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Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments - Municipal Courts Working Group Report
Hughes Justice Complex, P.O. Box 037
Trenton, New Jersey 08625-0037

Re: Report of the Supreme Court Working Group on the Municipal Courts

The Honorable Glenn A. Grant,

Thank you for the opportunity to submit written comments on behalf of the Camden Coalition of Healthcare Providers (Camden Coalition) on the Report of the Supreme Court Working Group on the Municipal Courts. We strongly support the Judiciary's effort to ensure that all aspects of the court system operate in a manner consistent with the Judiciary's core values of independence, integrity, fairness, and quality service, and we are encouraged by the recommendations of the Supreme Court Working Group.

The Camden Coalition works to advance the field of complex care by implementing person-centered programs and piloting new models that address chronic illness and social barriers to health and well-being. Supported by a robust data infrastructure, cross-sector convening, and shared learning, our efforts are focused on delivering better care to the most vulnerable individuals in the Camden region and supporting others doing similar work in communities across the country.

In many cases, legal issues become barriers to better health. To address this concern, the Camden Coalition has partnered with Rutgers Law School to pilot a Medical-Legal Partnership (MLP). When participants in our intervention encounter legal issues, our care team works closely with a consulting lawyer to assess their legal needs and provide legal guidance to help navigate complex issues. When necessary, the lawyer accompanies the care team to meet with patients and directly provides legal services and representation.

Through this work, we have seen firsthand the impact that the Municipal Courts can have on an individuals' health and well-being. Because our patients are living in poverty and already experiencing medical and social complexities, municipal cases can have a disproportionate impact on their lives. Old warrants and fines and fees often exacerbate a situation and can undermine someone's progress towards stabilization. This is particularly acute for the many New Jersey residents struggling with behavioral health issues, including addiction; municipal cases can too easily derail the fragile recoveries achieved by these patients and their caregivers.

For these reasons, we support the Judiciary's effort to reform the Municipal Courts and submit the below commentary on the Supreme Court Working Group's recommendations.

Recommendation 1: The Legislature should consider amending N.J.S.A. 40A:4-45.3 to facilitate reducing a municipality's reliance on fines and fees collected by the Municipal Court as a source of general operating revenue when structuring its annual budget.

While the Camden Coalition generally supports Recommendation 1, we defer to the expertise of legislators and local government to determine the best way to address this concern.

Recommendation 2: The Legislature should consider amending N.J.S.A. 40:49-5 to provide for a uniform cap on penalties and fines for certain categories of ordinance violations and to decrease the term of imprisonment for an ordinance violation from 90 to 30 days.

The Camden Coalition strongly supports Recommendation 2. In our experience, individuals facing similar charges are subject to different fines depending on municipality and judge. Individuals should not arbitrarily face more severe punishment on account of where they come into contact with the law. New Jersey should standardize penalties and fines across municipalities to encourage uniformity across the state. We are also encouraged by the recommendation to decrease the term of imprisonment for an ordinance violation from 90 to 30 days. This is a good first step. However, we would encourage the Working Group and stakeholders in New Jersey to consider what purpose a 30-day term of imprisonment serves other than disrupting an individuals' life. We would posit that no ordinance violation warrants a term of imprisonment and the interests of justice could be served with an alternative punishment.

Recommendation 3: The Legislature should consider creating a statewide mental illness diversion program; expanding community court programs; and creating a State-funded community service program.

We strongly support parts two and three (expanding community court programs and creating a State-funded community service program). We cautiously support part one of this recommendation (creating a statewide mental illness diversion program).

The Camden Coalition supports the creation of a State-funded community service program. While community service is presently an option in lieu of payment under the law, this alternative is viewed with skepticism by many judges. As a result, we often have difficulty getting courts to authorize community service for our indigent clients. When the option is provided, it is often proposed with terms that are highly punitive. In one case, a judge proposed a rate of \$6 per day for community service. In addition, the court demanded that a suspended sentence be issued to guarantee that our disabled client would serve jail time in the event he did not complete his 60 days of service. We counseled our client to instead agree to a time payment for his \$366 fine, which remains outstanding. This is but one egregious example of how the unavailability of a viable community service option results in unfair and disproportionate sentencing for those individuals living in poverty who are unable to pay a fine.

