience with correctional architectural and engineering needs, the results may quickly become costly, obsolescent structures. The Capital Development and Architecture Unit is designed to provide an intermediate professional between the Division and outside contractors to ensure that specific correctional needs are adequately met in all capital development and renovation.

Other than a small staff of Draftsmen, this Unit has only a single administrator/architect.

Position: Coordinator, Capital Development and Architecture

Job Qualification: A five-year Bachelor of Architecture degree, at least two years of professional experience, and background in corrections or a related field.

Job Description: The Coordinator is responsible for the design of modifications required for existing state-operated structures, and for the architectural planning necessary before bids can be let to outside contracting, engineering or architectural firms. She/he then reviews and makes recommendations to the Deputy Director, Technical Services, on the bids submitted. The Coordinator may also receive and act on requests for technical assistance from local jails, lockups, and county penitentiaries, referred either independently or through the Office of Inspection. The Office of Inspection may also request technical assistance for itself in the development of physical standards for facilities.

The Coordinator's expertise should allow the Division to perform smaller projects with its own resources, thus avoiding the expense of contracting. For example, the remodeling of existing structures for use as Community Service Centers or halfway houses should not, in most cases, call for engineering or architectural skills available only through consulting firms.

Training Unit:

A fourth unit offers the coordination of training activities necessary to ensuring a uniform and acceptable level of staff and program quality across all services of the Division. The Training Unit is responsible for the communication and acquisition of the necessary professional skills to all employees of the Division, including the Correctional Officers, Correctional Workers, Case Managers, Assessment Specialists and Program Developers.

These groups should undergo a period of preservice training and orientation designed and implemented by the Training Unit. However, the Unit also operates inservice training workshops in such areas as management principles, counselling, crisis intervention, and correctional programming. These should be scheduled on a regular basis and attendance by all appropriate staff members (including administrative staff, where relevant) should be mandatory.

In addition, the Training Unit offers periodic seminars on topics such as Community Resource Development, the implementation of new services or program policy changes, and intra-Divisional coordination of needs and services. For these and other specialized training functions, the Unit may contract with outside consultants (from State universities, colleges, etc.). The staff of the Unit can assume most of the more routine preservice and inservice training functions.

The Training Unit should absorb all training duties presently carried out by the Correctional Officers Training Academy, but its role, as outlined above, is far broader and more encompassing. This Unit must work closely with the Planning Unit in the design or appropriate training programs for new projects and services, and also with the administrators of Institutional and Community Services, in order to provide technical assistance in on-the-job training.

Position: Coordinator, Training Unit

Job Qualifications: Master's degree in Education or a related social science, training experience, preferably with high school or adult students, and thorough knowledge of the needs and objectives of New Jersey's correctional system. The Coordinator obviously cannot be an expert in all the necessary training function, but she/he should have demonstrated competence in curriculum design and some supervisory experience.

Job Description: The Coordinator is responsible for the comprehensiveness and quality of all training programs administered by the Unit. While he/she does not teach them all personally, she/he provides supervision and guidance during all phases of curriculum development in aspects such as maximally effective presentation, organization, depth and breadth of the material, and evaluation of outcome. Certain programs or courses may be taught by the Coordinator, if falling within his/her area of expertise.

The Coordinator is also responsible for locating and hiring appropriate consultants for those training programs or special seminars that unit staff are not qualified to offer. Coordination of the training activities of these consultants and the Unit staff are under his/her authority. She/he also takes primary responsibility for the coordination of training and planning functions.

Personnel Unit:

The Personnel Unit becomes an essential coordinating office as the Division of Corrections assumes new functions entailing increased personnel. The Division is a very large employer in New Jersey state government. The Master Plan recognizes a need for a central office to provide systematic liaison between the State Civil Commission and the Division of Correction, and to coordinate the activities of the Personnel Managers within Institutional, Community and Technical Services.

The Personnel Unit staff is responsible for such functions as entrance and exit interviews for all em-

ployees, the writing of job descriptions, upkeep and circulation of the lists of available Division positions, circulation of the Civil Service lists of job candidates, and employee record keeping. While much of the salient information of each employee is stored by the Correctional Information System, the central personnel records repository remains with the Personnel Unit.

