



# NEW JERSEY JAIL POPULATION ANALYSIS

Identifying Opportunities to Safely and Responsibly  
Reduce the Jail Population

Provided by Luminosity in Partnership with  
the Drug Policy Alliance

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# Contents

<b>Introduction .....</b>	<b>1</b>
<b>New Jersey County Jail System .....</b>	<b>2</b>
<b>Criminal Justice System Trends and Key Stakeholder Agencies .....</b>	<b>3</b>
<b>Crime Rate, Incident, and Arrest Statistics .....</b>	<b>3</b>
<b>Law Enforcement .....</b>	<b>5</b>
<b>Prosecutor .....</b>	<b>5</b>
<b>Public Defender .....</b>	<b>5</b>
<b>Courts .....</b>	<b>6</b>
<b>Municipal Court .....</b>	<b>6</b>
<b>Superior Court - Criminal Division .....</b>	<b>7</b>
<b>Jail Population Profile .....</b>	<b>8</b>
<b>Demographics .....</b>	<b>8</b>
<b>Housing Classification .....</b>	<b>9</b>
<b>Primary Charge .....</b>	<b>10</b>
<b>Primary Custody Status .....</b>	<b>10</b>
<b>Sentenced Population .....</b>	<b>11</b>
<b>Pretrial Population .....</b>	<b>11</b>
<b>Other Population .....</b>	<b>13</b>
<b>Held-on-Bail Only .....</b>	<b>13</b>
<b>Summary of Key Findings .....</b>	<b>14</b>
<b>Appendix A - New Jersey County Jails Overview (by County) .....</b>	<b>15</b>
<b>Appendix B - New Jersey Crime Rate and Incident Statistics by County 2011 .....</b>	<b>16</b>
<b>Appendix C - New Jersey Municipal Court Case Statistics 2008 - 2012 .....</b>	<b>17</b>
<b>Appendix D- CCIS Primary Custody Codes in Priority Order .....</b>	<b>18</b>



# New Jersey Jail Population Analysis

## Introduction

The New Jersey County Jail System (NJCJS) is collectively operated by each of the state's 21 counties.<sup>1</sup> Each county is responsible for the safe, secure detention of individuals committed to their custody who have either been charged with a crime and are pending case disposition or who have been sentenced to a period of incarceration after having been convicted of a crime. On any given day the NJCJS has in its custody approximately 15,000 inmates. The population includes adult males and females with varying custody levels, a wide range of physical and mental health needs, and holds minor non-violent inmates to very serious and dangerous inmates.

The current study was commissioned by the Drug Policy Alliance for the purpose of examining the New Jersey jail population and developing a population profile. The population profile is intended to describe the population in terms of demographics, custody status, offense characteristics, bail status, and any other relevant information. The goal of the study is to use this profile to identify opportunities to responsibly reduce New Jersey's jail population while maintaining public safety and the integrity of the judicial process. To conduct the study, data were requested and received from the New Jersey Administrative Office of the Courts ("AOC"). The AOC maintains the County Corrections Information System (CCIS) for which 19 of the 21 counties contribute inmate data (Bergen and Passaic counties do not provide data to CCIS). In addition, an informal survey was conducted of all county correctional facilities and the New Jersey Department of Corrections' Office of County Services (NJDOC-OCS) was consulted to obtain more detailed information on the individual jail facilities.

A jail population cannot be examined in a vacuum. The population is driven by many criminal justice agencies and is a reflection of the operation of the entire criminal justice system. It is based both on the number of people admitted to the jail and how long they stay. Any responsible population-reduction strategy must take into consideration many outside factors including the practices of key stakeholder agencies such as law enforcement, prosecutor, public defender, courts, alternatives to detention programs, and the jail itself. A detailed examination of these areas was outside the scope of this study, but readily available information related to criminal justice system trends and key stakeholder agencies (e.g., crime rate, incident, and arrest statistics; law enforcement; prosecutor; public defender; and the courts) were included to provide context to the population profile results.

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***On any given day the NJCJS has in its custody approximately 15,000 inmates.***

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The current report includes a description of the NJCJA, an overview of criminal justice system trends and key stakeholder agencies, a detailed population profile, and a summary of findings.

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<sup>1</sup> New Jersey is comprised of 21 counties and 565 municipalities. It is approximately 7,500 square miles of land and home to 8,864,590 residents according to a 2012 estimate by the U.S. Census Bureau. New Jersey is the 4th least extensive (smallest by land mass), but with a population density of 1,196 people per square mile it is the 11th most populous and the most densely populated of the 50 United States. The counties range in population from the lowest population in Salem County (66,083) to the highest population in Bergen County (905,116).

## New Jersey County Jail System

The New Jersey County Jail System (NJCS) is collectively operated by each of the state's 21 counties. Each county is responsible for the safe, secure detention of individuals committed to their custody who have either been charged with a crime and are pending case disposition or who have been convicted of a crime and sentenced to a period of incarceration of one year or less. On any given day the NJCS has in its custody approximately 15,000 inmates.

There is at least one correctional facility (a.k.a. jail) in each county, with a total of 22 county correctional facilities in New Jersey. In thirteen counties, operation of the county jail is a responsibility and function of a County Department of Corrections, while in the remaining eight counties it is a responsibility and function of the Sheriff's Office. Every county correctional facility operates under the direction and management of a Warden, Director, or Undersheriff.

The NJCS has an authorized capacity to house 18,467 inmates. Individual county jail capacities range from 156 to 2,434 inmates, with a median capacity of 692 inmates.<sup>2</sup> Based on an informal survey of each county, 13 county correctional facilities were constructed or renovated/expanded over 20 years ago. The oldest facility was constructed in 1954 with no major renovation/expansion since that time, while the latest correctional facility expansion was completed in 2011. Appendix A summarizes the results of the informal county correctional facility survey with additional information obtained from the NJDOC-OCS and provides more details about each county correctional facility.

