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DIRECTIVE # 03-13
[SUPERSEDES DIRECTIVE #1-06]

TO: ASSIGNMENT JUDGES

FROM: GLENN A. GRANT, J.A.D.

SUBJ: REVISED UNIFORM DEFENDANT REPORTING SYSTEM

DATE: May 29, 2013

I. SCOPE

This Directive promulgates a revised Uniform Defendant Reporting System (UDRS) and supersedes Directive #1-06. The revisions are to the four-page Uniform Defendant Intake Report (UDIR), which is comprised of UDIR-1 to UDIR- 4 of the UDRS. Specifically, the revisions to the "Financial Status" section on page 3 of the UDIR (UDIR-3) are necessitated by the Supreme Court's decision in In re Subpoena Duces Tecum on Custodian of Records, ___ N.J. ___ (A-25-11, May 14, 2013). Effective immediately, the attached revised Uniform Defendant Reporting System shall be used for all indigency, bail, pretrial intervention, and presentence investigation reports.

The Supreme Court in its decision directed the modification of the provisions of the prior directive with regard to the disclosure of defendant's financial information as set forth on the third page of the (UDIR) form: "We further hold that while ... Directive [#1-06] serves the valuable purpose of protecting disclosure of sensitive confidential information, it improperly prevents the State from prosecuting defendants who submit false financial information to secure the legal services of the Public Defender. We thus modify the Directive to permit, in appropriate circumstances, the disclosure of defendant's financial information set forth on the third page of the UDIR form. The State can obtain that information through a valid grand jury subpoena – not through a trial subpoena.... Our decision today facilitates the State's ability to prosecute false swearing and fraud in the submission of financial disclosures to obtain public defender representation. It also ensures that a defendant's non-financial personal information, such as the medical, mental health, and substance abuse history that is also submitted to the Superior Court on the UDIR form, will remain confidential." (Slip opinion at 4.) See Section

IV below for the detailed guidelines provided by the Supreme Court for such limited disclosures.

II. BACKGROUND

On recommendation of the Criminal Practice Committee in its 1988-90 Report, the Supreme Court in January 1991 approved the use of the Uniform Defendant Reporting System by Criminal Division support staff for purposes of intake, bail, pretrial intervention, and sentencing. The Supreme Court directed the use of the forms under the following guidelines or conditions: (1) information contained on the intake form can be used by the court without restriction for purposes of setting bail, appointment of counsel, and pretrial intervention; (2) information on the intake form may not be used in grand jury proceedings or at trial, even for purposes of cross-examination; and (3) information contained on the intake form may be used at sentencing unless the defendant specifically objects, in which case the information cannot be used over that objection. The Supreme Court in 1991 further directed that whether or not the defendant objects to the use of the information on the intake form for sentencing purposes, defendant should still be instructed to appear for a presentence report interview at which he or she is to be asked for any statements for inclusion in the presentence report.

In 2006, the Uniform Defendant Reporting System was reissued as part of the new web-based application that allows staff to download into the forms information that exists in several mainframe computer systems, such as PROMIS/GAVEL and the Automated Criminal System (ACS), thereby eliminating the need to re-enter information separately in multiple systems. In addition, the web-based application allows any report produced to be stored centrally, and thus by accessible to other authorized staff within the county as well as authorized staff in other counties. The application also allows staff producing reports to transmit the reports electronically to their supervisors for review and approval.

The Uniform Defendant Reporting System consists of the following array of reconfigured forms (all of which are appended to this Directive). As noted earlier, the only revision to this combined set of forms is to page 3 ("Financial Status") of the Uniform Defendant Intake component. However, also see Section IV below for the Supreme Court's guidelines regarding limited disclosure of the information in this section as set forth in the In re Subpoena Duces Tecum on Custodian of Records decision.

