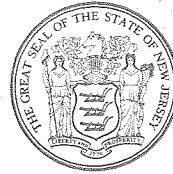


332

OLS
LIBRARY

STATE OF NEW JERSEY



REPORT OF
JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE
IN NEW JERSEY

SENATOR EDWIN B. FORSYTHE
Chairman

April 22, 1968

STATE OF NEW JERSEY



REPORT OF
JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE
IN NEW JERSEY

SENATOR EDWIN B. FORSYTHE
Chairman

April 22, 1968

MEMBERS OF THE JOINT COMMITTEE

SENATOR EDWIN B. FORSYTHE, *Chairman*
SENATOR WAYNE DUMONT, JR.
SENATOR WILLIAM F. KELLY, JR.
SENATOR JOHN A. LYNCH
SENATOR FRANK X. McDERMOTT
SENATOR MILTON A. WALDOR
SENATOR JOSEPH C. WOODCOCK, JR.
ASSEMBLYMAN RONALD OWENS, *Vice Chairman*
ASSEMBLYMAN WILLIAM K. DICKEY
ASSEMBLYMAN HENRY F. GAVAN
ASSEMBLYMAN PETER MORAITES
ASSEMBLYMAN HERBERT M. RINALDI
ASSEMBLYMAN ALBERT S. SMITH
ASSEMBLYMAN PETER W. THOMAS

ELIOT H. LUMBARD, Esq., *Chief Criminal Justice Consultant*
HENRY S. RUTH, JR., Esq., *Assistant Criminal Justice Consultant*

SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY

LETTER OF TRANSMITTAL

APRIL 22, 1968

To: *The Honorable Members of the Senate and General Assembly
of the State of New Jersey*

Pursuant to the directions of Senate Concurrent Resolution Number 44, March 11, 1968, establishing this Special Joint Legislative Committee to Study Crime and the System of Criminal Justice in New Jersey, the Committee is privileged to submit its report and recommendations, together with a copy of Senate Concurrent Resolution Number 44, itself, a supplemental budget summary, and an organization chart of the proposed New Jersey Department of Criminal Justice.

Respectfully submitted on behalf of the Committee,



SENATOR EDWIN B. FORSYTHE,
Chairman.

TABLE OF CONTENTS

	PAGE
Joint Committee Membership and Staff	i
Letter of Transmittal (April 22, 1968)	iii
REPORT	1
RECOMMENDATIONS:	
1. A New Jersey Department of Criminal Justice	4
2. A New Jersey Commission of Investigation	8
3. Continuation of this Committee	10
4. Municipal Court Merger	10
5. Local Police Organization	10
6. State Police Regional Crime Laboratories	11
7. Electronic Eavesdropping	12
8. Witness Immunity	12
9. Loan Sharking	13
10. Increased Gambling Penalties	13
11. State-wide Extraordinary Grand Juries	13
12. Youth Programs	13
13. A Narcotic Addiction Civil Commitment Program ..	13
14. Convicted Offenders	14
15. Criminal Law Revision Commission	17
16. A Drunkenness Project	18
17. A Rutgers School of Criminal Justice	19
18. Compensation for Innocent Victims of Violent Crime	19
19. The Police	19

	PAGE
CONCLUSION	21

* * *

ATTACHMENTS

1. Senate Concurrent Resolution No. 44, passed March 11, 1968, establishing this Special Joint Legislative Committee	23
2. Program Budget Summary	23
3. Organization Chart of New Jersey Department of Criminal Justice	23

REPORT OF THE SPECIAL JOINT LEGISLATIVE COMMITTEE
TO STUDY CRIME AND THE SYSTEM OF CRIMINAL
JUSTICE IN NEW JERSEY

New Jersey has a serious and growing crime problem and a crisis in crime control. There are no meaningful developments or plans under way that bear any prospect of reversing these complex and deeply troubling conditions. Major action is needed immediately.

These are the primary conclusions of the Special Joint Legislative Committee to Study Crime and the System of Criminal Justice in New Jersey.

Our Committee has reviewed great numbers of agency reports and statistical data as well as relevant studies by New Jersey and Presidential Commissions, interviewed many knowledgeable persons and drawn on experts, while holding two weeks of intensive and revealing public hearings. At those hearings, all principal State officials concerned with crime were witnesses, as well as a wide variety of municipal and county officials and representative organizations. There were 56 witnesses resulting in a valuable 1800-page hearing transcript. Views were solicited and received from many, many others and the public at large.

We are grateful to all who cooperated with our inquiry, and especially to Chief Justice Joseph Weintraub who graciously consented to appear in a most unusual and valuable appearance before this Legislative Committee.

In addition, special effort is being made to quickly reproduce an accurate hearing transcript. It will be circulated widely, together with this report, throughout the State for reaction. We solicit this reaction in the same spirit as we solicit the broadest possible attention, consideration and understanding of our work. We urge the citizens of this State to inform themselves about the actual operation of their entire system for administering criminal justice in New Jersey. Our inquiries have made us more and more concerned.

