

Annual Report to the Governor and the Legislature

CRIMINAL
JUSTICE
REFORM

Submitted By:

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Jan. 1 - Dec. 31

2020



New Jersey Courts

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I.

OVERVIEW

“The evidence shows CJR continues to perform as intended, both admirably and with consistency.”

- Chief Justice Stuart Rabner



Criminal Justice Reform (CJR) became a reality in New Jersey through the cooperation of all three branches of government, which sought to remove longstanding inequities in our justice system.

For more than a century, defendants who posed little risk to the public could be detained simply because they could not afford modest amounts of bail. At the same time, defendants were guaranteed the right, under the State Constitution, to secure their release from jail by posting bail, no matter how much risk they presented to public safety.

Today, four years into the existence of CJR, monetary bail is hardly used, replaced by a system that focuses on a defendant’s risk of committing new criminal activity or failing to show up for court, and monitors individuals who are released pretrial.

This Annual Report charts the latest results of that sea change in New Jersey’s approach to criminal justice. The evidence shows CJR continues to perform as intended, both admirably and with consistency.

In 2020, even as the overall jail population increased slightly because of the suspension of criminal jury trials necessitated by Covid-19, the percentage of jail inmates held on bail of \$2,500 or less dropped to 0.2 percent. At the same time, the percentage of individuals in jail charged with serious offenses continued to increase, to nearly 80 percent.

Defendants released pretrial are still showing up in court at rates comparable to the bail system. In 2020, court appearance rates exceeded 90 percent for the first time under CJR.

While no responsible system of pretrial release can eliminate the risk that a defendant will commit a new crime before returning to court, the percentage of defendants on pretrial release who are charged with indictable criminal activity remains consistently low.

As we proceed further with CJR, it is important to remember the consequences suffered by those defendants who were forced to remain in jail simply because they were too poor to make bail. They were cut off from family members. Others lost jobs. They faced pressure to plead guilty to “time served.” Studies showed defendants held in jail before trial pled guilty more often, were convicted more often, and were sentenced to prison more often. They even received harsher prison sentences than those who were released before trials.

CJR has already proven to be a fairer system than its predecessor, yet it remains a work in progress. Many of its benefits are still taking root, and in other areas there is much work to be done.

As this report candidly documents, racial disparities continue to exist throughout the criminal justice process. That is a critical issue that extends beyond our courts, which respond to defendants after they are brought into the judicial system. Black defendants are more likely than white defendants to be arrested and more likely to receive a complaint-warrant, which requires a trip to jail, as opposed to a summons, which allows for immediate release. The impact of those continued disparities is that New Jersey’s jail population continues to hold a disproportionate percentage of Black men and women.

New Jersey’s justice system is fairer and more equitable today under CJR, but we must continue to work together with stakeholders across the criminal justice system to confront inequities wherever we find them and identify responsible, meaningful solutions.

II.
RESPONSE TO THE
CORONAVIRUS
PANDEMIC

Judiciary Response to the Coronavirus-19 Pandemic and Its Impact on Criminal Justice Reform Statistics

Portions of this report involve 2019 statistics that predate the Covid-19 Coronavirus crisis. Other findings, however, particularly those involving disposition rates and the jail population, reflect 2020 data that was greatly affected by the pandemic, which forced the courts to temporarily suspend criminal jury trials and operate remotely in most other areas.

Consistent with public health recommendations of the Centers for Disease Control and Prevention (CDC) and the New Jersey Department of Health (NJ DOH), the Supreme Court suspended most in-person court proceedings in March 2020. Almost all court proceedings continued in a remote format, as reflected in the Court's April 20, 2020 Order and a series of Covid-19 Omnibus Orders.

Throughout 2020, the Judiciary continued both essential or critical functions and routine court events and services. That included, but was not limited to, handling Temporary or Final Restraining Order applications, holding hearings or appeals for victims of domestic violence, holding pretrial release and detention hearings, and supervising and monitoring individuals on probation or pretrial release.

Judges and staff continued to conduct criminal proceedings and perform other essential functions remotely. However, criminal jury trials were suspended for all but a small portion of 2020.

Grand jury proceedings were held remotely beginning in May 2020 as part of a pilot program that expanded statewide. As necessitated by the pandemic, the Division of Criminal Justice and all county prosecutors presented cases to grand juries convening in a virtual format, to avoid prolonged detention of unindicted defendants.

Even with those efforts, the suspension of in-person criminal jury trials directly affected disposition rates for 2020. The Court's Omnibus and other Orders extended pre-indictment and post-indictment excludable time in response to the temporary limited availability of grand juries and the ongoing reduced capacity for criminal jury trials. Disposition rates will continue to be affected until it is safe for courts to conduct more in-person jury trials.

New Jersey's jail population was also affected as it increased from an initial reduction in the first half of the year. This mirrors national trends.

The Judiciary expects the impact from the pandemic, particularly on the high number of pending cases, will likely remain for several years.

III.
CRIMINAL JUSTICE
REFORM OUTCOMES

Public Safety

Criminal Justice Reform relies on objective risk factors to determine whether a defendant should be released before trial, and under what conditions. The system does not base release decisions on a defendant's ability to afford bail. At the same time, CJR prioritizes public safety by assessing the risk that a defendant, if released, might commit a new criminal act or fail to appear in court.

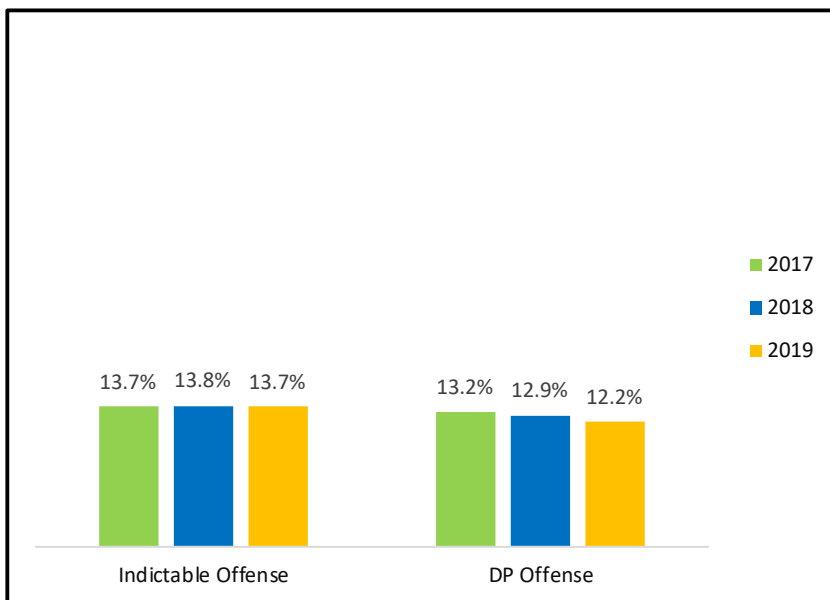
The Judiciary is committed to the continued evaluation of the performance of CJR. This section provides a statistical analysis of the outcomes of pretrial release, including the impact of new criminal activity and court appearance rates, for defendants arrested in 2019. This section also analyzes the accuracy of the Public Safety Assessment tool as well as CJR's impact on creating a fairer criminal justice system.

A. New Criminal Activity

One of the important measurements in the success of CJR is whether defendants are committing new crimes while on pretrial release. The rates of new criminal activity for defendants released pretrial under CJR continue to remain low.