1. Uniform Defendant Intake Report (UDIR) (4 pages) (page 3 has been revised)
2. Adult Presentence Report
3. Multiple Charges
4. Offense Information
5. Case Analysis
6. Court History
7. Court History Continued
8. Pretrial Intervention Recommendation
9. Additional Information

III. UDRS COMPONENT FORMS REQUIRED FOR PARTICULAR EVENTS AND REPORTS

The particular forms required to be used for each type of report, with those component forms drawn from the preceding list of forms, are as follows:

A. Indigency Application

1) Pages 1 and 3 of the Uniform Defendant Intake

B. Bail/Intake Report

1) Pages 1 through 4 of the Uniform Defendant Intake
2) Court History
3) Court History Continued (if needed)
4) Additional Information (if needed)

C. Pretrial Intervention Report (PTI)

1) Pages 1 through 4 of the Uniform Defendant Intake
2) Offense Information (multiple copies if more than one case)
3) Court History
4) Court History Continued (if needed)
5) PTI Recommendation
6) Additional Information (if needed)

Note: The above forms for PTI are to be used in conjunction with the PTI Order of Postponement, Standard Conditions of PTI Supervision and Special Conditions of PTI Supervision issued October 4, 2005 in Directive #14-05 for cases being enrolled into the Pretrial Intervention Program.

D. Presentence Investigation Report (PSI)

1) Adult Presentence Report
2) Offense Information (multiple copies if more than one case)
3) Multiple Charges (if needed)
4) Pages 1 through 4 of the Uniform Defendant Intake
5) Case Analysis
6) Court History
7) Court History Continued (if needed)
8) Additional Information (if needed)

IV. GUIDELINES ON DISCLOSURE OF FINANCIAL SECTION (NEW)

In In re Subpoena Duces Tecum on Custodian of Records, ___ N.J. ___ (A-25-11, May 14, 2013), the Supreme Court issued the following detailed guidelines regarding the disclosure of the financial section of a defendant's UDIR form (page UDIR-3) where the State seeks to investigate and prosecute the defendant for false swearing and/or fraud. Such disclosure "is proper only in limited circumstances." (Slip opinion at 26.)

A. To avoid any possible confusion about the scope of confidentiality for the UDIR, the Court directed that page 3 be modified to include the following warning: "At the direction of the Assignment Judge acting on his or her own initiative, or in response to a valid grand jury subpoena with the approval of the Assignment Judge, this page (UDIR-3) may be produced to a grand jury and a prosecutor." (Slip opinion at 26.) This added language is the only revision to the UDIR form effected by this Directive.

B. If prosecutors seek to preserve the option to subpoena the financial and employment information that defendants supply on the intake form, they must ask the trial court to have the defendant affirm three things at an early court appearance attended by court-appointed counsel:

> (1) that the information that defendant supplied in the UDIR about his or her finances and employment is true;
>
> (2) that the defendant understands that willfully false statements on the form about those areas may subject him or her to punishment; and
>
> (3) that the defendant understands that information about finances and employment may be disclosed to a grand jury and the prosecution.

The colloquy in open court will confirm defendant's understanding of the purpose and significance of the UDIR form and will resolve any uncertainty in situations in which the defendant has prepared his form by telephone or videoconference and has not signed the form.

The defendant should be given the opportunity to review and amend the financial information he or she submitted in light of this colloquy. (Slip opinion at 26-27.)

C. The defendant's financial disclosures on the UDIR form should not be used by the prosecution to prove the pending case, even if the defendant's finances are relevant to the pending charges. To protect against the use of information provided by defendants in the pending trial, and to guard against improper accusations of abuse, a separate team of prosecutors and investigators, who are not involved with the pending case, should be assigned to any new investigation relative to the contents of the UDIR form. (Slip opinion at 27-28.)

D. Prosecutors who seek disclosure of financial data in UDIR forms should proceed by way of a grand jury subpoena, not by a trial subpoena. (Slip opinion at 28.)

E. Grand jury subpoenas should be presented to the Criminal Division Manager and the Assignment Judge along with an accompanying affidavit from the prosecutor that details the basis for the subpoena -- a showing that the intake form contains false financial information. The Assignment Judge shall determine, within his or her discretion, whether the State's proofs justify disclosure of the intake form. (Slip opinion at 29.)