Institutional Personnel Managers are under the immediate supervision of the institution's Business Manager, but they must carry out their responsibilities in a manner congruent with Personnel Unit policy so as to ensure consistency of job descriptions, qualifications, and recordkeeping practices. Personnel Managers for Community and Technical Services utilize the Central Office as a base, and are under the supervision of the Coordinator.

Position: Coordinator, Personnel Unit

Job Qualifications: At least a bachelor's degree, preferably in Business Management, with a considerable amount of course work or experience in personnel management and related areas, with two or more years of supervisory experience.

Job Description: The Coordinator establishes personnel policy and job requirements for line-staff positions in the Division, in consultation with the Deputy Director. She/he supervises the Personnel Managers in the central office of the Unit, and monitors the activities of the Institutional Personnel Managers in order to ensure consistency of policy and procedure. The Coordinator is also responsible for the updating of personnel information to be entered into the Correctional Information System. The Information System must be notified in order to enter the appropriate information on new employees, and removal of information on past employees. This notification, and the accompanying data, is channeled through the Coordinator of the Personnel Unit.

Fiscal Management Unit:

The Fiscal Management Unit of Technical Services serves essentially the same functions as the present Bureau of Fiscal Management. These include budget development, grant coordination and management, and fiscal advice to the Director. The sheer volume of affairs requiring financial management, however, should increase substantially due to the large number of additional services to be administered by the Division.

The Fiscal Management Unit would be under the authority of the Deputy Director for Technical Ser-

vices, and its Coordinator would report directly to this person. The Unit consists of the Coordinator, a Supervisor for SLEPA grants, and a small accounting staff, the size of which is to be determined by the accounting needs of the Division. When the Correctional Information System is available as a resource for fiscal management, the support staff of the Unit can be minimized.

Position: Coordinator, Fiscal Management

Job Qualifications: Certification as a Public Accountant, at least two years of supervisory experience, and experience in the preparation of budget proposals and accounting systems design.

Job Description: The chief responsibility of the Coordinator is the preparation of the Division's budget. In addition, the Coordinator may assist in the preparation of budget proposals and reports for the Director and Deputy Directors. He/she reviews and advises on contracting, program budgets, and other anticipated expenditures by other Units or facilities in the Division. Close liaison between the Coordinator of Fiscal Management and the Coor-

dinators of Planning and Capital Development and Architecture is important for input on the fiscal feasibility of their work. The Coordinator of the Fiscal Management Unit plays an important role in the planning process; utilizing feedback and information from the rest of the Division, he/she analyzes the current budget and estimates the budgetary alterations necessary for implementation of continuing and anticipated services.

The Coordinator also supervises the accounting staff and the Supervisor for SLEPA grants. In addition, he/she may monitor and guide the budgets prepared by the Institutional Business Managers, in order to ensure consistency of format and requests appropriate to the Institution's position in the context of the entire correctional system.

These six units comprise the Technical Services identified as critical to the administrative adequacy and functional completeness of the New Jersey Division of Corrections. The preceding discussion of their functions completes the description of this model of reorganization of the Division.

Appendix B: The Juvenile Issue

Although the Master Plan Policy Council determined at the outset that the Plan was to focus on the adult correctional system, when the Policy Council was considering the organizational issues related to the creation of a new Department of Corrections, there was considerable discussion concerning where juvenile corrections should be located organizationally. While the Council voted to support the creation of such a Department, a decision concerning the inclusion of juveniles adjudicated delinquent by the Juvenile and Domestic Relations Court in the new corrections agency was suspended until further investigation. At that point, it was requested that a Juvenile Care Committee be formed by the Commissioner of the Department of Institutions and Agencies to advise the Policy Council on the appropriate organizational structure and location for adjudicated juvenile delinquents. Commissioner Klein convened a committee consisting of representatives of the following agencies:

- County Probation Office
- County Hospital
- JINS Task Force, Dept. of Institutions & Agencies
- Department of Law and Public Safety (Division of Criminal Justice)
- Division of Correction and Parole
- Garden State School District
- Juvenile Justice and Delinquency Prevention Section; SLEPA
- County Juvenile Court
- Governor's Office
- Division of Youth and Family Services
- County Detention Center
- Department of the Public Advocate
- N.J. Citizens Committee for Children