As shown in Fig. 1., the percentage of defendants arrested and subsequently charged with an indictable offense has held at 13.7 percent from 2017 to 2019. The rate of pretrial defendants arrested and subsequently charged with a disorderly persons offense has steadily declined, from 13.2 percent in 2017 to 12.9 percent in 2018 to 12.2 percent in 2019.

Fig. 1. New Criminal Activity

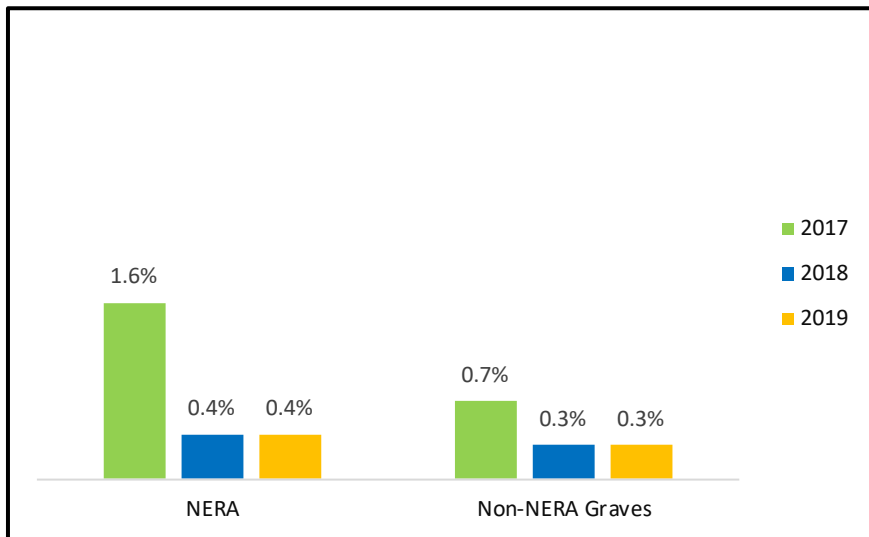


The number of defendants charged with new serious offenses also remained remarkably stable between 2018 and 2019. Of the defendants arrested in 2019 and released pretrial, fewer than 1 percent were charged with committing a subsequent No Early Release Act (NERA)¹ or a Graves Act² offense.

More specifically, as depicted in Figure 2, below:

- 0.4 percent of defendants arrested in 2019 and released pretrial were subsequently charged with a serious offense mandating no early release from prison upon conviction, compared to 0.4 percent of such defendants in 2018 and 1.6 percent in 2017;
- 0.3 percent of defendants arrested in 2019 and released pretrial were subsequently charged with a non-NERA Graves Act gun offense as their primary offense, compared to 0.3 percent of such defendants in 2018 and 0.7 percent in 2017.

Fig. 2. New Criminal Activity, NERA or Non-NERA Graves



¹ NERA offenses are defined under N.J.S.A. 2C:43-7.2 and include the most serious first- and second-degree offenses. A defendant convicted of a NERA offense must serve no less than 85 percent of the sentence imposed before becoming eligible for parole.

² Graves Act offenses are defined under N.J.S.A. 2C:43-7 and include offenses related to unlawful possession of weapon (firearms). A defendant convicted of a Graves Act offense must serve no less than one-half of the sentence imposed or 42 months, whichever is greater, or 18 months in the case of a fourth-degree crime, before becoming eligible for parole.

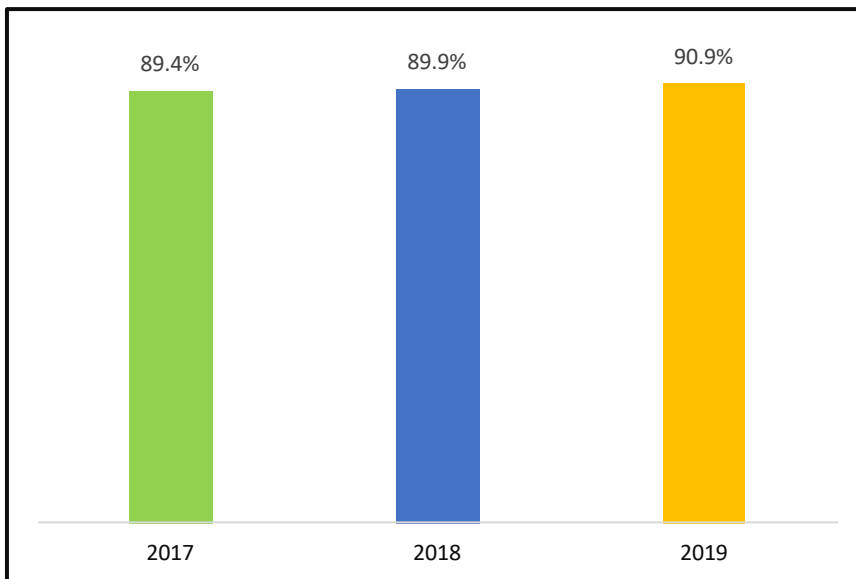
B. Court Appearance Rates

Court appearance rates are another key measurement in the success of CJR as they show whether individuals who have been released are appearing in court without having to post bail.

In 2019, court appearance rates for defendants released pretrial remained high and, in fact, surpassed the 90 percent mark for the first time.

As Figure 3 shows, defendants arrested in 2018 appeared, on average, for 89.9 percent of pretrial court appearances; defendants arrested in 2019 made, on average, 90.9 percent of their court appearances.

Fig. 3. Court Appearance Rate

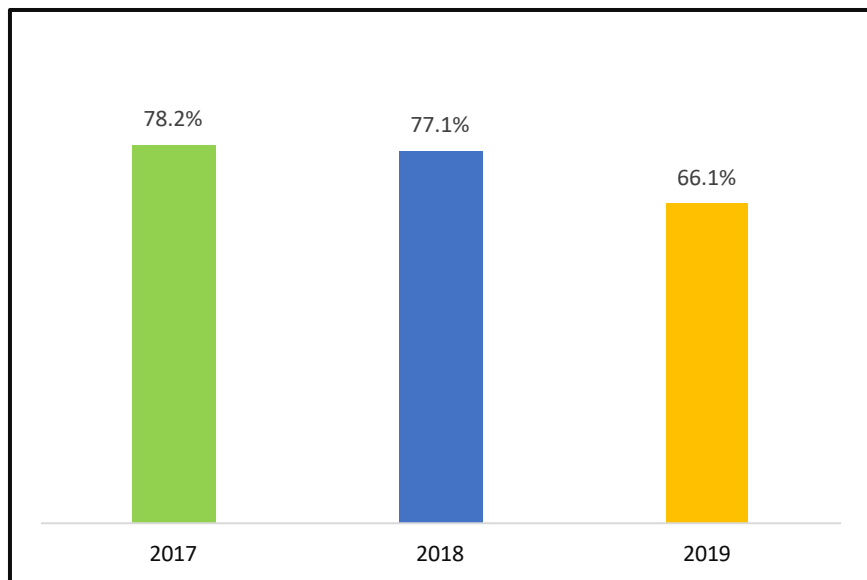


C. Timely Case Disposition

For this report, as in past reports, we analyzed the timeliness of the criminal justice process by determining the percentage of cases that were disposed of within a 22-month period. For some defendants arrested in 2019, the disposal of their case was delayed by the Coronavirus pandemic, which brought a halt to in-person criminal trials.

Figure 4 shows that for cases that began in 2018, 77.1 percent were disposed of within a 22-month period; in 2019, the percentage dropped to 66.1.