V. GUIDELINES/CONDITIONS ON THE USE OF THE UDIR

To summarize, in light of the revision to the UDIR form and the Supreme Court's directions, the guidelines or conditions for the use of the attached set of forms are now revised as follows: (1) information contained on the intake form may be used by the court without restriction for purposes of setting bail, appointment of counsel, and pretrial intervention; (2) pursuant to In re Subpoena Duces Tecum on Custodian of Records, the information on the intake form may not be used in grand jury proceedings, even for purposes of cross-examination, except that at the direction of the Assignment Judge acting on his or her own initiative, or in response to a valid grand jury subpoena with the approval of the Assignment Judge, page 3 of the UDIR (UDIR-3) may be produced to a grand jury and a prosecutor, as long as the defendant's financial disclosures on the UDIR form are not used by the prosecution to prove the pending case, even if the defendant's finances would be relevant to the pending charges; (3) the information on the intake form may not be used at trial, even for purposes of cross-examination; and (4) information contained on the intake form may be used at sentencing unless the defendant objects, in which case the information cannot be used over defendant's objection.

Any questions or comments regarding this Directive or the Uniform Defendant Reporting System, including the UDIR form, may be directed to the AOC's Criminal Practice Division at 609-292-3593.

G.A.G.

Attachments

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges
Criminal Division Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers
Sue Callaghan, Criminal Practice Division
Gurpreet M. Singh, Special Assistant

Uniform Defendant Intake
Superior Court of NJ

LAST NAME	FIRST NAME	MIDDLE NAME

ALSO KNOWN AS	SPN	SBI #	DRIVER'S LICENSE NUMBER

DATE OF BIRTH	AGE	PLACE OF BIRTH	SOCIAL SECURITY NUMBER	SEX	RACE
				☐ M ☐ F	

HEIGHT	WEIGHT	EYE COLOR	HAIR COLOR	DISTINGUISHING MARKS

ALIEN STATUS	CITIZENSHIP	OTHER CITIZENSHIP (NATIONALITY)	INTERPRETER NEEDED	LANGUAGE
	☐ US ☐ OTHER		☐ YES ☐ NO	

ATTORNEY'S NAME	COMPLAINT DATE	ARREST DATE

POLICE AGENCY	COUNTY	COURT OF FILING

COMMITMENT NO.	INITIAL BAIL AMOUNT	INITIAL BAIL TYPE	BAIL STATUS
	$	☐ FULL SURETY ☐ 10% CASH ☐ ROR ☐ OTHER _____	☐ JAIL ☐ ROR ☐ BAIL

CHARGES	COMPLAINT NUMBERS	PROMIS NUMBERS	INDICTMENT / ACC. NUMBER

CODEFENDANTS' NAMES	COMPLAINT NUMBERS	PROMIS NUMBERS	INDICTMENT / ACC. NUMBER

1. Criminal History

PRIOR RECORD	PENDING CHARGES
☐ YES ☐ NO	☐ YES ☐ NO

2. Residence

NUMBER OF YEARS IN	RESIDENCE STATUS	HOW LONG AT CURRENT ADDRESS
COUNTY: NJ: US:	☐ RENT ☐ OWN ☐ OTHER	

ADDRESS	ZIP CODE

NAME OF COHABITANT	RELATIONSHIP TO DEFENDANT	RESIDENCE PHONE	EMERGENCY PHONE

PRIOR ADDRESS	ZIP CODE

NAME OF COHABITANT	RELATIONSHIP TO DEFENDANT	HOW LONG AT THIS ADDRESS

MARITAL STATUS	NUMBER OF DEPENDENTS	PAY SUPPORT
☐ SINGLE ☐ MARRIED ☐ SEPARATED ☐ DIVORCED ☐ WIDOWED ☐ CIVIL UNION ☐ DOMESTIC PARTNERSHIP		☐ YES ☐ NO

DOES THE DEFENDANT HAVE PRIMARY CARE OF CHILDREN OR OTHER DEPENDENTS?	IF YES, HAS THE DEFENDANT MADE ALTERNATE CARE ARRANGEMENTS?	HAS ALTERNATE CARE INFORMATION BEEN OBTAINED OR REFERRAL MADE?
☐ YES ☐ NO ☐ N/A	☐ YES ☐ NO	☐ YES ☐ NO