DEFINITION

After discussion with each Committee Member and review of the Juvenile Code of the New Jersey State Statutes, a juvenile offender was defined as a person who has been adjudicated delinquent by the Juvenile and Domestic Relations Court. Further, it is deemed necessary by the Court to remand that individual to a state correctional facility, or community treatment center, residential group center, or another residential placement for an indeterminate

period of time, not to exceed three years, during which the juvenile is provided a program of supervision, care and rehabilitation. Those individuals currently in residence and in parole-aftercare supervision under the jurisdiction of the State who meet the preceding terms represent that group of juveniles for which the Juvenile Care Committee was requested to concentrate its efforts.

It should be pointed out that Juvenile Detention Centers and JINS Shelters are operated by county governments with limited state support services provided. Also, probation services are a county function. Thus, the individuals served by these facilities and programs were **not** considered for inclusion in the state correctional system at this time, although ways in which to establish a closer, more formal relationship between the state and counties will be explored.

POSSIBLE ALTERNATIVE STRUCTURES

Based on the sessions conducted with committee members and several other persons with experience in the administration of juvenile justice, three possible organizational plans were proposed for meeting the needs of juvenile offenders. Each would be compatible with the establishment of the Department of Corrections. The first scheme combines adjudicated juveniles and adult offenders in a new Department of Corrections. The Second and third options leave adjudicated juveniles in the Department of Institutions and Agencies, although each proposal dictates a different structure. A brief description of the three alternatives follows.

PLAN A

Inclusion of the juvenile offender population in the Department of Corrections. In terms of the location of juveniles this concept would mean no substantial change from the jurisdiction of the Division of Correction and Parole which is responsible for both juvenile and adult commitments. However, the organizational structure of the Department would be modified to incorporate juvenile service components.

PLAN B

Integration of the juvenile offender population under the jurisdiction of the Division of Correction and Parole and the juveniles, both adjudicated and

non-adjudicated, who are maintained in residential placement by the Bureau of Residential Services of the Division of Youth and Family Services. Such an "umbrella" agency providing a wide range of services would be located within the Department of Institutions and Agencies and operate as a separate Division of Juvenile Services.

PLAN C

Retention of the juvenile offender population within the Department of Institutions and Agencies through the establishment of a separate Juvenile Authority or Division of Juvenile Services. This alternative preserves the distinction between juvenile and adult offenders set forth in the second plan, yet retains the special nature of corrections implied in the first scheme.

RECOMMENDATION OF THE JUVENILE CARE COMMITTEE:

The Juvenile Care Committee convened in May 1976 to discuss the merits of the various organizational models designed to serve the needs of adjudicated juvenile delinquents. There was full debate of the issues related to the three plans described above. A vote was taken and a majority of the members supported Plan C, that is, the establishment of a separate Juvenile Authority or Division of Juvenile Services within the Department of Institutions and Agencies to serve the adjudicated juvenile population. Two (2) members favored Plan A—inclusion of juvenile offenders in the Department of Corrections. No member voted for Plan B. One (1) individual abstained from voting.

Based on the discussion at the meeting, the majority of the committee favored the separation of the adjudicated juvenile offender population from the Department of Corrections for three fundamental reasons:

- 1) Since the majority of residents in the Department of Corrections will be adults (presently, approximately 5000 adult offenders and 1000 juvenile offenders reside in facilities operated by the Division of Corrections and Parole), it is probable that the Department of Corrections will be dominated by the problems, issues, and crises of the adult population and the institutions in which they live. Therefore, the need exists to establish a separate identity for juvenile offenders (from adults) so that the issues pertaining to juvenile offenders are assured of receiving the priority and appropriate attention they deserve in terms of budgetary

considerations and program direction.