The New Jersey Department of Corrections' Office of County Services (NJDOC-OCS) has statutory responsibility for conducting annual inspections of each of the 22 county correctional facilities for compliance with minimum standards for adult county correctional facilities, in accordance with NJ Administrative Code Title 10A, Chapter 31. The NJDOC-OCS is also responsible for reviewing and approving documents for the construction, renovation or alteration of county correctional facilities to ensure compliance with New Jersey Administrative Code (NJAC) requirements. In addition, they provide technical assistance to county cor-

rectional facility management concerning the revision, development or implementation of any policy, procedure or written protocol required by the NJAC.

In addition to the 22 county correctional facilities, there are three privately owned and operated residential reentry facilities<sup>3</sup> in New Jersey that house county inmates on a contract basis. The three facilities having a combined capacity of 2,740 include:

- Delaney Hall, Newark (Capacity: 1,196);
- Albert M. "Bo" Robinson Assessment & Treatment Center, Trenton (Capacity: 900); and
- Logan Hall, Newark (Capacity: 644)<sup>4</sup>.

New Jersey County Correctional Facilities



2 New Jersey Department of Corrections: Office of Community Programs and Outreach Services

3 Community Education Centers, Inc. (CEC), a private service provider, operates three residential reentry facilities located in NJ.

4 CEC [http://www.cecintl.com/facilities\\_facilities\\_b.html](http://www.cecintl.com/facilities_facilities_b.html)

## Criminal Justice System Trends and Key Stakeholder Agencies

The jail population is driven by crime and the policies, procedures, and operations of many criminal justice agencies. It is a reflection of the community and the operation of the entire criminal justice system. Identifying opportunities to responsibly reduce New Jersey's jail population while maintaining public safety and the integrity of the judicial process must be done with consideration given to many outside factors, including the practices of key stakeholder agencies. Readily available information related to criminal justice system trends and key stakeholder agencies (e.g., crime rate, incident, and arrest statistics; law enforcement, prosecutor, public defender, and the courts) are included below to provide context to the population profile results.

### Crime Rate, Incident, and Arrest Statistics

Crime rate, incident, and arrest statistics are reported in the New Jersey State Police Crime in New Jersey reports. According to the 2011 report, the crime rate for NJ was recorded at 24.7 victims for every 1,000 inhabitants. As can be seen in Table 1 below, index crimes and the corresponding crime rate fluctuated across the years, but have remained relatively stable and actually decreased when comparing the reporting years 2007 and 2011. Appendix B contains the 2011 crime index and rate broken down by county.

Table 1. New Jersey Crime Rate and Incident Statistics 2007 – 2011

		2007	2008	2009	2010	2011
Total Crime Index	Offenses	220,798	227,177	207,841	210,817	217,073
	Crime Rate	25.3	26.2	23.9	24	24.7
	Number Cleared	44,596	45,619	44,288	43,472	43,137
	Percent Cleared	20.2	20.1	21.3	20.6	19.9
Index Offenses	Murder	381	376	320	372	380
	Rape	1,029	1,090	1,041	985	991
	Robbery	12,562	12,694	11,637	11,859	12,216
	Aggravated Assault	14,554	14,121	14,110	13,958	13,586
	Burglary	37,234	40,132	36,928	38,794	43,208
	Larceny-Theft	133,094	138,644	128,304	129,294	129,269
	Motor Vehicle Theft	21,944	20,120	15,501	15,555	17,423

Data Sources: New Jersey State Police Crime in New Jersey, 2007 – 2011 reports Section II

The arrest statistics are presented in Tables 2, 3 and 4. The total number of arrests reflects a downward trend for the period 2007 - 2011, with total arrests for 2011 at a five-year low (See Table 2).

Table 2. New Jersey Adult Arrest Statistics - 2007 - 2011

	2007	2008	2009	2010	2011
Total Arrests (Index and Non-Index)	356,859	358,285	346,022	323,509	308,804

Data Sources: New Jersey State Police Crime in New Jersey, 2007 – 2011 reports Section II

Arrests specifically for index crimes fluctuated across the years, yet the 2008 and 2011 statistics are comparable (38,094 and 38,438, respectively). However, in 2011, arrests for murder and rape were at a five-year low (192 and 238, respectively). Table 3 displays the Index offenses.

Table 3. New Jersey Adult Arrest Statistics Index Offenses - 2007 - 2011

Offense	2007	2008	2009	2010	2011
Murder	238	256	201	234	192
Rape	351	315	295	259	238
Robbery	2,647	2,962	2,982	2,788	2,664
Aggravated Assault	7,651	7,657	7,516	7,254	6,943
Burglary	4,479	5,112	4,752	4,924	5,554
Larceny-Theft	19,502	21,079	21,398	21,513	22,292
Motor Vehicle Theft	746	713	582	505	555
Total Index Offenses	35,614	38,094	37,726	37,477	38,438

Data Sources: New Jersey State Police Crime in New Jersey, 2007 – 2011 reports Section III

Arrests specifically for non-index crimes also reflect a five-year low; from a high of 321,245 arrests in 2007 to a low of 270,366 arrests in 2011 (see Table 4).

