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Joint Committee Formed by Supreme Court Releases Recommendations for Improving Criminal Justice Reform

The reconvened Joint Committee on Criminal Justice Reform (CJR) issued a report today that analyzes the performance of CJR while offering a series of recommendations to sustain the strengths of the current system and integrate further improvements.

The report of the committee covers a wide range of issues, including recommending greater consideration of detention for repeat offenders and auto theft defendants, and endorsing new opportunities to refer eligible defendants for treatment and needed services.

Many of the committee's 31 recommendations support the need for additional education and training for law enforcement, prosecutors, defense attorneys, and judges, particularly regarding warrant/summons decisions, pretrial detention motions, and motions to revoke pretrial release.

The broad-based 26-member committee, chaired by Chief Justice Stuart Rabner, included Attorney General Matthew Platkin; Public Defender Joseph Krakora; the presidents of the Chiefs of Police Association, County Prosecutors Association of New Jersey, Sheriffs' Association, and County Jail Wardens Association; the American Civil Liberties Union; and other leaders from the Judiciary, the legal community, law enforcement, state and county government, and civil rights organizations.

“Nearly a decade ago, stakeholders in New Jersey came together to recommend and then implement Criminal Justice Reform. In that same spirit of collaboration, and informed by the extensive data compiled since 2017, the Committee offers a series of recommendations for enhancing criminal justice. Each member brought a unique perspective and particular views on criminal justice. And all agree that CJR

is a fairer and better system than the former cash bail model, and that by continuing to work together, we can further improve the current system,” Chief Justice Rabner said.

In examining the disposition of automobile theft cases, the committee recommended that law enforcement apply for a complaint-warrant instead of a summons for such cases and that prosecutors receive additional training to seek detention or revocation of pretrial release.

The Committee also recommended the Criminal Justice Reform Act be amended to require pretrial services staff to recommend revocation of the release of defendants, who, when arrested for a new offense, had two or more prior arrests with charges still pending. Prosecutors would then use the pretrial services recommendation as evidence to support pretrial detention.

Another key recommendation would grant courts the discretion to permit a defendant whose release has been revoked to voluntarily enter a program, similar to the Judiciary Recovery Court Program, that requires completion of drug, alcohol, or mental health treatment at an approved facility. The Committee further recommended additional funding for the state Department of Human Services to provide needed services. Key to the effectiveness of the program would be the addition of a pretrial coordinator, employed by each county, who would work to connect those on pretrial release to local programs and services. Judiciary pretrial services staff would conduct a basic needs assessment for every defendant.

The committee also made the following recommendations:

- The Judiciary should modify its Public Safety Assessment (PSA) tool so that preliminary information about a defendant’s criminal history, including out-of-state-conviction information, is automatically provided to law enforcement once a defendant has been fingerprinted and a complaint initiated.
- Additional funding should be provided to ensure the Judiciary has sufficient staff to monitor the high volume of people currently on pretrial release. From January 2020 to February 2023, the number of defendants on pretrial monitoring in New Jersey increased by 58.3 percent, from just under 30,000 to more than 46,000 people. In that time, the number

of authorized pretrial services staff grew by only 26 percent – from 310 to 391.

- Pretrial services should recommend a reduction of pretrial release conditions for eligible defendants who have remained compliant for at least six months.
- The Judiciary should continue to engage in comprehensive research, utilizing New Jersey court data, to determine whether improvements can be made regarding the predictive accuracy of the PSA tool, particularly in regard to domestic violence cases and the reduction of racial disparities.

“CJR, in general, has worked as intended. Pretrial detention of high-risk offenders has promoted public safety, while low-risk individuals have been released on monitoring to return to their jobs, families, and communities as they await trial,” Chief Justice Rabner said. “Without exception, the Committee agreed that any improvements to the system should be grounded in data and evidence.”

The committee dedicated its report in memory of Assignment Judge Lisa P. Thornton, who chaired the Subcommittee on Pretrial Services.

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