Fig. 4. Cases Disposed Within 22-Month Period



D. Public Safety Assessment Performance

As an objective assessment tool that measures common sense risk factors, the Public Safety Assessment (PSA) plays a crucial role in the success of CJR.

The PSA measures the likelihood that a defendant will appear in court or commit a new criminal offense while on release. Developed with national empirical data and then validated by data from tens of thousands of New Jersey cases, the PSA provides judges with an objective analysis to rely upon when making decisions on pretrial release and what, if any, conditions to impose on defendants.

Although the PSA assists judges in making informed release decisions, it does not replace judicial discretion or the need for judges to render a release decision that is tailored to the individual defendant. Judges also must consider information provided by the prosecutor and defense attorney.

An evaluation performed for this report confirmed that the PSA continues to classify defendants' risk levels with notable accuracy.

The PSA gives each defendant a risk score ranging from 1 to 6 on two separate scales: new criminal activity (NCA) and failure to appear in court (FTA). A "1" signifies the lowest risk level and a "6" the highest. The PSA also includes a flag to indicate whether the

defendant presents an elevated risk of being charged with committing a new violent offense³ while on pretrial release.

To evaluate the 2019 performance of the PSA, Judiciary researchers generated PSA results for all defendants issued complaint-summons and complaint-warrants in 2019, and then compared the risk scores to actual rates of failure to appear and alleged commission of new offenses while on pretrial release. Defendants issued either a complaint-summons or complaint-warrant in 2019 were tracked throughout the pretrial period from arrest to disposition, or through October 31, 2020, to ensure that the majority of those cases were disposed.⁴

A review of PSA risk scores and their outcomes found that as the risk scores for NCA increased, the defendants' actual failure rates increased as well. For example, only 9.7 percent of defendants who received an NCA score of "1" were charged with a new offense while on pretrial release, while 61.6 percent of defendants with an NCA score of "6" were charged with a new offense while on pretrial release.

The PSA also includes a New Violent Criminal Activity (NVCA) flag that, when checked, indicates that a defendant presents a risk to commit a violent crime. Defendants who received an NVCA flag were more likely to be charged with committing a new violent offense while on pretrial release (12.5 percent) than defendants who did not receive the NVCA flag (5.4 percent).

See Appendix A for more information on the PSA.

E. Fairness and Equity

Criminal Justice Reform balances an individual's constitutional rights with the public's need for safety in order to create a fairer system of pretrial justice.

The removal of bail as a primary consideration in the release of defendants has created a fairer system.

In 2019, bail was nearly eliminated for defendants affected by Criminal Justice Reform. The practice of holding low-risk defendants in jail on bails of \$2,500 or less, once a frequent enough occurrence to serve as a catalyst for CJR, has also been all but eliminated.

³ Examples of violent offenses include murder, homicide, manslaughter, assault involving physical injury (including simple assault), kidnapping, abduction, human trafficking, person-to-person sex offenses (such as rape and sexual assault), robbery, carjacking, and terrorism. A charge of attempt, solicitation, or conspiracy to commit any of those offenses is considered a violent offense.

⁴ The 2020 arrest data will be collected and analyzed after October 31, 2021.

The total number of defendants sitting in jail on any given day from 2017 through 2020 is far less than it was under the system of bail, and that holds true for defendants of all races. Still, historical inequities continue at each stage of the criminal justice process.

The criminal justice process often begins with a defendant's interaction with law enforcement, the decision to make an arrest, and then a decision to issue either a summons or a warrant. Racial disparities that occur upon initial interaction with law enforcement impact everything that follows, up to and including the racial breakdown of the jail population. As shown in greater detail later in this section, Black defendants were again more likely to be charged with complaint-warrants and taken to jail. In 2020, Black defendants continued to make up nearly 60 percent of the jail population.

This section includes data related to fairness and equity at multiple points in the criminal justice process. Fairness and equity are critical issues that extend beyond the court system and require that all stakeholders and decision makers in the criminal justice system work together to address racial disparities at every stage.

F. Criminal Justice Reform Process

The criminal justice process begins with a defendant's interaction with law enforcement. Law enforcement may directly issue a complaint-summons without a review by a judicial officer or request that a judicial officer review the complaint and make the decision to issue a complaint-summons or a complaint-warrant. Defendants charged on a complaint-summons are released immediately without conditions and provided a court date.

Defendants charged with a crime or disorderly persons offense on a complaint-warrant are considered CJR-eligible defendants and are committed to the county jail. A first appearance hearing will be held within 24 to 48 hours for the judge to make a release decision. In 2020, even during the pandemic, the vast majority of first appearance hearings continued to be held within 24 hours. At this court proceeding, the judge considers information presented by the parties, pretrial services, and the PSA risk assessment to determine appropriate release conditions.

If the prosecutor files a motion for pretrial detention prior to the first appearance, the court will schedule a detention hearing to determine whether to detain or release the defendant. If the judge finds that no combination of conditions or level of monitoring will reasonably assure the safety of the community and assure that the defendant will appear for court and not obstruct the criminal justice process, the defendant will be detained pending trial in accordance with the speedy trial provisions in the CJR law.

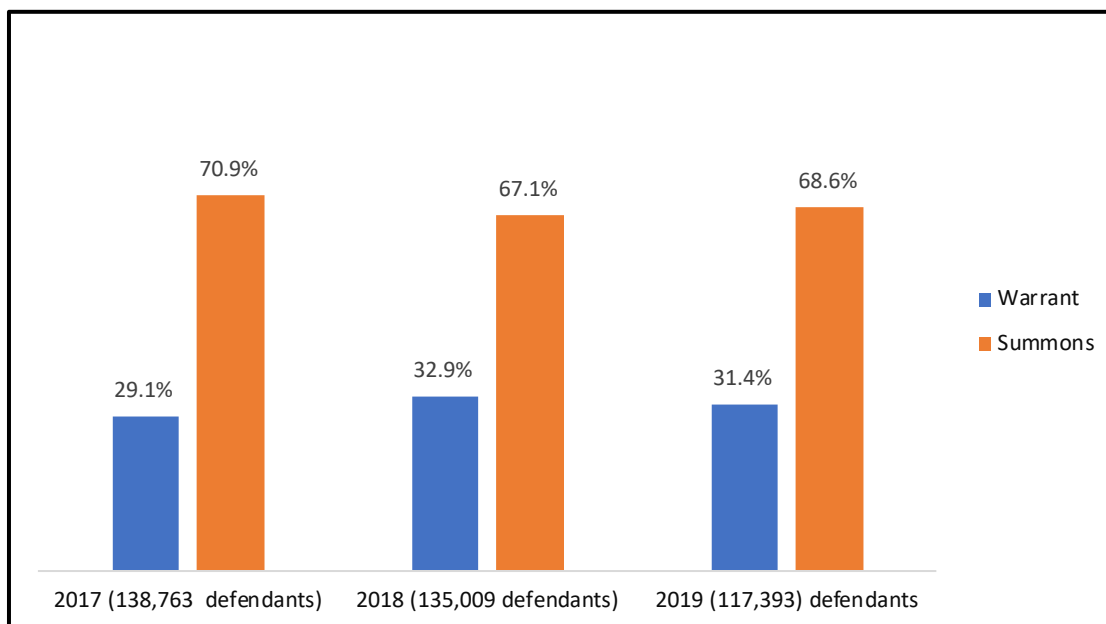
1. Summons/Warrant Decision

The decision by law enforcement to issue a complaint-summons or seek a complaint-warrant from the court is informed by various factors, including the results of a preliminary PSA initiated by law enforcement, court rules, and Attorney General-issued directives to guide law enforcement. Because of the increased availability of objective information, such as the defendants' criminal histories, court appearances, and risk results, as well as early charge screening by prosecutors or senior law enforcement officers, the vast majority of defendants are properly categorized as lower risk and released on a complaint-summons without commitment to the county jail. Defendants categorized as higher risk or charged with more serious crimes are arrested on complaint-warrants and committed to the county jail for a risk assessment and a pretrial release decision, consistent with the CJR law.