DEFENDANT SUPPLEMENTAL CONTACT	RELATIONSHIP TO DEFENDANT	TELEPHONE NUMBER

CONTACT PERSON'S ADDRESS	ZIP CODE

COMMENTS

Uniform Defendant Intake: Superior Court of NJ

LAST NAME	FIRST NAME	MIDDLE NAME

3. Defendant's Health Status

REPORTED PHYSICAL HEALTH	REPORTED MENTAL HEALTH	DRUG / ALCOHOL USE	USE AT TIME OF OFFENSE
☐ GOOD ☐ POOR	☐ GOOD ☐ POOR	☐ PRESENT ☐ PAST ☐ NONE	☐ YES ☐ NO

4. Physical Appearance / Additional Comments

PHYSICAL APPEARANCE DESCRIPTION

MEDICATION / FREQUENCY

5. Substance Abuse History

SUBSTANCE USED	FREQUENCY	METHOD OF INGESTION	INITIAL USE	LAST USE

6. Medical / Mental Health / Substance Abuse Treatment History & Insurance Coverage

TREATMENT FACILITIES	LOCATIONS	DATES OF TREATMENT

DIAGNOSIS / COMMENTS

ADULT DIAGNOSTIC TREATMENT CENTER EVALUATION ORDERED?	☐ YES ☐ NO	DATE ORDERED	COPY RECEIVED ☐ YES ☐ NO
PSYCHOLOGICAL EVALUATION ORDERED?	☐ YES ☐ NO	DATE ORDERED	COPY RECEIVED ☐ YES ☐ NO

REFERRED FOR SUBSTANCE ABUSE EVALUATION?	TASC	OTHER AGENCY
☐ YES ☐ NO	☐ YES ☐ NO	

HEALTH INSURANCE	INSURED'S NAME	POLICY NUMBER
☐ YES ☐ NO		

INSURANCE CARRIER NAME AND ADDRESS

COMMENTS

Uniform Defendant Intake: Superior Court of NJ

LAST NAME	FIRST NAME	MIDDLE NAME

7. Employment

CURRENT EMPLOYER'S NAME AND ADDRESS			
OCCUPATION	YEARS / MOS.	PHONE	
SKILLS	SALARY	IF UNEMPLOYED, HOW LONG	HOW SUPPORTED
PREVIOUS EMPLOYER'S NAME AND ADDRESS	FROM	TO	
EMPLOYMENT VERIFICATION AND WORK HISTORY			

8. Financial Status

Net Monthly Income	$	**House(s) / Land Market Value**	$
Spousal / Cohabitant Contribution	$	**Value of All Motor Vehicles**	$
Unemployment / Disability	$	**Cash**	$
Social Security	$	**Current Balance Checking Accts.**	$
Veterans Administration	$	**Current Balance Savings Accts.**	$
Pension	$	**Civil Judgment Awards / Pending**	$
Public Assistance / Subsidies	$	**Current Value of Stocks / Bonds**	$
Child Support / Alimony	$	**Face Value of CDs / IRAs / 401Ks**	$
Food Stamps	$	**Money Market Accounts**	$
Housing Subsidies	$	**Retrievable Bail Amt. & Location**	$
Trust Fund Income	$		
Institutional Wages	$	**Other Assets**	$
Income From Rental Properties	$	**Other Assets**	$
TOTAL MONTHLY INCOME	$	**TOTAL ASSETS**	$
Rent	$	**Mortgage Loan Balances**	$
Mortgage	$	**Vehicle Loan Balances**	$
Property Taxes	$	**Support Arrearage**	$
Child Support / Alimony	$	**Medical / Dental / Hospital Debts**	$
PAID THROUGH PROBATION DEPT.	☐ YES ☐ NO	**Attorney Fees**	$
Vehicle Loans & Insurance	$	**Fines Owed to Other Courts**	$
Household Utilities	$	**Credit Card Balances**	$
Other Household Expenses	$	**Civil Judgments Owed**	$
Other Loans & Expenses	$	**Other Debts and Expenses**	$
TOTAL MONTHLY PAYMENTS	$	**TOTAL DEBTS**	$

FINANCIAL COMMENTS INCLUDING DEFENDANTS REPORTED ABILITY TO PAY COURT IMPOSED ASSESSMENTS PER MONTH:

I WISH TO BE REPRESENTED BY ☐ **PUBLIC DEFENDER** ☐ **PRIVATE COUNSEL**

WARNING REGARDING CONFIDENTIALITY
At the direction of the Assignment Judge acting on his or her own initiative, or in response to a valid grand jury subpoena with the approval of the Assignment Judge, this page (UDIR-3) may be produced to a grand jury and a prosecutor.

