

# Report to the Governor and the Legislature

CRIMINAL  
JUSTICE  
REFORM

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**2019**



 **New Jersey Courts**  
Independence • Integrity • Fairness • Quality Service

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# I. OVERVIEW

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*“Criminal Justice Reform has reduced the unnecessary detention of low-risk defendants, ensured community safety, and preserved the integrity of the criminal justice system.”*

*~Stuart Rabner, Chief Justice*

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Criminal Justice Reform (CJR) brought monumental change to New Jersey’s pretrial justice system.

The adoption of CJR required the support of all three branches of state government. Its continued success has required the commitment of individuals throughout our criminal justice system: the defense bar, both public and private; prosecutors at the state and county levels; all levels of law enforcement, including sheriffs and wardens; various community groups; and the public.

Three years into its existence, CJR continues to perform admirably and, as this annual report details, with notable consistency. The positive results have attracted the attention and interest of court systems across the nation.

Under CJR, the use of monetary bail has been largely eliminated, replaced by a Public Safety Assessment tool that continues to classify a defendant’s risk of committing a new criminal activity or failing to show up for court with a high degree of accuracy.

Low-risk defendants are most often released on a complaint-summons without being transported to jail or released on conditions set by the court. High-risk defendants are able to be detained upon motion of the prosecutor and order of the Court. An analysis of New Jersey’s jail population on October 2, 2019 found 65 percent of the population faced charges of the first- or second- degree.

New Jersey's jail population continues to decline, decreasing 6.4 percent from 2018 to 2019.

Meanwhile, recidivism and court appearance rates for defendants have remained largely the same as the rates under the previous bail system. The vast majority of defendants released pretrial under CJR return to court without being charged with new criminal activity and without fleeing.

Of those defendants released pretrial in 2018, 13.8 percent were charged with an indictable offense while on pretrial release and 0.4 percent were charged with a serious offense mandating no early release from prison upon conviction. The rates were virtually the same for those defendants released pretrial in 2017.

At its core, CJR balances the presumption of innocence and the right to a speedy trial with the State's obligation to assure community safety. In doing so, it embodies the principles of fairness required of our American justice system.

**I.**

**CRIMINAL JUSTICE REFORM  
OUTCOMES**

The Judiciary is committed to the continued evaluation of the performance of Criminal Justice Reform. This section provides a statistical analysis of the outcomes of pretrial release, including the impact on new criminal activity and court appearance rates. This section also analyzes the accuracy of the Public Safety Assessment tool as well CJR’s impact on creating a fairer criminal justice system.

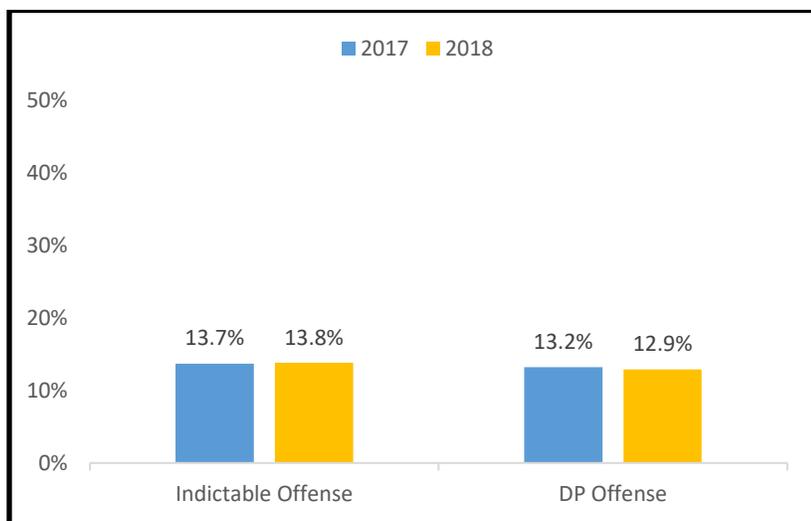
## A. New Criminal Activity

No criminal justice system can ensure that every defendant will strictly adhere to the conditions of their pretrial release while awaiting trial. However, under Criminal Justice Reform, the rate of alleged new criminal activity (NCA) for individuals released pretrial has remained consistently low - and similar to pre-CJR - as the vast majority of defendants return to court without being charged with a new offense.

The rate of alleged new criminal activity for individuals arrested and released pretrial in 2018 remained virtually the same as the rate for defendants arrested in 2017.

As shown in Fig. 1., the percentage of defendants arrested in 2018 and subsequently charged with an indictable offense increased slightly to 13.8 percent. The rate of pretrial defendants arrested in 2018 and subsequently charged with a disorderly persons offense dropped slightly to 12.9 percent.

**Fig. 1. New Criminal Activity**



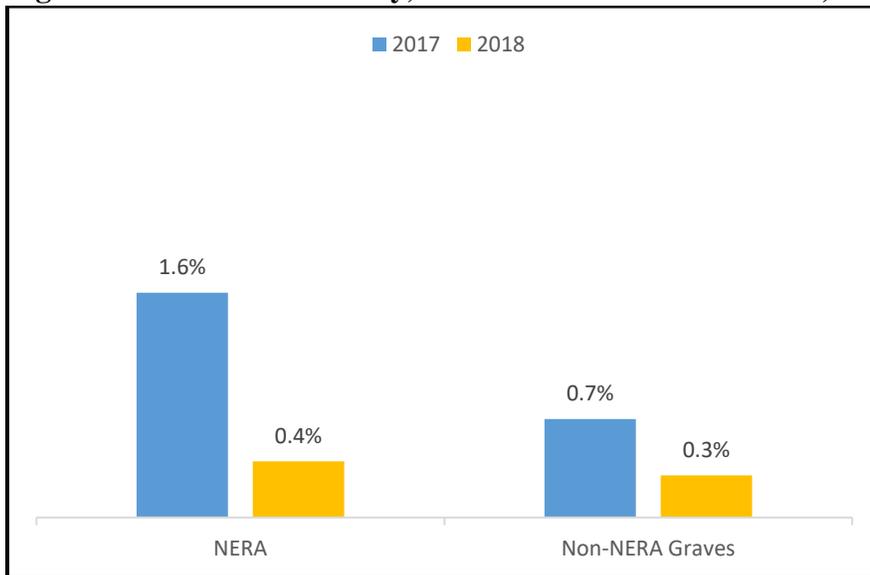
While overall NCA rates remained stable, the number of defendants charged with serious offenses dropped significantly from 2017 to 2018.

Of the defendants arrested and released pretrial in 2018, fewer than 1 percent were charged with committing a No Early Release Act (NERA)<sup>1</sup> or a Graves Act<sup>2</sup> offense.

More specifically:

- 0.4 percent of defendants arrested and released pretrial in 2018 were charged with a serious offense mandating no early release from prison upon conviction, compared to 1.6 percent of such defendants in 2017; and
- 0.3 percent of defendants arrested and released pretrial in 2018 were charged with a non-NERA Graves Act gun offense as their primary offense, compared to 0.7 percent of such defendants in 2017.

**Fig. 2. New Criminal Activity, NERA or Non-NERA Graves, 2017 and 2018**



<sup>1</sup> NERA offenses are defined under N.J.S.A. 2C:43-7.2 and include the most serious first- and second-degree offenses. A defendant convicted of a NERA offense must serve no less than 85 percent of the sentence imposed before becoming eligible for parole.

<sup>2</sup> Graves Act offenses are defined under N.J.S.A. 2C:43-7 and include offenses related to unlawful possession of weapon (firearms). A defendant convicted of a Graves Act offense must serve no less than one-half of the sentence imposed or 42 months, whichever is greater, or 18 months in the case of a fourth-degree crime, before becoming eligible for parole.

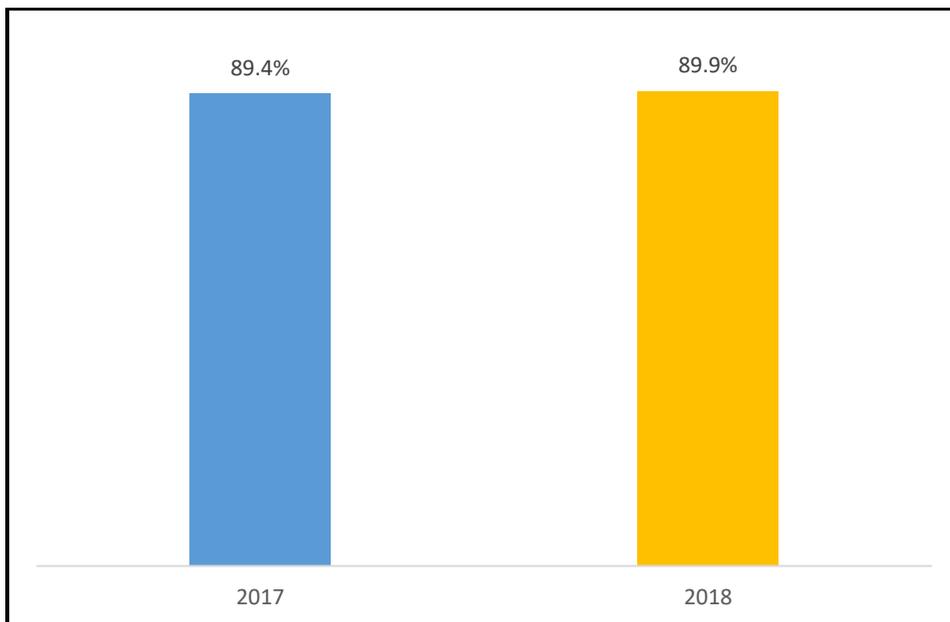
The Judiciary’s findings in this area align with overall rates for crime and violent crime in New Jersey, which have continued to decrease according to the State Police Uniform Crime Report.

## B. Court Appearance Rates

Court appearance rates are a critical measurement of the success of a pretrial justice system. Defendants arrested in 2018 continued to appear in court at a nearly 90 percent rate. That includes court appearances for municipal disorderly persons events, criminal post-indictment events, and family court contempt of restraining order events<sup>3</sup> for defendants issued either a complaint-summons or a complaint-warrant.

As Figure 3 shows, the court appearance rate increased slightly from 2017 to 2018. Defendants arrested in 2017 appeared, on average, for 89.4 percent of pretrial court appearances; defendants arrested in 2018 made, on average, 89.9 percent of their court appearances.

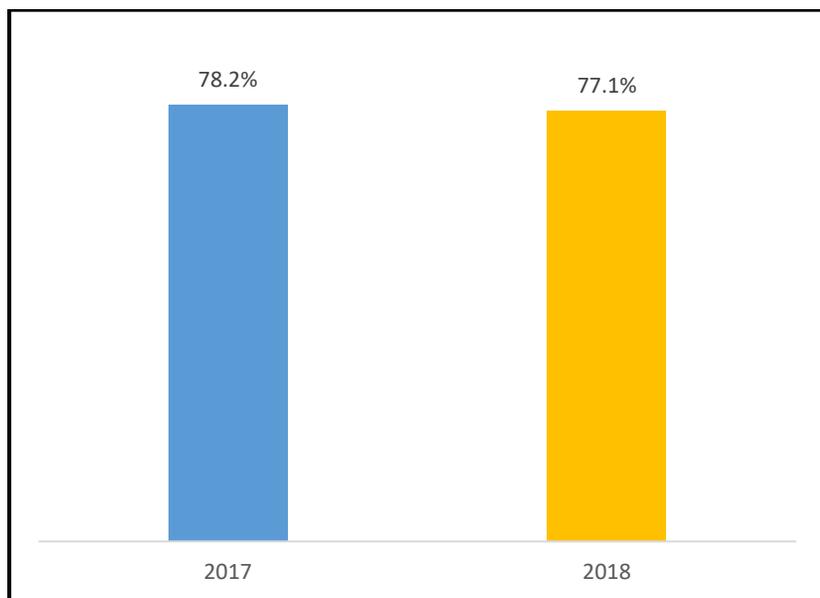
**Fig. 3. Court Appearance Rate**



<sup>3</sup> When a prosecutor downgrades criminal charges related to a violation of a domestic violence restraining order, defendants are required to appear in Family court rather than Criminal court.

