

JUDICIARY TIMES

A Publication of the  New Jersey Courts

Winter 2015-2016

Move Toward Criminal Justice Reform Accelerates in New Year

By Mike Mathis

Judiciary Times Editor

With a mandatory Jan. 1, 2017 deadline looming, the historic move to reform the criminal justice process, including shifting from a resource-based to an objective-based system of release and how quickly defendants are tried, continues to move rapidly.

Staff from the Administrative Office of the Courts and the 15 vicinages continue to work to implement major changes to how the Judiciary administers justice.

The newly established pretrial services unit that is now being formed will have staff in each of the state's 15 vicinages. They will be trained to administer a comprehensive, evidence-based electronic risk assessment tool to assess the risk that a defendant will engage in violence, commit a new crime, or fail to appear for future court events. Unit staff will inform judges of the results and supervise defendants who are released pending trial.

Meanwhile, pilot programs in three vicinages, Camden, Morris/Sussex and Passaic, are scheduled to begin during the first quarter of 2016.

Under the leadership of Chief Justice Stuart Rabner and Judge Glenn A. Grant, acting administrative director of the courts, the Judiciary is enhancing its information technology infrastructure to more fully automate 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.

The changes stem from a committee formed and chaired by Chief Justice Rabner. The committee made recommendations that led to the passage of legislation and a voter-approved constitutional amendment in 2014.

"Our efforts to reform the criminal justice system with our partners in state, county and municipal government will proceed



Vance Hagins, chief of the Judiciary's newly formed Pretrial Services Unit, speaks about criminal justice reform at a meeting of the New Jersey Association of Counties. Pilot programs in the Camden, Morris/Sussex and Passaic vicinages are scheduled to begin in the first quarter of 2016.

more rapidly now that a new year has begun and we have a firm deadline to meet, said Judge Grant. "We and our criminal justice system partners are committed, despite any hurdles or impediments we might encounter, to creating a fairer system of justice."

Historically, many poor defendants who pose a minimal risk of danger and flight remain jailed because they can't post even modest amounts of bail, losing access to their families, medication and their jobs.

Meanwhile defendants accused of serious violent crimes who pose a significant risk of danger and flight can afford bail and are released, creating a public safety issue for witnesses and the public.

After Jan. 1, 2017, the pretrial services unit will utilize 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.

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.

The Judiciary's Information Technology Office is making sweeping changes to its systems to accommodate several new and automated enhancements. These include development of the evidence-based tool to determine a defendant's risk-level for purposes of pretrial release and interfaces with systems that capture fingerprint identification and criminal background check, an extensive outreach effort to internal and external audiences is continuing.

The multifaceted outreach effort included development of a page on the Judiciary's intranet, known as the InfoNet, that includes committee agendas and meeting minutes, videos, reports, a broadcast message archive and reference material, and development of a comprehensive toolkit that assignment judges, trial court administrators and central office staff are using to deliver a consistent message on criminal justice reform to staff and to groups, such as, state, county and local officials.

Meetings with government and community groups will continue throughout 2016.