

#010



April 27, 2018

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex
25 W. Market St.
Trenton, NJ 08611

Re: Comments in response to Recommendations 4 and 5 provided by the Supreme Court Working Group on Private Citizen Complaints in the Municipal Courts

Your Honor:

I respectfully write to you on behalf of the New Jersey Coalition to End Domestic Violence and in response to the recommendations made by the Supreme Court Working Group on Private Citizen Complaints in the Municipal Courts.

We appreciate the analysis of the Working Group and their recommendation that municipal courts continue to process citizen complaints and provide for an accessible court system. As mentioned in the report, there are a number of victims and survivors of domestic violence who initiate citizen complaints in order to report their experiences with violence and to seek out the services of the court. In the following we provide responses to recommendations 4, 5, and 6.

Recommendation 4: R.7:2-2(a)(1) should be amended to provide that a judge or authorized municipal court administrator or deputy court administrator may issue a Complaint-Warrant (CDR-2) or a summons charging a disorderly persons offense, petty disorderly persons offense or any other non-disorderly persons offense. In addition, the rule should add a provision that a judge only may issue a CDR-2 or summons charging any indictable offense made by a private citizen.

We respectfully oppose this recommendation and request that the court require a judicial review by a judge of *all* citizen complaints, indictable and non-indictable offenses including disorderly persons (DP), petty disorderly persons (PDP), or any other non-disorderly persons offense. As the Working Group pointed out, one challenge faced by municipal courts is the misuse of the court system and the filing of meritless claims. Cross-complaints are not uncommon in domestic violence cases, and a tactic used by domestic violence offenders to intimidate and discredit victims in *their* reports and complaints of abuse. Requiring a judge's review to determine probable cause is one way that the courts can screen for frivolous claims, and prevent domestic violence offenders from misusing the court system to further their control and abuse over their victim.



Recommendation 5: The Complaint-Warrant or summons must be reviewed by a county prosecutor on private citizen complaints charging disorderly persons offenses against a (i) party official or public servant and (ii) a candidate or nominee for public office, or a (iii) judicial nominee.

NJCEDV supports the Working Group's recommendation to require a review by a county prosecutor on private citizen complaints against public officials, as listed above. Domestic violence offenders are representative of all demographics, socioeconomic groups, cultures, and positions of authority. Victims of domestic violence are at a significant disadvantage when the abusive partner is also in a position of power or public role in their community. This dynamic creates barriers to reporting, challenges to accessing services, as well as increases the risk for further harm against the victim by the offender. Requiring a county prosecutor's review can help ensure an objective response by the system based on the factors in the case. In addition, this measure may help instill a sense of security and confidence in the system by victims of domestic violence who are often told by the offender that they will not be believed, or fearful of the repercussions for filing the complaint in the community in which they live and where they or their partner are known.

Recommendation 6: Rule 7:2-2 should be amended to provide that prior to issuance, the Complaint-Warrant or summons must be reviewed by a county prosecutor on private citizen complaints charging any indictable offense against any individual.

NJCEDV supports the Working Group's recommendation to require a county prosecutor review all citizen complaints charging an indictable offense against any individual. Similar to recommendation 5, this measure will help ensure an additional layer of review when evaluating the merits of a citizen complaint and the level of risk posed by a defendant in a domestic violence case.

We sincerely appreciate the work of this Working Group to clarify and enhance the municipal court criminal complaint process. Victims of domestic violence report their abuse through a variety of channels and services; some rely on the court system as a means toward safety and justice for the crimes committed against them. We appreciate the opportunity to provide feedback in response to the Working Group's recommendations, and to help enhance the court process for victims and survivors of domestic violence.

Respectfully submitted,

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