In 2019, 80,527 defendants (68.6 percent) received a complaint-summons and 36,866 (31.4 percent) received a complaint-warrant.

The percentage of complaint-summons issued versus complaint-warrants has remained relatively stable throughout CJR's existence. In 2017, 29.1 percent of defendants were issued a complaint-warrant and committed to county jail. In 2018, 32.9 percent of defendants were committed to jail on a complaint-warrant. In 2019, the percentage of defendants committed to jail decreased slightly, to 31.4 percent.

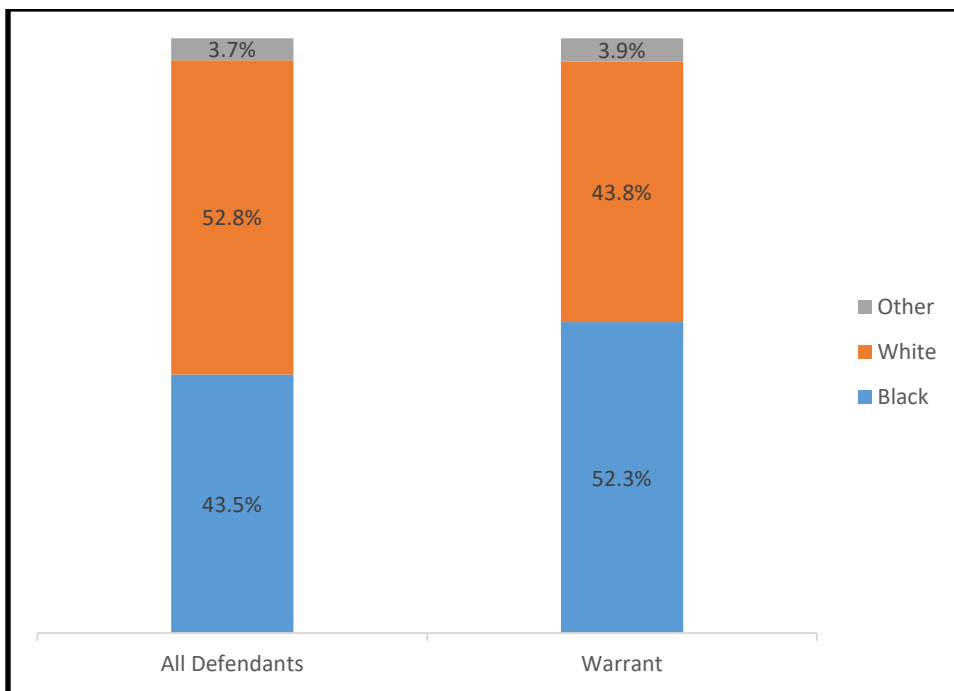
Fig. 5. Summons vs. Warrant, 2017, 2018 and 2019



2. Issuance of Complaint-Warrants by Race

When examining by race, Black defendants are disproportionately represented in both the overall population of people issued complaints and the population of defendants who receive complaint-warrants. While the population of New Jersey is 15.1 percent Black,⁵ Figure 6 shows Black defendants made up 43.5 percent of the defendant population in 2019 and were issued 52.3 percent of the complaint-warrants.

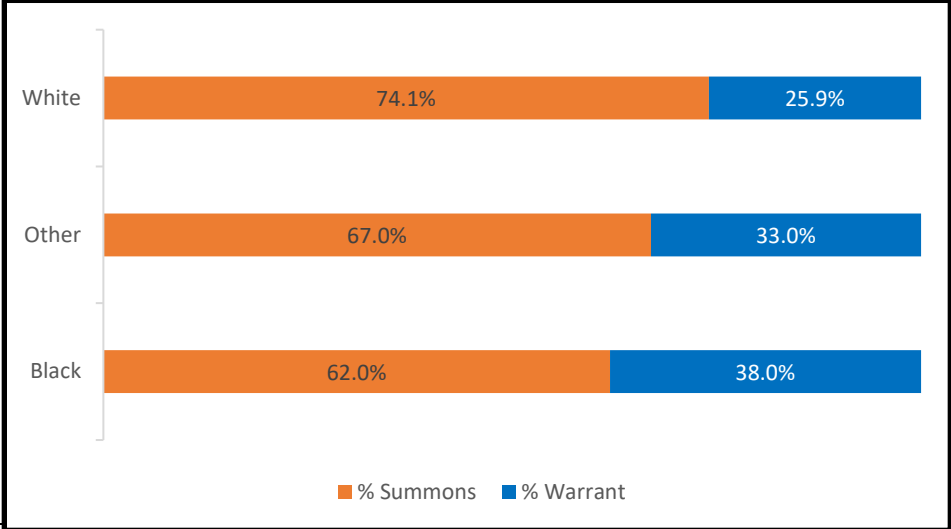
Fig. 6. Complaint-Warrants by Race



⁵ Census data comes from the American Community Survey, 1-Year Estimates Data Profiles, 2019. See <https://www.census.gov/quickfacts/NJ>

Of all complaints issued to Black defendants, 38 percent were handled as complaint-warrants. By contrast, as Figure 7 shows, 25.9 percent of white defendants were issued a complaint-warrant.

Fig. 7. Total Complaints by Race



IV.
JAIL POPULATION
2019 vs. 2020

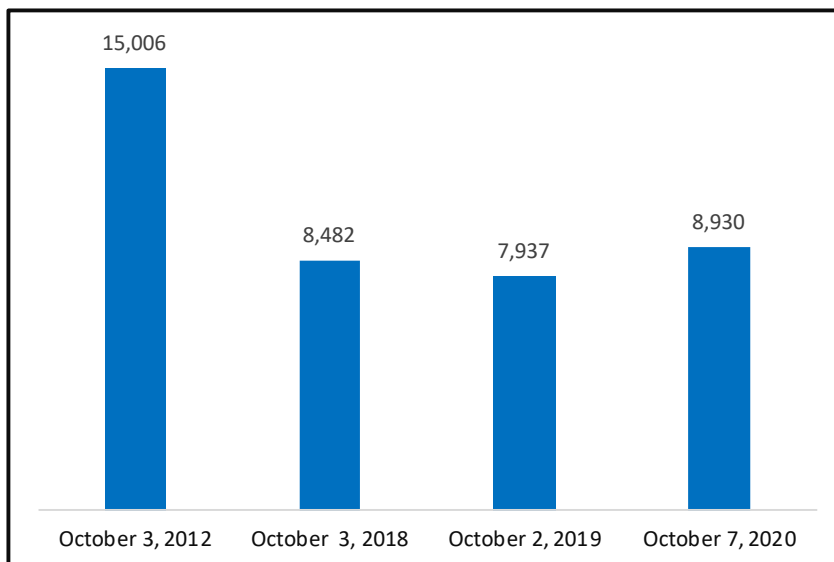
A. Impact on County Jail Population

One of the catalysts that led to the adoption of Criminal Justice Reform was a study of the 2012 county jail population which found 12 percent of inmates were in jail pretrial on a bail of \$2,500 or less.⁶ The Administrative Office of the Courts, with the assistance of Luminosity, updated the study for its 2018 Annual Report by comparing the jail population on October 3, 2012 with the jail population on October 3, 2018. The follow-up study found that, six years later, the number of inmates in custody had declined dramatically and far fewer inmates were being held on low bails.