Study of the system itself increasingly has been the thrust of our work. The system is the key to crime control. That is where serious problems, even collapse in some respects, exist today. That

is where neglect has taken a fierce toll. That is where urgent attention is imperative if any realistic effort is to be made to reverse present trends.

The system itself is society's mechanism for crime control. With crime seriously troubling and affecting every resident of New Jersey, the system should be first in priorities. It isn't. Habits of neglect have combined with a focused attention elsewhere.

Some believe "society" should be remedied first, since conditions in society may cause crime. But while guesses abound, no one knows how social reform will reduce crime, or specifically what to do, and, if they did, the effective impact of even the most massive programs would be long years away. The need for action is upon us today. There are many valid reasons for social reform. However, we should not delude ourselves or the public as to their effectiveness or relationship to crime control.

Some say other government responsibilities should receive priority over the system. They focus upon education, conservation, transportation, housing and jobs. But a balance of all priorities, rather than a contest, is needed to allot adequate attention and resources to the system, since system deterioration may result in foreclosing the benefits or enjoyment of the others. Perhaps the present imbalance is a consequence of the fact the system has no organized body of citizen supporters to press the particular system interests with equal clarity and diligence. The merits of its case have not been sharply outlined.

Some believe the system is so ancient and accepted, it must perforce be solid, well-nourished and effective. But, in fact, the system was established in another day for a peaceful rural society of friendly neighbors, while today it serves an entirely different, mobile, troubled and urban society embracing 95 per cent of New Jersey's population. The system now confronts a society of strangers and complex crime problems which did not exist during those decades long ago when the system was pieced together.

We believe our first concentration must be on the system. It must be made to work adequately. If it cannot meet the task, and we know that it doesn't as a matter of experience after reasonable efforts have been made, then consideration must be given to fundamental change.

Few understand the New Jersey system of administering criminal justice from beginning to end:

- The complexities of processing the average case through six broad system *functional divisions* of police, prosecutions, criminal courts, probation, institutions and parole; one offender passes sequentially through each in the course of processing his one offense against society; each agency manually maintains a separate and largely duplicative file as the offender passes from one to another; none operates alone or in a vacuum; except for the police, each acts only after a prior agency has acted.
- The complexities within each function of *separate jurisdictions*, often overlapping and entirely duplicative of each other; within *sub-units* that develop a rationale and life of their own, as special police forces, juvenile courts, and “half-way” houses; and within comparable *legal responsibilities* to take action, such as State Police, local police and other police.
- The complexities of system *financing* through separate budget processes and therefore unrelated resource allocations for units, or pieces of units, in isolation from the over-all system of which they are a part.
- The complexities of *information*, whether about individual cases or data on what crime is happening in society or what the system is doing about it—either for citizen understanding or official uses as a necessary management aid.

Thus, this Committee finds the system of administering criminal justice to be complex, fragmented both in functions and jurisdiction, undernourished, without focus or command, largely invisible as to what is really happening, nowhere near as effective as we believe it should be—and neglected.

It is neglected in the largest and most important matters, such as leadership, drive and understanding.

It is neglected in smaller but important matters as well, such as needed individual statutes or programs addressed to special problems where immediate action can be mounted.

So our principal recommendations are directed at these over-all conditions. They are to build two agencies adapted to the needs of today which have the means and muscle to pull this disparate sprawl together into focus for understanding, leadership and action.

We recommend:

1. A New Jersey Department of Criminal Justice as the vital means of strengthening the entire system.

2. A New Jersey Commission of Investigation as a watchdog of the entire system itself and special problems such as organized crime and official corruption.

The Department would be large; the Commission would be small. They complement each other.

3. Bills addressed to a wide variety of special crime or system problems.

This report discusses these three topics in turn.

1. A NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE

There are an estimated 430 separate local police departments in New Jersey (12,000 policemen and 430 chiefs of police), plus State Police, various types of State, county and local investigators, county prosecutors' staffs, "county" police, "boulevard" police, sheriffs, "police" services from authorities, the Waterfront Commission, etc.

There are county prosecutors for each of the 21 counties, all of whom are largely independent in operation and fact.

There are many, many courts, with a strong focus in the Judicial Conference, except for the Municipal Courts. That focus could be expanded and strengthened in terms of many system working relationships. For example, after the recent United States Supreme Court *Gault* decision regarding procedural safeguards in juvenile cases, the state-wide juvenile court caseload rose from 3,878 on February 1, 1967, to 6,001 on February 1, 1968. That backup impacts the whole system and is hardly a matter of judicial concern alone. The courts cannot and should not attempt to "manage" the entire system and thereby miscast and pervert their own vital functions; but they must work intimately with the system of which they are a part.

