



Under the old system, large numbers of people were kept in jail for months, and sometimes for years, for low-level offenses simply because they could not afford bail.



Under the old system, a judge was obligated to set bail in most cases. A dangerous defendant with money could post bail and be released. Now a dangerous defendant can be detained.

A 2013 study revealed that about 12 percent of New Jersey's county jail population remained in custody because they could not post bail of \$2,500 or less.

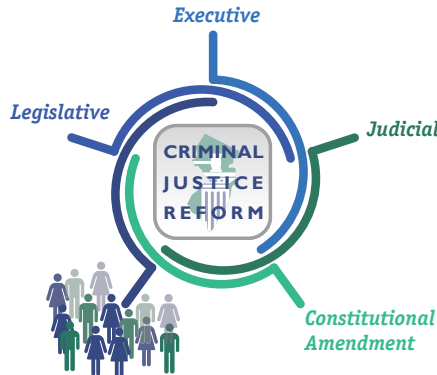
12%



The current criminal justice system is fairer to poor people and to those who cannot afford to pay money bail, have not committed serious offenses, and are not a threat to public safety.



Under the current system, judges use an objective risk-assessment tool to decide whether to detain until trial dangerous defendants who pose a serious risk of flight or danger to the public. Judges consider factors such as the defendant's age at the time of arrest, pending charges, prior convictions and whether any of those involved violence, prior failures to appear, and prior jail sentences.



The public's role in criminal justice reform: For the first time, voters in November 2014 approved a change to the New Jersey Constitution allowing for the pretrial detention of defendants. This change took effect on Jan. 1, 2017.



Before Jan. 1, 2017, the state had no speedy trial statute or rules, which meant that some cases could sometimes take years to go from arrest to trial. The new speedy trial law applies to defendants who are subjected to pretrial detention. The speedy trial component establishes limits on the amount of time a defendant can remain detained before trial.

- 1. Criminal justice reform is a joint effort of all three branches of government. A committee established by Chief Justice Stuart Rabner developed and issued a series of recommendations that were incorporated into landmark legislation. In November 2014, voters approved a constitutional change to permit judges to keep high-risk defendants detained without bail.**
- 2. The new criminal justice system is fairer to those who previously could not afford to pay money bail, have not committed serious offenses and are not a threat to public safety.**
- 3. Before criminal justice reform, large numbers of people were kept in jails for months and sometimes years for low-level offenses.**
- 4. Under the old system, a judge was obligated to set bail no matter how serious the crime. A dangerous defendant with money could post bail and be released into the community without regard to public safety.**
- 5. Since Jan. 1, 2017, when criminal justice reform became effective in New Jersey, defendants who are arrested are charged through either a complaint-summons or a complaint-warrant.**
- 6. Individuals charged on a complaint-summons are given a court date and released.**
- 7. Individuals charged on a complaint-warrant are taken into custody by law enforcement and are assessed through an objective screening tool called a public safety assessment (PSA).**
- 8. Individuals charged under a complaint-warrant will appear before a judge within 48 hours of their arrest unless the prosecutor has filed a motion for pretrial detention. If the prosecutor filed a motion for pretrial detention before the defendant's first appearance, then the first appearance is scheduled up at an additional three business days later. The judge, using the PSA score as a guide, will decide whether to release the defendant and could order conditions such as electronic bracelet monitoring or periodic reporting to pretrial services.**
- 9. The New Jersey Judiciary has established pretrial services units at the Administrative Office of the Courts and in each vicinage (court district) to make sure defendants who are released before trial comply with the terms of their release, such as appearing in court when required.**
- 10. A judge can order a defendant held in jail until trial if the defendant is determined to be dangerous. A judge can only consider such a request if a prosecutor asks.**



**STUART RABNER**  
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