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Mayor



#007  
JACOB V. HUDNUT  
Chief Prosecutor

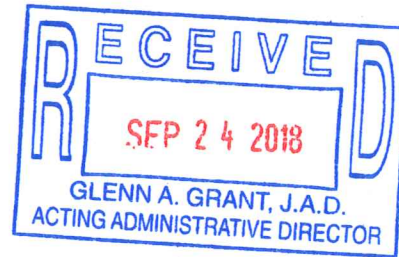
**CITY OF JERSEY CITY  
OFFICE OF THE MUNICIPAL PROSECUTOR**

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September 24, 2018

VIA E-MAIL AND FIRST-CLASS MAIL

Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Comments on Municipal Court Operations,  
Fines, and Fees Report  
Hughes Justice Complex  
P.O. Box 037  
Trenton, New Jersey 08625-0037  
(E-mail: Comments.Mailbox@njcourts.gov)



**Re: Public Comment on Report of the Supreme Court Committee on Municipal Court Operations, Fines and Fees**

To Judge Grant and the Supreme Court Committee:

On behalf of the Office of the Municipal Prosecutor of the City of Jersey City, please accept this response to the 49 recommendations set forth in the Report of the Supreme Court Committee on Municipal Court Operations, Fines and Fees, released on July 17, 2018 for public comment. In short, our Office lauds the report and recommendations and believes they provide a vital roadmap toward equipping our Municipal Courts to service the increasingly diverse population of this State while approaching justice holistically. We write separately to add our own perspective on some of the recommendations and point out a few issues, omitted from the Committee's Report, which are also ripe for reform.

By way of background, the Jersey City Prosecutor's Office is currently headed by a Chief Prosecutor and staffed by ten (10) part-time Assistant Prosecutors ("APs") and two (2) support staff. The APs cover five (5) morning Court sessions and five (5) afternoon Court sessions. Evening Court sessions are covered by a rotating schedule of Assistant Corporation Counsel for the City of Jersey City, serving as prosecutors for those sessions. Our Court has six (6) full-time judges and three (3) part-time judges, who, together with support staff, make our Court one of the highest-functioning, and most trafficked, in the State of New Jersey.

Our Office believes that it is truly an exciting time for the Municipal Courts of this State as alternatives to traditional sentencing and dispute resolution gain traction and broader acceptance and Criminal Justice Reform completes its second year. The judiciary's steps toward warrant reform, particularly for time payments and Court appearances, will ultimately yield a more just regime, where jail time gradually becomes more the exception than the rule for non-violent infractions. Our Office has been proud to play our part in the reform movement. In July 2018, we pushed the decriminalization of simple marijuana possession cases through the exercise of prosecutor's inherent discretion; this effort led to Attorney General Gurbir Grewal's releasing State-wide guidance to local prosecutors on implementing that discretion fairly and on a case-by-case basis. We have also been privileged to work with our City's Municipal Judges and project teams in implementing specialized Courts, including two (2) new forums this year—Jersey City Community Solutions (the second-in-the-State Community Court) and a Domestic Violence Court—to ensure that we are tailoring justice to the precise demands of the cases and litigants before us. We believe a one-size-fits-all approach to justice is gradually becoming a relic of a bygone age. Though we are mindful that pendulums swing, and trends come and go in politics and policy, our Office remains committed to the fundamental value and mantra of Municipal Court practice: individual justice in individual cases.

As the Jersey City Municipal Court has "piloted" many of initiatives that the Committee champions, we wholeheartedly endorse the Committee's recommendations in full. Particularly with regard to alternative sentencing, we would invite our colleagues across the State to learn from the tremendous teams here in Jersey City, or those of our counterparts in Newark, who have also successfully implemented a Community Court program (upon which we modeled our own). We may all learn something from cross-pollination of each other's wisdom and experiences.

Still, to realize the further potential of Municipal Court reform, our Office believes significant technological upgrades and greater coordination with other parts of the judiciary, law enforcement, and the Department of Corrections will be paramount. We suggest three other areas, which we believe the Committee should consider in improving access and efficiency of the Court:

- A. **Periodic Data Auditing/Cleansing.** Proper disposition of cases and resolution of a defendant's open matters are often hampered the Court's relying on incorrect, out-of-date, and disparate data for defendants and interested parties. Our Courts must do more to update and perfect data to ensure that litigants receive proper court notices, which will assist us in the efficient disposition of matters. To be sure, the Court cannot serve as a GPS tracking device for litigants; we are dealing with human beings on the move over time (if a case is dormant in warrant status, we might be talking years). The Court cannot be expected to track legal name changes, nicknames and aliases, and intentionally false or misleading data.