In addition to the high court appearance rates, cases were still being disposed of within appropriate time frames at high rates. Figure 4 shows that for cases that began in 2017, 78.2 percent were disposed within a 22-month period; in 2018, the percentage was 77.1.

**Fig. 4. Cases Disposed Within 22-Month Period**



The continued high rate of cases disposed, as well as the continued low rate for new criminal activity (Fig. 1, above), suggest that defendants, even after missing an appearance, continue to return for future court dates and are not fleeing.

### **C. Public Safety Assessment Performance**

The Public Safety Assessment (PSA) plays a crucial role in the success of Criminal Justice Reform. It provides judges with an objective analysis of the likelihood that a defendant will fail to appear in court or be charged with a new indictable crime or disorderly persons offense<sup>4</sup> while on pretrial release. It is an objective risk assessment tool developed through the use of national empirical data and validated with data from New Jersey. See Appendix A for more information on the PSA.

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<sup>4</sup> “Offense” here is defined as the issuance of a new indictable or disorderly persons charge, allegedly committed while the defendant was on pretrial release.

The PSA gives each defendant a risk score ranging from 1 to 6 on two separate scales: new criminal activity (NCA) and failure to appear in court (FTA). A “1” signifies the lowest risk level and a “6” the highest. The PSA also includes a flag to indicate whether the defendant presents an elevated risk of being charged with committing a new violent offense<sup>5</sup> while on pretrial release.

While the PSA assists judges in making informed release decisions, it does not replace judicial discretion or the need for judges to render a release decision that is tailored to the individual defendant. Judges must also consider information provided by the prosecutor and defense attorney.

To evaluate the 2018 performance of the PSA, Judiciary researchers generated PSA results for all defendants issued complaint-summons and complaint-warrants in 2018, and then compared the risk scores to actual rates of failure to appear and alleged commission of new offenses while on pretrial release. Defendants issued either a complaint-summons or complaint-warrant in 2018 were tracked throughout the pretrial period from arrest to disposition, or through October 31, 2019, to ensure that the majority of those cases were disposed.<sup>6</sup> The evaluation confirmed that the PSA continues to classify defendants’ risk levels with notable accuracy.

A review of PSA risk scores and their outcomes found that as the risk scores for NCA increased, the defendants’ actual failure rates increased as well. For example, only 9 percent of defendants who received an NCA score of “1” were charged with a new offense while on pretrial release, while 53 percent of defendants with an NCA score of “6” were charged with a new offense while on pretrial release.

The PSA also includes a New Violent Criminal Activity (NVCA) flag that, when checked, indicates that a defendant presents a risk to commit a violent crime. Defendants who received an NVCA flag were more likely to be charged with committing a new violent offense while on pretrial release (11.3 percent) than defendants who did not receive the NVCA flag (4.8 percent).

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<sup>5</sup> Examples of violent offenses include murder, homicide, manslaughter, assault involving physical injury (including simple assault), kidnapping, abduction, human trafficking, person-to-person sex offenses (such as rape and sexual assault), robbery, carjacking, and terrorism. A charge of attempt, solicitation, or conspiracy to commit any of those offenses is considered a violent offense.

<sup>6</sup> The 2019 arrest data will be collected and analyzed after October 31, 2020.

## **D. Fairness and Equity**

Criminal Justice Reform balances an individual's constitutional rights with the public's need for safety to create a fairer system of pretrial justice.

The removal of bail as a primary consideration in the release of defendants has created a fairer system. The total number of defendants sitting in jail from 2017 through 2019 is far less than it was under the system of bail, and that holds true for defendants of all races. The practice of holding low-risk defendants in jail on bails of \$2,500 or less continues to decline dramatically. In 2019, bail was nearly eliminated for CJR-eligible defendants.<sup>7</sup>

Still, historical inequities continue. Black defendants are more likely to be charged with complaint-warrants at the earliest stages of the criminal justice process and are likely to spend more time in jail awaiting case disposition. Black defendants continued to make up 55 percent of the jail population in 2019.

Fairness and equity require that all stakeholders and decision makers in the criminal justice system work together to fulfill the aim of the criminal justice system by upholding the defendant's constitutional rights while also protecting community safety.

The following analysis shows the data related to fairness and equity during the criminal justice process, specifically in regard to the summons/warrant decision and the total time defendants spend in jail waiting for their cases to be disposed.

## **E. Criminal Justice Reform Process**

The criminal justice process begins with a defendant's interaction with law enforcement. Law enforcement may directly issue a complaint-summons without a review by a judicial officer or request that a judicial officer review the complaint and make the decision to issue a complaint-summons or a complaint-warrant. Defendants charged on a complaint-summons are released immediately without conditions and provided a court date.

Defendants charged with a crime or disorderly persons offense on a complaint-warrant are considered CJR "eligible defendants" and are committed to the county jail. A first appearance hearing will be held within 24 to 48 hours for the judge to make a release decision. At this court proceeding, the judge considers information presented by the

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<sup>7</sup> The CJR statute defines an eligible defendant as "a person for whom a complaint-warrant is issued for an initial charge involving an indictable offense or disorderly persons offense."

parties, pretrial services, and the PSA risk assessment to determine appropriate release conditions.

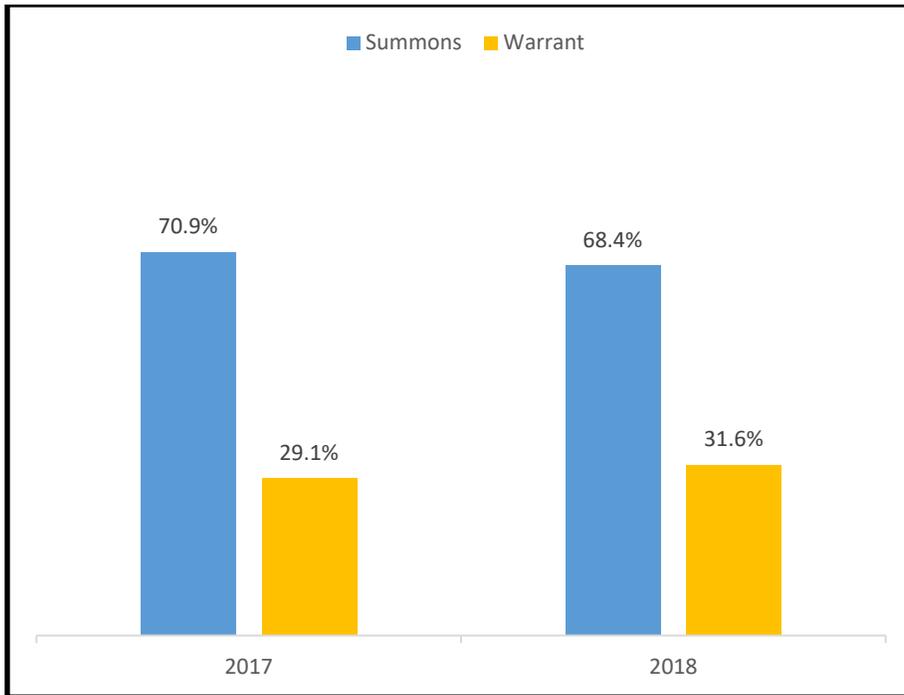
If the prosecutor files a motion for pretrial detention prior to the first appearance, the court will schedule a detention hearing to determine whether to detain or release the defendant. If the judge finds that no combination of conditions or level of monitoring will reasonably assure the safety of the community, and assure that the defendant will appear for court and not obstruct the criminal justice process, the defendant will be detained pending trial in accordance with the speedy trial provisions in the CJR law.

### **1. Summons/Warrant Decision**

The decision by law enforcement to issue a complaint-summons or seek a complaint-warrant from the court is informed by various factors, including the results of a preliminary PSA initiated by law enforcement, court rules, and Attorney General-issued directives to guide law enforcement. Because of the increased availability of objective information, such as the defendants' criminal histories, court appearances, and risk results, as well as early charge screening by prosecutors or senior law enforcement officers, the vast majority of defendants are properly categorized as lower risk and released on a complaint-summons without commitment to the county jail. Defendants categorized as higher risk or charged with more serious crimes are arrested on complaint-warrants and committed to the county jail for a risk assessment and a pretrial release decision, consistent with the CJR law.

In 2018, 88,146 defendants (68.4 percent) received a complaint-summons and 40,750 (31.6 percent) received a complaint-warrant.

**Fig. 5. Summons vs. Warrant, 2017 and 2018**



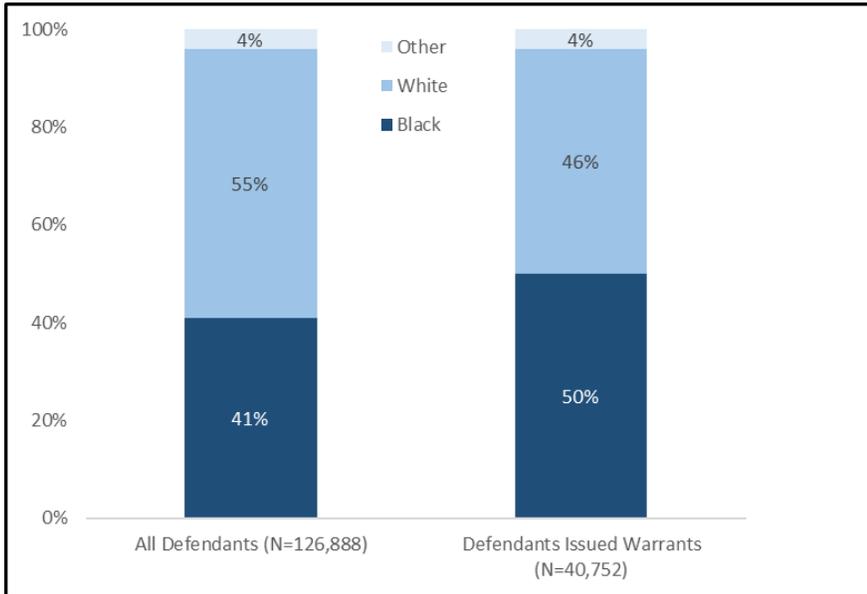
The percentage of complaint-summons issued versus complaint-warrants has remained relatively stable under CJR. In 2017, 29.1 percent of defendants were issued a complaint-warrant and committed to the county jail. In 2018, the percentage of defendants committed to jail increased slightly, to 31.6 percent.

## **2. Issuance of Complaint-Warrants by Race**

Black defendants are disproportionately represented in both the overall population of people issued complaints and the population of defendants that receive complaint-warrants. While the population of New Jersey is 14.1% black,<sup>8</sup> as Figure 6 shows, black defendants made up 41 percent of the defendant population in 2018 and were issued 50 percent of the complaint-warrants.

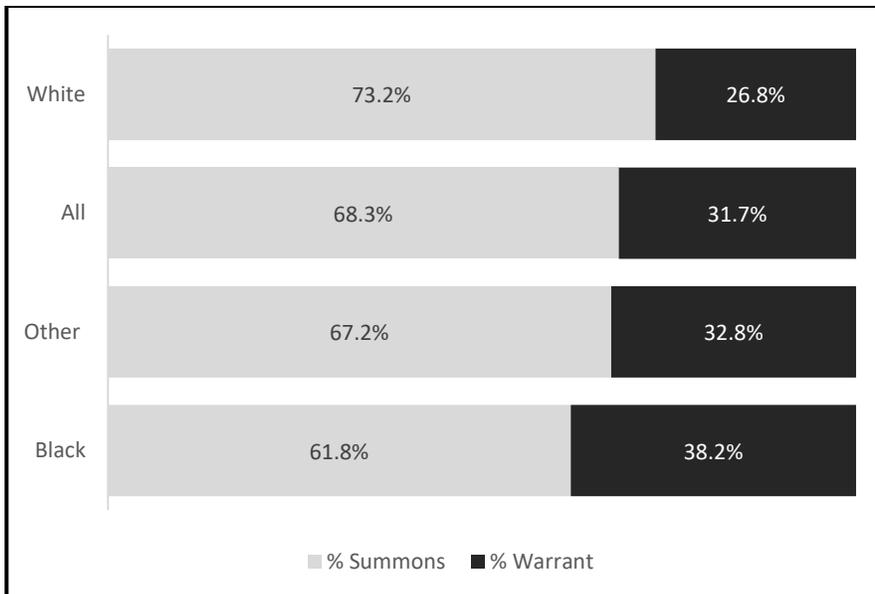
<sup>8</sup> 2017: ACS 1-Year Estimates Data Profiles

**Fig. 6. Complaint-Warrants by Race**



Of all complaints issued to black defendants, 38 percent were handled as complaint-warrants. By contrast, as Figure 7 shows, 27 percent of white defendants were issued a complaint-warrant.