Table 4. New Jersey Adult Arrest Statistics Non-Index Offenses - 2007 - 2011

Offense	2007	2008	2009	2010	2011
Manslaughter	33	25	30	31	33
Simple Assault	23,316	22,997	23,588	23,623	22,182
Arson	175	167	146	137	131
Forgery & Counterfeiting	2,060	1,821	1,732	1,682	1,793
Fraud	4,950	5,042	4,982	4,037	3,451
Embezzlement	122	157	141	168	204
Stolen Property; Buying, Receiving, Possessing, etc.	3,494	3,162	2,811	2,572	2,797
Criminal/Malicious Mischief	4,265	4,076	3,950	3,828	3,727
Weapons; Carrying, Possessing, etc.	4,029	3,798	3,553	3,265	3,170
Prostitution and Commercialized Vice	1,941	1,488	1,396	1,481	1,073
Sex Offenses (Except Forcible Rape & Prostitution)	1,437	1,356	1,283	1,195	1,112
Drug Abuse Violations	49,589	49,002	47,706	44,962	42,369
Gambling	561	308	237	89	63
Offenses Against Family and Children	14,929	15,558	14,434	13,232	14,558
Driving Under the Influence	30,035	28,336	27,549	26,334	26,195
Liquor Laws	6,183	5,399	4,977	4,876	5,129
Disorderly Conduct	18,501	19,297	18,353	16,861	15,122
Vagrancy	1,344	1,866	1,453	826	254
All Other Offenses (Except Traffic)	154,281	156,336	149,975	136,833	127,003
Total Non-index Offenses	321,245	320,191	308,296	286,032	270,366

Data Sources: New Jersey State Police Crime in New Jersey, 2007 – 2011 reports Section III

## Law Enforcement

The New Jersey Uniform Crime Reporting System maintained by the State Police is based upon the compilation, classification, and analysis of crime data provided by all law enforcement agencies as well as the State's 21 prosecutor and sheriff's offices. Collectively, a total of 542 law enforcement agencies operating within NJ submit crime reports to the New Jersey State Police.<sup>5</sup>

According to the New Jersey State Police Crime in New Jersey, 2007 – 2011 reports, there were approximately 51,678 police employee personnel (sworn and civilian) working in New Jersey during 2011. As can be seen in Table 5, the number of full time police employees has decreased by 13.5% since 2007.

## Prosecutor

State statute establishes for each of New Jersey's 21 counties a county prosecutor appointed by the governor who handles all criminal cases for the Superior Court within the county of jurisdiction.<sup>6</sup> The county prosecutor has authority to appoint assistant prosecutors for his/her respective county.<sup>7</sup> The actual number of prosecutors, including assistant prosecutors, working in each county was not readily attainable.

State statute requires each Municipal Court to have at least one municipal prosecutor, who is appointed by the governing body of the municipality, municipalities, or county. A municipal prosecutor may be appointed to that position in one or more Municipal Courts.<sup>8</sup>

## Public Defender

The Office of the Public Defender is a function of state government and is administered by the New Jersey Public Defender who is appointed by the governor. The Public Defender's Office is responsible for providing legal representation for any indigent defendant who is formally charged with the commission of an indictable offense. The public defender appoints deputy public defenders and assistant deputy public defenders to assist in the performance of the duties of the office. There are 21 regional public defender offices, one in each county, each headed by a deputy public defender. The actual number of public defenders, including assistant public defenders and deputy public defenders, working in each county was not readily attainable.

**Table 5. New Jersey Full Time Police Employees 2007 - 2011**

Year	Police Officers	Civilians	Total Police Employees
2007	40,000	13,136	53,136
2008	39,521	13,097	52,618
2009	38,880	12,798	51,678
2010	37,508	11,913	49,421
2011	35,236	10,750	45,986

Data Source: New Jersey State Police Crime in New Jersey, 2007 – 2011

5 New Jersey State Police [http://www.njsp.org/info/ucr2011/pdf/2011\\_sect\\_1.pdf](http://www.njsp.org/info/ucr2011/pdf/2011_sect_1.pdf)

6 New Jersey Statutes: Title 2A Administration of Civil and Criminal Justice, Section 158-1 Appointment of county prosecutor, general duties.

7 New Jersey Statutes: Title 2A Administration of Civil and Criminal Justice, 158-15 Assistant prosecutors; number; appointment; designation; terms of office; oath of office

8 New Jersey Statutes: Title 2B Court Organization and Civil Code, Section 25-4 Appointment, qualifications for municipal prosecutor; compensation



## Courts

There are several different kinds of courts in New Jersey which include the New Jersey Supreme Court, the Superior Court (which includes the Appellate Division), the Tax Court, and the Municipal Courts. Cases involving criminal, civil and family law are heard in the Superior Court. The Superior Court is sometimes called the “trial court” because it is where trials are conducted. Criminal cases are heard in the Criminal Division of the Superior Court. There is a Superior Court in each of New Jersey’s 21 counties. There are approximately 360 Superior Court trial judges in New Jersey.<sup>9</sup> The trial courts are organized into 15 vicinages, or court districts.

Municipal Courts handle cases involving motor-vehicles offenses such as illegal parking, speeding, and driving while intoxicated as well as cases involving less serious criminal offenses such as simple assault, trespassing, and shoplifting. Municipal Courts are operated by the city, township, or borough in which the courts are located. There are 539 Municipal Courts in New Jersey.<sup>10</sup>

The New Jersey Administrative Office of the Courts (AOC)

publishes court management statistics for both the Superior and Municipal Courts. Statistics are compiled from monthly statistical reports prepared by each county and submitted to the AOC. The Superior Court – Criminal Division and Municipal Courts are the primary users of the county jail system; therefore, an examination of those court case management statistics was completed and is shown below.

### *Municipal Court*

The Municipal Court case management statistics for 2012 are provided in Table 6. In 2012, there were over six million case filings in the Municipal Court (845,014 criminal and 5,284,840 traffic filings). Total filings among Municipal Courts have decreased over the past five years with criminal filings decreasing by 9.1% and traffic filings decreasing by 5.9% (see Appendix C for the 2008-2012 statistics). As of June 2012, 41% of the total active pending cases (352,239) in the Municipal Court were in backlog status (cases not resolved within 60 days).