There are many, many agencies or programs for confining and, theoretically, rehabilitating convicted offenders in the State Department of Institutions and Agencies; in county workhouses and penitentiaries; in county jails where those awaiting trial as well as those convicted are held; in juvenile facilities, and in the ancient,

ineffective and outrageous Trenton State Prison. There are other related types of facilities, including one half-way house.

There are various probation services in the State, now more than 100 officers short, with a declining effectiveness to the point of actual collapse of meaningful supervision in some areas. Probation in form but not in fact is worse than an illusion; it is a threat to public safety. Such a condition could lead swiftly to loss of support and public confidence in a vital rehabilitative service.

There are five separate, largely part-time parole boards.

There is a vast array of related system services and studies: a few lawyers in the largely civilly-oriented Attorney General's Office, grand juries, medical examiners, psychiatric and medical consultants, four separate narcotic study groups and no addiction program, a defunct Youth Council and no juvenile delinquency programs, a shadow of programs for specialized education and job placement of convicted offenders, and on and on.

This is New Jersey's system of administering criminal justice. In reality it is no "system" at all. It is a haphazard assemblage of historical legacies and political compromises—mired in neglect. It grew in response to demands of distant eras.

And under the tremendous pressures of today's mobile, complex, sophisticated, almost entirely urban society, New Jersey's "system" is in deep trouble. The public knows this; one need only ask. Concern is also acknowledged by informed persons everywhere in the State, by grand juries, teachers who seek special guards in their schools, the press with its fingers on the pulse, merchants, insurance carriers, residents in the ghetto who know they live in the most dangerous areas in the State, appointment of legislative part-time study groups, appointment of a Governor's part-time study group, and the direct experience and knowledge of thousands of officials whose duties embrace some small piece of the "system."

They know functional crisis has embraced the system while we are faced with generally mushrooming crime conditions.

They know all available statistical information—whatever its condition or reliability—reveals starkly escalating problems.

They know the sad reality, despite their best efforts, of how the system fails to meet its ultimate tests of

—preventing crime;

—identifying perpetrators;

- investigating suspects and developing evidence of their crime;
- prosecuting and convicting them;
- rehabilitation, for the inevitable return to society of 98% of those whom the system did succeed in convicting.

They know how little is known about their work, the assumptions on which it is based, and how little is reported to the public or even among themselves. They work only on the tip of the iceberg.

Thus they know change must come, with all its wrenching problems of ego, status, uncertainty, and petty squabbles, although it is obviously a seriously undermanned system desperately requires their services.

Having examined these conditions anew, the Committee finds these questions paramount:

Who is in charge of this sprawl, this "system"?

Who watches over it, as a whole or in its respective parts?

Who is concerned with its largest questions of over-all direction and effectiveness for protection of the lives and property of New Jersey citizens?

Who is concerned with the effective operation of specific programs or agencies?

Who is equipped to make vital judgments about the role and effect of new proposals on the entire system, whether the proposals be of law, consolidation of old agencies, creation of new ones or adoption of scientific developments, including computers?

Who gains a breadth of understanding from what happens throughout the system so as to be able to develop over-all crime control policy, relate the impact of events in one system element to all others, and begin to move beyond mere statistical head-counting into crime causation and meaningful remedies?

Who is equipped to make or assist vital decisions about resource and budget allocations or temporary shifts in resources?

Who tries to avoid overlapping and duplication, or to insure sharing of facilities, equipment and information, the raw materials of system action?

Who, indeed, is concerned with the *quality* of action in all reaches and at all levels of the New Jersey system—cities, suburbs, rural areas?

Who, indeed, leads?

The answer is no one.

Crime control is too important under today's challenges to be left in this condition and unattended at its highest levels. An ancient truism applies: What is everybody's business is nobody's business!

The first need in New Jersey is to create a strong State Department of Criminal Justice that will equip our State with leadership capacity and coordinated capability for a truly effective fight against crime. It will address itself to that wide range of presently unattended issues so obviously related to the quality of official and public protection.

The Department would work intimately with all three other levels of government involved in daily operations: local, county and Federal. With varying emphasis and strengths, it would be involved with each functional system service, and their working relationships with each other, from enforcement through rehabilitation. The Department would recognize their sequential and interdependent nature. Presently divided command and operations would be drawn together.

The Department will span the entire system as it really functions. That system can be no stronger than its weakest link. Success in one community can be vitiated by lack-luster efforts in the next community. Magnificent police work can be washed out if prosecutors do not function effectively; magnificent prosecutive ingenuity cannot rescue incompetent police investigation. A disastrous correction experience can wash out excellence in all prior action. The Department will provide New Jersey for the first time with a means of assessing and remedying all system weaknesses.

Higher standards of system service will result from the new Department. It emphasizes stronger enforcement, stronger prevention of crime, and stronger rehabilitation of those who have

stepped outside the law but who, with effective help, can look forward to living good and useful lives.

Merely apprehending offenders after the fact of crime is not enough; major efforts at crime prevention and effective offender rehabilitation are mandatory.