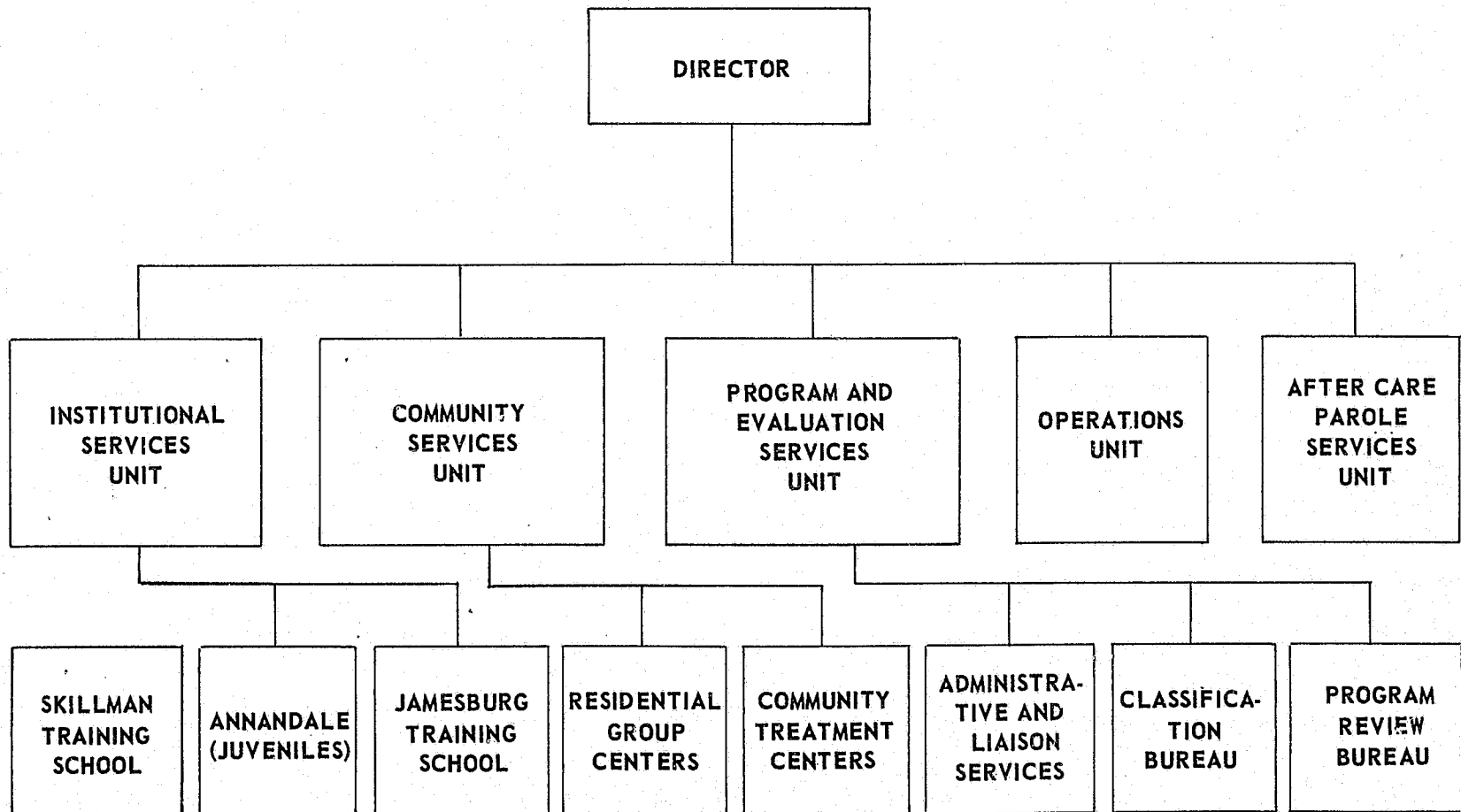
- 2) The basic purposes of adult corrections and juvenile corrections differ. That is, the New Jersey Supreme Court has stated that the goals of adult corrections are: retribution; deterrence; protection of society; and, rehabilitation. As defined in the Juvenile Code of the New Jersey State Statutes, the purpose of juvenile correction is provision of "an adequate program of supervision, care and rehabilitation." Recognizing that rehabilitation is the primary goal of a juvenile offender agency, it is clear that placement of such an agency would be more compatible and consistent within a human services department such as the Department of Institutions and Agencies rather than the Department of Corrections.
- 3) If we accept the premise that the long-range goal of juvenile services is to integrate the entire range of programs and facilities offered to juveniles, then steps should be taken in the short term which leads in this direction. By retaining the juvenile offenders in the Department of Institutions and Agencies, the ultimate unification of all these services in the future would be more easily facilitated. This is because some of the Department's agencies currently provide services to these same youngsters and their families.