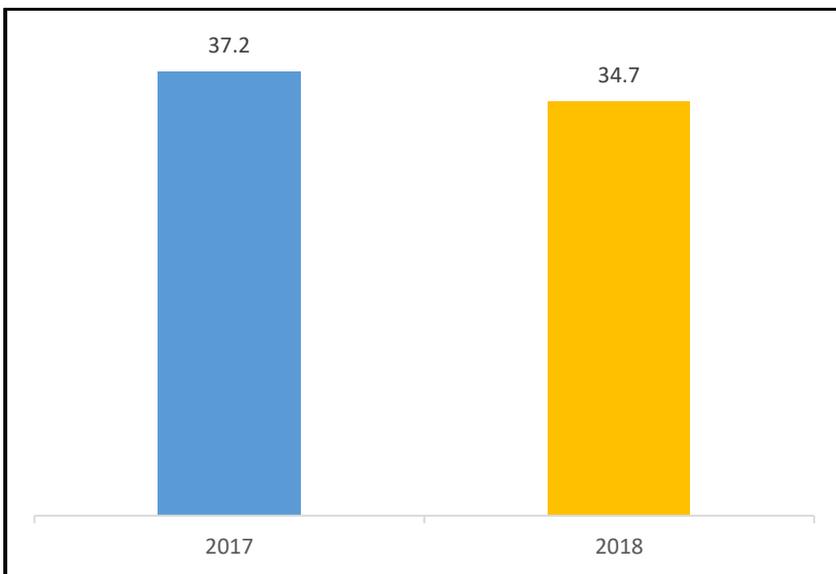
**Fig. 7. Total Complaints by Race**



### 3. Total Time in Jail Pretrial

The amount of time defendants spent in jail immediately after being issued a complaint-warrant was also analyzed. The average time spent in jail was 37.2 days for defendants arrested in 2017 and 34.7 days for defendants arrested in 2018.

**Fig. 8. Average Days in Jail, Defendants Issued Complaint-Warrants, 2017 and 2018**



**II.**  
**JAIL POPULATION**  
**2018 vs. 2019**

## A. Impact on County Jail Population

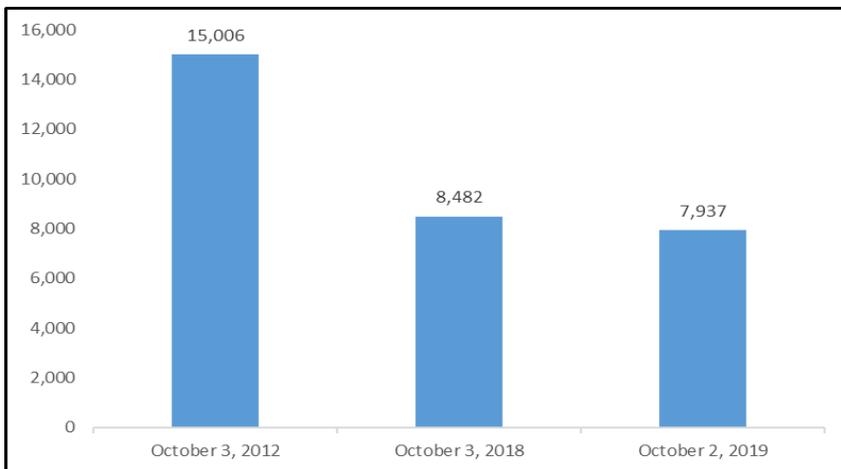
One of the factors that led to the adoption of Criminal Justice Reform was a study that examined the 2012 county jail population and found 12 percent of inmates were in jail pretrial on a bail of \$2,500 or less. For the 2018 annual report, the Administrative Office of the Courts, with the assistance of Luminosity, updated the study<sup>9</sup> by comparing the jail population on October 3, 2012 with the jail population on October 3, 2018. The new study found that the number of inmates in custody declined dramatically and far fewer inmates were being held on low bails.

For this report, the Judiciary replicated that same jail population study of inmates in custody on October 2, 2019 (the first Wednesday of the month), to determine if the improvements seen a year earlier had been sustained and to identify areas in need of closer examination.

### Total Jail Population

The overall number of inmates in custody continued to decline under CJR. There were 15,006 inmates in custody in 2012. The population dropped to 8,482 in 2018 and 7,937 in 2019—a 6.4 percent decrease between 2018 and 2019.

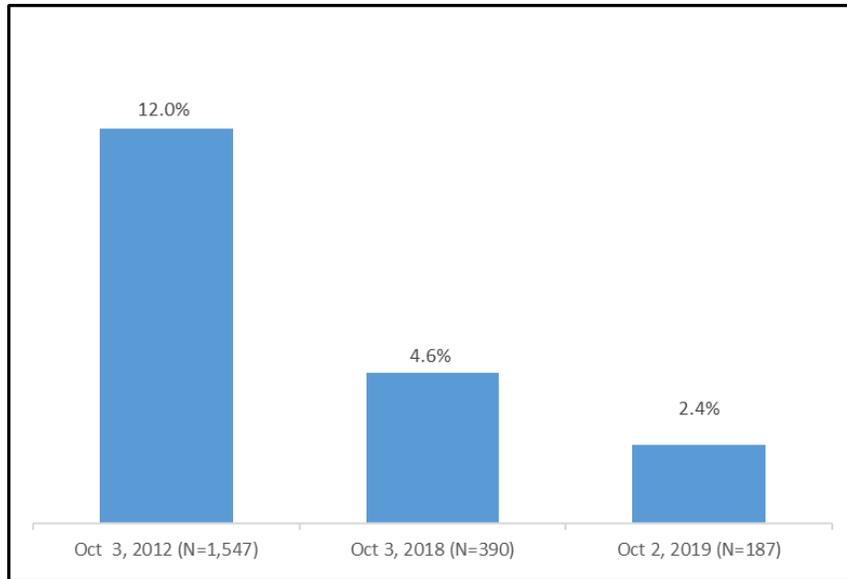
**Fig. 9. Total Jail Population; 2012, 2018 and 2019**



<sup>9</sup> See 2013 Jail Study: [https://www.drugpolicy.org/sites/default/files/New\\_Jersey\\_Jail\\_Population\\_Analysis\\_March\\_2013.pdf](https://www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf)

The percentage of jail inmates held on a bail of \$2,500 or less dropped even more dramatically. Using the first Wednesday in October for comparison, the percentage of jail inmates with a bail of \$2,500 or less dropped from 12 percent in 2012 to 4.6 percent in 2018 to 2.4 percent in 2019.

**Fig 10. Defendants Held on \$2,500 or Less Bail, Annual Snapshot, 2018 and 2019**



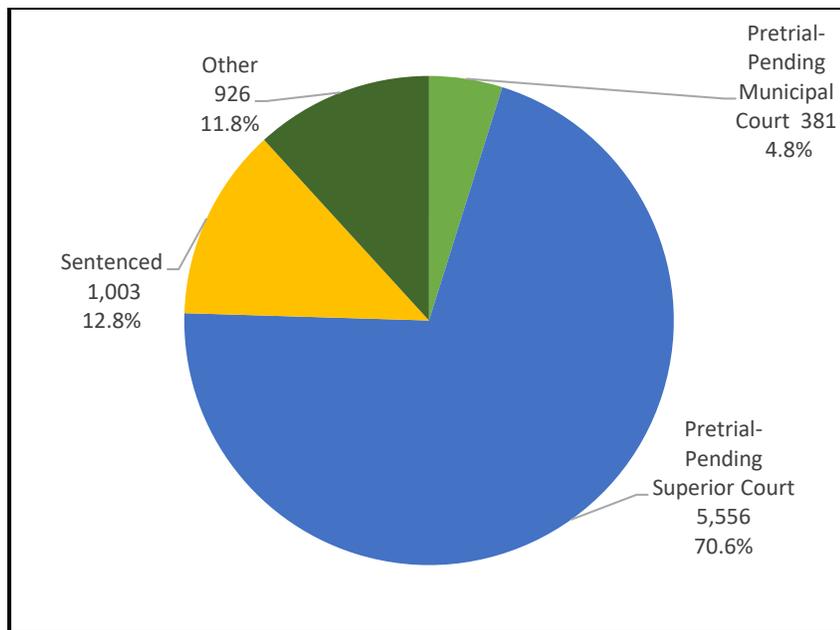
Most (72.7 percent) of the inmates held on low bail were ordered to post bail in Municipal Court and were not eligible for CJR. In 2019, of the 51 Superior Court defendants held on \$2,500 bail or less, only two were CJR defendants. The other 49 defendants had initially been released on a summons or on their own recognizance but were ordered to post bail after failing to appear for a scheduled court appearance.<sup>10</sup>

<sup>10</sup> N.J.S.A. 2A:162-16(b)(2)(a) requires that for defendants released on a summons who subsequently fail to appear and are arrested on a bench warrant, the court must release the defendant on their own recognizance or on monetary bail.

## Jail Population Status

The majority of individuals (75.4 percent) in jail on October 2, 2019 were pretrial defendants awaiting the resolution of a case in either Superior or Municipal Court. Most pretrial inmates had a pending case in Superior Court (5,556), and a smaller number (381) had a pending case in Municipal Court. Another 12.8 percent of individuals were in jail awaiting sentencing while the remaining 11.8 percent (926) were being held for other reasons, including but not limited to, violations of probation or parole and immigration-related detainers.

**Fig 11. Proportion of Jail Population by Custody Status, 2019**



## Jail Population by Severity of Charge

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*“New Jersey’s jail population looks very different today.... The state’s jails now largely include those defendants who present a significant risk of flight or danger to the community. Low-risk defendants who lack the financial resources to post bail are now released back into the community without having to suffer the spiraling, life-changing consequences of being detained for weeks and months while presumed innocent.”*

*~Glenn A. Grant, acting Administrative Director of the Courts*

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While New Jersey’s jail population once held a significant number of low-risk defendants who could not afford modest amounts of bail, the large majority of inmates in the custody of the county jails on both October 3, 2018, and October 2, 2019, were charged or sentenced for the most serious offenses. As shown in Figure 12, 33.2 percent of defendants in jail pretrial in 2019 had a first-degree charge such as homicide, aggravated sexual assault or serious firearms or weapons charges, as their most serious charge, and 31.8 percent had a second-degree charge such as robbery or aggravated arson as their most serious charge.

As Figure 12 shows, just 8.1 percent of defendants were charged with or sentenced for a fourth-degree offense (e.g., certain drug possession charges) as their most serious charge and 1.8 percent were charged with or sentenced on disorderly persons offenses (e.g., simple assault) as their most serious charge. Another 10.5 percent of inmates were held for some other reason, such as a probation or parole violation.