**Table 6. New Jersey Municipal Court Case Statistics - 2012**

	Criminal Total	Traffic Total	Grand Total
Filings	845,014	5,284,840	6,129,854
Resolutions	812,573	5,312,488	6,125,061
Active Pending	117,166	739,182	856,348
Backlog	60,541	291,698	352,239
Backlog Percent	52%	39%	41%

Data Source: New Jersey Administrative Office of the Courts Court Management Statistics 2012

<sup>9</sup> <http://www.judiciary.state.nj.us/process.htm>

<sup>10</sup> <http://www.judiciary.state.nj.us/process.htm>

## Superior Court - Criminal Division

The Superior Court - Criminal Division case statistics are disaggregated by pre-indictment and post-indictment. The Superior Court Caseload Reference Guide, 2008 - 2012 compiles statistics on New Jersey's Superior Court caseload between the 2008 and 2012 court years (exclusive of the Appellate Division), which include the period July 1, 2007 through June 30, 2012.<sup>11</sup> It is a compilation of data on filings, resolutions (cases disposed), clearance, active pending, and backlog (the number and percentage of cases not within generally accepted case processing guidelines – 60 days pre-indictment and 120 days post-indictment).

As can be seen in Table 7, there were 104,862 case filings in court year 2012 and 20,791 cases active (pending) as of June 2012. In court year 2012, more than half (53%) of the criminal cases pre-indictment were considered to be in backlog status. According to the Superior Court Caseload Reference Guide, the average backlog for pre-indictment cases across the 21 counties ranged from a low of 8% to a high of 65%.

**Table 7. New Jersey Superior Court Criminal Division Pre-Indictment 2008 – 2012**

	Filings	Resolutions	Active Pending	Backlog	Backlog Percent
2008 (July 07 – June 08)	110,827	110,926	21,313	11,176	52%
2009 (July 08 – June 09)	108,789	112,570	19,447	9,805	50%
2010 (July 09 – June 10)	106,752	108,041	19,655	9,645	49%
2011 (July 10 – June 11)	102,840	104,665	19,152	9,086	47%
2012 (July 11 – June 12)	104,862	104,323	20,791	10,968	53%

Data Source: New Jersey Administrative Office of the Courts Court Management Statistics 2012

Table 8 contains the same statistics for the post-indictment population. In court year 2012, there were 48,767 case filings and 16,476 cases active (pending) as of June 2012. Forty-five percent of the criminal cases post-indictment (7,357) were considered to be in backlog status. The statewide backlog for post-indictment cases across the 21 counties ranged from a low of 11% to a high of 72%.

**Table 8. New Jersey Superior Court Criminal Division Post-Indictment 2008 – 2012**

	Filings	Resolutions	Active Pending	Backlog	Backlog Percent
2008 (July 07 – June 08)	54,416	55,722	15,617	6,246	40%
2009 (July 08 – June 09)	54,769	54,681	17,032	7,252	43%
2010 (July 09 – June 10)	51,200	54,339	15,489	6,289	41%
2011 (July 10 – June 11)	49,412	50,053	15,361	6,502	42%
2012 (July 11 – June 12)	48,767	48,239	16,476	7,357	45%

Data Source: New Jersey Administrative Office of the Courts Court Management Statistics 2012

<sup>11</sup> <http://www.judiciary.state.nj.us/quant/fiveyear.pdf>

## Jail Population Profile

The population profile is intended to describe the population in terms of demographics, custody status, offense characteristics, bail status, and other relevant information about the population. The goal of the study is to analyze the profile to identify opportunities to responsibly reduce New Jersey's jail population while maintaining public safety and the integrity of the judicial process.

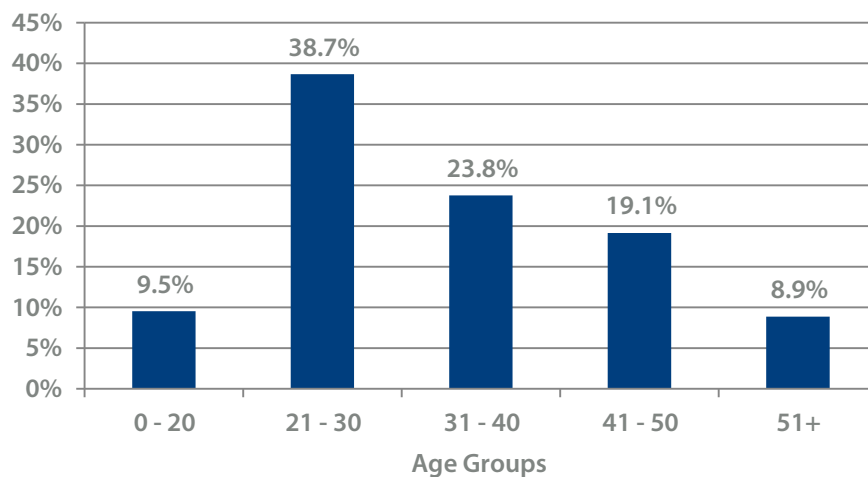
To gain this information, data were requested and received from the New Jersey Administrative Office of the Courts (AOC). The AOC maintains the County Corrections Information System (CCIS) for which 19 of the 21 counties contribute inmate data (Bergen and Passaic counties do not provide data to CCIS). Data were extracted from the CCIS mainframe system using FOCUS for Mainframe. The CCIS mainframe contains information on all inmates in the custody

of the NJCJS in the 19 of 21 counties that provide data to the system. These data included a 'snapshot' of the jail population, specifically, they represented all 13,003 adult inmates confined and under the care and custody of 19 of 21 counties in the NJCJS on October 3, 2012 at 4:00 a.m. These data were used to develop the population profile.