Providing a true alternative option to a financial penalty is incredibly important for individuals who are unable to pay fines and fees. This option should include a fair conversion rate, applicable to all courts, that properly accounts for the service performed. In addition, this option should, to the extent possible, enable persons of all abilities and aptitudes to complete service in lieu of payment.

We also support the expansion of community court programs. These programs have been proven successful around the country as a way to respond more proactively and holistically to legal matters from an individual and community perspective. We support the recommendation to advance these models in New Jersey. As an organization, we often have poor and sick patients who face various legal matters in multiple courts. Many of these courts are not easily accessible via public transit. In addition, fixed hearing times often interfere with medical appointments. Being able to address all matters in one supportive setting would be extremely beneficial for our patients and our care teams providing support for these individuals.

While we are encouraged by the Working Group's acknowledgment that many individuals involved with the Municipal Court system have mental health diagnoses, we have concerns about implementing a statewide diversion program for this population. Such programs can often have unintended consequences and create more barriers and obstacles for individuals, in which they end up entangled with the law for a longer than necessary period of time. Health and behavioral health issues are best handled by the clinical professionals trained to deal with them, and we question the appropriateness of involving the court in these matters. We do however acknowledge that, depending on how implemented, such a diversion program may have a positive

impact on how individuals with mental health diagnoses interact with the legal system. For these reasons, we cautiously support the Working Group's recommendation and urge the Legislature to be thoughtful and prudent in how they choose to move forward with such a diversion program.

Recommendation 4: The Legislature should consider creating a traffic ticket deferral program.

The Camden Coalition supports this recommendation. Creating such a program to reduce the amount of fines and fees individuals must pay for minor traffic violations furthers the spirit and intent of this Working Group to restore fairness to the Municipal Court system.

Recommendation 5: The Legislature should consider legislation that provides credit towards a legal financial obligation for hours spent in clinical treatment related to the underlying offense charged.

We strongly support this recommendation but urge the Working Group and the Legislature to be thoughtful about the Court's role in clinical treatment. Many of our patients make enormous progress through their commitment to clinical treatment programs, yet emerge burdened by substantial Municipal Court penalties accrued prior to recovery. These fines and penalties represent a major obstacle to a return to productivity for some patients. Thus, a thoughtfully-designed method for crediting treatment hours would pay dividends to the State.

As mentioned above, health and behavioral health issues are best handled by the clinical professionals trained to deal with them. All clinical treatment shall be voluntary and at an individual's own choosing. When this is the case, and an individual chooses to engage in clinical treatment, we agree that they should get credit for their time in treatment towards a legal financial obligation. Similar to the community service program, the conversion rate for their time must be fair and reasonable so as to not disproportionately sentence individuals who seek treatment.

Recommendation 6: The Judiciary should continue to promote greater use of time payment plans that are reasonable and achievable.

While we support this recommendation in theory, and think that there should be greater use of payment plans that are actually achievable, we also recognize that this recommendation must be implemented in conjunction with the other recommendations to truly have an impact on individuals living in poverty. Allowing for payment plans only goes so far for individuals who are poor. Without lowering fines and fees and implementing alternatives to payment for penalties, individuals who cannot afford to pay a fine will still be hamstrung and caught up in the legal system unnecessarily. Payment plans should be promoted alongside reductions in fees and alternatives to payment.

In addition, time payment plans must take into consideration the ability of each individual to pay. Municipalities should not set minimum payment levels that, by definition, cannot be modified based on a defendant's financial condition. Courts must also recognize that indigent individuals may have time payments in multiple jurisdictions, which further limits funds available for payment.

Recommendation 7: Significantly reduce the commonplace usage of license suspensions for failure to pay through legislation, Administrative Directive(s), and judicial training.

