New Jersey Courts
Independence • Integrity • Fairness • Quality Service

Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.gov • Phone: 609-376-3000 • Fax: 609-376-3002

To: **Assignment Judges**
Trial Court Administrators

DIRECTIVE # 16-18

From: **Glenn A. Grant, J.A.D.** GAG SJ SOB

Subject: **Drug Court – Voluntary Application Case Flow Policy and Backlog Standard**

Date: **October 16, 2018**

This directive promulgates the attached voluntary application case flow policy and backlog standards for the New Jersey Adult Drug Court program, as approved by the Judicial Council.

To assist in reducing the overall criminal backlog and to expedite the processing of drug court cases, the Drug Court Advisory Committee developed case processing standards and an accompanying flow chart. This policy establishes a time standard of 45 days from the filing of the application to entry of the guilty plea. Applications not determined within 45 days after the date that the application was filed will be in backlog status and reflected in a drug court backlog report. The case flow policy also creates interim deadlines for the clinical evaluation; the state's response to the application, including any objection; any necessary hearings; and the plea.

Questions regarding this directive may be directed to Donna Plaza, Statewide Drug Court Manager, via email at Donna.Plaza@njcourts.gov or by telephone at 609-815-2900, ext. 55316.

Attachments (Policy and flow chart)

c: Chief Justice Stuart Rabner
Criminal Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Jessica Lewis Kelly, Special Assistant
Criminal Division Managers and Assistants
Probation Division Managers and Assistants
Donna Plaza, Statewide Drug Court Manager
Marcia Matthews, Assistant Drug Court Manager

ADULT DRUG COURT VOLUNTARY APPLICATION CASE FLOW POLICY AND BACKLOG STANDARD

I. Introduction

To address and reduce the backlog of Drug Court cases, the Drug Court Advisory Committee developed a flow chart for voluntary cases setting as a standard that the average case should take no more than 45 calendar days from application to plea.

II. Voluntary Drug Court Application

The New Jersey statute (N.J.S.A. 2C:35:14) defines application to drug court as a motion from the Defense. The State may object to the motion, in which case the Defense may respond, with the judge then making the final decision on acceptance or denial.

III. Policy

Once an application is filed, the Criminal Division will do a cursory statutory review of the case. On day one, if there is no statutory bar, the case should immediately be scheduled for a clinical evaluation. If there is a statutory bar, the clinical evaluation is not automatically scheduled at this time and the State can prepare its response to the application.

By day ten, if the State objects, the written objection should be submitted to the Defense and the criminal division.

Where there is no statutory bar, the clinical evaluation should be completed and provided to the parties and the court within 21 days. If there is no objection from the State and the defendant is clinically eligible, a plea should be scheduled for the next available court date. For any out-of-county charges, the Defense should complete a consolidation order pursuant to Directive #2-18 and Rule 3:25A on consolidated dispositions within ten days of the clinical acceptance and a plea should be scheduled for the next available court date.

Where the State objects or the defendant is clinically ineligible, and the defendant wishes to be heard, a written response should be submitted by day 25.

By day 30, the motion (application) should be heard. If the judge grants the defendant's motion, the defendant shall plead into drug court the same day. If the judge denies the motion, the case goes back on the trial team calendar.

Any case where more than 45 days has passed from date of the motion will be considered to be in drug court backlog and a report will be generated reflecting that.

VOLUNTARY APPLICATION - DRUG COURT FLOW CHART

APPLICATION

Motion

DAY 1

Unless there is a statutory bar, the case should immediately be scheduled for a clinical evaluation.

If yes, the process stops.

Case management shall do a cursory statutory review.

STATE OBJECTION

BY DAY 10

Should be received in writing by day 10.

CLINICAL EVALUATION

BY DAY 21

(Furnished to the parties and the court)

* If there is no objection from the State and the defendant is clinically appropriate, an immediate plea should be scheduled at next court date available.

* If there are out-of-county charges, defense should complete consolidation order, pursuant to the directive, within 10 days of clinical acceptance, and a plea should be scheduled at next court date available.

DEFENSE RESPONSE

BY DAY 25

* Where State objects or defendant is clinically ineligible, and defendant wishes to be heard, a written response should be received by day 25.

MOTION HEARD

BY DAY 30

* Where Judge grants defendant's motion, defendant pleads into drug court, same day.

* If the motion is granted and there are out-of-county charges, defense should complete consolidation order, pursuant to the directive, within 10 days of clinical acceptance, and a plea should be scheduled at next court date available.

* If Judge denies motion, case goes back to trial list.

ANY CASE OVER 45 DAYS FROM APPLICATION (MOTION) WILL BE CONSIDERED TO BE IN BACKLOG, AND A REPORT WILL BE GENERATED REFLECTING