**Fig 12. Primary Charge Severity, All Defendants in Jail, 2019**

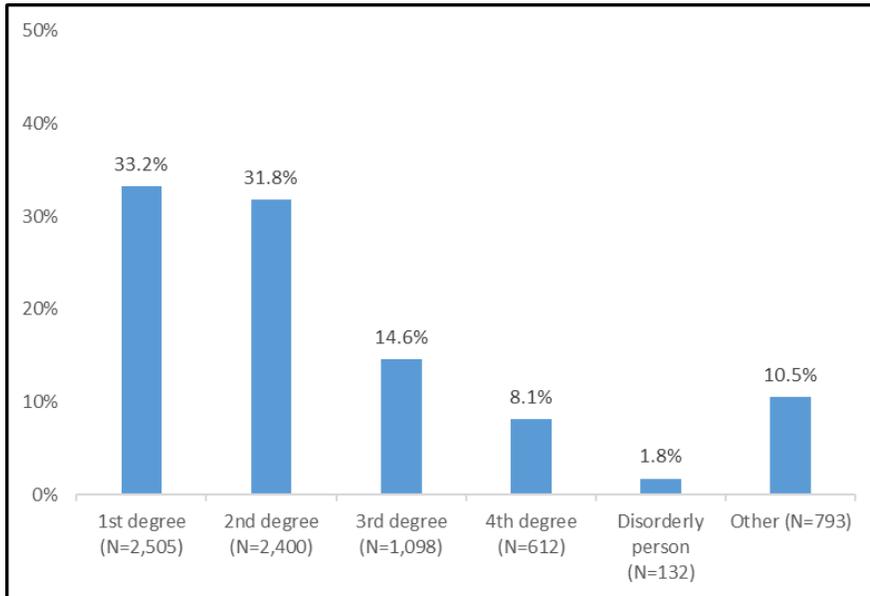
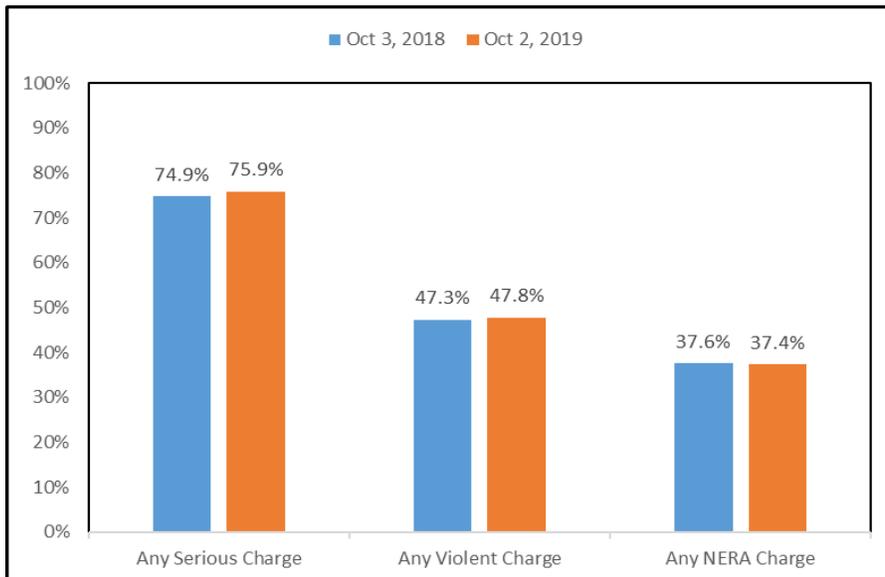


Figure 13 shows the percentage of defendants charged with serious offenses remained consistent from 2018 to 2019.

**Fig. 13. Primary Charge by Category, All Defendants in Jail, 2018 and 2019**

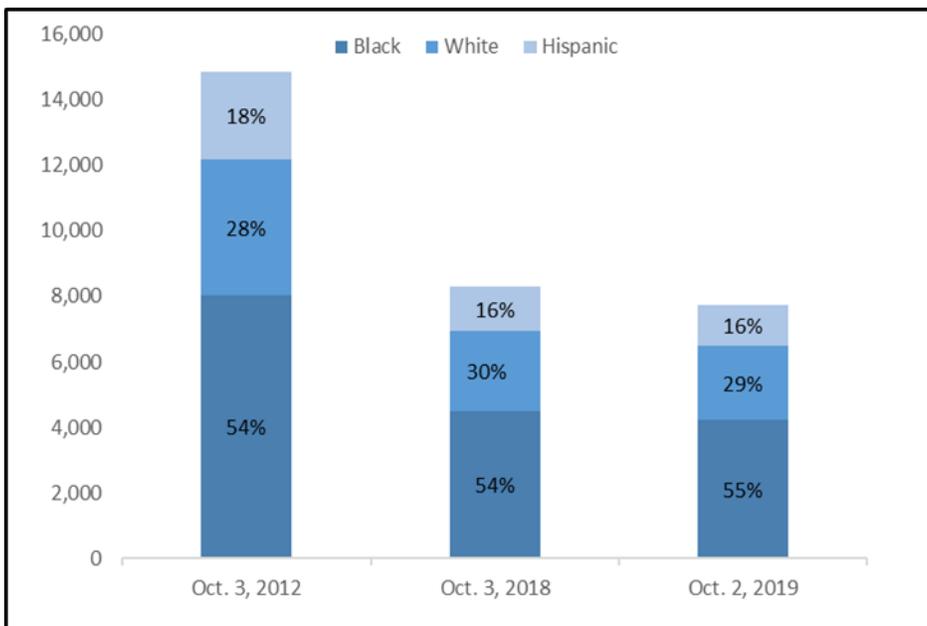


## B. Jail Population Demographics

Although the total jail population has decreased, the racial and ethnic makeup within that population has remained largely the same. Black defendants continue to make up a disproportionate percentage of the total jail population relative to their representation among those issued complaints (41.0%) and those issued warrants (50%).

As Figure 14 shows, black defendants made up 54 percent of the jail population in 2012 and 2018 and 55 percent of the jail population in 2019. Since the majority of jail inmates are male (89.4%), the demographic distribution of male inmates is similar to the total population. In 2019, 55 percent of the jail population was black, 29 percent was white, and 16 percent was Hispanic. The distribution was nearly identical in 2012 and 2018. White defendants made up 30 percent of the jail population in 2018 and 29 percent of the jail population in 2019. The Hispanic population remained constant at 16 percent both years.

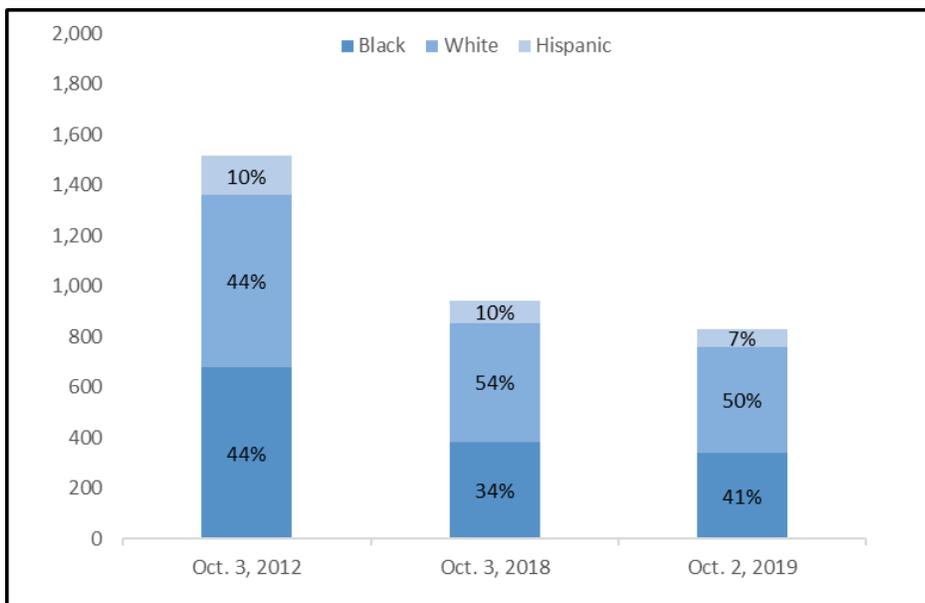
**Fig. 14. Jail Population by Race, 2012, 2018 and 2019**



**Fig. 15. Female Jail Population**

The racial demographics of the female jail population has seen more fluctuation. Black defendants represented 44 percent of the female jail population in 2012. That dropped to

34 percent in 2018, and then increased to 41 percent in 2019 (343 of 838 female inmates were black).



**III.**  
**CRIMINAL JUSTICE REFORM**  
**2019 PERFORMANCE**

## **A. Pretrial Decision-Making Process**

The Public Safety Assessment (PSA) is an objective risk assessment developed by the Laura and John Arnold Foundation.<sup>11</sup> The PSA measures risk through an analysis of objective information in the defendant’s criminal record and court history.<sup>12</sup> The Decision-Making Framework (DMF) is used in conjunction with the PSA to manage risk by generating objective recommendations on pretrial release conditions.<sup>13</sup> Together, the PSA and DMF measure the risk defendants pose and recommend the least restrictive means to manage that risk. The PSA and DMF help Pretrial Services staff offer recommendations for release and assist judges in making informed pretrial release decisions.

The tools provide information to judges in their decision-making; they do not replace judicial discretion. In determining appropriate conditions of release that are tailored to the individual defendant, judges also consider specific facts presented by the prosecution and defense. Although no pretrial release system can ensure that a defendant will not commit an offense after release, or will attend all court hearings, judges in New Jersey use an informed, objective analysis to assess pretrial release.

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<sup>11</sup> Now known as “Arnold Ventures.”

<sup>12</sup> See Public Safety Assessment: Risk factors and formula - <https://www.psapretrial.org/about/factors>, and Public Safety Assessment New Jersey Risk Factor Definitions - <https://www.njcourts.gov/courts/assets/criminal/psariskfactor.pdf?c=m54>.

<sup>13</sup> See Pretrial Release Recommendation Decision Making Framework <https://www.njcourts.gov/courts/assets/criminal/decmakframwork.pdf?c=NUc>.

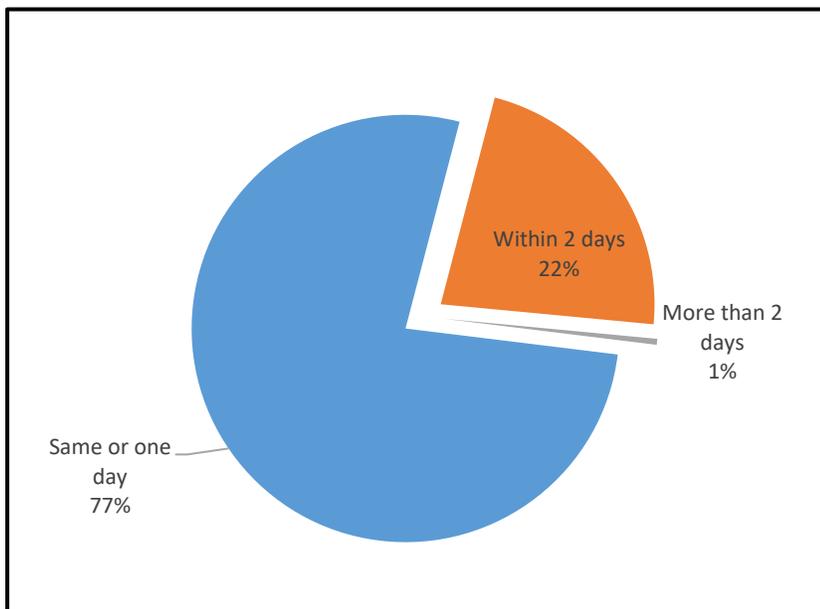
## B. Pretrial Release Decisions

Under the CJR law, courts must hold a first appearance hearing and make a pretrial release decision within 48 hours of an eligible defendant's commitment to jail, unless the prosecutor makes a motion for pretrial detention.

In 2019, the courts met the 48-hour deadline 99.6 percent of the time (21,341 out of 21,437 defendants). In the vast majority of cases, (77.1 percent), judges made initial pretrial release decisions within one day.

The CJR law outlines the conditions of release that a court may impose. Judges decide the appropriate release conditions based on a defendant's risk, the severity of his or her charges, the recommendation from pretrial services staff, information provided by the prosecution and defense, and other legally relevant factors.