### Demographics

Of the 13,003 inmates, 89.7% were male and 10.3% were female. The inmates ranged in age from 17 to 89 years. While the mean age was 33.5 years, as can be seen in Figure 1, nearly 50% of the inmate population is 30 years of age or younger.

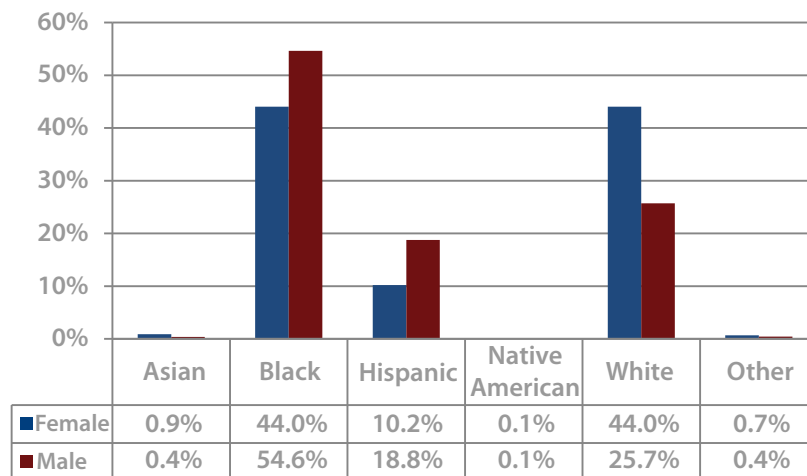
Figure 1. Jail Population by Age (in years)



Data Source: CCIS Statewide dataset compiled on 10/03/2012

Seventy-one percent of inmates were reported as either Black or Hispanic. Figure 2 delineates the inmate population by gender and race/ethnicity.

Figure 2. Jail Population by Gender and Race/Ethnicity



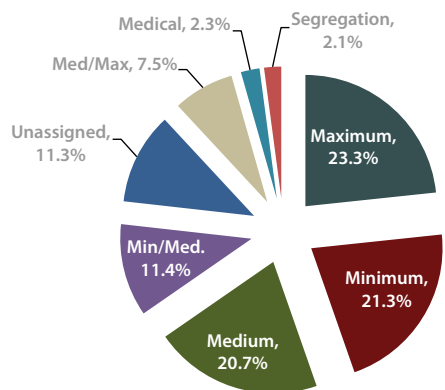
Data Source: CCIS Statewide dataset compiled on 10/03/2012

### Housing Classification

The jail population is ostensibly spread out across all security classifications, with a small percentage requiring segregation and/or special services. Because information regarding the standardization of the inmate classification system across the county jails was not readily available, it is difficult to determine with any degree of certainty the risk posed of inmates assigned to a particular housing classification.

Standardization notwithstanding, the data seemingly indicate that 53.4% of the jail population is comprised of individuals who present no evident danger to self or others, have adapted to the correctional environment, and are typically considered general population.<sup>12</sup> Figure 3 depicts the recorded housing classification assignments for inmates confined on October 3, 2012.

Figure 3. Population by Housing Classification Assignment



Note: Segregation category includes Disciplinary Detention, Protective Custody, and Administrative Segregation

Data Source: CCIS Statewide dataset compiled on 10/03/2012

12 General population inmates are recognized as individuals who do not present significant risk to the safety of self or others or the security of the institution.

## Primary Charge

An inmate can be held in custody, pretrial or sentenced, for one or more charges. The primary charge for which a person is held is referred to as “primary charge category” and includes the following major categories:

- Violent
- Sex Offense
- Weapon
- Burglary
- Theft/Fraud
- Drug
- Traffic
- Other
- Supervision Violation

When an inmate has multiple charges, a primary charge category is assigned. The order of priority for determining

primary charge category is presented above. The priority listing is premised on the most serious offense having the highest priority. For example, if an inmate were charged with a drug offense and a violent offense, the primary charge category would be violent.

Of those inmates in custody on October 3, 2012, 43.9% were charged with either a violent, sex or weapon offense. Conversely, more than half of all inmates had primary charges that are considered non-violent such as drug (17%), theft/fraud (8%) and traffic (5%). Table 9 provides the primary charge category in descending order by percentage of total population.

**Table 9. Primary Charge Category**

	Females	Males	Total %
Violent	2.76%	31.73%	34.48%
Drug	2.00%	15.42%	17.42%
Other	1.62%	10.46%	12.08%
Burglary	0.48%	7.98%	8.46%
Theft/Fraud	1.48%	6.44%	7.92%
Weapon	0.22%	6.95%	7.17%
Supervision Violation	1.00%	4.63%	5.63%
Traffic	0.45%	4.23%	4.68%
Sex Offense	0.04%	2.12%	2.16%
Total	10.05%	89.95%	100.00%

Data Source: CCIS Statewide dataset compiled on 10/03/2012

## Primary Custody Status

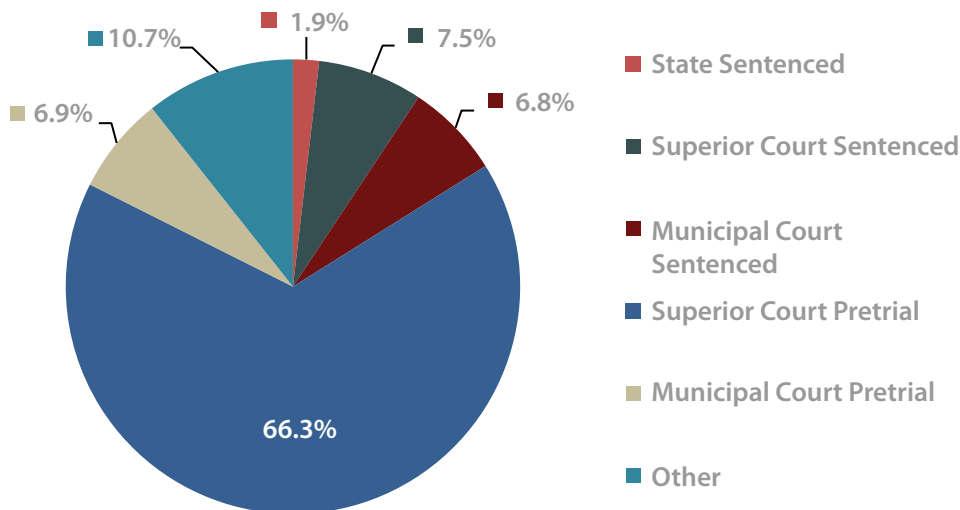
An inmate can be held in custody for one or more reasons. The reason a person is held in custody is referred to as “custody status” and includes the following major categories:

- State Sentenced (Superior Court Sentenced to State DOC Pending Transfer);
- Superior Court Sentenced (Superior Court Sentenced to a County Jail);
- Municipal Court Sentenced (Municipal Court Sentenced to a County Jail);
- Superior Court Pretrial (Pending Trial or Sentencing in Superior Court);
- Municipal Court Pretrial (Pending Trial or Sentencing in Municipal Court); and
- Other (detainers, holds, violations of community supervision, fugitive).

Each major category has multiple subcategories, which can be found in Appendix D. When an inmate has multiple custody statuses, a primary custody status is assigned. The order of priority for determining primary custody status is presented above. For example, if an inmate is serving a 30-day sentence from the Municipal Court (Municipal Court Sentenced) and has a case pending in the Superior Court (Superior Court Pretrial), the primary custody status would be Municipal Court Sentenced.

When examining primary custody status, 73.3% of the population is pretrial, 16.1% sentenced, and 10.7% other. More specifically, the majority of the population is pending trial in Superior Court (66.3%). Figure 4 provides the percentage of inmates in each primary custody status.

Figure 4. Jail Population by Primary Custody Status



Data Source: CCIS Statewide dataset compiled on 10/03/2012

### ***Sentenced Population***

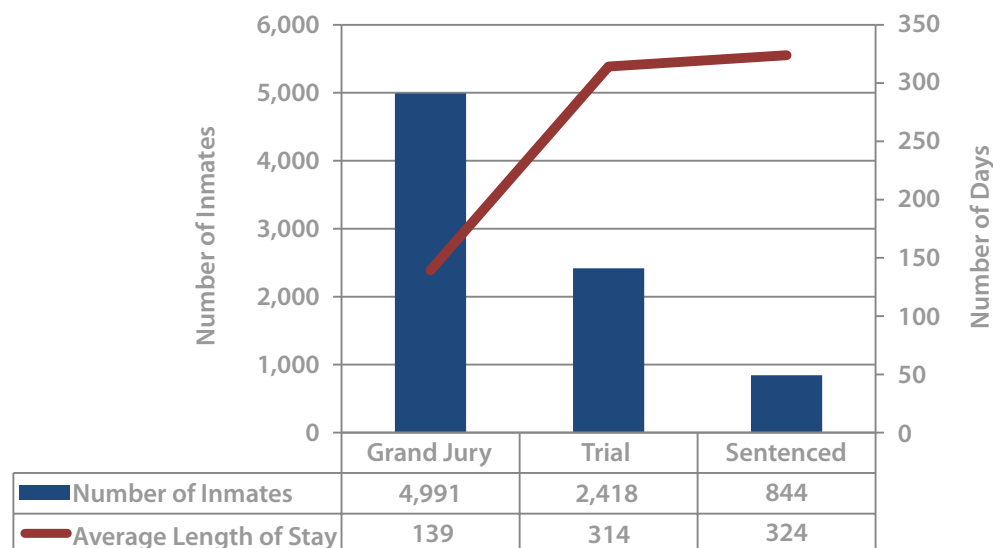
The Superior Court and Municipal Court sentenced populations account for 7.5% and 6.8% of the population, respectively. The population sentenced to the State DOC (state sentenced) is generally temporary and fluid, representing only 2% of the jail population. The most common charges for inmates with a primary custody status of Superior Court Sentenced (inmates sentenced to county jail time by the Superior Court) were violation of probation, possession of drugs, and burglary. The most common Municipal Court sentenced charges were contempt of court, drunk driving and shoplifting/theft.

### ***Pretrial Population***

Nearly three-fourths of all New Jersey jail inmates had a primary custody status of pretrial because they were pending trial or sentencing in either Superior Court (66%) or Municipal Court (7%). Municipal Court Pretrial Inmates had been confined, on average, approximately three months (89 days).

Figure 5 reflects the case processing stages for Superior Court Pretrial inmates by number of inmates pending a particular court action and the average length of stay in days those inmates had been confined to date.

Figure 5. Superior Court Pretrial - Court Processing Stages



Data Source: CCIS Statewide dataset compiled on 10/03/2012

The most common serious charge for defendants pending trial were drug related offenses (17.6%), followed by aggravated assault and robbery (13.4% and 13.3%, respectively).<sup>13</sup> It is worthy to note that 5.8% of all pretrial inmates were charged with murder. The pretrial population is broken down by most serious charge category and can be found in Table 10.

Table 10. Pretrial Population by Most Serious Charge

	Females	Males	Total %
Burglary	0.54%	8.84%	9.38%
Drug	1.80%	15.66%	17.47%
Other	1.78%	10.60%	12.38%
Sex Offense	0.05%	2.48%	2.53%
Supervision Viol	0.23%	1.27%	1.50%
Theft/Fraud	1.33%	6.13%	7.46%
Traffic	0.17%	1.73%	1.90%
Violent	3.13%	35.96%	39.09%
Weapon	0.26%	8.04%	8.30%
Total	9.29%	90.71%	100.00%

Data Source: CCIS Statewide dataset compiled on 10/03/2012

<sup>13</sup> It should be noted that while "Other" is the second largest offense category for pretrial inmates (15.4%), this category is an aggregation of offenses that when considered individually are statistically insignificant.