License suspension for failure to pay is a counterintuitive and destructive policy. When someone's license is suspended, they are unable to drive to work and often lose their job. This results in a vicious cycle of (1) not being able to make payments on the original fine and (2) not being able to support one's family and pay for life necessities like housing and food, further driving individuals and families into poverty. The impact of a license suspension also impacts the individual's family, restricting their mobility and ability to attend school,

work, medical appointments and future court appearances. We strongly support the Working Group's recommendation to reduce this practice and urge the Judiciary to consider eliminating license suspension as an option in this context entirely.

Recommendation 9: The Legislature should consider increasing the minimum incarceration conversion rate set forth in N.J.S.A. 2C:46-2a.(3)(c) and N.J.S.A. 39:5-36b.(3).

We strongly support this recommendation. We also encourage the Legislature to consider broadening the scope of the relevant statutes, including N.J.S.A. 2B:12-23.1(a)(2), so that individuals may receive credit for incarceration on unrelated matters. Presently, persons released from jail must immediately address outstanding Municipal Court matters, which imposes an increased financial and administrative burden upon reentry. Issuing credit towards Municipal Court matters for all incarcerations would enhance the reentry process in a manner consistent with the rehabilitative objectives of the prison system.

In addition, we strongly encourage the Legislature to establish a conversion rate for community service credits. As mentioned above, the conversion rate for community service should be set at a reasonable and appropriate rate so as to not discriminate against individuals who are poor and cannot pay a fine.

Recommendation 10: The Legislature should consider reducing surcharges and assessments imposed by the Motor Vehicle Commission (MVC) and reducing and/or eliminating certain surcharges statutorily required to be assessed and imposed by the Municipal Court at the time of sentencing.

We strongly support this recommendation. Many of our patients, and thousands of other New Jersey residents appearing in Municipal Court, lack the resources to support their families and maintain their health. For these individuals, the financial consequences of non-indictable legal matters create a significant strain. The imposition of additional surcharges and assessments – to fund the government on the backs of these defendants – unfairly burdens these individuals. The fees assessed at the Municipal Court level should be limited to the underlying offense for which an individual is being sentenced, and should not be in the nature of a general assessment.

Recommendations 11, 12, 13, 14, and 15: Judicial Independence—Reviewing and Modifying the Appointment and Reappointment Process

While we generally support these recommendations, we defer to the Legislature and the Judiciary on how to best modify the appointment and reappointment process.

Recommendations 16 and 17: Judicial Independence and the Efficient Administration of Justice—Consolidation and Regionalization of the Municipal Courts to Improve Efficiency of Court Operations and Delivery of Justice

The Camden Coalition strongly supports any effort to improve access to the Municipal Court system in New Jersey. We often work with patients facing matters in multiple municipalities, and the lack of a consolidated and/or centralized Municipal Court system makes it incredibly challenging to resolve cases in a timely, efficient and comprehensive manner. Central Municipal Courts, accessible via public transit, would be of enormous benefit to our patients and would enable greater follow-through on municipal matters.

In addition, we believe that Municipal Court centralization or consolidation would streamline and professionalize the operation of the Municipal Court system. For example, each consolidated court operation could offer additional resources, including personnel to field phone calls and address inquiries and scheduling issues, that are often sorely lacking. Centralization could also facilitate the creation of an effective public-facing search tool for patients and their support teams to identify all outstanding matters. The inconsistency

of Municipal Court communications and the lack of a reliable search mechanism negatively impact our patients and our ability to support those individuals.

The Camden Coalition commends the New Jersey Supreme Court for their leadership on these issues. The Report clearly identifies many challenges facing the Municipal Court system, and the impact of those issues on New Jersey residents. As an organization that works directly with vulnerable New Jerseyans, we know that many of the recommendations put forth by this Working Group, if implemented, will have a significant impact on individuals' daily lives.

Thank you again for the opportunity to submit written comments. We welcome further discussion with the Judiciary about this issue. Please do not hesitate to contact us for more information.

Respectfully submitted,

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