As such, this Department would serve as the New Jersey agent for developing Federal funding programs now before Congress.

To establish this new Department, an additional appropriation of \$1,500,000 will be required.

2. A NEW JERSEY COMMISSION OF INVESTIGATION

Our Committee is informed that there are alarming and expanding organized crime operations in this State: syndicated gambling, narcotics, loan sharking, labor racketeering, infiltration and pernicious activities in legitimate business, extortion, hijacking and, unfortunately, more. For these widespread conditions to exist there must be failure to some considerable degree in the system itself, official corruption or both. No one, we regret to report, appears to dispute those conclusions. They cannot be tolerated.

Organized crime is a special danger to our society, for it has no hesitation in corroding and distorting the very institutions and fabric of society itself.

To combat these conditions the Committee recommends establishment of a high-level New Jersey Commission of Investigation. It would be modelled exactly along the lines of the New York body of that name, which has a demonstrated 10-year history of great success known across the Nation. This State will benefit immensely from the continued presence of such a small but expert investigative body.

The wide jurisdiction and identical format of the New York body are recommended to eliminate any possibility of political charges or implication. The four New York Commissioners are non-partisan in concern and action, as their record establishes. New Jersey can have the same if it will. We are determined to keep this important body free of any implication whatsoever that would diminish its usefulness.

Therefore, we recommend that the Governor make two of the four appointments and that he select the Chairman. Legislative leaders would appoint the remaining two members.

We trust, also, that only persons of the highest character, integrity, responsibility and demonstrated skill and general competence will be appointed to the Commission, and to the Commission's staff.

We deeply desire that this Commission be above reproach.

We recommend further that the valuable civil aspect of the New York Commission's jurisdiction be adopted. It is not a "crime commission" alone. There are many occasions when hard-hitting, expert fact-finding is needed without involving the criminal process or implying criminal violations are under investigation. The New York Commission, for example, has investigated the effectiveness of many public bodies and programs, including a number of police departments, the school construction program of the New York City Board of Education, public hospitals, state racing commissions, public subsidy programs, public housing programs, real estate tax delinquencies, public purchasing, "bingo" regulation, and more. Valuable reforms have resulted.

This Commission will provide a significant, independent "watchdog" for the entire system of administering criminal justice in New Jersey, including all reaches of the new Department.

Both public malfeasance and misfeasance will be its concern.

The Commission should be given state-wide jurisdiction and powers to subpoena witnesses and evidence; hold private and public hearings; obtain the cooperation of every public official in the State; report to the public about the entire criminal justice system and its functioning; problems in contending with organized crime, official corruption, and all matters within its jurisdiction. For these purposes it will need and should have the statutory right to obtain eavesdropping orders under the very tight restrictions and controls of the new statute we recommend below.

To establish this Commission an appropriation of \$400,000 will be required.

3. SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY

We recommend that our present Committee be continued to follow the course of events in the forthcoming future, especially with respect to the new Department of Criminal Justice and Commission of Investigation.

4. MUNICIPAL COURT MERGER

Chief Justice Weintraub and witness after witness before our Committee recommended that action be taken to remedy conditions in the Municipal Courts. We agree that conditions in those courts warrant remedy in the very near future. As requested by the Judicial Conference, we believe a study should be made by the Conference to determine exactly how the present Municipal Courts would best be merged into the present District Courts, together with many practical related questions regarding judges, personnel and administration. We ask that the Conference report to the Legislature by January 1, 1969 with a specific plan.

For the purposes of this study, an appropriation of \$50,000 will be required.

5. LOCAL POLICE ORGANIZATION

Local police services in New Jersey are highly fragmented and service to the public suffers as a consequence, despite the most extraordinary and well-meaning efforts by police themselves. The structure within which they operate has substantial impact upon their service to the public. The Royal Commission on the Police, in its famous 1962 Final Report, had this to say:

"... we have formed a clear view that forces as small as 200, especially borough forces, tend to suffer under a number of disadvantages. Operationally, they are not flexible enough to meet all the demands that may be placed upon them, and the help of neighboring forces may have to be called upon. The employment of specialists is difficult, and training facilities tend to be inadequate. Promotion tends to stagnate and it is harder than in a larger force for the chief constable to ignore the claims of seniority in filling the vacancies that occur. Discipline is difficult to enforce impartially and unpleasant in its effects, because the disciplined man is too well known to his chief constable, to his fellows, and to the public. The risk

of undesirable pressure being brought to bear on members of the force by local people, whether members of the local authority or others, is greater. And, not least important, it is no easy matter to find for such a force a chief constable with all the qualities . . .”

We do not recommend mandatory police consolidation. But we do wish to convey this strong expression of our judgment in this regard and inform the public of the importance of this matter to their every-day protection. The Royal Commission, for example, found that:

“ . . . forces numbering less than 200 suffer considerable handicaps, and that the retention of forces numbering less than 350 in strength is justifiable only by special circumstances, such as the distribution of the population and the geography of the area. Moreover, it is clear that the optimum size of force is much greater than this—probably 500 or upwards.”