ORGANIZATIONAL STRUCTURE

The organizational structure to be developed for the delivery of services to juvenile offenders is a key issue for discussion. The activities and operations of a juvenile correctional system must be organized in some meaningful way into functional components. Identified below are the various administrative units with their primary responsibilities which would be appropriate for implementing a coordinated system of services to juveniles. Following this outline is a proposed table of organization that incorporates these structural components.

- 1) Institutional Services Unit is responsible for the operation of the Jamesburg and Skillman Training Schools and the proposed juvenile unit at Annandale.
- 2) Community Services Unit supervises the community based residential facilities and programs; namely, the four Residential Group Centers and the three Community Treatment Centers.
- 3) Program and Evaluation Unit has a dual purpose: first, it would coordinate the intake and classification process for reviewing new commit-

**DIVISION OF
JUVENILE SERVICES***



*(Table of Organization Proposed by the Juvenile Care Committee.)

ments; second, it would determine the impact of new and current policies, procedures and programs on the juvenile system. Also, this bureau would perform necessary administrative and liaison duties related to other segments of the criminal justice community, namely, the juvenile court, probation departments, the State Law Enforcement Planning Agency, and others.

- 4) Operations Unit is responsible for enforcing minimum program and treatment standards as well as assessing the physical conditions of state institutions and facilities, county juvenile detention centers, and JINS shelters. In addition, this unit should serve to monitor the operations of county and local facilities and programs on an ongoing basis.
- 5) Aftercare/Parole Services for the juvenile offender population are now provided by two agencies: the Bureau of Family Services, Division of Youth and Family Services, supervises those juveniles under 14 years old and the Bureau of Parole (in the Division of Correction and Parole), supervises those juveniles between the ages of 14 and 18. It is clear this arrangement is fragmented. Therefore, the Juvenile Care Committee recommended that the parole operation should be reorganized so that a single administrative unit in the

Division of Juvenile Services is responsible for delivery of aftercare services to all adjudicated juveniles.

CONCLUSION

The Juvenile Care Committee of the Correctional Master Plan Policy Council submitted its report and recommendations to both Commissioner Klein and the Council in June, 1976. Also, various members of the Committee testified before the New Jersey Senate and Assembly Legislative Committees on Institutions, Health and Welfare in conjunction with hearings regarding Assembly Bill No. 1912, the primary objective of which was to establish a new Department of Corrections. After testimony, the legislators decided to retain the administration of juvenile offenders within the Department of Corrections. However, Assembly Bill No. 1912 makes special note to "Separate juvenile offenders from the adult offender population and develop programs and services for juvenile offenders which recognize their special needs."

Because of the need for information which would have necessitated a more intensive study than was possible by the Juvenile Care Committee, the Correctional Master Plan Policy Council did not formally act upon his recommendation.

Appendix C: Individual Statements

Glen Ridge, New Jersey
January, 1977

Dear Dean Gottfredson:

As is true of any document of this nature, it is important to fully recognize both its obvious merits and its less obvious limitations. My comments in no way should be construed as a criticism of the Council's recommendations. I voted in favor of each of them. Rather, this commentary is intended to caution against the tendency to consider the "master plan" as a completed task. I would submit that the plan must be considered a valid and constructive first step in a planning process that must remain "open-ended"—and which must be supplemented by immediate additional research and top-level, interagency focus on the rather considerable problems of implementation.

