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Criminal Justice Reform—The clock is ticking

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New Jersey is less than six months away from criminal justice reform becoming reality. On Jan. 1, 2017, the state will shift from a system that relies principally on setting monetary bail as a condition of a defendant's release pending trial to an objective risk-based system. In addition, prosecutors will have the right to seek pre-trial detention for certain defendants. An enabling statute also sets deadlines for the timely filing of an indictment and the disposition of criminal charges for incarcerated defendants.

The move to reform the state's criminal justice system grew from the work of the Joint Committee on Criminal Justice, a special committee of the Supreme Court established by Chief Justice Stuart Rabner to examine the issues of bail and speedy trial reform. The committee included the attorney general, public defender, judges and representatives of the executive and legislative branches, county prosecutors, defense counsel, court administration and the American Civil Liberties Union. The committee unanimously agreed upon a series of recommendations that were incorporated into landmark legislation.

Voters approved a constitutional change to permit judges to keep high-risk defendants detained without bail.

The Judiciary and its partners in local, county and state government have been working for more than a year to make sure staff and judges are trained, employees are hired, new and existing computer systems are integrated and operational and that court rules and policies are revised and new ones are implemented.

"Criminal justice reform represents a sea change for how criminal cases are handled from the time of arrest until final disposition," said Judge Glenn A. Grant, acting administrative director of the courts, who is leading the Judiciary's implementation efforts. "The premise behind what we're doing is simple. We're creating a fairer system so that poor defendants held on nominal bail for minor crimes who don't pose a danger or risk of non-appearance can be released pending trial, while defendants with access to money and able to make bail may be detained pretrial because of the potential to commit other crimes while out on release."

"But while the reasons behind criminal justice reform are simple,

implementing these systems changes are extremely complex," the judge added.

Pilot programs in three vicinages, Camden, Morris/Sussex and Passaic, are underway, and planning for implementation throughout the remainder of the state is proceeding. The Burlington and Mercer vicinages held kickoff events in June; others are scheduled through the fall.

The Judiciary has been hard at work in a number of ways to implement criminal justice reform. It has been working with the Arnold Foundation, a criminal justice foundation, to develop the objective risk-assessment tool that has been validated with data from tens of thousands of actual New Jersey cases.

That tool – which will be integrated with existing state and federal criminal databases -will help judges assess the level of risk of a defendant based on a series of 9 factors. Judges will use this information to make the release or detention determination within 24 to 48 hours of defendant's arrest.

The Judiciary is in the process of hiring more than 200 pretrial services officers who will prepare an estimated 70,000 evaluations a year to assist judges making decisions about pretrial releases. The Judiciary is working county officials in all 21 counties to ensure adequate space and facilities for this new function. Meanwhile, the Supreme Court has held public hearings on changes and revisions to court rules related to criminal justice reform. The changes and revisions were borne from two Supreme Court committees, the Criminal Practice Committee and Municipal Court Practice Committee.

The Judiciary also has engaged in extensive outreach with the Attorney General's Office, the Public Defender's Office and others to train the many stakeholders whose participation is essential to the success of criminal justice reform. Outreach efforts also extend to court staff and the public to ensure all understand why criminal justice reform is important. These efforts include videos, newsletter articles and columns, broadcast messages and pages at njcourts.gov and on the Judiciary's Intranet site. "This represents a historic change and opportunity to improve how criminal justice is delivered in New Jersey," Judge Grant said. "All components of the state's criminal justice system—law enforcement, prosecution, defense, the courts and corrections have been working together to make this initiative successful!"