We recommend that the new Department establish a management consulting service to aid local police departments, without charge. This entity should be charged, among other duties, with assisting departments and municipalities in planning direct consolidation or “pooling” or contracting of police services. The expenses of planning such voluntary activities would be borne by the State under a new grant program for this purpose.

For this purpose, an appropriation of \$100,000 will be required.

6. STATE POLICE REGIONAL CRIME LABORATORIES

Science can hardly solve all crimes; but science can assist in the solution of a great number of crimes. Today local police departments throughout the State do not have available to them adequate and immediate crime laboratory services. Many departments must contract with private chemists or laboratories for this purpose, an unfortunate practice for many reasons when one considers the importance of physical evidence. To make modern crime laboratory service a day-to-day reality to every police department in this State, we recommend the establishment by the State Police of a series of regional crime laboratories, operating on a satellite basis with respect to the main and much more extensive State Police laboratory in Trenton. These regional laboratories could be of great assistance to the solution of crime.

For this purpose, an appropriation of \$300,000 will be required.

7. ELECTRONIC EAVESDROPPING

Protection of everyone's liberties is a primary objective of any civilized system of administering criminal justice. We deeply believe that New Jersey should offer that protection. It is an unfortunate fact of our existence today, however, that organized crime is widespread in our State and there also exists official corruption. The rights of vast numbers of our citizens are thereby diminished. It is a further unfortunate fact of our existence today that significant evidence of such criminal activity, on a regular basis, cannot be obtained without the use of electronic eavesdropping. The experience of the most informed officials in and out of this State attests to that conclusion. Many so testified before the Committee.

If a serious and responsible fight is to be mounted against organized crime and official corruption, then electronic eavesdropping must be utilized for that purpose. We recommend such a bill.

Let no one misunderstand our recommendation to this effect. We do not believe electronic eavesdropping should be used widely or on a miscellaneous basis or as a lazy substitute for other types of intelligent and vigorous investigation. To the contrary, we recommend that electronic eavesdropping be permitted only where there is no other probable way to obtain evidence of these serious crimes; it would be confined to restrictive situations, under tight court control, pursuant to standards which have received implicit approval from the courts in the past year, including the United States Supreme Court.

At present, Section 605 of the Federal Communications Act presents obstacles to a state developing an independent electronic eavesdropping policy. That section is now under active consideration by the Congress for amendment under a bill which would establish national standards by which states could authorize electronic eavesdropping. Final drafting of any New Jersey bill, therefore, must await passage by the Congress of those standards; of course, any subsequent bill would have to conform in all necessary respects.

8. WITNESS IMMUNITY

It is necessary in many types of cases that those with information about crime be given immunity from prosecution so that their evidence may be obtained for lawful prosecution purposes. A new

Witness Immunity Act is necessary to clarify the right of prosecutors to grant immunity for this purpose. We recommend such a bill for passage.

9. LOAN SHARKING

Loan sharking is a steadily increasing and ever more serious problem in New Jersey. Of late, it has become a particular activity of organized crime. There is absolutely no social benefit or justification for the kinds of usurious practices and accompanying extortion and other vicious activities which surround loan sharking. We recommend legislation directly aimed at attacking this evil.

10. INCREASED GAMBLING PENALTIES

We recommend that gambling by organized crime, on a large volume scale, be made the subject of increased penalties.

11. STATE-WIDE EXTRAORDINARY GRAND JURIES

We recommend that greater flexibility in investigating and in prosecuting organized crime be granted to those officials charged with that responsibility, and particularly we recommend that the Legislature authorize State-wide extraordinary grand juries to assist in that regard.

12. YOUTH PROGRAMS

New Jersey now has no program to forestall and combat juvenile delinquency. The former Youth Commission, small as it was, has atrophied. Yet the need is paramount, especially in our larger cities.

We recommend establishment of a Division in the new Department to develop a wide range of programs. An immediate build-up of staff should commence for this purpose. We urge emphasis at first upon programs located in the communities themselves.

For this purpose, an appropriation of \$500,000 will be required.

13. A NARCOTIC ADDICTION CIVIL COMMITMENT PROGRAM

New Jersey now has no program to forestall and combat narcotic addiction. After four study groups, volumes of reports, and much discussion there is no progress. We regret this report; nonetheless it is true.

The swelling addiction problem in this State must be confronted with more than resignation, pleas of futility, and intricate attempts to devise programs with mirrors.

New Jersey must start! It must start to cope with the addiction tragedies of wasted lives, anguished families and neighborhoods terrorized by predatory addicts seeking to sustain their "fix." Enormous amounts of crime—muggings, burglaries, robberies—are committed by addicts in an unceasing life of crime and degradation.

Intelligent concern for their victims, rather than their abandonment, must commence with intelligent programs for addicts.