**Fig. 16. Time to Initial Release after Arrest and Commitment to Jail, 2019**



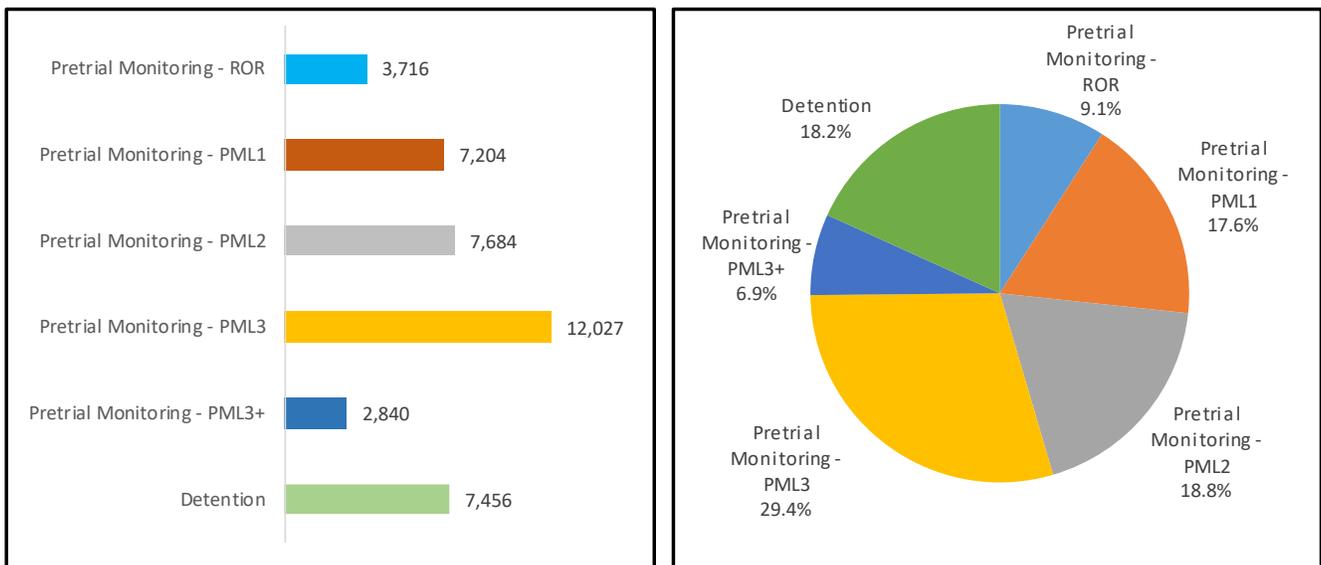
**Note: This figure only includes CJR-eligible defendants where no detention motion was filed.**

Typically, courts release the lowest-risk defendants on their own recognizance (ROR) without any need for monitoring. Defendants who pose greater risks may be released subject to conditions, such as more frequent contacts with pretrial services staff. Courts may place defendants who pose a more elevated risk on home detention or electronic monitoring.

It is important to note that trial judges do not have independent authority to detain defendants pending trial under the CJR law. Defendants can only be detained if prosecutors file a motion for pretrial detention. Otherwise, the defendant must be released.

The following chart provides a breakdown of initial release decisions in 2019:

**Fig. 17. Initial Release Decisions for CJR Defendants, 2019**



Note: These graphs plot initial release decisions for criminal justice reform eligible defendants who were arrested on or after January 1, 2019 on a warrant. Defendants who only received a summons are not included in these graphs. The graphs also do not include defendants whose cases were addressed prior to release decisions (1,362) or cases still pending (54).

The use of bail continues to decline. In calendar year 2019, the court ordered 43 defendants to post monetary bail.<sup>14</sup> Of those matters, the majority of bails (33) were ordered for violations of pretrial release conditions, such as failure to appear at a required court event, and not as part of the initial release determination. Of the 10 remaining bails, 9 were ordered following denial of the prosecutor’s motion for pretrial detention, and 1 bail was ordered with consent. Since January 1, 2017, of 129,387 total eligible defendants, the court ordered a total of 191 bails.

<sup>14</sup> Note: The number of bails ordered in 2019 by judges is distinct from the snapshot of defendants who were in jail as a result of bail, discussed on page 17, that may have been set in prior years and was not posted as of the snapshot date of the first Wednesday of October 2018 or 2019.

### C. Pretrial Detention Decisions

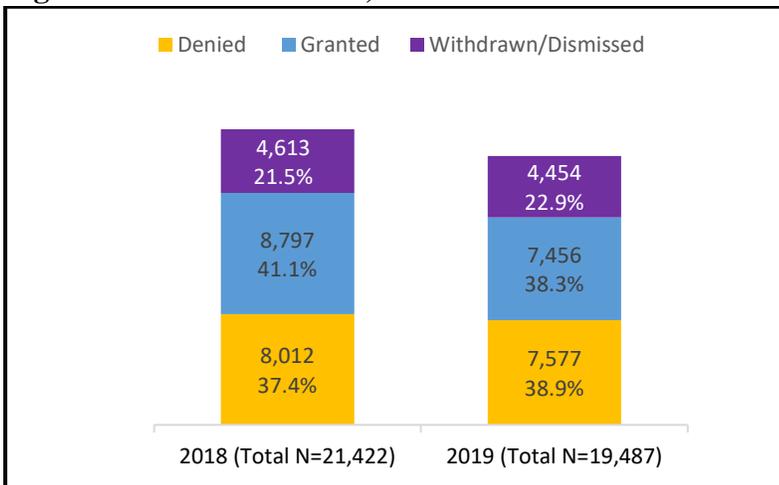
Under CJR, prosecutors may seek to detain defendants charged on a complaint-warrant pending trial. Pretrial detention motions are limited to indictable charges and domestic violence related disorderly persons charges. If the prosecutor files a detention motion, a Superior Court judge holds a pretrial detention hearing, typically within three to five days from the filing of the motion, so that both the prosecution and defense can present evidence.

Before the judge can order a defendant detained, he or she must find that no combination of conditions or level of monitoring will reasonably assure the safety of the community, and that the defendant will appear for court and not obstruct the criminal justice process. If the court orders a defendant detained, CJR’s speedy trial law sets specific timeframes for the case to proceed to indictment and trial. If those timeframes are not met, the defendant can be released from jail pending trial.

Prosecutors filed fewer pretrial detention motions overall in 2019 than in 2018, and they filed at a lower rate. Specifically, prosecutors filed pretrial detention motions in 49 percent of cases in which a complaint-warrant was issued in 2018 and 46 percent of such cases in 2019.

Of the 19,487 pretrial detention motions filed in 2019, prosecutors withdrew, or the court dismissed, 4,454 motions. For the remaining 15,033 motions, judges granted 7,456 detention motions (49.6 percent) and denied 7,577 (50.4 percent). Figure 19 compares the handling of detention motions filed on defendants arrested in 2019 and with defendants arrested in 2018.

**Fig. 18. Detention Motions, 2018 and 2019**

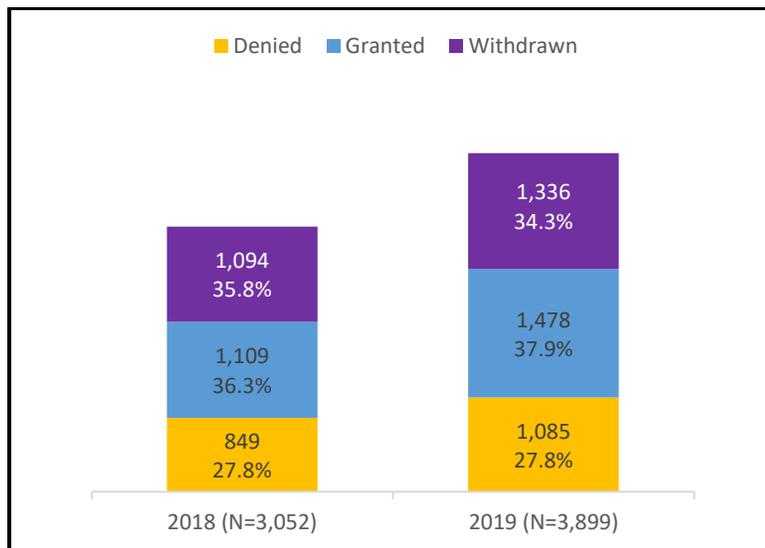


## D. Revocation of Pretrial Release

If a defendant violates a condition of release, the prosecutor may file a motion to revoke the defendant's pretrial release. When a revocation motion is filed, the court schedules the matter for a hearing, where the prosecution and defense can present evidence. The court may then continue, modify, or revoke the defendant's conditions of release.

Prosecutors filed a total of 3,899 motions to revoke release in 2019. Of those, prosecutors withdrew 1,336 motions, and judges decided 2,563 motions. The court granted 1,478 motions, or 37.9 percent, and denied 1,085 motions, or 27.8 percent. Eliminating the motions that were withdrawn, judges granted revocation motions 57.7 percent of the time in 2019.

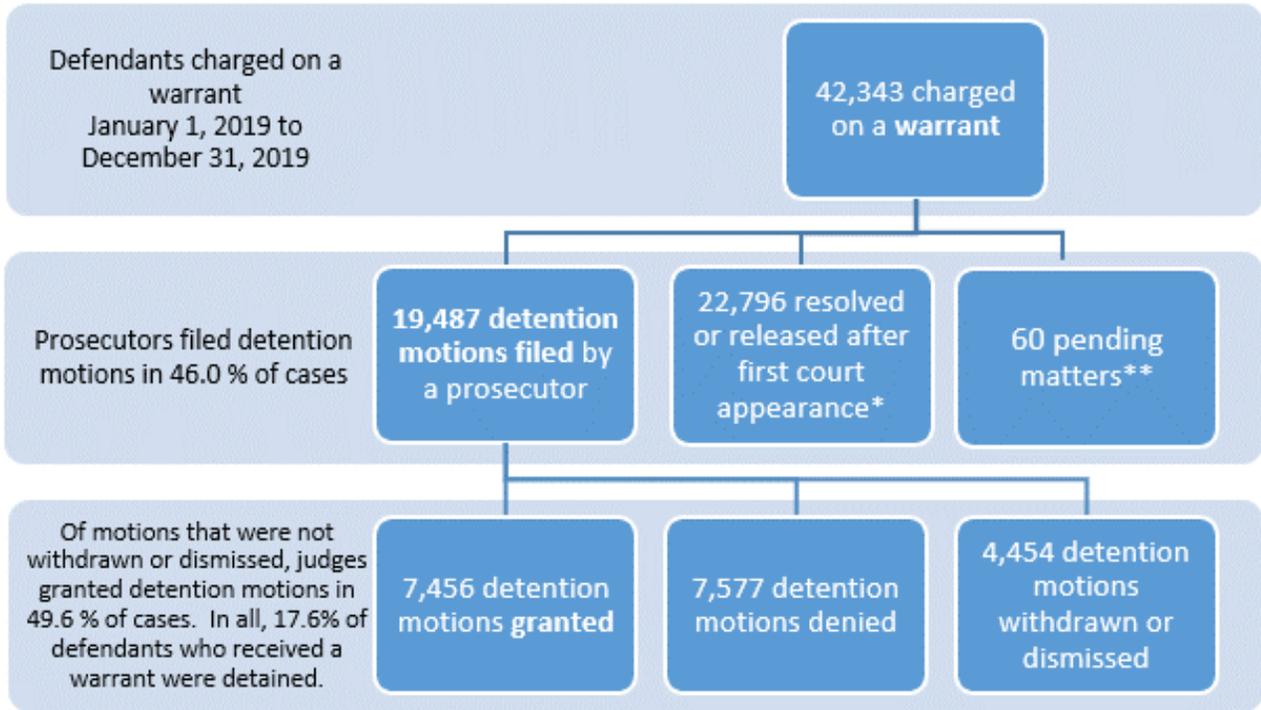
**Fig. 19. Revocation Motions, 2018 and 2019**



The following chart depicts the different outcomes in 2019 for defendants charged on a complaint-warrant:

## Pretrial Detention Decisions Warrants

**Fig. 20**                      **January 1, 2019 - December 31, 2019**



Summary Statistics (Warrant Cases)	Detention	Pretrial Release*	Pending
	<b>17.6%</b>	<b>82.2%</b>	<b>0.14%</b>

• this includes cases that were addressed prior to release decisions (1,356)  
 \*\* as of January 15, 2020