## Other Population

Inmates in custody on October 3, 2012 with a primary custody status of "Other" were held for reasons other than serving a sentence or pending trial, including detainer, family court hold, fugitive, juvenile court hold, pending supervision violation (Intensive Supervision Probation [ISP], parole and probation), and protective custody. Inmates having an "Other" primary custody status account for 10.7% of the jail population.

## Held-on-Bail Only

As stated previously, nearly three-fourths of the jail population had a primary custody status of pretrial (Superior and Municipal Courts). A closer examination of those inmates reveals that just over 5,000 inmates, or 38.5% of the total population, had an option to post bail but were held in custody solely due to their inability to meet the terms

of bail. This means that the inmates were not serving a sentence, had no holds or detainers, and could have been released if they were able to post bail in the form of cash, cash/bond, 10% option or support arrears.

Table 11 contains the bail amount ranges by bail post option for inmates who were held on bail only. When considering the 10% Deposit Option and the Cash or Bond Option, which allows for payment of approximately 10% to a private surety,<sup>14</sup> there were approximately 800 inmates held in custody who could have secured their release for \$500 or less. Considering the same circumstances, an additional 259 inmates could have secured their release for between \$501 and \$1,000 and an additional 489 inmates could have secured their release for between \$1,001 and \$2500. When these groups are combined, there were 1,547 inmates (12% of the entire population) who were held in custody due to an inability to pay \$2500 or less.<sup>15</sup>

Table 11. Inmates Held on Bail Only by Amount and Bail Post Option

Total Bail Amount	Cash	Cash or Bond	10% Deposit Option	Support Arrears	Total
\$1 to \$5000	65	676	126	6	873
\$5,001 to \$10,000	12	152	104	2	270
\$10,001 to \$25,000	14	290	199	2	505
\$25,001 to \$50,000	98	635	207	2	942
\$50,001 to \$75,000	38	367	49	1	455
\$75,001 to \$100,000	56	416	18	0	490
\$100,001 to \$200,000	81	520	15	0	616
\$200,001 to \$300,000	48	258	3	0	309
\$300,001 or Greater	128	415	2	1	546
Total	540	3729	723	14	5006

Data Source: CCIS Statewide dataset compiled on 10/03/2012

14 New Jersey uses a private bail surety system. Bail agents and the insurance company backing the bonds are monetarily responsible for defendants released on private surety bail. Some states have legally banned the use of private surety but it remains the most common form of bail option in the U.S.

15 Note that two counties are not included in these numbers; therefore, presumably the actual number would be higher.



## Summary of Key Findings

The goal of the current study was to examine New Jersey's jail population in order to identify opportunities to responsibly reduce the number of people incarcerated in county jails while maintaining public safety and the integrity of the judicial process. Information related to criminal justice system trends and key stakeholder agencies (e.g., crime rate, incident, and arrest statistics; law enforcement; prosecutor; public defender; and the courts) were also examined to provide context to the population profile results and to aid in the identification of appropriate opportunities to responsibly reduce the jail population.

Undoubtedly the New Jersey County Jail System is a complex organization, with 21 counties operating 22 county facilities and utilizing three private facilities to house approximately 15,000 inmates daily. Acknowledging these complexities, the study was still able to identify a common theme across all counties – a majority of inmates in the county jail system are pending trial. In fact, nearly three-fourths of all New Jersey jail inmates were pending trial or sentencing in either Superior Court (66%) or Municipal Court (7%).

The large number and percentages of pretrial inmates appear to be caused by three primary factors.

1. According to the AOC Management Statistics as of June 2012 -
  - a. forty-one percent of the total active pending cases in the Municipal Court were in backlog status;
  - b. more than half (53%) of the Superior Court criminal cases pre-indictment were considered to be in backlog status; and
  - c. forty-five percent of the criminal cases post-indictment were considered to be in backlog status.
2. As of the day the jail snapshot was taken, inmates who had been indicted but had not yet had a trial had been in custody on average 314 days.
3. Twelve percent of the entire jail population was held in custody solely due to an inability to pay \$2500 or less to secure their release pending disposition.

Considering the above facts, it appears that the greatest opportunities to responsibly reduce New Jersey's jail population are related to more efficiently and effectively managing the pretrial population. More research should be done in this area to identify the best solutions, which may include reducing the backlog in the Courts at all levels and developing and/or expanding alternatives to pretrial detention. It must be acknowledged that the court case processing backlog is the responsibility of many key justice stakeholders including the Court, Prosecutor, Public Defender, Defense Bar, Law Enforcement, and others. In addition, reducing case backlog and developing and/or expanding alternatives to pretrial detention in combination could substantially reduce the average length of stay, thereby responsibly reducing the jail population.