While the Council's recommendations call for a fundamental and bold restructuring of corrections for New Jersey—including a philosophy against which to measure the progress of that restructuring—it is important to understand why this document cannot and should not be considered the complete and comprehensive master plan that was envisioned at the outset of our work 22 months ago. Three factors, in my view, frustrated our attainment of that goal:

1. Our work began, quite literally, from scratch. There simply was no available data on: the capacity or condition of institutions, the effectiveness or level of participation in vocational, educational or counseling programs or on the composition of the offender population confined in state facilities. The staff had to develop the first data baseline on current and prospective composition of the state's correctional population. This was, in itself, an essential, formidable and time-consuming research task.

However, this data baseline was a cross-sectional "snapshot", already more than a year old. To remain valid for planning purposes it must be continuously updated. A system for on-going data collection must be developed and funded.

2. The projections of the correctional population for which New Jersey must provide by 1986 revealed a racial differential in arrest and commitment rates of such a magnitude as to require immediate initiation of a complex study of these phenomena—before estimates of bedspace needs based on these projections are embodied in hundreds of millions of dollars worth of new construction and operating costs. Here the staff and Council confronted data that posed a public policy question of the gravest magnitude, one which must be further explored before definitive conclusions and recommendations may responsibly be advanced.

3. The nature of the research and planning task before the staff and Council required a degree of participation and cooperation from other entities of a criminal justice system characterized—in this and other states—by the absence of any developed habits of communication and consultation on critical decision-making. While the level of communication and consultation did improve during the process of Council deliberations, it did not do so fast enough or well enough. As an instance, we were unable to assess the impact on future corrections populations of Administrative Office of the Courts plans for implementation of new bail and sentencing rules and pretrial intervention programs. Nor were we able to assess the various proposals for restructuring of the state's courts and probation departments. This also requires prompt address.

There are other items of "unfinished business" which should be noted. The entire subject of juvenile corrections was deemed at the outset to be outside the scope of the master plan effort. However, there is a need to promptly determine the extent and nature of juvenile confinement history among the current adult offender population. Only when this data is available and analyzed can valid estimates be made that would, conceivably, impact the resources devoted to intervention and diversion programs for the juvenile offender population. The Staff and Council simply lacked time to consider many issues central to effective embodiment of a "reintegration" philosophy—the need for pre-release centers, the role of Garden State School District educational and vocational programs, work and study-release and furlough programs, the role of State-Use Industries and prison farms, pre-trial intervention and court-related intake services.

To restate the point: with all that has been accomplished there is a great deal more to do if we are to finish the truly comprehensive master plan that has been so well begun.

Philip S. Showell

Administrative Office of the Courts
November 19, 1976

Dear Dean Gottfredson:

We have reviewed the "Final Draft" of the Correctional Master Plan and offer the following comments with respect thereto. The Correctional Master Plan Policy Council as a whole never collectively considered the explanation or commentary to the proposed Plan or the documentation supporting same (except in written response to your letter of November 1, 1976), and it must therefore be emphasized that, except for the major recommendations (see pp. i-vi), the Plan and commentary are exclusively the work product of the staff.*

As noted on page vi of the Plan:

"The Master Plan . . . contains other recommendations geared to the support and upgrading of the individual correctional components. These recommendations were prepared by staff and consultants and while not specifically considered by the Policy Council, are proposed in the Master Plan on the basis that they are consistent with and are derived from the policies recommended by the Council listed above."

There is substantial question as to whether or not some of the recommendations prepared by staff are consistent with the policies recommended by the Council. Hence, not all the recommendations necessarily embody the views of the Correctional Master Plan Policy Council.

Nevertheless, the report is a significant "first step" towards recognizing the need for reform, and as such constitutes a significant contribution. However, we add a few comments on some of the matters and recommendations embodied in the report.