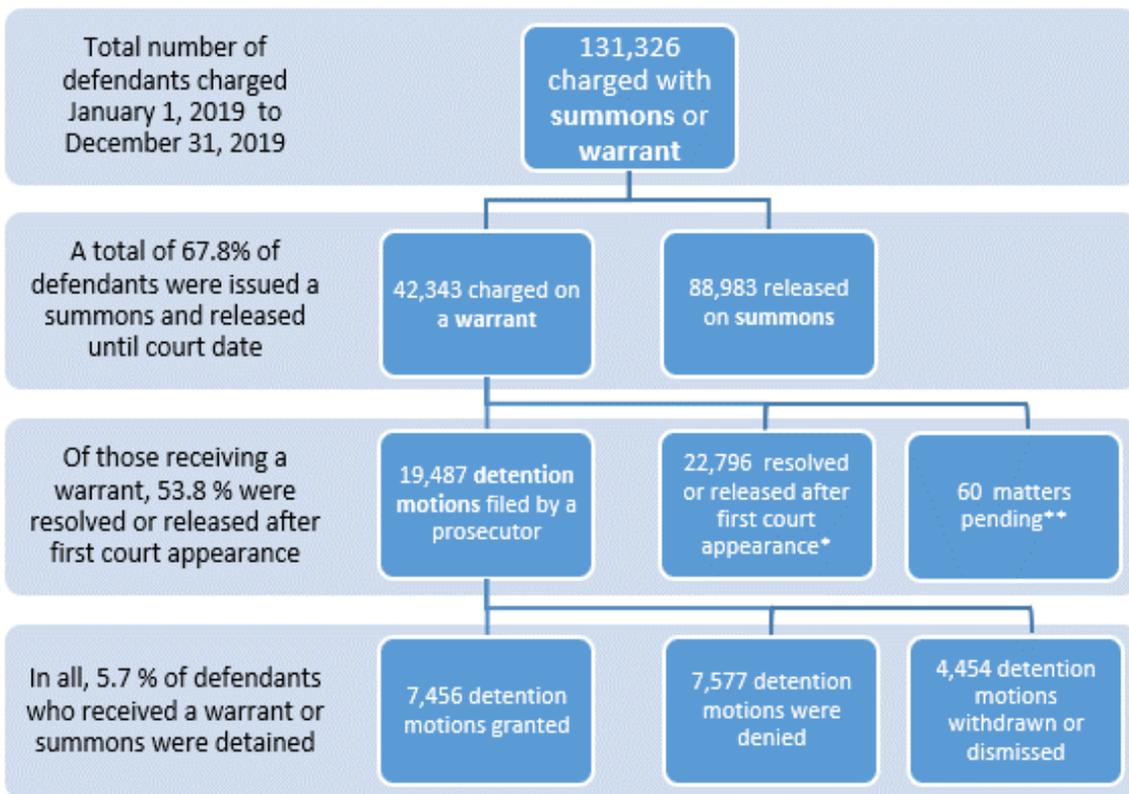
To place the detention statistics in a broader context, the rate of pretrial detention for all defendants, including those released on a summons, was 5.7 percent in 2019, down slightly from 6.6 percent in 2018.

The following chart depicts the different outcomes for all defendants charged, both on a complaint-summons or a complaint-warrant:

### Pretrial Detention Decisions Summons and Warrants

Fig. 21

**January 1, 2019 - December 31, 2019**



Summary Statistics (Warrant and Summons Cases)	Detention	Pretrial Release*	Pending
	5.7%	94.3%	0.05%

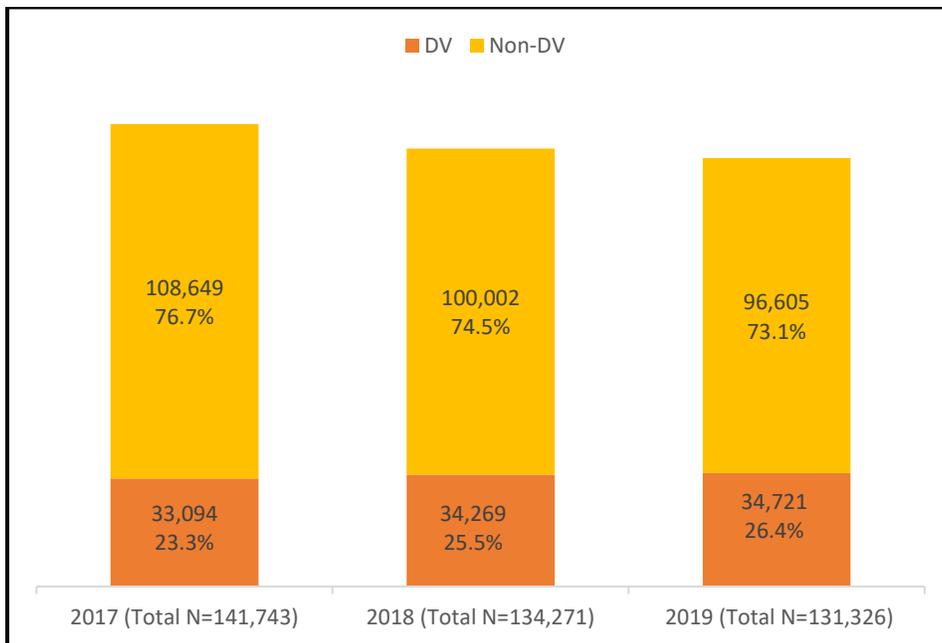
• this includes cases that were addressed prior to release decisions (1,356)  
 \*\* as of January 15, 2020

## E. Domestic Violence

CJR works to identify defendants at risk of reoffending while upholding the constitutional rights of the accused. Addressing the risk of domestic violence presents challenges for any criminal justice system. However, a risk-based system is well positioned to identify domestic violence offenders, who come from every economic stratum. Unlike the previous bail system, CJR provides the opportunity to detain domestic violence offenders regardless of their financial status.

In total, the number of criminal complaints that law enforcement officers indicated involved domestic violence<sup>15</sup> remained relatively constant over the three-year period following implementation of CJR. Between 2017 and 2019 the complaints alleging domestic violence ranged from 33,094 to 34,721.

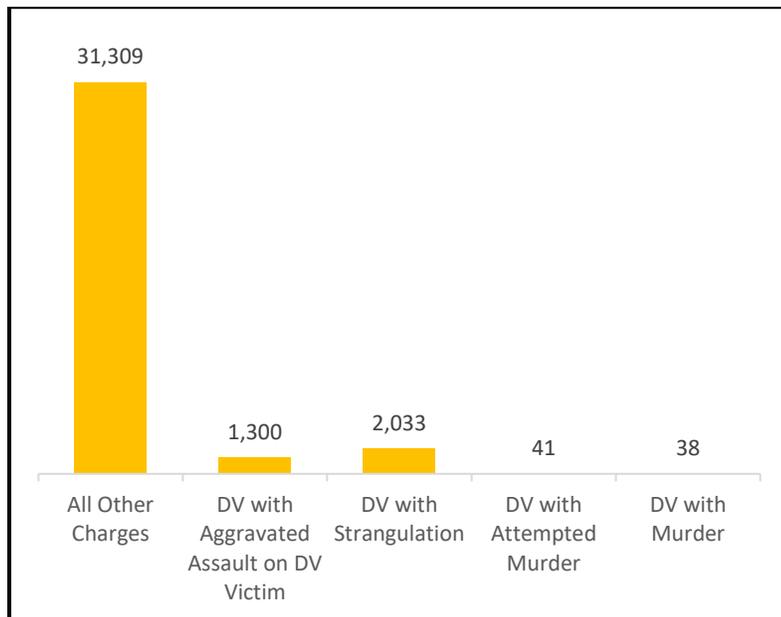
**Fig. 22. Criminal Complaints Involving Domestic Violence, 2019**



<sup>15</sup> Domestic violence is defined by N.J.S.A. 2C:25-17 *et seq.*, and typically involves assault, harassment or stalking behavior between family members, roommates or housemates, spouses or individuals in a dating relationship. The initial identification that an offense involves DV is indicated by law enforcements in the electronic complaint generation system, eCDR. In that system, law enforcement may select that DV was involved, providing both the prosecutor and the courts early information for case screening and processing.

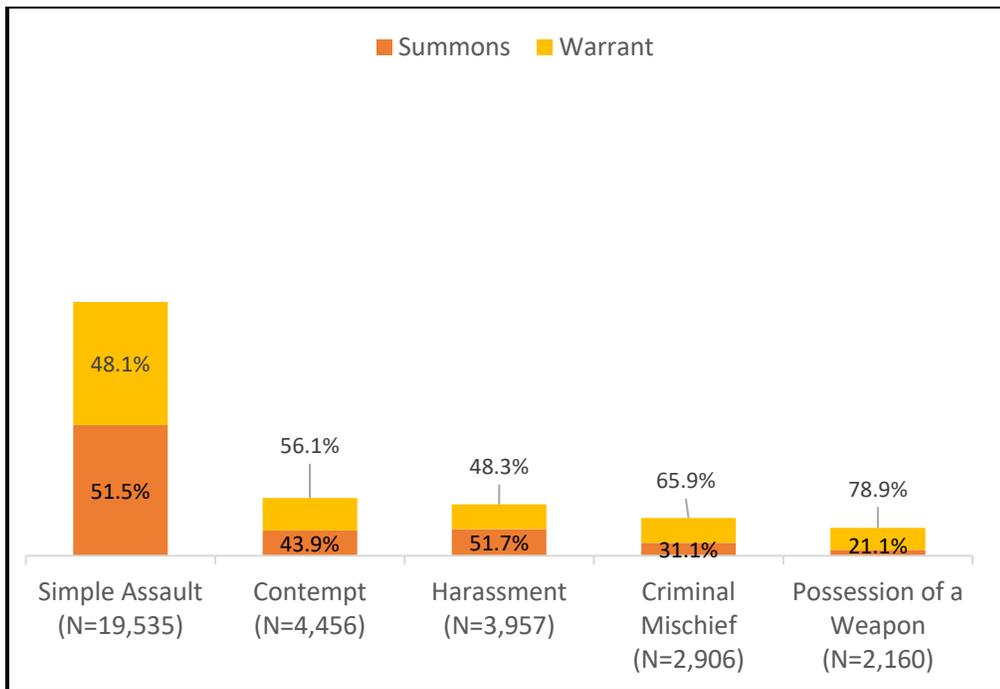
In 2019, of the 34,721 complaints indicating domestic violence, 38 (0.10 percent) complaints alleged murder, 41 (0.11 percent) complaints alleged attempted murder, 2,033 (5.9 percent) complaints alleged aggravated assault against a DV victim involving strangulation and 1,300 (3.7 percent) complaints alleged aggravated assault against a DV victim. The latter two offenses were enacted as separate offenses in 2015 (aggravated assault of a domestic violence victim) and 2017 (aggravated assault of a domestic violence involving strangulation).

**Fig. 23. Complaints Involving Domestic Violence by Primary Charge, 2019**



The five most common charges among complaints with a DV Indicator were: 1) Simple Assault, 2) Contempt, 3) Harassment, 4) Criminal Mischief, and 5) Possession of a Weapon. The most common charge was simple assault (19,535 complaints; 52.2 percent of total).

**Fig. 24. Complaints Involving Domestic Violence by Most Common Primary Charge, 2019**



When viewed by charge, 53 percent of criminal complaints with a DV indicator were issued on complaint-warrants, and 47 percent were issued on complaint-summons.

**IV.  
PRETRIAL SERVICES PROGRAM  
OPERATIONS AND FUNDING**

## **A. Revenue and Expenses**

This annual report covers the Judiciary's revenues and expenses since November 17, 2014, focusing on calendar year 2019 CJR-related expenses. Historically, the Pretrial Services Program was funded by the filing fees collected, which were inadequate to meet operational costs. The program relied on surplus balances created before the program was fully staffed. Even with the close monitoring of staffing levels and cost-control measures in the areas of electronic monitoring and drug testing, the Pretrial Services Program was projected to run out of funds by late calendar year 2020.

With the surplus depleting and insufficient filing fees, the Judiciary raised concerns over CJR's funding sustainability. As a result of legislative action and support from the Governor, effective July 1, 2019, the Pretrial Services Program is now funded from the state budget. This removes the program's dependency on variable filing fees and provides an annual \$22 million state funded appropriation.

Effective July 2019, revenues collected from filing fees associated with the Pretrial Services Program now go to the State Treasury instead of the former dedicated CJR account. Pretrial Services Program staff positions, in turn, were removed from Dedicated Fund positions and moved to Direct State Service positions, thereby shifting staff salary costs to the regular state budget with the associated fringe benefit costs no longer charged to CJR.

Since November 17, 2014, the Judiciary has collected a total of \$211.1 million from the authorized increase in court filing fees. This revenue was the main funding source for CJR through June 2019 with subsequent filing fees now remitted to the State Treasury and replaced with a state funded appropriation of \$22 million annually. Filing Fees continue to fund Legal Services of New Jersey and eCourts.