That same study also was replicated for this Annual Report by comparing the jail population on October 3, 2012, with the jail population on October 7, 2020 (the first Wednesday of the month) to determine if the improvements seen in earlier years had been sustained and to identify areas in need of closer examination.

Through 2019, the overall number of inmates in custody continued to decline under CJR. As shown in Figure 9, there were 15,006 inmates in custody in 2012. The population dropped to 8,482 in 2018 and 7,937 in 2019 (a 6.4 percent decrease from 2018 to 2019.)

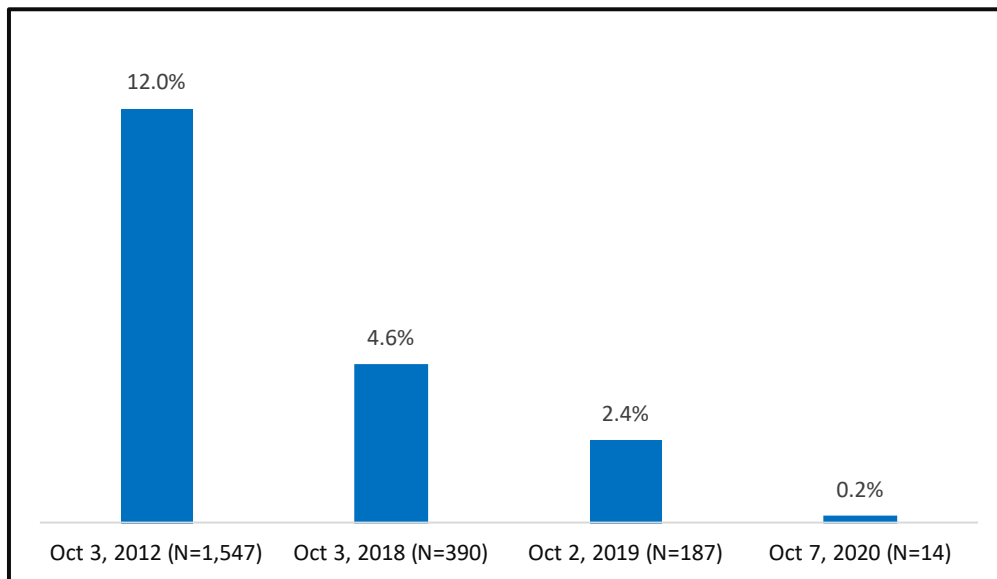
In 2020, the jail population increased by 12.5 percent, to 8,930 inmates. This is likely due to the cumulative effect of limited in-person grand jury proceedings and suspension of criminal trials that began in March 2020 due to the public health crisis.



⁶ See 2013 Jail Study: https://www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf.

Despite this, the percentage of inmates in jail on bail of \$2,500 or less continued to decline dramatically, even in 2020. Using the first Wednesday in October for comparison, the percentage of jail inmates with a bail of \$2,500 or less dropped from 12 percent in 2012 (representing 1,547 inmates) to 4.6 percent in 2018, to 2.4 percent in 2019. In 2020, the percentage of inmates held on bail of 2,500 or less dropped to 0.2 percent, representing just 14 inmates.

Fig 10. Defendants Held on \$2,500 or Less Bail, Annual Snapshot, 2018, 2019, and 2020



Of the 14 inmates held on low bail in 2020, eight were ordered to post bail in Municipal Court and were not eligible for CJR.⁷ The six Superior Court defendants held on \$2,500 bail or less were all CJR defendants.⁸

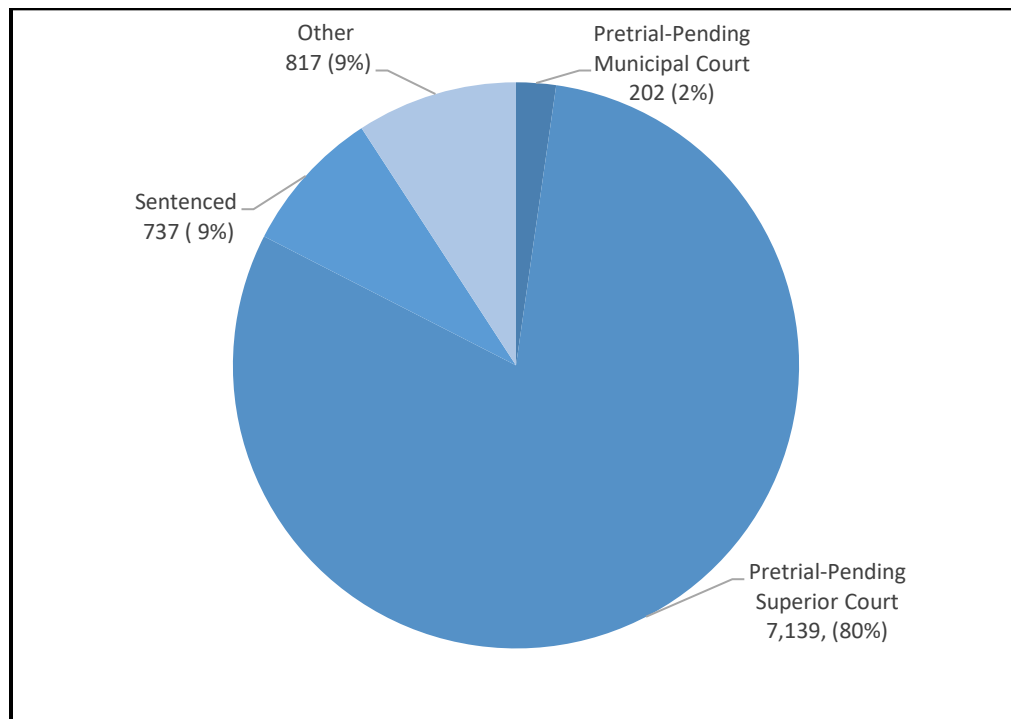
Jail Population Status

The majority of individuals (82.6 percent) in jail on October 7, 2020 were pretrial defendants awaiting the resolution of a case in either Superior or Municipal Court. Most pretrial inmates had a pending case in Superior Court (7,139), and a smaller number (202) had a pending case in Municipal Court.

⁷ N.J.S.A. 2A:162-16(b)(2)(a) requires that for defendants released on a summons who subsequently fail to appear and are arrested on a bench warrant, the court must release the defendant on their own recognizance or on monetary bail.

Another 8.3 percent of individuals were in jail awaiting sentencing while the remaining 9.2 percent were being held for other reasons, including but not limited to violations of probation or parole and immigration-related detainees.

Fig 11. Proportion of Jail Population by Custody Status, 2020



Jail Population by Severity of Charge

The switch to a risk-based criminal justice system led not just to a sharp decline in low-risk defendants who could not afford modest amounts of bail, but also to a jail population with an increasingly higher percentage of inmates charged or sentenced for the most serious offenses.