I

We respectfully dissent from the proposition that the Correctional Master Plan is a master plan for corrections in New Jersey. When the Commissioner of Institutions and Agencies appointed the Correctional Master Plan Policy Council, we expected and hoped that the Plan would address itself to the necessary upgrading of correctional facilities and programs within the Department. Unfortunately, the Plan does not do that with any particularity or specificity. Moreover, in addition to matters of relevance to the Department, the Plan purports to examine matters well beyond the jurisdiction of the Department of Institutions and Agencies (and the newly created Department of Corrections). Despite this, there was no representation on the Council from bail units, pretrial diversion programs, or probation services within the Judiciary. In addition, important segments of the Executive Branch of Government were not represented on the Council. Unfortunately, the Policy Council did not have sufficient expertise from the various Branches and agencies to properly analyze all of the information gathered and the interrelationship thereof. The desire on the part of some Council members to expand its jurisdiction is also unfortunate in light of the fact that several groups (including the Governor's Committee on Juvenile and Adult Criminal Justice Standards and Goals) were constituted to study, in detail, several of the very subjects addressed in the Report. As important as these subjects may be, this State can ill afford the duplication of effort and resulting burden on our extremely limited resources.

As we have so frequently stated, the subject of the criminal justice process should be studied by a group appointed by and composed equally of representatives of the three Branches of Government and the public. Moreover, we must accelerate the developments of Criminal Justice Information Systems (O.B.T.S.-C.C.H., S.J.I.S., O.B.C.I.S.) so that needed statistical information absent from this report can be obtained and analyzed. There must be closer planning, coordination and communication among the three Branches of Government.

II

The Council recommends that "a modified 'just deserts' model of sentencing and parole should be adopted for all adult offenders who are sentenced to State-administered correctional facilities." (p. ii) It also recommends that sentences to institutions should be determinate for a fixed maximum period. (p. iii) In our

*While the staff has made a significant contribution at gathering data and analyzing same, there are some inaccuracies and outdated referenced to present and proposed practices and law. It

would be counter productive to detail them herein, but we remain willing to meet with the staff to review same and to continue working with staff in the future as in the past.

view, without adequate consideration, the Council rushes to abandon the general concept, well described by former Chief Justice Weintraub, that "the punishment should fit the offender as well as the offense." See *State v. Ivan*, 33 N.J. 197, 200 (1960). See also A.B.A. Standards Relating to Sentencing Alternatives and Procedures, §§2.1-2.5; 3.1-3.2; National Advisory Commission on Criminal Justice Standards and Goals, Standards Relating to Courts, §5.2. Nevertheless, there may be some merit to the recommendation that a "modified 'just deserts'" model be established. *The real problem is that the Council never came to grips with the extent to which concern for the offender must be preserved.* Moreover, the Council does not definitely indicate whether the maximum or definite term recommended is one which can be established within a permissive range (such as the concept embodied in the Proposed Penal Code, A-3282) or if it can be any definitive term subject to the statutory maximum (see A.B.A. Standard 3.1(c)(i).) If it is to be the former, the argument can be advanced (depending upon the range) that, if a custodial sentence is imposed, defendants may go to prison for longer terms than at present (because at present the minimum—except in certain instances—can be one year, and a sentence to a county institution can be imposed for any definite term up to 12 or 18 months). If it is the latter, greater sentence disparity could easily result even with reduced statutory maxima. In any event, the major recommendations of the Council supporting the "modified 'just deserts'" model are without any true meaning or significance until the sentence maxima or ranges are established. There can be agreement on the "just deserts" concept without the slightest agreement on its application.* It also appears that the Plan does not consider the extent to which the recommended sentencing model (limiting discretion) might affect prosecutorial discretion, plea discussions and court congestion, including additional resources which might be needed at the pre-judgment stages.

We agree with the Council that "latitude of judicial discretion should be guided through the use of formalized sentencing criteria." (p. iii) To that end, we have commenced a very significant study to establish criteria and terminate undue disparity. Every sentence imposed in the State and the facts evaluated with respect thereto are being studied as a result of a grant recently obtained in this office. We question, however, whether bed space facilities can be analyzed or planned before definite maxima or ranges are assigned to the "modified 'just deserts'" model for given crimes or classification of crimes. We also question whether present and planned facilities will be sufficient without assignment of terms to the "modified 'just deserts'" model. Without same, there can be no real Correctional Master Plan for New Jersey.**