As of December 31, 2019, in accordance with the statutory requirements, the Judiciary allocated funds collected from increased court filing fees of \$211.1 million as follows:

- (1) \$109.3 million to the Pretrial Services Program;
  - a) \$99.1 million to the Pretrial Services Program – Dedicated Account (November 2014 – June 2019)
  - b) \$10.2 million to the State Treasury – General Fund for the Statewide Pretrial Services Program (July 2019 – December 2019)
- (2) \$50.1 million to Legal Services of New Jersey;
- (3) \$49.7 million for eCourts; and
- (4) \$2.0 million to the discretionary account.

To date, the Judiciary has expended or encumbered a total of \$86.2 million for Pretrial Services, with \$62.9 million for salaries and fringe benefits. A full complement of pretrial services staff is needed to prepare more than 42,000 PSA's annually and monitor tens of thousands of defendants placed on pretrial release, among other responsibilities.

For eCourts, the Judiciary has expended or encumbered \$35.8 million to date, leaving a balance of \$13.9 million.<sup>16</sup> The Judiciary also has expended or encumbered \$7.0 million for software for Pretrial Services and eCourts, with \$3.8 million coming out of Pretrial Services funding.

Electronic monitoring cost \$422,000 in calendar year 2019. Per diem payments to authorized Municipal Court judges for handling Centralized Judicial Processing hearings totaled \$771,000 for the year. Staff salaries for the calendar year totaled \$20.3 million, comprised of \$16.3 million of salary and a first half-year fringe benefit cost of \$4 million. Beginning in July 2019, fringe benefits are no longer paid by CJR.

## **B. Pretrial Services Unit Staffing and Monitoring**

Pretrial services staff in each vicinage run risk assessments, make release recommendations to the court, and monitor released defendants and after-hours electronic monitoring alerts.

To meet the statutory requirement that all pretrial release decisions occur within 48 hours of a defendant's commitment to the county jail, the Judiciary's Pretrial Services Program operates six days per week, including weekends and holidays.

Through virtual courtrooms, the Judiciary conducts hearings on weekends and holidays. This cost-saving measure offers the same protections and functions as in-person hearings, and conserves county resources by not having to open courthouses. The public can also view these sessions on the Judiciary's website, [www.njcourts.gov](http://www.njcourts.gov), via LiveStream technology.

Statewide, in addition to the judges assigned to hear these matters, 310 staff positions were dedicated to the Pretrial Services Program. That represents an increase of 13 positions from 2018.

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<sup>16</sup> See Addendum – Development, Maintenance and Administration of eCourts.

Pretrial services staff monitor eligible defendants from the date of release until final disposition to ensure compliance with any court-ordered conditions, which range from reporting to Pretrial Services by phone or in-person, or electronic monitoring. The frequency of staff contact with a defendant on court-ordered pretrial monitoring is determined by the level of risk the defendant poses.

To promptly assess and respond to electronic monitoring alerts, the Pretrial Services Program functions on a 24-hour-per-day schedule. Depending on the circumstances surrounding the emergent alert, staff will contact law enforcement or the defendant. Emergent alerts occur 24 hours per day for a variety of reasons, including a defendant's entry into a prohibited zone, leaving home when ordered to home detention, or tampering with an electronic monitoring device. In fewer than one-third of counties across the state, county jails have assumed responsibility for receiving and responding to emergent electronic monitoring alerts. In the remaining counties, pretrial services staff perform those functions.

Research indicates that providing pretrial defendants with reminders of upcoming appearances significantly increases court appearance rates. Accordingly, defendants monitored by Pretrial Services may choose to receive automated reminders of upcoming court events by text messages, emails, or automated phone calls.

If a defendant is noncompliant with release conditions, and must appear before a judge, pretrial services staff file a violation of monitoring with the court and schedule the defendant to appear at a hearing.

The cost to monitor defendants subject to electronic monitoring is \$4.19 per defendant per day. The Judiciary continues to review the electronic monitoring process in order to ensure an efficient use of resources while still ensuring public safety. Expenditures on electronic monitoring dropped in the third year of CJR, from \$565,163 in 2018 to \$422,000 in 2019.

### **C. Access to Services**

One of the key components to a defendant's pretrial success is the ability to link eligible defendants to adequate treatment services. To that end, pretrial services staff refer defendants in need to available local services. The Judiciary also continues to partner with county officials and officials from the State Department of Human Services to identify solutions for defendants who may benefit from such services.

Two new initiatives may also improve defendants' access to services.

First, the Supreme Court recently established the Mental Health Advisory Committee to examine issues surrounding the criminal justice system's process for handling matters involving individuals with mental illness, with an initial focus on CJR-eligible defendants. Methods to improve access to mental health services will also be addressed by this Committee, which is comprised of representatives from all branches of government, including the Office of the Attorney General, the Public Defender, the Department of Human Services, local law enforcement, mental health advocacy groups, and health care providers.

Second, the State of New Jersey received \$7.4 million in grants from the federal government to fight the opioid overdose epidemic. Individuals who leave jail or prison are some of the most vulnerable to an opioid overdose. To help combat this issue, the New Jersey Department of Human Services and the Department of Corrections, alongside the New Jersey Department of Health, will fund county correctional facilities to administer medication-assisted treatment (MAT) to those with opioid addictions.

**V.  
NEW JERSEY AS A PARTNER  
ON THE  
NATIONAL STAGE**

## New Jersey as a Partner on the National Stage



*You can't put your toe in the water with criminal justice reform. You must jump into the pool. If you aren't willing to be committed, you're not ready to take this on.*

*~ Glenn A. Grant, acting Administrative Director of the Courts*

*Judge Grant speaking at the Minneapolis Bail Reform Summit, October 2019.*

New Jersey has become a model in the pretrial justice reform arena over the past few years, as jurisdictions across the country have sought assistance and advice. Some highlights from 2019:

New Jersey has been asked to visit other jurisdictions to share New Jersey's story of Criminal Justice Reform. In September, Acting Administrative Director of the Courts Glenn Grant presented to the Colorado Judicial Conference, a training event for judges statewide, in Vail, Colorado. Also, in September, Passaic Assignment Judge Ernest Caposela and former statewide Pretrial Services Manager Marcia Rebimbas participated in a plenary session with national expert and Director of Data Analytics for Luminosity, Inc., Dr. Marie VanNostrand, at the National Association of Pretrial Services Agencies (NAPSA) Conference. In October, Judge Grant was a panel member at the Bail Reform Summit convened in Minneapolis, Minnesota, by the Minneapolis Foundation.

On November 13, Judiciary leadership, including Chief Justice Stuart Rabner and Judge Grant, in collaboration with New Jersey stakeholders, participated in a full-day conference titled "Advancing Pretrial Justice: Lessons from State Bail Reform Leaders." The meeting was sponsored by Arnold Ventures and featured New Jersey as a model for pretrial justice reform. Leaders in pretrial justice reform in other states attended, with representatives from California, Indiana, Michigan, New York, Ohio, Texas, and Wisconsin. The day provided a unique opportunity for other states to learn from New Jersey's comprehensive approach to pretrial reform. In addition, researchers from the MDRC, a non-profit education and

social policy research organization, presented the findings from their evaluation of pretrial justice reform in New Jersey.

**VI.**  
**CONCLUSION AND NEXT STEPS**

## **Conclusion and Next Steps**

One of the driving forces behind the adoption of Criminal Justice Reform was a 2012 study that found 12 percent of New Jersey's jail population was being held on bails of \$2,500 or less.

A 2019 update of that same study, each of which looked at the first Wednesday in October, found 2.4 percent were held on bails of \$2,500 or less. Only two of those defendants were CJR-eligible. The other 49 defendants had initially been released on a summons or on their own recognizance but were ordered to post bail after failing to appear for a scheduled court appearance.

Defendants charged with serious crimes now make up the vast percentage of New Jersey's pretrial jail population under CJR. In 2019, two-thirds of defendants were charged with first- or second- degree offenses.

In its first three years of existence, Criminal Justice Reform has made progress toward meeting its mission. CJR has decreased the unnecessary detention of low-risk defendants, ensured community safety, and preserved the integrity of the criminal justice system.

The vast percentage of defendants released pretrial continue to return to court without being charged with a new offense. The rate of new indictable criminal activity for defendants in 2017 and 2018 was nearly the same; 13.7 percent in 2017 and 13.8 percent in 2018.

Court appearance rates also have been consistent, with defendants appearing for court at a nearly 90 percent rate in 2017 and 2018.

The Public Safety Assessment continues to serve as an accurate risk assessment tool for judges, as defendants who receive low risk scores are far less likely to commit a new crime or flee than those defendants who receive scores indicating a high risk.

In almost all of the performance measurements gathered for this annual report, the results were remarkably similar from 2018 to 2019, a sign of stability for a program that overhauled a pretrial justice system that stood for more than a century.

As a result of legislative action and support from the Governor, CJR now has a dedicated funding source as well. The Pretrial Services program, which had been funded by filing fees, is now funded through the state budget.

While much has been accomplished, important work lies ahead.

There are fewer defendants of all races and genders in jail today under Criminal Justice Reform – and the average time defendants spend in jail is also decreasing, from an average

of 37.2 days in 2017 to 34.7 percent in 2018. However, more must be done to reduce the racial disparities that exist throughout New Jersey's criminal justice system. Black defendants are disproportionately represented in both the overall population of people issued complaints and the population of defendants who receive complaint-warrants; and black individuals still represent 55 percent of New Jersey's jail population.

Change will require the cooperation of all the decision-makers within the criminal justice system and an analysis of the disparities at each step in the pretrial process.

In 2018, the Judiciary entered into a multi-year partnership with Crime Lab New York, a research center of the University of Chicago, to work closely with the Judiciary's Quantitative Research Unit in developing strategies that promote fairness and equity within the justice system. The researchers are analyzing data collection practices to isolate the causes of disparity in the pretrial decision-making process and identify the extent to which the PSA and decisions by human actors (law enforcement, prosecutors, judges, etc.) contribute to that disparity.

The researchers also are working toward solutions to identify defendants who present an added risk of committing acts of domestic violence. Both issues will be top priorities in the year ahead.

In its short history, Criminal Justice Reform has proven to be a flexible system, adaptable to change but mindful of maintaining the balance between addressing public safety and upholding the rights of the accused. The pursuit of justice can never be a static effort. It requires a persistent analysis of shortcomings in the criminal justice system and the continued identification of lasting solutions to ensure all are treated fairly and equally under the law.

**VII.  
ADDENDUM:  
DEVELOPMENT, MAINTENANCE  
AND  
ADMINISTRATION OF ECOURTS**

## **Development, Maintenance and Administration of eCourts**

The Judiciary is engaged in a multifaceted initiative to convert its legacy information technology systems, based on mainframe databases, into a modern integrated eCourts electronic filing, electronic storage, and electronic case management application. Over the years, the Judiciary has collected millions of party and case records, currently maintained in numerous decades-old databases, which require rebuilding from the ground up. Four essential functionalities support this concerted effort to transform the Judiciary into the digital age:

- (1) Electronic filing and information exchange between the court and attorneys;
- (2) The establishment of electronic case files;
- (3) The maintenance of electronic records management systems that provide attorneys and the public with appropriate access to case information; and
- (4) Modern case management systems that will enable the Judiciary to track, dispose of, report on, and share data with our government partners.

The various systems described below represent a significant undertaking and a bold push toward the Chief Justice's vision of total modernization. Despite the progress that has been made in the areas of eFiling, several more years of work are required to complete our goals of replacing all systems from both front-end eFiling to back-end case management.

### **eCourts Supreme Court: Implemented in 2017**

The Offices of the Attorney General, Public Defender, and County Prosecutors are all filing electronically in the Supreme Court. The Judiciary presently is expanding electronic filing to include private attorneys in criminal matters, and the next expansion will include private attorneys in civil matters. The application provides for electronic access by counsel, Justices, and Supreme Court staff to all electronically filed documents.