Yet, small mistakes and variations in a party's name or other identifiers can make the difference between a warrant being issued or a victim's case being dismissed. It also complicates court staff's ability to research an appearing party's open matters, so they can dispose of all their cases at a single court appearance or before a single judge. We

regularly encounter litigants who had left court believing they had resolved all their matters, but later learn that they had open warrants under their name, but with a middle initial or slight variation in the spelling of their first or last name. We have even encountered situations where government offices have changed locations, but outdated addresses remain in the system. Given the potential consequences, regular data auditing and protocols for cleansing data entries would be a worthy investment and improve due process.

To further this end, the AOC might wish to explore ways to automate cross-checks of Court data systems with those of other government databases, such as those of the New Jersey Motor Vehicle Commission ("NJMVC") on the theory that the NJMVC might contain more up-to-date name and address records concerning licensed drivers and people with non-driver identification cards. To perfect street addresses, the AOC might wish to interface with United States Postal Service systems to ensure that litigants' addresses match the formatting used by the USPS for delivery. Lastly, we wholly endorse the Committee's Recommendation 19, which would open the possibility of sending electronic notices and reminders, via e-mail or text, as further tool for alerting litigants of pending matters.

- B. Greater Coordination Between Municipal and Superior Court, Sentencing Alternatives.** Although we appreciate the need for the Municipal Court and Superior Court to be protective of their respective jurisdictions, we regularly encounter scenarios where our counterparts at the Superior Court have refused jurisdiction because a defendant is charged with a disorderly persons offense "on its face" notwithstanding the Superior Court's handling a case with the same victim and pattern of conduct. By that token, we also regularly face scenarios where related cases (including lesser charges or motor vehicle tickets) are siphoned off from Superior Court cases and remanded to Municipal Court though a global disposition of all connected matters might be the most just and efficient outcome. We have encountered numerous cases where defendants were led to believe by Superior Court prosecutors and public defenders that all pending charges were resolved via a plea deal, only to later learn that Municipal Court charges or tickets were remanded. Domestic violence cases, in particular, are rife with confusion as litigants shuttle from restraining order hearings in the Family Division and sometimes do not realize that there are criminal charges (sometimes some charges at Municipal Court and others Superior Court). Having different judges, fact-finders, and lawyers handling what is essentially all one case has a tendency to result in piecemeal justice, which is inherently unjust.

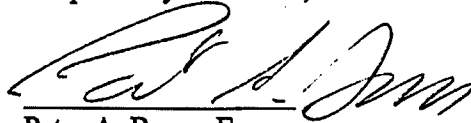
Our Office believes that bouncing litigants from one Court to another, pointing fingers of blame and responsibility, breeds confusion and imposes bureaucratic hurdles on defendants (or victims) who seek to resolve all charges involving them. We advocate for greater flexibility, with appropriate guidelines, on the ability to consolidate related charges before a single tribunal. To the extent that flexibility needs to be codified, given the potential jurisdictional implications, then we would urge the drafting of appropriate legislation.

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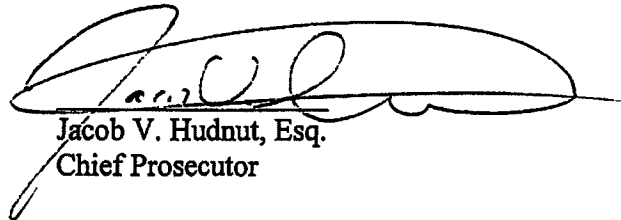
Along these same lines, Superior and Municipal Court teams should offer increased opportunities for coordinated sentencing as well as increase access to sentencing alternatives at our respective courts. For example, we regularly see defendants in Municipal Court who be a good fit for Drug Court based on the volume of charges in their criminal case history; however, because they do not have indictable charges, they do not qualify for that program. Conversely, our Domestic Violence or Mental Health Courts often provide greater services and oversight for defendants than is currently available at Superior Court or through Probation. If nothing else, Municipal and Superior Court counterparts should have greater transparency and coordination to ensure that we are not working at cross-purposes.

Thank you for your consideration of our Office's public comments. We fully support the Committee's efforts and look forward to ways our Office can be of service in ongoing efforts to modernize and reform our Municipal Courts.

Respectfully submitted,



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