

On Apr 28, 2018, at 12:00 AM, Charlie Kratovil <editor@newbrunswicktoday.com> wrote:

Hon. Judge Grant:

Please accept this email in lieu of a more formal comment on the recommendations of the Supreme Court's working group on private citizen complaints.

I believe that recommendation 5 is dangerous to our democracy in that it adds an extra, unnecessary and inefficient step to the judicial process if and only if the accused is a party official, public servant, candidate for office, or judicial nominee. This creates a special class of politically-connected individuals who would receive special treatment under the law, and could be shielded from criminal charges by county prosecutors.

I can speak from experience that citizen complaints can be an important tool for individuals whose rights were violated by people in power. After I was threatened with physical violence by a member of the New Brunswick Housing Authority Board of Commissioners last year, I reluctantly filed my first and only citizen complaint. As an local investigative journalist who was just doing my job at the time when I was threatened, I had concerns that the local power structure would not prosecute the person who threatened me, even though the threat had been captured on video. But my faith in the system was restored when the New Brunswick Municipal Court accepted my complaint of harassment (a disorderly persons offense) and issued a summons to the board member. Had there been an additional requirement in place that the county prosecutor approve of my complaint before any summons be issued, I would have been far more skeptical of the system and may not have even filed any complaint at all. This is a real-life example of how recommendation 5, if implemented, will have a chilling effect on citizens who wish to protect themselves and the general public from unlawful conduct on the part of people in positions of power.

Similarly, in cases of indictable charge(s), recommendation 6 unnecessarily grants county prosecutors the power to prevent the issuance of a complaint-warrant or summons to any respondent even when the fact-finder has found probable cause to do so. I do not think this is an appropriate change because it gives prosecutors too much power, and ultimately, given the existing system's results, there is no reason to doubt that the vast majority of complaints filed will be legitimate and that Judges will continue to exercise proper discretion when dealing with all citizen complaints, including those for indictable offenses. Adding another layer to an

already drawn-out process will not achieve anything to further the interests of justice, and will instead serve only to deter citizens from filing complaints.

You can read about my case here:

<https://www.mycentraljersey.com/story/news/local/middlesex-county/2018/01/19/reporter-files-charges-against-new-brunswick-housing-authority-member/1047603001/>

<https://www.mycentraljersey.com/story/news/local/middlesex-county/government/2017/11/16/reporter-new-brunswick-housing-authority-member-threatened-me/870224001/>

Thank you for your service and for considering these comments. Please feel free to contact me if you have any questions.

Sincerely,

Charlie Kratovil
Editor, New Brunswick Today
732-993-9697