So we commence that start by recommending that New Jersey begin now to develop the capability and competence to face the reality of addiction in this State. That is a difficult road, for expert guidance is required and there is great competition for the limited numbers of qualified personnel. The effort must be made. We reject the present alternative of inaction because magical success formulas are not at hand.

As a first step we recommend that New Jersey commence a civil commitment program based on New York's enormous experience.

Parents, wives, husbands, could initiate commitment proceedings for addicted family members, for example, and a wide range of programs await the addict, who is not put through the criminal process or commingled with convicted offenders. New York's program builds in many ways the outlook and personality of the addict, while not allowing participation to rest on the addict's choice to endure it or return to narcotics.

A Division of Narcotic Addiction should be established in the new Department.

For this purpose, an appropriation of \$1,000,000 will be required.

14. CONVICTED OFFENDERS

Every day New Jersey houses, feeds, holds, supervises, a small army of convicted offenders who have "transgressed." Among them are very large numbers of drunks and all manner of truly dangerous persons, miscasts, outcasts, and those who never had a role in which to be cast. Around 100 are held for "natural life." The rest, the whole remainder, will return to live and work amongst us. Then they will share our State as does any citizen.

Many do not seem to fully comprehend the inevitability of convicted offenders returning to their midst. Nor do they understand the obvious conclusion which must follow: What happens to convicted offenders while they are under the custody or control of the system is as directly related to public safety as police action. Or it is more important, for there is no doubt whatsoever that most crime is committed by repeaters. Working to cut the ageless repeater cycle is important, really important, to crime control in New Jersey.

How to strengthen and improve New Jersey's efforts to rehabilitate convicted offenders is the greatest challenge to any system reform.

Here the neglect is greatest. Only New Jersey in these United States has a facility like the suffocating cell block built in 1835 and *still* housing prisoners without natural light or air at Trenton State Prison. Yet there is no plan to phase out that disgrace, let alone replace it in the *near* future.

New Jersey has facilities where those awaiting trial and convicted of no crime are held side by side with convicted offenders; where first offenders are confined with hardened repeaters, and they receive a schooling found nowhere else; where many, many are held in idleness without educational programs, job training or whatever; where many receive work "experience" providing good work habits but no experience for jobs on the outside; where many simply provide labor for government, by making golf courses or learning to make automobile license plates when only the State makes license plates; where some job training takes place, but on antiquated machines no longer used by industry in the real world.

Probation and parole, similarly, do not provide sufficient close and meaningful supervision, excellent assistance, job placement, or the leadership to affect the offenders' lives so as to turn them away from crime.

Dedicated persons work at improving the lives of those whose custody has been entrusted to them. They do so in a straitjacket of rules, lack of resources, lack of research—and amidst fragmentation of direction and programs. They do not enjoy these limitations, for they now are severely limited in attempting the "rehabilitation" so vital to the public interest.

We recommend a major reform in the system: All convicted offenders, adult, juvenile, male, female, long-term, short-term,

should be held or supervised under the custody of the Commissioner of Criminal Justice. With great administrative flexibility he could develop a wide range of different facilities to meet individual needs of programs best for the offender, and they could be moved between them as desirable.

Over a period of time short term facilities—county workhouses and penitentiaries—would be absorbed into the new Division of Rehabilitation. So would probation supervision, as distinct from pre-sentence investigation. Sentencing powers of the courts would be untouched, but the new Department could and should develop far more sentencing guidance for the courts through more effective research about sentencing; the inter-play between the English Home Office and the judiciary provides one example.

Integration of these presently fragmented services and agencies will take careful planning and some period of time. It cannot responsibly occur overnight. We recommend an immediate start, however, through establishment of the new Department and specific charge to it that it has a continuing responsibility to make a unified system of handling convicted offenders come about as rapidly as feasible and in the minimum number of years. Again, we recommend a start.

Many detailed bills in this area are recommended by the Committee and will be forwarded to the Legislature in the near future. They will concern:

- Programs allowing prisoners to work in the communities by day with regular government and private employers, and returning to their institutions at night, thereby earning their keep, assisting their families, easing their adjustment to society, and obtaining fruitful job experiences; these are usually called “work release” programs and they are to be encouraged.
- Development of regional short-term facilities to replace the ineffective, expensive and outmoded county workhouses and penitentiaries.
- Scholarships to improve the educational background and, therefore, the breadth and technical competence of personnel working with convicted offenders.
- Revision of present “gate money” and other conditions of institutional release; at present New Jersey gives a felon \$25.00, a new prison suit, a hearty hand-

shake and his release. If the offender has been confined for years without any of the pleasures of life, has no family, has no job, and has no place to live, there is a substantial probability that within two or three short weeks he will be back in the system again at great expense to society—and often solely as a result of the method and conditions by which his initial release was made.

—Half-way houses to gradually introduce a prisoner to the freedoms and decision-making of open society after he has been totally regimented without making any decisions in a closed society; many persons simply cannot handle the abrupt adjustments necessary to bridge the gap between these two extraordinarily diverse existences.