The vast majority of inmates in the custody of the county jails on the first Wednesday in October 2018, 2019, and 2020, were charged or sentenced for the most serious offenses. As shown in Figure 12, 35.3 percent of defendants in jail pretrial in 2020 had a first-degree charge such as homicide, aggravated sexual assault or serious firearms or weapons charges, as their most serious charge, and 33.4 percent had a second-degree charge such as robbery or aggravated arson as their most serious charge.

Conversely, Figure 12 shows just 5.3 percent of defendants were charged with or sentenced for a fourth-degree offense (e.g., certain drug possession charges) as their most serious charge and 1.4 percent were charged with or sentenced for disorderly persons offenses (e.g., simple assault) as their most serious charge. Another 7 percent of inmates were held for some other reason, such as a probation or parole violation.

Fig 12. Primary charge Severity, All Defendants in Jail, 2020

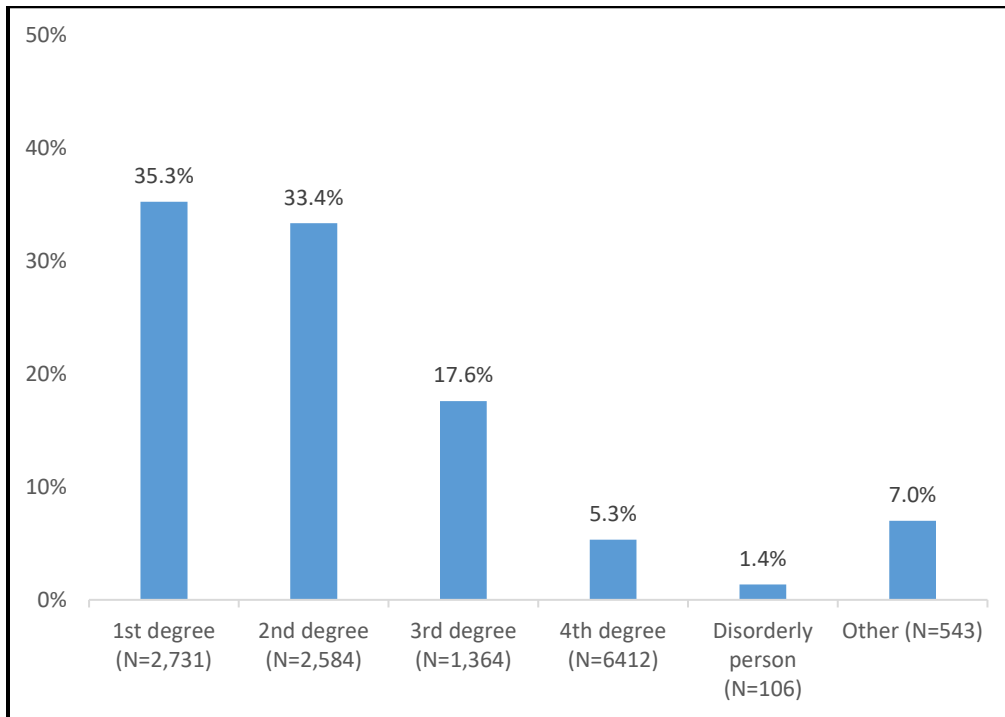
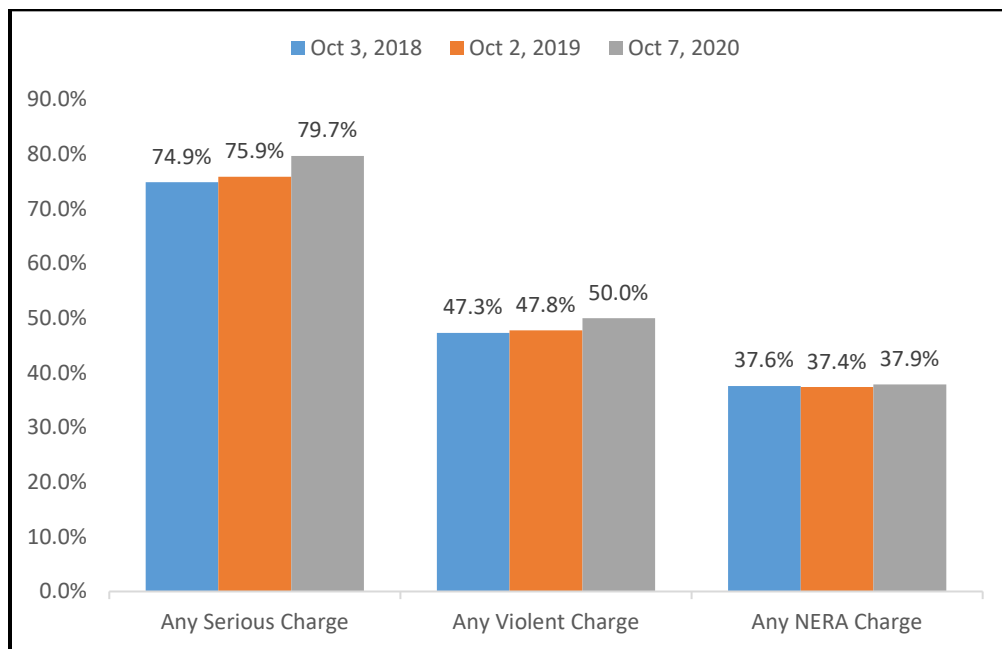


Figure 13 shows the percentage of defendants in jail charged with serious offenses has increased each year since 2018 across a number of different categories. The percentage of defendants in jail with any serious charge increased from 75.9 percent in 2019 to 79.7 percent in 2020.

Fig. 13. Primary Charge by Category, All Defendants in Jail, 2018, 2019, and 2020



B. Jail Population Demographics

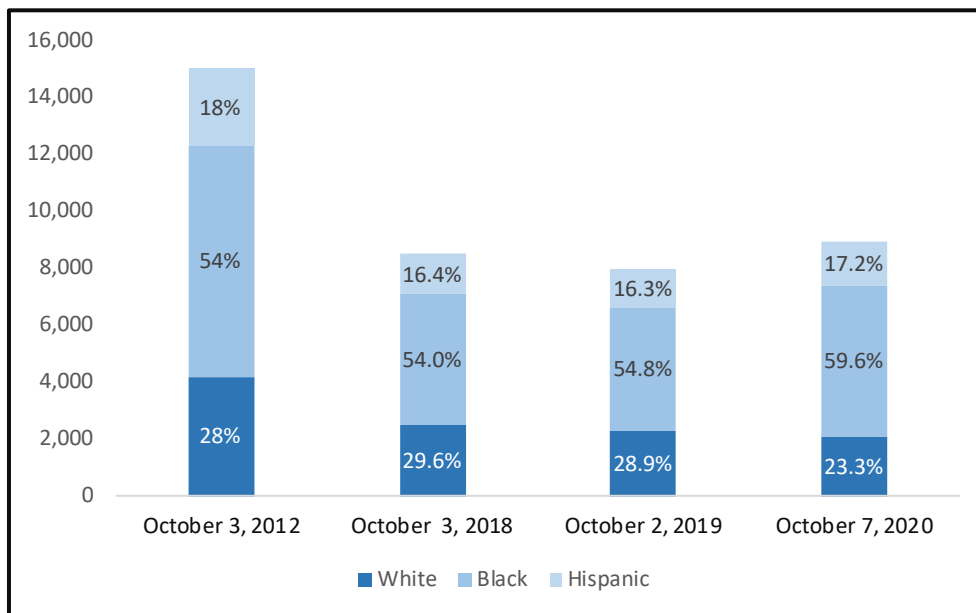
Although the jail population overall has been reduced since the start of CJR, the ratio among white, Black and Hispanic defendants continues to reflect disparities. That critical issue extends beyond the court system, which responds to and addresses defendants who are brought into the system.

