

Pretrial Release Recommendation Decision Making Framework (DMF) [March 2018]

Process for Identifying the Pretrial Release/Detention Recommendation

Step 1: Complete the PSA to generate the FTA scale, NCA scale, and NVCA flag.

Step 2: Determine if any current charge is subject to life imprisonment:

- Murder or felony murder (N.J.S.A. 2C:11-3a(1),(2) or (3))
- Aggravated sexual assault (N.J.S.A. 2C:14-2a(1))
- Human trafficking (N.J.S.A. 2C:13-8a(2) or (3))
- Tampering/damage involving nuclear electric generating plant (N.J.S.A. 2C:17-7)
- Nuclear electric generating plant; damaging/tampering with equipment which results in death (N.J.S.A. 2C:17-8)
- Leader of narcotics trafficking network (N.J.S.A. 2C:35-3)
- Terrorism (N.J.S.A. 2C:38-2a(1), (2), (3) or (4))
- Producing/possessing chemical weapons, biological agents or nuclear or radiological devices (N.J.S.A. 2C:38-3a)
- Leader of firearms trafficking network (N.J.S.A. 2C:39-16)

- If yes, the final recommendation is No Release Recommended.
- If no, continue to Step 3.

Step 3: Determine if the PSA generated a score of 6 on the FTA scale and/or NCA scale.

- If yes, the preliminary recommendation is No Release Recommended, and proceed to Step 10.
- If no, continue to Step 4.

Step 4: Determine if there is an NVCA flag and one of the current charges is violent.

- If yes, the preliminary recommendation is No Release Recommended, and proceed to Step 10.
- If no, continue to Step 5.

Step 5: Determine if any current charge is:

- Escape (N.J.S.A. 2C:29-5a)
- Aggravated manslaughter or manslaughter (N.J.S.A. 2C:11-4a(1) or (2), 2C:11-4b(1) or (2))
- Aggravated sexual assault (N.J.S.A. 2C:14-2a(2)(a), (b) or (c), 2C:14-2a(3) through (7))
- Sexual assault (N.J.S.A. 2C:14-2b, 2C:14-c(1))
- First degree robbery (N.J.S.A. 2C:15-1a(1),(2) or (3))
- Carjacking (N.J.S.A. 2C:15-2a(1),(2),(3) or (4))
- Prohibited weapons and devices – sawed-off shotgun (N.J.S.A. 2C:39-3b)
- Possession of weapon for unlawful purpose (N.J.S.A. 2C:39-4b, 2C:39-4c)
- Unlawful possession of a weapon (N.J.S.A. 2C:39-5a, 2C:39-5f)
- Possession of firearm on school property w/o permission (N.J.S.A. 2C:39-5e(1))
- Certain persons not to have weapons (N.J.S.A. 2C:39-7a, 2C:39-7b(1), (2) or (3))
- Weapons—manu/transport/disp/defacement (N.J.S.A. 2C:39-9a, 2C:39-9b, 2C:39-9e, 2C:39-9g)
- Transport firearms into state for unlawful sale/transfer (N.J.S.A. 2C:39-9i)

- If yes, the final recommendation is No Release Recommended.
- If no, continue to Step 6.

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Step 6: Determine if the defendant has previously been arrested on two separate occasions and those charges were still pending at the time of the current offense.

- If yes, the preliminary recommendation is No Release Recommended, and proceed to Step 10.
- If no, continue to Step 7.

Step 7: Apply the FTA and NCA scales to the DMF Matrix to determine preliminary recommendation.

Step 8: Determine if any current charge is No Early Release Act (NERA) not included in Step 2 or 5.

- If yes, increase the preliminary recommendation as follows to the revised preliminary recommendation and proceed to Step 9:
 - Release ROR = Release with PML 1
 - Release with PML 1 = Release with PML 2
 - Release with PML 2 = Release with PML 3
 - Release with PML 3 = Release with PML 3 + EM/HD
 - Release with PML 3 + EM/ HD = No Release Recommended
- If no, proceed to Step 9.

Step 9: Determine if any current charge is one of the following weapons charges:

- Prohibited weapons and devices – destructive devices (N.J.S.A. 2C:39-3a) (non-Graves Act)
- Prohibited weapons and devices – defaced firearms (N.J.S.A. 2C:39-3d)
- Possession of firearm while committing CDS/bias crime (N.J.S.A. 2C:39-4.1a)
- Poss. of weapon for unlawful purpose (N.J.S.A. 2C:39-4a(1) or (2))
- Unlawful possession of a weapon (N.J.S.A. 2C: 39-5b(1), 2C:39-5c(1) or (2))
- If yes, the preliminary recommendation from Step 7 or the revised preliminary recommendation from Step 8 is increased to the final recommendation as follows:
 - Release ROR = Release with PML 1
 - Release with PML 1 = Release with PML 2
 - Release with PML 2 = Release with PML 3
 - Release with PML 3 = Release with PML 3 + EM/HD
 - Release with PML 3 + EM/ HD = No Release Recommended
- If no, proceed to Step 10.

Step 10: Determine if the highest current charge is an indictable offense or a disorderly persons offense that is domestic violence related and is therefore eligible for pretrial detention.

- If yes, the preliminary recommendation from Steps 3, 4, or 6 is the final recommendation.
- If no, any preliminary recommendation of Release PML 3 + EM/HD or No Release Recommended is decreased to Release with PML 3 – Not Legally Eligible for Detention.

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All defendants released on ROR and any pretrial monitoring level (PML) will receive automated court date reminders and ongoing criminal history checks. Other monitoring services will be provided as shown in Table 1 below.

Table 1. Pretrial Monitoring Level Contacts and Conditions Monitoring

Pretrial Monitoring Level	Phone Contact	Face to Face Contact	Conditions Monitoring
PML 1	1 per month	None	Yes
PML 2	1 per month	1 per month	Yes
PML 3	1 every other week	1 every other week	Yes
PML 3 + EM/HD	1 every other week	1 every other week	Yes

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DMF MATRIX

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	Risk Level Green – Recommendation ROR	Risk Level Green – Recommendation ROR				
FTA 2	Risk Level Green – Recommendation ROR	Risk Level Green – Recommendation ROR	Risk Level Light Green – Recommendation PML 1	Risk Level Yellow – Recommendation PML 2	Risk Level Light Orange – Recommendation PML 3	
FTA 3		Risk Level Light Green – Recommendation PML 1	Risk Level Light Green – Recommendation PML 1	Risk Level Yellow – Recommendation PML 2	Risk Level Light Orange – Recommendation PML 3	Risk Level Red – No Release Recommended
FTA 4		Risk Level Light Green – Recommendation PML 1	Risk Level Light Green – Recommendation PML 1	Risk Level Yellow – Recommendation PML 2	Risk Level Light Orange – Recommendation PML 3	Risk Level Red – No Release Recommended
FTA 5		Risk Level Yellow – Recommendation PML 2	Risk Level Yellow – Recommendation PML 2	Risk Level Light Orange – Recommendation PML 3	Risk Level Dark Orange – Recommendation PML 3 + EM/HD	Risk Level Red – No Release Recommended
FTA 6				Risk Level Red – No Release Recommended	Risk Level Red – No Release Recommended	Risk Level Red – No Release Recommended