—A special program in the Department of Labor and Industry to exclusively focus upon obtaining jobs for convicted offenders; jobs are the most important element in rehabilitation.

—A reduction in the impediments now placed by a wide variety of statutes to the successful rehabilitation of offenders; the many licensing systems are the greatest obstacle and many make no sense; for example, there are barber training programs in the prisons, but a State licensing system for barbers that bar many applicants because of their criminal background. This is more than ludicrous; it is an emotional barrier directly related to attempts at successfully changing the attitudes of offenders about our society and their having "paid their debt" upon completion of the Court's sentence. If society will not let offenders in, for most cases it will force offenders out—way out. No public policy is served by the latter.

Yes, there is so much to do if meaningful rehabilitation is to hopefully turn convicted offenders into useful citizens and away from crime. Everyone in this State must help.

15. CRIMINAL LAW REVISION COMMISSION

As a result of our hearings and inquiries, it is clear that New Jersey's system for administering criminal justice would be strengthened, individual liberties and fair trials increased, and the cause of justice thereby advanced, if an independent commission were established to make a detailed analysis and redrafting of

substantive and procedural criminal law. We must make sure the system is fair and rational, while we seek to make it effective. Change now is endemic in crime control. The pace of recent United States Supreme Court decisions alone necessitates this study at this time, although there are numerous other important reasons for this study. We estimate that it will take two years.

For the first of the two years, an appropriation of \$50,000 will be required.

16. A DRUNKENNESS PROJECT

Each year very large public sums are expended in processing chronic drunkenness offenders through the New Jersey criminal justice system. Some 40,000 to 50,000 drunkenness arrests consume police, pre-trial detention and court time. An estimated forty to sixty percent of all short term inmates are confined for drunkenness.

Regretfully the "revolving door" exists. It spins fastest with New Jersey's some 10,000 drunkenness offenders: out one day and in the next.

All to what point? This is an important question on which society is not clear, at a time when system personnel and facilities are under heavy pressure to meet other challenges. Is this diversion wise? Is this the only way? Do we need more proof that the simple punitive approach to drunkenness is ineffective?

A number of other jurisdictions have started to work out a new route for this common yet very complex problem. They combine public health services and facilities for the ill alcoholic; education and leadership away from school; and definite use of the criminal justice system for the mixture of alcohol and disorderliness. New Jersey has a major problem with "chronic drunkenness offenders" and should do the same.

Fortunately the nationally-known Rutgers School of Alcohol Studies has volunteered to organize, staff and operate several model pilot facilities, in different locations over a period of several years, as well as conduct related information gathering, research and evaluation. A more useful, humane and less expensive approach may emerge to New Jersey's problem of public drunkenness.

We recommend that the Rutgers offer be accepted, and that the Commissioner of the New Department be empowered to contract with Rutgers to fulfill that objective.

For this purpose, an appropriation of \$60,000 will be required.

17. A RUTGERS SCHOOL OF CRIMINAL JUSTICE

Rutgers now has a police science course rapidly expanding in response to widely held desires by police for higher education; greater professional understanding and personal development. We are gratified at the reported response to that program.

The same needs exist for those who work throughout the system of administering criminal justice. Those needs should be satisfied, since it will be greatly to everyone's interest to encourage developments of this nature. The individuals and the system will benefit in many respects. There should be a gradual increase in competence at the School which will result in fresh thinking, relieved of day-to-day operational pressures. The system needs that critique and resource.

We recommend immediate commencement of planning and expansion of the Rutgers police science courses to the status and scope of a School of Criminal Justice. Several analogous schools have been established in New York State and we recommend careful study of the lessons to be learned from their development.

For this purpose, an appropriation of \$100,000 will be required.

18. COMPENSATION FOR INNOCENT VICTIMS OF VIOLENT CRIME

Recently a number of jurisdictions have accepted the concept that innocent victims of violent crime, in all fairness, should be compensated in some reasonable manner for society's failure to adequately protect them. New Jersey should accept this responsibility as well. The young widow with children whose husband has been murdered or incapacitated deserves consideration in this regard as well as any welfare recipient. A small start should be made to gain experience and understanding. The Committee recommends adoption of a program for this purpose, at the same time it seeks to strengthen the system which has failed to provide protection.

For these purposes, an appropriation of \$250,000 will be required.

19. THE POLICE

The role of police in our society is enormous, confused, and very, very important. They need assistance.