As Figure 14 shows, Black defendants made up 59.6 percent of the jail population on October 7, 2020 – a 4.8 percent increase from 2019. White defendants made up 23.3 percent of the jail population, and 17.2 percent was Hispanic.

Black defendants also made up a disproportionate percentage of the total jail population relative to the percentage of Black defendants issued complaints warrants (52.3 percent).

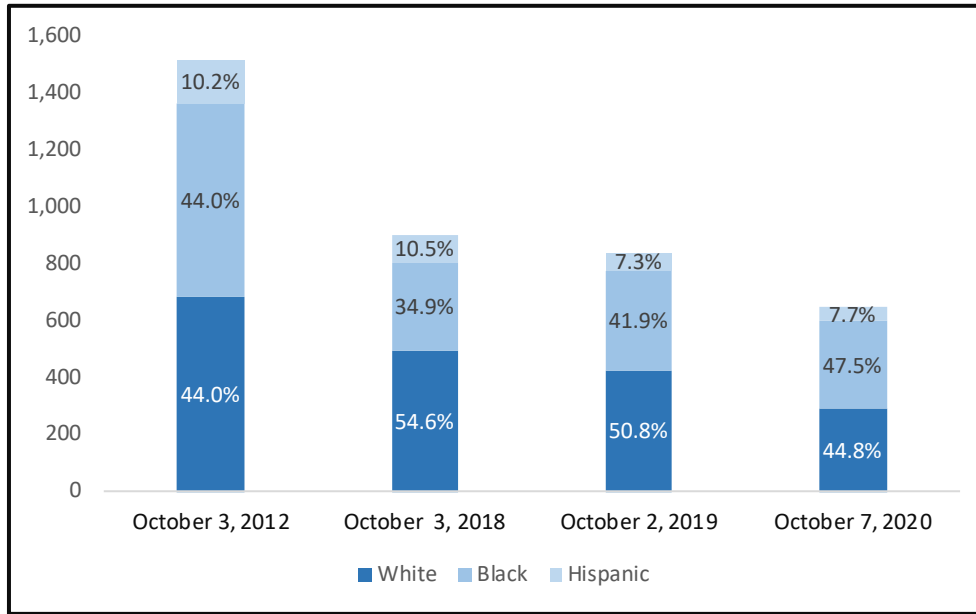
The entire criminal justice system must continue to grapple with this disparity.

Fig. 14. Jail Population by Race, 2012, 2018, 2019, and 2020



The female jail population decreased 23 percent from 838 inmates in 2019 to 646 inmates in 2020. The racial demographics of the female jail population continue to fluctuate. Black defendants represented 34.9 percent of the female inmate population in 2018, 41.9 percent of the population in 2019, and 47.5 percent of the population in 2020.

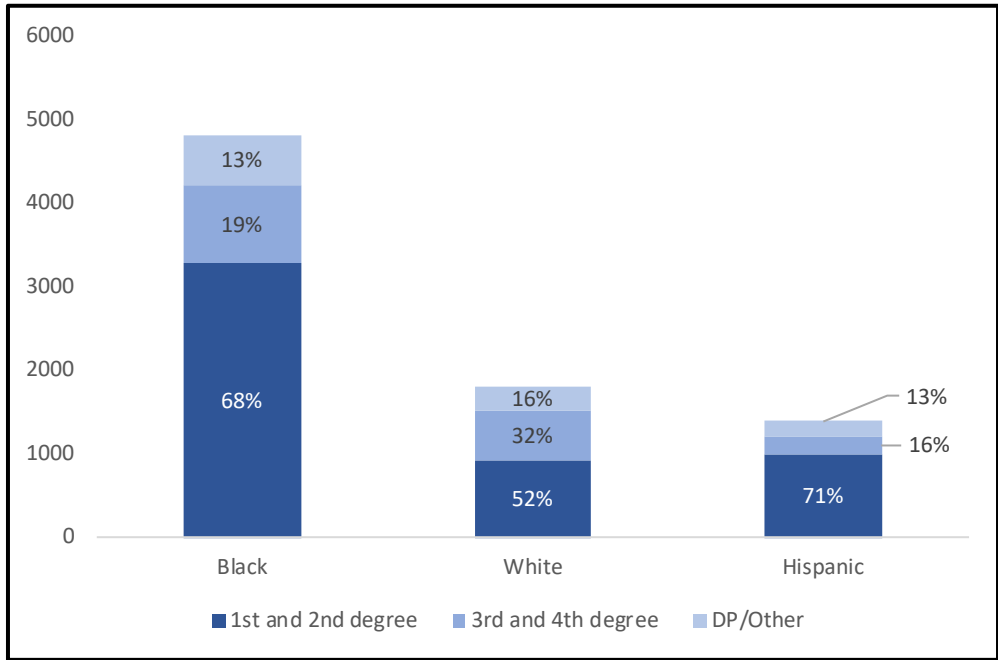
Fig. 15. Female Jail Population



C. Jail Population Demographics by Charges

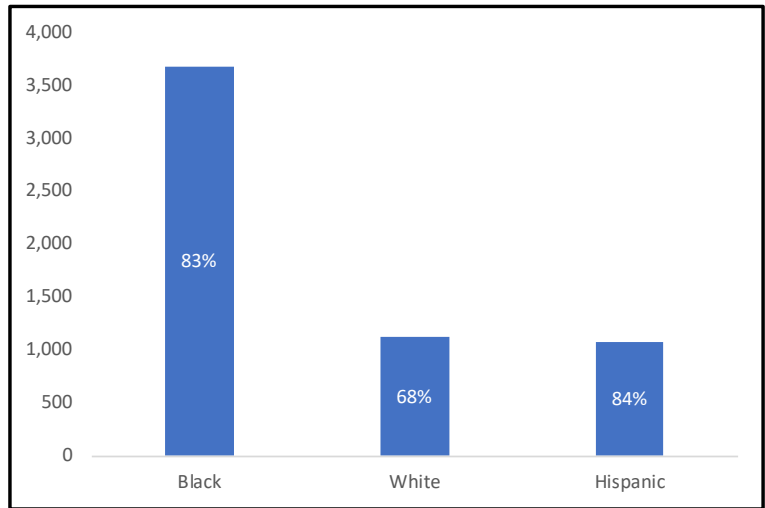
On October 7, 2020, the majority of inmates were charged with first-or second- degree offenses: 68 percent of Black inmates were charged with first-or second- degree offenses, 52 percent of white inmates were charged with first-or second- degree offenses, and 71 percent of Hispanic inmates were charged with first-or second- degree offenses.

Fig. 16. Jail Population by Demographics by Charges, October 7, 2020



Black and Hispanic inmates were more likely to be charged with serious offenses.⁹ As shown in Figure 17 below, of the total number of Black inmates, 83 percent (3,682) were detained on serious charges; of Hispanic inmates, 84 percent (1,078) were detained on serious charges; finally, of white inmates, 68 percent (1,124) were detained on serious charges.

Fig. 17. Jail Population by Demographics by Serious Charges, October 7, 2020



⁹ Here, serious offenses is defined as having at least one charge that involves: a first- or second-degree crime, NERA, or any violent offense.

V.