## Appendix A - New Jersey County Jails Overview (by County)

County	County Jail Location	Number of County Jail Facilities <sup>16</sup>	Year County Jail Constructed (or Significant Renovation/Expansion) <sup>17</sup>	Authorized Capacity <sup>18</sup>	Operational Responsibility
Atlantic	Mays Landing	1	1985	888	County DOC
Bergen	Hackensack	1	2000	1,187	Sheriff's Office
Burlington	Mount Holly	2	1989	625	County DOC
Camden	Camden	1	1988	1,273	County DOC
Cape May	Cape May	1	1976	276	Sheriff's Office
Cumberland	Bridgeton	1	1980	550	County DOC
Essex	Newark	1	2004	2,434	County DOC
Gloucester	Woodbury	1	1983	225	County DOC
Hudson	South Kearny	1	2007	2,080	County DOC
Hunterdon	Flemington	1	1984	156	County DOC
Mercer	Lambertville	1	1992	824	County DOC
Middlesex	N. Brunswick	1	1991	1,436	County DOC
Monmouth	Freehold	1	1993	1,362	Sheriff's Office
Morris	Morristown	1	2001	524	Sheriff's Office
Ocean	Toms River	1	2011	692	County DOC
Passaic	Paterson	1	1954	1,283	Sheriff's Office
Salem	Woodstown	1	1994	464	Sheriff's Office
Somerset	Somerville	1	N/A	440	Sheriff's Office
Sussex	Newton	1	1978	205	Sheriff's Office
Union	Elizabeth	1	1989	1,338	County DOC
Warren	Belvidere	1	1985	205	County DOC
<b>Total</b>		<b>22</b>		<b>18,467</b>	

16 With the exception of Atlantic and Somerset counties, the information was provided by the County in response to the informal survey. For Atlantic and Somerset counties, the number of county jail facilities was confirmed by the New Jersey Department of Corrections: Office of Community Programs and Outreach Services.

17 With the exception of Atlantic and Somerset counties, the information was provided by the County in response to the informal survey. Date for construction or renovation/expansion of Atlantic County Jail was obtained from the Jail's website ([http://www.aclink.org/publicsafety/main-pages/adult\\_det.asp](http://www.aclink.org/publicsafety/main-pages/adult_det.asp)). A reliable source of similar data for Somerset County could not be identified.

18 Based upon DOC jail inspection reports provided by the New Jersey Department of Corrections: Office of Community Programs and Outreach Services.

## Appendix B - New Jersey Crime Rate and Incident Statistics by County 2011

### Crime Index by County 2011

County	Crime Index Total	Crime Rate Per 1,000	Violent Crime Rate Per 1,000	Non-Violent Crime Rate Per 1,000
Atlantic	10,801	39.3	5.1	34.3
Bergen	12,324	13.6	1.0	12.7
Burlington	9,076	20.2	1.5	18.8
Camden	20,809	40.5	6.5	34.0
Cape May	4,865	50.0	3.2	46.8
Cumberland	7,041	44.9	5.4	39.5
Essex	27,730	35.4	7.0	28.4
Gloucester	8,048	27.9	1.5	26.4
Hudson	15,738	24.8	4.8	20.0
Hunterdon	1,131	8.8	.06	8.2
Mercer	9,674	26.4	4.4	22.0
Middlesex	16,581	20.5	1.8	18.6
Monmouth	14,957	23.7	1.8	21.9
Morris	6,166	12.5	.08	11.7
Ocean	12,570	21.8	1.1	20.7
Passaic	14,169	28.3	4.9	23.3
Salem	1,776	26.9	2.9	24.0
Somerset	4,596	14.2	0.8	13.4
Sussex	1,767	11.8	0.5	11.3
Union	15,481	28.9	4.4	24.5
Warren	1,773	16.3	1.0	15.3

Data Source: New Jersey State Police Crime in New Jersey, 2011 report Section VII

## Appendix C - New Jersey Municipal Court Case Statistics 2008 - 2012

Filings	2008	929,218	5,617,880	6,547,098
	2009	921,029	5,388,234	6,309,263
	2010	924,138	5,155,552	6,079,690
	2011	865,999	5,183,064	6,049,063
	2012	845,014	5,284,840	6,129,854
Resolutions	2008	851,007	5,641,583	6,492,590
	2009	895,385	5,512,936	6,408,321
	2010	876,083	5,172,107	6,048,190
	2011	833,052	5,208,497	6,041,549
	2012	812,573	5,312,488	6,125,061
Active Pending (for June)	2008	131,455	850,380	981,835
	2009	122,044	760,881	882,925
	2010	122,259	768,316	890,575
	2011	110,959	754,279	865,238
	2012	117,166	739,182	856,348
Backlog (for June)	2008	67,478	407,100	474,578
	2009	58,890	346,909	405,799
	2010	59,927	331,833	391,760
	2011	55,635	323,661	379,296
	2012	60,541	291,698	352,239
Backlog Percent (for June)	2008	51%	48%	48%
	2009	48%	46%	46%
	2010	49%	43%	44%
	2011	50%	43%	44%
	2012	52%	39%	41%

Data Source: New Jersey Administrative Office of the Courts Court Management Statistics 2008 - 2012

## Appendix D- CCIS Primary Custody Codes in Priority Order

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### Sentenced

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State Sentence Pending Transfer State Prison  
 State Sentence State Contract  
 State Sentence Governor Executive Order  
 Sentenced Superior Court In-House  
 Sentenced Superior Court Work Release  
 Sentenced Superior Court Drug Court  
 Sentenced Municipal Court In-House  
 Sentenced Municipal Court Work Release  
 Sentenced Superior Court Weekend  
 Sentenced Municipal Court Weekend

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### Pretrial

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Superior Court Pending Sentence  
 Superior Court Pending Trial  
 Superior Court Pending Pretrial Conference  
 Superior Court Pending Arraignment  
 Superior Court Pending Grand Jury  
 Superior Court Pending First Appearance  
 Superior Court Pending Remand Court  
 Superior Court Pending Drug Court  
 Municipal Court Pending Sentence  
 Municipal Court Pending Trial  
 Municipal Court Pending First Appear

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### Other

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Pending Violation of Probation  
 Pending Parole Violation  
 Pending ISP Violation  
 Family Court Hold  
 Material Witness  
 Juvenile Court Hold  
 Temporary Custody  
 Protective Custody  
 Federal Prisoner  
 Detainer  
 Fugitive  
 Other  
 INS Detainee  
 USM Detainee

DATA DRIVEN  
JUSTICE  
SOLUTIONS

