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TO: **Assignment Judges**
Trial Court Administrators

FROM: **Michael J. Blee, J.A.D.**

RE: **Criminal Justice Reform – Pretrial Services Defendant
Compliance Review Policy (Revised)**

DATE: **January 16, 2026**

Directive #01-26

[Supersedes Directive #09-24]

Questions may be directed to the Criminal Practice Division at 609-815-2900, x55300.

This supersedes Directive #09-24 and promulgates a revised Pretrial Services Defendant Compliance Review Policy, effective January 16, 2026. The revisions to this policy include: 1) prohibiting the reduction of defendants on Pretrial Monitoring Level (PML) 1 to Release on Own Recognizance (ROR); 2) allowing for the removal of home detention/electronic monitoring when reducing from PML3+ to PML3; and, 3) allowing for the withdrawal of a compliance review when moot.

Background

The Supreme Court in 2024 amended Rule 3:26-2(c) (“Modification of Release Conditions”) to provide that Pretrial Services shall review eligible defendants who have been compliant with the conditions of pretrial monitoring for at least six months. If a defendant meets the criteria set out in the Rule, Pretrial Services is to recommend a reduction in the defendant’s level of pretrial monitoring. This compliance review is not meant to modify the conditions of a defendant’s release.

That action by the Court implemented a recommendation¹ of the Joint

¹ See, Recommendation 11 - [Report of the Reconvened Joint Committee on Criminal Justice \(posted at njcourts.gov\)](#).



Committee on Criminal Justice (JCCJ), which was reconvened by the Chief Justice in 2023 to review data and consider enhancing various procedures and policies related to Criminal Justice Reform in New Jersey.

Compliance Reviews for Eligible Defendants

Pretrial Services Program (PSP) staff shall conduct compliance reviews for eligible defendants on pretrial monitoring who have remained compliant with pretrial conditions for a six-month period and who are not excluded as set forth below. “Compliant” shall mean that no Violation of Monitoring (VOM) has been filed against the defendant in the preceding six-month period.

The following individuals are not eligible for a compliance review:

- Defendants who are charged with an offense involving domestic violence (DV);
- Defendants who scored a six (6) on the New Criminal Activity risk scale on their most recent Public Safety Assessment (PSA);
- Defendants who were released from jail because their case could not be processed within the statutory speedy trial deadlines;
- Defendants who have been issued a violation of Monitoring (VOM) during the preceding six (6) months;
- Defendants who have been charged with a new offense, including in a jurisdiction outside of New Jersey, in the preceding six (6) months;
- Defendants who have failed to appear in court in the preceding six (6) months; and,
- Defendants on Pretrial Monitoring Level (PML) 1 [new exclusion added by this superseding directive].

All other individuals who remain compliant for six (6) months as defined above are entitled to a Defendant Compliance Review.

Defendant Compliance Review Process

Once Pretrial Services determines that a defendant is eligible for a possible reduction in level of monitoring, Pretrial Services will complete the attached “Notification of Defendant Compliance Review” form (CN 13243), which will be distributed via eCourts to notify the judge, prosecutor, and defense counsel of the proposed reduction in monitoring level.

The parties shall then have ten (10) business days to file a written objection via eCourts. The written objection must set forth in detail the reasons the filing party believes that the defendant’s level of monitoring should not be reduced.

When considering a recommended reduction in monitoring level, the court shall ensure the appropriate balance between public safety, the presumption of innocence, and the Criminal Justice Reform Act’s (CJRA) requirement that conditions of release be the least restrictive necessary to ensure that defendants appear in court when required and do not commit further offenses while on pretrial release.

If the prosecutor and/or defense counsel objects to a reduction in the defendant’s level of monitoring, or if the court has concerns with granting a reduction in monitoring level, the court must conduct a hearing on the proposed reduction at the defendant’s next court date, with an opportunity for all parties to be heard. Absent a written objection or concerns on the part of the court, the recommendation may be considered without a hearing.

Attached to this Directive is a customizable form order for the court to issue granting or denying the recommended change in monitoring level (CN 13244). If the decision is to reduce the defendant’s monitoring level, the court must also enter an Amended Pretrial Release Order in accordance with established judiciary policy. As noted above, this compliance review is not meant to modify the conditions of a defendant’s release. The court should leave in place any conditions of release previously ordered, and those conditions must appear on the Amended Pretrial Release Order. However, should the court deem it appropriate to reduce a defendant from PML3+ to PML3, the home detention with or without electronic monitoring condition of release shall be removed. All orders will be distributed to the parties through eCourts.

Option to Withdraw

If at any point during this process the defendant fails to remain “eligible” as set forth above, or if the defendant’s case resolves prior to resolution of the Defendant Compliance Review, the pending compliance review will be deemed moot, and PSP staff will withdraw the filing. As part of that withdrawal, PSP staff will upload a completed Compliance Review Withdrawal Form (CN 13373), promulgated by this Directive, setting forth the reason for the withdrawal.

Continued/Renewed Compliance

A defendant will be eligible for another Defendant Compliance Review if the defendant remains compliant for an additional six (6) months following the court’s entry of an order either granting or denying a recommended monitoring level reduction.

Conclusion

As authorized by the Supreme Court, the Defendant Compliance Review process established in Rule 3:26-2(c) reaffirms the Judiciary’s commitment to Criminal Justice Reform, including the value of incentivizing defendants’ compliance with pretrial release conditions. This transparent process seeks to ensure that conditions of release are modified only when the appropriate conditions have been met. Consistent with the principles of Criminal Justice Reform, this process seeks to balance community safety with the presumption of a defendant’s innocence.

Any questions about the amendments to Rule 3:26-2(c) or this Superseding Directive may be directed to the Criminal Practice Division by phone at (609) 815-2900, ext. 55300, or by email at AOCCrimPrac.mbx@njcourts.gov.

Attachments:

- (1) Notification of Defendant Compliance Review (CN 13243) [revised]
- (2) Order [Granting/Denying] Proposed Reduction in Defendant’s Level of Pretrial Monitoring (CN 13244) [revised]
- (3) Compliance Review Withdrawal Form (CN13373) [new]

cc: Chief Justice Stuart Rabner
Matthew J. Platkin, Attorney General
Jennifer Sellitti, Public Defender
County Prosecutors
Presiding Judges (Criminal, Family, Municipal)

Directive #01-26 - Criminal Justice Reform – Pretrial Services Defendant Compliance

Review Policy (Revised)

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Steven D. Bonville, Chief of Staff

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