### **eCourts Appellate Division: Implemented June 2013**

eCourts Appellate was initially available in criminal cases in which the Public Defender filed the motion and the Attorney General or County Prosecutor was the responding party. The system has progressively added new case types or case filers over the last several years, including Children in Court, Family, Pretrial Detention (CJR) appeals, and as of January 1, 2018, civil cases under mandatory eFiling. System use of both Judiciary Account Charge System (JACS) and credit cards has enabled access to the entire bar for filing. With the advent of eFiling, data and documents are transmitted to the appellate case management

system, which has ensured access to these data and documents by the bar, the court, and staff. In addition, eFiling will assist with instant notifications of submissions, document review at the touch of a button, and record retention.

### **eCourts Criminal: Implemented July 2014**

The Judiciary in 2014 implemented eCourts Criminal. At the outset, it provided the attorneys the ability to efile motions, responses, and briefs. The Judiciary has since expanded the application to include almost all other documents filed in the Criminal Division. The Superior Court Clerk's Office has converted thousands of archived paper records to digital images and added them to the eCourts system. As of November 30, 2019, there have been 1,268,296 filings in Criminal. The eCourts Criminal case jacket was integrated with the Appellate eDATA system in December 2016 so that appellate documents filed through eDATA would populate in the Criminal case jacket of the trial court case. Examples of appellate documents include the Notice of Appeal, Motion for Leave to Appeal, Transcript Request Form, Case Information Statement, and the Appellate Decision. These appellate filings also appear in the eCourts Criminal case management worklist, letting Criminal staff know of any appeals initiated on their cases. An interface was added in April 2019 to enable the Appellate eDATA system to retrieve all orders from Criminal Case Jacket.

### **eCourts Tax: Implemented February 2015**

The introduction of electronic filing in the Tax Court was instrumental in reducing significant data entry and processing backlogs. This project automated case initiation and complaint docketing. In 2019, new functionality was added to eCourts allowing an order to be approved by a judge designee for internal court staff. Tax attorneys now have the option to file using a credit card or an electronic check (ACH). Additionally, eCourts now allows non-attorneys, such as municipal assessors, municipal clerks, and county boards of taxation, the ability to receive electronic notification of a new case or judgment and to access the electronic case jackets. Self-represented litigants can now sign up for electronic notifications on their cases and self-represented litigant eFiling is also in development with a pilot expected by the beginning of 2020.

### **eCourts Foreclosure: Implemented September 2016**

eCourts Foreclosure, in September 2016, replaced the Judiciary Electronic Filing and Imaging System (JEFIS), implemented in 1995. In eCourts Foreclosure, attorneys can electronically file documents from complaint through judgment processing. Attorneys can also access electronic case files and automated notifications between attorneys of record

and the court. Enhancements made in 2019 allow self-represented litigants the option to sign up to receive electronic notifications on their cases. County clerks and sheriffs can now access eCourts Foreclosure Electronic Case Jackets to verify judgments of foreclosure. Since Foreclosure went into eCourts, more than 899,000 cases have been electronically processed.

### **eCourts Special Civil Part/DC: Implemented September 2016**

eCourts Special Civil Part /DC pertains to cases with a demand amount of less than \$15,000 and focuses on the replacement of an older electronic filing system, the Judiciary Electronic Filing and Imaging System (JEFIS). In eCourts Special Civil DC, attorneys can electronically file documents from complaint through post judgment. Enhanced in 2019, DC complaints are now auto-docketed into eCourts and the case management system (ACMS). The complaint and summons are automatically sent to the defendant via regular and certified mail using the AOC centralized printing process. Additionally, the SCP Court Officers can now e-file some of their documents via eCourts and they are notified via email if there are updates to the executions that are their responsibility. Court Officers also receive an electronic daily file via email that contains all the writ and chattel executions assigned to them the previous day. Attorneys of record and the court can access the DC eCourts Case Jackets and receive automated notifications as well. Between July 1, 2018 through July 1, 2019 there were more than 208,000 cases filed in the eCourts Special Civil Part.

### **eCourts Special Civil Small Claims (SC) case jacket: Implemented September 2017**

eCourts Special Civil SC pertains to cases with a demand amount of less than \$3,000. This ongoing project provides an electronic case jacket, enabling simultaneous access by judges, court staff, and attorneys. It also provides for centralized processing of court-generated notices. Implementation began with the placement of select notices in the case jacket and it was expanded to include additional notices and documents. Between July 1, 2018 through July 1, 2019 there were more than 23,000 cases stored in the eCourts Small Claims case jacket.

### **eCourts Special Civil Landlord Tenant (LT) case jacket: Implemented September 2017**

eCourts Special Civil LT pertains to cases with a dispute between the landlord and a tenant. This ongoing project provides an electronic case jacket, enabling simultaneous access by judges, court staff, and attorneys. Implementation began with the placement of all notices in the case jacket and will be expanded to include eCourts eFiling, auto docketing, case management, and centralized printing functionality. Pilot is expected in early 2020.

Between July 1, 2018 through July 1, 2019 there were more than 150,000 cases stored in the eCourts landlord tenant case jacket.

### **eCourts Civil Law/Law Division: Implemented December 2017**

eCourts Civil Part / Law Division was operational in eCourts in December 2017. All case documents from the complaint through the judgment can be electronically filed through eCourts. eCourts includes access to electronic case files and automated notifications between attorneys of record and the court. As of 2019, complaints and motions are automatically docketed through eCourts and into the civil case management system via ACMS and notifications are automatically sent. In 2019, the processing of Civil Part / Law Division Name Change complaints has been enhanced to include the sharing of the updated name with all judiciary systems, including automatically updating the Civil Commitment system (CCATS). Once CCATS is updated with the new name that update, if applicable, is sent to the Federal NICS system, which is used for national gun permit background checks. Future eCourts enhancements in the Civil Part/ Law Division in 2020 include auto-docketing of civil orders and automating the arbitration process. Since Civil Part/ Law Division was implemented in eCourts, more than 72,000 cases have been filed electronically.

### **eCourts Probation Electronic Case Jacket: Implemented June 2016**

An eCourts electronic case jacket was implemented for the Probation Division in June 2016, eliminating most paper files and allowing simultaneous access to probation information by judges and staff. The Probation case jackets also include embedded hyperlinks to other eCourts electronic files in the Criminal, Family, and Municipal Divisions, eliminating delays and gaps between divisions. There have been 196,298 documents uploaded to the Probation case jacket from January 2017 through October 2019. eCourts Probation will be expanded to include a mobile application for ISP and case management functions in the first quarter of 2020.

### **eCourts Criminal – Criminal Justice Reform: Implemented January 2017**

eCourts Criminal required enhancement to accommodate the many tasks involved in Criminal Justice Reform (CJR), including automation of the Public Safety Assessment (PSA) risk assessment tool utilized by judges to inform their release decisions. Such automation helps Pretrial Services Program staff manage cases and prepare orders. Additional applications include a pretrial monitoring system, detailed tracking mechanism for speedy trial dates and electronic bench warrants processing for defendants on electronic

monitoring. An order module was implemented in April 2019 for the automation of detention, release, and revoke release orders that will result in improved data collection.

### **eCourts Municipal: Implemented January 2017**

This broad initiative, integral to CJR, provides an enhanced and improved complaint system for law enforcement statewide. It includes a Live Scan fingerprint interface, developed in partnership with the New Jersey State Police, which connects a defendant's complaint, arrest record, fingerprint record, and criminal history. The system utilizes the data from the LiveScan fingerprint interface to populate the criminal complaint and calculate the PSA risk score.

The system gives prosecutors the ability to review and modify charges on a complaint before a finding of probable cause by a judicial officer. After a finding of probable cause and issuance of a summons or warrant, the complaint is stored in the eCourts Municipal Electronic Case Jacket and is accessible by the court, prosecutors, attorneys, law enforcement, and the county jails.

Several Municipal e-Court technology accomplishments were implemented in 2019 including: continued expansion of the e-ticketing systems. Currently, 342 agencies are engaged in the e-ticketing program, significantly reducing the need for data entry of manual tickets. The Parking Authority Ticketing system, (PATS), software was upgraded, allowing more timely updates to the PATS devices. More than 1.2 million tickets are processed electronically through the PATS system. In addition, 10 reports that required paper retention by the Municipal courts are now saved electronically in the PageCenter system, reducing the need to print and store the 10 reports to comply with the retention schedule.

### **eCourts Family Children in Court (CIC) Dockets: Implemented September 2017 & June 2018**

This eCourts project focuses on electronic filing in child neglect cases initiated by the Attorney General's Office on behalf of the New Jersey Division of Child Protection and Permanency, the Office of Parental Representation, and the Office of the Law Guardian. Four different docket / case types -- FN, FC, FG, FL -- were implemented in 2017 and 2018. Since 2017, more than 14,000 cases have been filed electronically. Enhancements are being made to include motion filing and dynamic order processing. This will result in reduction in data entry tasks and more efficient case management. The OTSC-Investigation is the first dynamic order that was put into production in September 2019. Additional orders will follow including the combined Care/Supervision and Custody in early 2020.

### **eCourts Family (FD) Case Jacket: Implemented June 2019**

This eCourts project focuses on a case jacket for non-dissolution matters. The FD Case Jacket has been developed (Dec 2016), however, the judiciary worked with Division of Family Development on an interface to provide the Uniform Summary Support Order into the FD case jacket. Additional documents are being reviewed for future uploading. As of December 2019, there were 69,000 USSO images in the FD Case Jackets. Additional documents are being reviewed with DFD for future uploading. These include the COLA (Cost of Living Adjustment) document, the UIFSA (Uniform Interstate family Support Act) document as well as the Complaint and Modification.

### **eCourts Family (FJ): To be implemented March 2020**

This eCourts project focuses on automating the process of filing juvenile delinquency complaints. Building on enhancements made to eCDR for Criminal Justice Reform, this will enable the timely entry of juvenile matters as well as improved data collection on juvenile complaints. Automation of the Juvenile Detention Screening Tool (RST) will be designed within this flow. The projected timeframe for the initial release of this application is March 2020.

### **eCourts Family FM (Dissolution/Divorce): Case Jacket archived cases: Implemented November 2016**

This eCourts project provides judges and court staff with easy access to archived files. Thousands of paper records converted to digital images are now easily accessible for court proceedings or to fulfill records requests from the public. This application has eliminated significant delays in accessing older records from the Superior Court Clerk's Office records warehouse in Trenton. eCourts FM will be expanded to include efilings, automatic notification, and case management. As of December 2019, more than 286,000 files have been uploaded electronically. eCourts FM will be expanded to include efilings, automatic notification, and case management. Pilot expected late 2020.

**I. APPENDIX A**

**The Public Safety Assessment**

## Public Safety Assessment (PSA)

The **risk measurement** component of the process, the Public Safety Assessment (PSA), utilizes the defendant's personal criminal history data to predict the risk of defendant engaging in new criminal activity or failing to appear in court, and also whether there is an elevated risk of new violent criminal activity. Through collaboration with the Office of the Attorney General and the New Jersey State Police, the Judiciary has automated the PSA for use in the State of New Jersey.

The PSA specifically measures the following nine risk factors:

- (1) the defendant's age at the time of arrest;
- (2) whether the current charge is a violent offense;
  - (2a) whether the current charge is a violent offense and the defendant is 20 years old or younger;
- (3) whether the defendant has a pending charge at the time of the offense;
- (4) whether the defendant has a prior disorderly persons conviction;
- (5) whether the defendant has a prior indictable conviction;
  - (5a) whether the defendant has a prior disorderly persons or indictable conviction
- (6) whether the defendant has a prior violent conviction;
- (7) whether the defendant has a prior failure to appear pretrial in the past two years;
- (8) whether the defendant has a prior failure to appear pretrial older than two years; and
- (9) whether the defendant has a prior sentence to incarceration.

The PSA evaluates these factors using a weighted algorithm. Depending on the number and variety of factors present, the defendant will receive a risk score between 1 through 6 on two separate scales, with 1 being the lowest risk and 6 being the highest risk. These two scales show the defendant's objective risk scores for Failure to Appear (FTA) and New Criminal Activity (NCA), respectively. In addition, the PSA calculates whether the defendant has an elevated risk of committing a new violent offense while on pretrial release, displayed to the court through a presence or absence of a New Violent Criminal Activity (NVCA) flag.

The factors considered by the PSA and the risk progression between the scores are based on empirical research. For more information on the PSA, please see

<https://www.njcourts.gov/courts/assets/criminal/psariskfactor.pdf?c=eVm>

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