Our hearings and communications to the Committee have revealed certain problems which the Committee believes require immediate attention. We recommend the following:

Local Police Recruiting

- Salaries of our local police all too often are scandalously low. They are so low in many cases as to directly inhibit recruiting of any qualified person, let alone the superior individual necessary for police service today. The Committee is seeking adequate information which would enable it to prepare a recommended minimum police salary, and such a bill will be developed.
- Residency restrictions are reported to impede necessary police recruiting. They provide a bar where there should be no bar. Legislation to clarify this growing problem will be recommended.
- Lateral entry of persons with special skills, education or competence for the police service is now a difficult, if not impossible task. Again, there are bars where there should be no bars. The Committee recommends opening up police recruiting to highly qualified and desirable new personnel at levels above recruit entry.
- Educational requirements for police may vary with community resources. Some communities wish to establish certain college-related standards. They should be allowed to do so and the Committee will recommend legislation to that effect so long as a minimum educational requirement of high school or equivalent is maintained.

State Police

- From many sources the Committee has received heartwarming endorsements of the State Police. Their services have never been more needed, their manpower never so short, in view of their expanding assignments. Thus the Committee recommends increasing the authorized strength of the State Police by 100 additional troopers. It further recommends that 50 men be assigned to a greatly increased fight against organized crime, and in part the recommendation for 100 additional troopers has been made so as to make those assignments feasible.

For the 100 additional members of the State Police, an appropriation of \$1,000,000 will be required.

CONCLUSION

We believe these proposals build on the best of what has developed in the past and represent the cumulative distillation of the most experienced views available in New Jersey. If enacted, they will be an historic advance in developing adequate protection for the lives and property of all citizens in the State of New Jersey. Our citizens deserve no less and our obligation is clear to provide them with that protection, for this is the *first* function of government.

We recommend these proposals to the Legislature for passage.

SENATOR EDWIN B. FORSYTHE,
Chairman.

April 22, 1968

Minority views of individual Committee members on various specific topics will be released subsequently.

ATTACHMENTS

NUMBER

1. Senate Concurrent Resolution No. 44, passed March 11, 1968, establishing this Special Joint Legislative Committee.
2. Program Budget Summary.
3. Organization Chart of New Jersey Department of Criminal Justice.

ATTACHMENT No. 1

SENATE CONCURRENT RESOLUTION No. 44

STATE OF NEW JERSEY

INTRODUCED AND PASSED MARCH 11, 1968

By Senators FORSYTHE and McDERMOTT

A CONCURRENT RESOLUTION creating a special legislative committee to study the system of criminal justice, the causes of crime and the administration of the criminal and juvenile law in New Jersey.

WHEREAS, The incidence of crime in its many forms has steadily and substantially increased in recent years in New Jersey as well as in the Nation; and

WHEREAS, Existing governmental and private institutions, organizations, practices and procedures have proved to be inadequate in stemming this increased incidence of crime; and

WHEREAS, It is in the highest public interest of the citizens of our State to review the state of criminal justice and the enforcement of the criminal law in New Jersey; and

WHEREAS, The Legislature, as the elected representatives of the people, has a responsibility, not only to enact laws, but also to ensure that the funds appropriated for the enforcement of these laws are spent most efficiently, effectively and in a manner conducive to ensure maximum justice; and

WHEREAS, The need for immediate action appears to be necessary to improve the process of criminal justice to guarantee maximum public protection of persons and property and the rights of individual citizens; now, therefore,

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring)*:

1. There is hereby created a special legislative committee to consist of 14 members, 7 Senators to be appointed by the President of the Senate and 7 Assemblymen to be appointed by the Speaker

of the General Assembly. The members shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The committee shall organize as soon as may be after the appointment of its members and shall select a chairman and vice-chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said committee to study the system of criminal justice, the causes of crime and the administration of the criminal and juvenile law in New Jersey as to its effectiveness and fairness, and to make such recommendations for the improvement thereof, including legislation, as it deems desirable and appropriate.

4. The committee shall have the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.

5. The committee shall be entitled to call to its assistance and avail itself of the service of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ counsel, consultants and such stenographic and clerical assistants and other employees and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

6. The committee may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and issue public reports and shall report its findings and recommendations to the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

ATTACHMENT No. 2

PROGRAM BUDGET SUMMARY

1. New Jersey Department of Criminal Justice	\$1,500,000
(additional funds to establish central administration; system planning, research and computer facilities; commence intelligence system, etc.)	
2. New Jersey Commission of Investigation	400,000
3. Municipal Court merger plan	50,000
4. Local Police organizational planning	100,000
5. State Police regional crime laboratories	300,000
6. Juvenile Delinquency Program	500,000
7. Narcotic Addiction Civil Commitment Program	1,000,000
8. Correctional Scholarship Program	25,000
(Probation, Institutions, Parole)	
9. Jobs for Criminal Offenders	100,000
10. Criminal Law Revision Commission	50,000
(For the first of 2 years)	
11. Drunkenness pilot facility and program	60,000
12. Develop a Rutgers School of Criminal	100,000
Justice, by expanding present police science course	
13. Compensation for innocent victims of	250,000
crimes of violence	
14. 100 additional State Police	1,000,000
(50 men of the 100 to be assigned to fighting organized crime)	
TOTAL	<u>\$5,435,000</u>

DEPARTMENT OF CRIMINAL JUSTICE

