

JUDICIARY TIMES

A Publication of the  New Jersey Courts

Fall 2015

Work Proceeding on Criminal Justice Reform in New Jersey

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The massive effort to reform the criminal justice process, including how judges set bail, how quickly defendants are tried and the establishment of a pretrial services unit are moving rapidly.

Staff from the Administrative Office of the Courts and the 15 vicinages worked diligently through the summer to design and implement many changes for the Judiciary to meet the mandatory Jan. 1, 2017 deadline.

Pilot programs in three vicinages, Camden, Morris/Sussex and Passaic, are scheduled to begin early next year.

Under the leadership of Chief Justice Rabner and Judge Glenn A. Grant, acting administrative director of the courts, the Judiciary is enhancing its information technology infrastructure to automate more fully key components of the criminal justice process; updating court rules governing applicable practice and procedure; and engaging in an extensive educational outreach and communication initiative in collaboration with judges, staff and stakeholders outside the Judiciary who will be affected by the changes.

“Criminal justice reform is one of the most ambitious and important projects the Judiciary has undertaken in its history,” Judge Grant said. “It will affect the public and everyone in the Judiciary in some way.”

By Jan. 1, 2017, the state will shift from a system that relies principally on setting monetary bail as a condition of release to a risk-based system that other states,

including Kentucky and Arizona, have used with success.

Under the current system, in which judges typically set a dollar amount of bail, poor defendants who pose little risk of danger or flight are sometimes held in county jail because they can't post even modest amounts of bail.

Meanwhile, under current law, defendants with assets can post bail and be released even if they pose a serious risk of flight or danger.

After Jan. 1, 2017, the pretrial services unit will use a public safety assessment (PSA) tool to prepare a risk assessment and release recommendation for consideration by a judge.

Many defendants will be released on their own recognizance or released on non-monetary conditions. Monetary bail that is used in the current system will be a release option only in certain circumstances.

Those defendants who are released will be monitored by the pretrial services unit the Judiciary is forming.

Upon motion by the prosecutor, judges will be able to order defendants who pose a serious risk of flight, or a serious risk of danger to the community or to witnesses, held without bail.

For certain defendants who are detained in the county jail, the speedy trial component will set limits on the amount of time from detention to indictment and from indictment to trial, with appropriate extensions of time for pretrial motions, competency hearings, plea negotiations, the consent of the parties, and other valid reasons.

Much of the work has flowed through a Judiciary-wide committee that meets frequently to discuss the status of the many facets of implementation.

The Information Technology Office is making sweeping changes to its system to accommodate several new and automated enhancements.

This technological effort includes development of the evidence-based PSA tool to determine a defendant's risk level for purposes of pretrial release and interfaces with systems that capture fingerprint identification and criminal background checks.

Meanwhile, judges and practitioners have been meeting to discuss necessary revisions to the court rules that ultimately must be approved by the Supreme Court.

The multifaceted outreach effort includes a page on the InfoNet that includes committee agendas and meeting minutes, videos, reports, a broadcast message archive and reference material.

Ongoing meetings are scheduled through the fall with groups, composed of sheriffs, wardens, prosecutors, public defenders and private defense counsel to identify and discuss potential issues and to brainstorm solutions.

As part of this initiative, Judge Grant is guiding the development of a comprehensive toolkit that assignment judges, trial court administrators and central office staff will use to deliver a consistent message on criminal justice reform to staff and to groups, such as state, county and local officials.