III

The Council makes some significant statements concerning "Race and Criminal Justice," pp. iii-iv. There can be no question but that there is "over representation" of minority race members in correctional institutions. There is also "over representation" in non-institutional settings. What is needed in this State, and in others, is a comparative analysis involving all offenses, including a comparison of the number of crimes being committed and the number of charges being filed against members of all groups, and the background of all offenders. Our sentence disparity project will endeavor to compare sentencing patterns involving all groups, and the issue transcends corrections. As noted above, what is so badly needed in order to make this study valuable are Criminal Justice Information Systems which have been advocated by various standards and by the

*It should be noted that some criticism of indeterminate sentences for youthful offenders (up to 30 years of age who may be sentenced for an indeterminate term of up to five years, unless the statutory maximum is less than five in which event the maximum will be as set in the statute, or unless the statutory maximum is greater than five years in which event it can be raised to the statutory maximum "for good cause shown") might be dissipated by solution to the "bedspace" problems and the resulting parole policies. See *State v. Spinks*, 66 N.J. 568 (1975); *State v. McBride*, 66 N.J. 577 (1975). Abolition of indeterminate terms will increase sentence duration. With respect to locally oriented correction facilities, less serious offenders are already being sent to county facilities. All defendants receiving custodial sentences (except those who must be sentenced to State Prison) may be

sentenced to county jails for up to one year and to county workhouses and penitentiaries for up to 18 months.

**The issue of construction needs is dependent upon the sentencing model utilized and the terms of same. Unfortunately, dispositional alternatives are affected by bed space availability, and bed space availability frequently contributes to the sentencing alternative utilized. The Council is recommending a reduction of sentencing maxima. However, the fact is that there are more cases being processed through the Criminal Justice System, and more defendants are being sentenced. The bed space problems may basically result from the number of additional defendants being processed through the system and not necessarily from any great increase in the length of sentence imposed.

Law Enforcement Assistance Administration (LEAA.) Unfortunately, it is most naive to feel that the necessary studies on this subject can be properly completed within six months.

IV

The staff recommends that County Probation Services be unified in the Administrative Office of the Courts. We are in total agreement and have, in fact, submitted to the Council staff our proposals to that end. However, this subject was not specifically discussed by the Council and the staff report embodying its recommendations suggests that eventually all probation services, including pre-dispositional, might well be some day integrated into the Executive Branch of Government. In our view, the latter concept has no place in the Correctional Master Plan commentary. The staff has failed to analyze the constitutional issues involved in a proposal to unify probation in the Executive Branch. The Probation Service in this State must be administered, under the New Jersey Constitution, by the Judiciary which it services, and the staff has neglected to point out the constitutional basis of R. 1:33 and 1:34. Moreover, fundamental fairness requires that presentence investigations, bail investigations and the probation revocation processing be handled by neutral parties within the Judicial Branch of Government.

It is clear that the present probation service in this State is fragmented and in need of unification. One of the reasons that bail units, pretrial intervention programs and juvenile intake services have, in some counties, developed outside of probation, and in all counties in a dissimilar way, is caused by the fact that our Assignment Judges have recognized the constitutional power of the Judiciary over probation and have applied R. 1:33 to develop the best service delivery system available in their vicinages. As a result of review of the experimentation noted above, this office has been moving in the direction of assuring uniformity where appropriate. We have commenced to handle all collective bargaining on behalf of the 21 county Courts, and to increase the training programs, special services, pretrial programs, volunteer activities and research programs beyond those noted in the Master Plan commentary. The Supreme Court and the Administrative Office of the Courts have recognized the need for consolidation of the probation service within the Judiciary and have been seeking that unification for almost five years. However, those who have studied the issues noted above oppose the idea that probation eventually be integrated into the Executive Branch of Government.

It should also be noted that, while probation is a far less expensive alternative incarceration (in the last fiscal year it cost \$358, on the average, to supervise each probationer, which is an increase of \$37 over the prior fiscal year), the Plan calls for an increased use of probation and local corrections without really dealing with important financial issues and the net cost result of the Plan.

V

We agree with many of the general concepts embodied in the Report and with the need for further study and co-ordination by all Branches of Government. We feel, however, that the specific recommendations embodied in the Report require additional study and consideration.

Very truly yours,

Edwin H. Stern
Director of Criminal Practice

cc. All Council Members
Hon. Robert Mulcahy
Mr. Jay Friedman, Project Director

END