What is Criminal Justice Reform?

Criminal Justice Reform represents a fundamental change in how defendants and their cases are processed in the New Jersey courts. On Jan. 1, 2017, the state moved from a system that relied principally on setting monetary bail as a condition of release to a risk-based system that is more objective, promotes public safety and is fairer to defendants because it is unrelated to their ability to pay monetary bail. The criminal justice system is rooted in two principles: That those accused of a crime are innocent until proven guilty and that they have a constitutional right to a speedy trial.

The transformation of New Jersey's criminal justice system was a joint effort of all three branches of government that grew from the work of the Joint Committee on Criminal Justice, a special committee of the Supreme Court established by Chief Justice Stuart Rabner to examine the issues of bail and speedy trial reform.

What happens after I am arrested?

You will be charged on a summons or a warrant. If you are charged on a summons, you will be released from custody with a date on which you must appear in court. In that event, you will have a detention hearing at which the judge will decide whether to grant the state's motion seeking to hold you in jail until trial without bail. Criminal Justice Reform is designed to move from a system of monetary bail to one based on the risk that you will not appear in court or will commit a crime while on pretrial release. Its goal is to make certain that people accused of crimes do not remain in jail simply because they cannot afford bail.

If the prosecutor makes a motion to detain you until trial, the judge will consider a risk assessment tool based on your prior record and any other information bearing on the risk that you will not appear or commit an offense while on pretrial release. Based on this information, the judge could order you detained pretrial. If the judge believes that you should be released, a pretrial services program exists to ensure that you comply with the conditions of release. The judge can still set a monetary bail but cannot do so for the purpose of keeping you in jail.

**Chief Justice
Stuart Rabner**

"Criminal Justice Reform (CJR) reflected a set of principles agreed to by a broad array of stakeholders. The new approach largely replaced cash bail with a risk-based system of pretrial release. CJR also provided for the pretrial detention of individuals who pose a substantial risk of danger or flight. Those and other reforms were intended to confront inequities in the prior system and help protect public safety – concerns that remain at the core of CJR today."

STUART RABNER
CHIEF JUSTICE

MICHAEL J. BLEE, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

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CRIMINAL JUSTICE REFORM

A Step-by-Step Guide for Defendants

For more information about Criminal Justice Reform in New Jersey, go to www.njcourts.gov and search for "Criminal Justice Reform."

What will I have to do if I am placed on pretrial release?

If the court finds that you present a minimal risk and can be safely released on your own recognizance (ROR), you will not have to do anything further. Otherwise, a pretrial services officer will monitor you if you are released with conditions. Monitoring could include a phone call or text to remind you to show up in court, a requirement that you report to your officer on a weekly or monthly basis, or ensuring that you comply with more restrictive conditions such as electronic monitoring and home detention.

As the risk level increases, the nature of the monitoring will be more restrictive. Your pretrial services officer will ensure that you are notified of future court appearances, will alert the court of any violations of release conditions, and will also initiate the release revocation process.
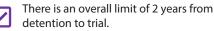
When will my case go to trial?

If your case is in the Superior Court and you are held in jail, there are three important deadlines that will apply to your case.

- ☑ An indictment must be returned or unsealed within 90 days.

- ☑ A trial must start within 180 days after indictment.

- ☑ There is an overall limit of 2 years from detention to trial.

Certain events during your case could extend these deadlines, known as excludable time, and will extend the amount of time the state has to bring your case to indictment or trial. One example would be the time it takes the judge to decide pretrial motions.

If you are released, these deadlines will not apply to your case and it will proceed according to time goals established by the courts.

Complaint

Law enforcement issues a summons on their own or requests that the court issue a warrant.

Summons Issued

The defendant is not subject to Criminal Justice Reform.

Warrant Issued

The defendant is arrested and transported to county jail. The defendant is subject to Criminal Justice Reform.

Public Safety Assessment

Pretrial services staff prepare a release recommendation to the court based on a Public Safety Assessment (PSA) and other factors.

First Appearance Hearing

A first appearance hearing is held within 24 to 48 hours of a defendant being taken to a county jail. The judge considers the pretrial services recommendation as well as arguments from the prosecutor and defense attorney and can either release the defendant on their own recognizance or release the defendant with conditions.

Motion for Detention

The prosecutor could file a motion for detention at this time.

Detention Hearing

At the detention hearing, the prosecutor can provide evidence to argue that the defendant should be detained in jail. The judge will decide whether to detain or release the defendant, based on the pretrial services recommendation, statutory factors and arguments of the prosecutor and defense attorney.

Defendant Released

Defendant is given a date to appear in court and is not monitored by pretrial services.

Defendant Released with Conditions

Defendant is released and monitored by pretrial services.

Defendant Detained

Defendant remains in jail while pending trial, subject to speedy trial guidelines.