CERTIFICATION

I certify that the foregoing statements made by me in the above Financial Statement are true. If I have indicated above that I wish to be represented by a public defender, I am submitting this Financial Statement in support of my application to establish indigency, and I am aware that if any statements made by me in the Financial Statement are willfully false, I am subject to punishment as provided by *R.* 1:4-4(b).

DEFENDANT'S SIGNATURE		DATE
INTERVIEWER'S SIGNATURE	TITLE	DATE

Uniform Defendant Intake: Superior Court of NJ

LAST NAME	FIRST NAME	MIDDLE NAME

9. Family History

PARENTAL

MARITAL / CHILDREN

HOME / NEIGHBORHOOD / ENVIRONMENT

10. Military Service History

BRANCH	DISCHARGE	SERVICE PERIOD
	☐ HONORABLE ☐ GENERAL ☐ OTHER	

COMMENTS

11. Education

LAST SCHOOL YEAR COMPLETED (1-20)	GRADUATE	YEAR GRADUATED	CURRENTLY IN SCHOOL	MAJOR / SPECIAL TRAINING
	☐ YES ☐ NO ☐ GED		☐ YES ☐ NO	

LAST SCHOOL ATTENDED	AGE LAST ATTENDED

COMMENTS

12. Other Information / Comments

COMMENTS

Adult Presentence Report
Superior Court of New Jersey, _____ County

This report shall remain confidential and copies thereof shall not be made nor the disclosure of the contents of such report be made to third persons except as may be necessary in subsequent court proceedings involving the sentence imposed or disposition made.

LAST NAME	FIRST NAME	MIDDLE NAME

ALSO KNOWN AS	SEX ☐ M ☐ F	DATE OF BIRTH	AGE	PLACE OF BIRTH

RACE	SOCIAL SECURITY NUMBER	DRIVER'S LICENSE NUMBER	EYE COLOR

ADDRESS	STATE	ZIP CODE	RESIDENCE PHONE

INDICTMENT / ACCUSATION / COMPLAINT NUMBER	PROMIS NUMBER	SPN	SBI #	FBI #

ORIGINAL CHARGES	FINAL CHARGES

PLEA AGREEMENT / SPECIAL FACTORS ☐ Trial ☐ Plea

MANDATORY MINIMUM SENTENCE PURSUANT TO N.J.S.A. 2C:

☐ 11-3	☐ 11-5	☐ 12-2	☐ 13-1
☐ 14-6	☐ 15-2	☐ 17-1	☐ 20-11
☐ 29-6	☐ 35-3	☐ 35-4	☐ 35-5
☐ 35-6	☐ 35-7	☐ 35-8	☐ 39-10
☐ 43-6	☐ 43-7	☐ 43-7.1	☐ 43-7.2

OFFENSE DATE	ARREST DATE	PLEA / CONVICTION DATE	SENTENCE DATE	☐ Pending Charges ☐ Detainers

CUSTODIAL STATUS ☐ ROR ☐ BAIL ☐ JAIL_____	BAIL AMOUNT	DATE BAIL POSTED	INTERPRETER NEEDED ☐ YES ☐ NO	LANGUAGE

Jail Time Credit			Gap Time Credit		
FROM (DATE)	TO (DATE)	TOTAL JAIL TIME CREDIT DAYS	FROM (DATE)	TO (DATE)	TOTAL GAP TIME CREDIT DAYS

☐ Public Defender ☐ Private ☐ Assigned

SENTENCING JUDGE	DEFENSE ATTORNEY	PHONE NUMBER

ASSISTANT PROSECUTOR	ADDRESS

COMMENTS

PROBATION OFFICER	DATE PREPARED	TEAM LEADER / SUPERVISOR	DATE APPROVED

Multiple Charges Sheet

LAST NAME	FIRST NAME	MIDDLE NAME

INDICTMENT / ACCUSATION / COMPLAINT NUMBER	PROMIS NUMBER

ORIGINAL CHARGES	FINAL CHARGES

PLEA AGREEMENT / SPECIAL FACTORS ☐ Trial ☐ Plea

MANDATORY MINIMUM SENTENCE PURSUANT TO N.J.S.A. 2C:

☐ 11-3	☐ 11-5	☐ 12-2	☐ 13-1
☐ 14-6	☐ 15-2	☐ 17-1	☐ 20-11
☐ 29-6	☐ 35-3	☐ 35-4	☐ 35-5
☐ 35-6	☐ 35-7	☐ 35-8	☐ 39-10
☐ 43-6	☐ 43-7	☐ 43-7.1	☐ 43-7.2

OFFENSE DATE	ARREST DATE	PLEA / CONVICTION DATE	SENTENCE DATE

CUSTODIAL STATUS	BAIL AMOUNT	DATE BAIL POSTED
☐ ROR ☐ BAIL ☐ JAIL_____		

Jail Time Credit			Gap Time Credit		
FROM (DATE)	TO (DATE)	TOTAL JAIL TIME CREDIT DAYS	FROM (DATE)	TO (DATE)	TOTAL GAP TIME CREDIT DAYS

PROSECUTOR NAME AND ADDRESS (IF DIFFERENT)	ATTORNEY NAME AND ADDRESS (IF DIFFERENT)

COMMENTS

Offense Information

LAST NAME	FIRST NAME	MIDDLE NAME
INDICTMENT / ACCUSATION / COMPLAINT NUMBER	PROMIS NUMBER	SBI #

OFFENSE CIRCUMSTANCES

SPECIAL FACTORS RELATIVE TO OFFENSE

DEFENDANT'S VERSION (COMPLETE ONLY UPON APPLICATION FOR PTI AND AFTER CONVICTION)

VICTIM STATEMENT(S) ATTACHED	IF NO, CHECK REASON	DATE REQUEST MADE
☐ YES ☐ NO	☐ NO RESPONSE ☐ NOT APPLICABLE	

Case Analysis

LAST NAME	FIRST NAME	MIDDLE NAME
INDICTMENT / ACCUSATION / COMPLAINT NUMBER	PROMIS NUMBER	SBI #

ASSESSMENT OF FACTORS CONTRIBUTING TO PRESENT OFFENSE (*N.J.S.A.* 2C:44-1)

ASSESSMENT OF DEFENDANT'S PERSONALITY, PROBLEMS & THE POTENTIAL FOR PROBATION AS A DISPOSITION, NOTING POTENTIALLY AVAILABLE COMMUNITY RESOURCES FOR ASSISTANCE

TEAM LEADER / PROBATION OFFICER	TEAM LEADER / PROBATION OFFICER SIGNATURE	DATE
SUPERVISOR	SUPERVISOR SIGNATURE	DATE

Court History

LAST NAME	FIRST NAME	MIDDLE NAME

SBI #	FBI #	PENDING CHARGES	ACTIVE BENCH WARRANTS	DETAINERS
		☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO

DISCUSSION OF PRIOR COURT HISTORY AND PENDING CHARGES

COURT HISTORY

DATE	PLACE	OFFENSE	COURT	DISPOSITION

Court History Continued

LAST NAME	FIRST NAME	MIDDLE NAME

COURT HISTORY

DATE	PLACE	OFFENSE	COURT	DISPOSITION

PTI Recommendation
Superior Court of New Jersey, _____ County

LAST NAME	FIRST NAME	MIDDLE NAME
INDICTMENT / ACCUSATION / COMPLAINT NUMBER	PROMIS NUMBER	SBI #

DEFENDANT RECOMMENDED FOR ENROLLMENT ☐ YES ☐ NO

RECOMMENDATIONS AND COMMENTS

CODEFENDANT STATUS

INSTRUCTIONS: Attach Postponement Order and Participation Agreement if recommended.

PROBATION OFFICER	PROBATION OFFICER SIGNATURE	DATE
SUPERVISOR	SUPERVISOR SIGNATURE	DATE APPROVED

Revised: 05/2013, CN: 10693

Additional Information

LAST NAME	FIRST NAME	MIDDLE NAME
INDICTMENT / ACCUSATION / COMPLAINT NUMBER	PROMIS NUMBER	SBI #