**CRIMINAL JUSTICE REFORM
2019 PERFORMANCE**

A. Pretrial Decision-Making Process

The Public Safety Assessment (PSA) is an objective risk assessment developed by the Laura and John Arnold Foundation.¹⁰ The PSA measures risk through an analysis of objective information in the defendant’s criminal record and court history.⁹ The Decision-Making Framework (DMF) is used in conjunction with the PSA to manage risk by generating objective recommendations on pretrial release conditions.¹⁰ Together, the PSA and DMF measure the risk defendants pose and recommend the least restrictive means to manage that risk. The PSA and DMF help Pretrial Services staff offer recommendations for release and assist judges in making informed pretrial release decisions.

Although no pretrial release system can ensure that a defendant will not commit an offense after release, or will attend all court hearings, judges in New Jersey use an informed, objective analysis to assess pretrial release.

B. Pretrial Release Decisions

Under the CJR law, courts must hold a first appearance hearing and make a pretrial release decision within 48 hours of an eligible defendant’s commitment to jail, unless the prosecutor makes a motion for pretrial detention.

In 2020, the courts met the 48-hour deadline 99 percent of the time (16,265 out of 16,525 defendants). In the vast majority of cases, (77 percent), judges made initial pretrial release decisions within one day.

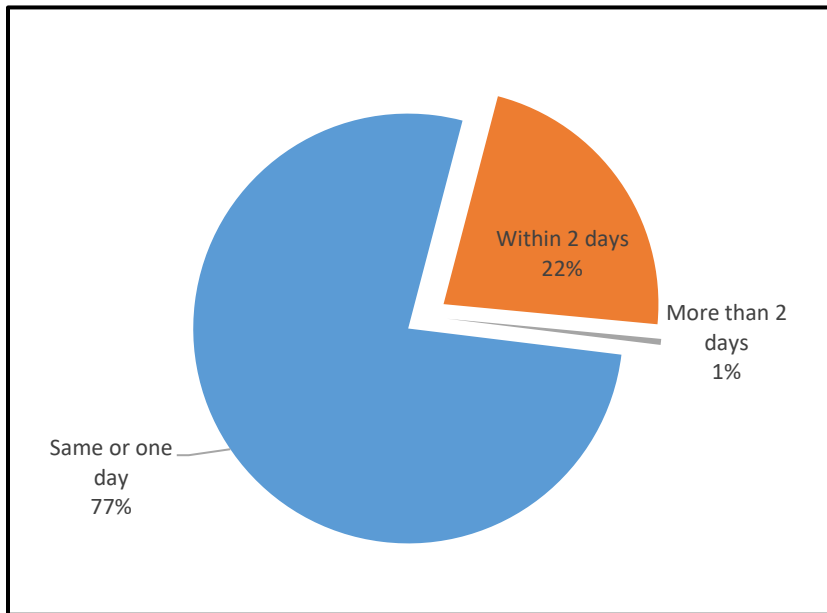
The CJR law outlines the conditions of release that a court may impose. Judges decide the appropriate release conditions based on a defendant’s risk, the severity of his or her charges, the recommendation from Pretrial Services staff, information provided by the prosecution and defense, and other legally relevant factors.

¹⁰ Now known as “Arnold Ventures.”

⁹ See Public Safety Assessment: Risk factors and formula - <https://www.psapretrial.org/about/factors>, and Public Safety Assessment New Jersey Risk Factor Definitions - <https://www.njcourts.gov/courts/assets/criminal/psariskfactor.pdf?c=m54>.

¹⁰ See Pretrial Release Recommendation Decision Making Framework <https://www.njcourts.gov/courts/assets/criminal/decmakframwork.pdf?c=NUc>.

Fig. 18. Time to Initial Release after Arrest and Commitment to Jail, 2020



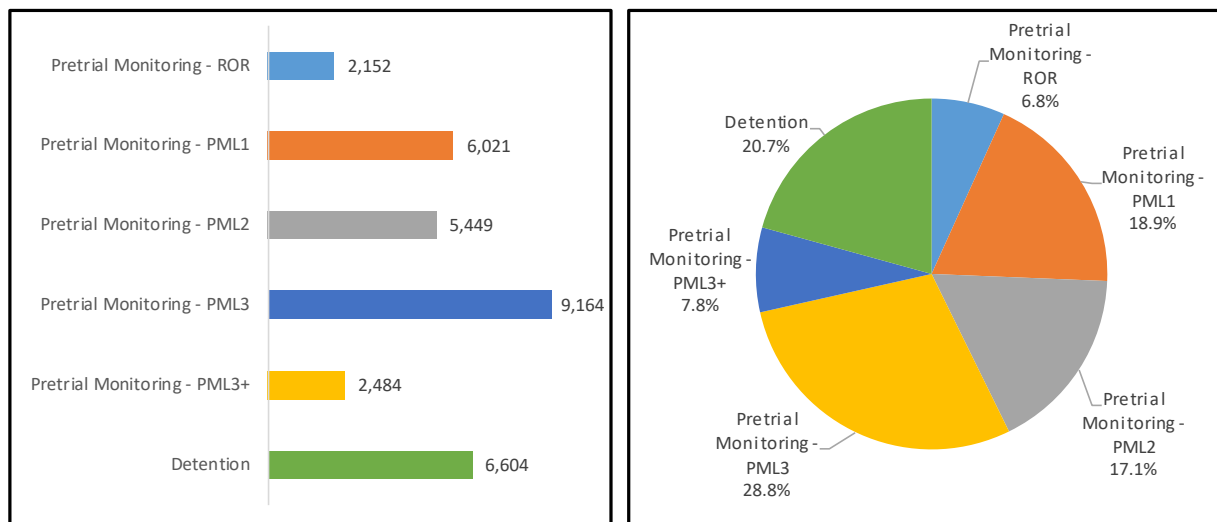
Note: This figure only includes CJR-eligible defendants where no detention motion was filed.

Typically, courts release the lowest-risk defendants on their own recognizance (ROR) without any need for monitoring. Defendants who pose greater risks may be released subject to conditions, such as more frequent contacts with Pretrial Services staff. Courts may place defendants who pose a more elevated risk on home detention or electronic monitoring.

It is important to note that trial judges do not have independent authority to detain defendants pending trial under the CJR law. A judge may only order that a defendant be detained if a prosecutor files a motion for pretrial detention. Otherwise, the defendant must be released.

The following chart provides a breakdown of initial release decisions in 2020:

Fig. 19. Release Decision by Type/Monitoring Level after Arrest and Commitment to Jail, 2020



Under CJR, the use of bail continues to decline. In calendar year 2020, the court ordered 19 defendants to post monetary bail.¹¹ Of those matters, the majority of bails (14) were ordered for violations of pretrial release conditions, such as for failing to appear at a required court event, and not as part of the initial release determination. Of the five remaining bails, one was ordered after the prosecutor withdrew a motion to detain the defendant, and four bails were set following the denial of prosecutor motions for pretrial detention. Since January 1, 2017, of 129,387 total eligible defendants, the court has ordered a total of 191 bails.

C. Pretrial Detention Decisions

Under CJR, prosecutors may seek to detain defendants charged on a complaint-warrant pending trial. Pretrial detention motions are limited to indictable charges and domestic violence-related disorderly persons charges. If the prosecutor files a detention motion, a Superior Court judge holds a pretrial detention hearing, typically within three to five days from the filing of the motion, so that both the prosecution and defense can present evidence.

Before the judge can order a defendant detained, he or she must find that no combination of conditions or level of monitoring will reasonably assure the safety of the community, and that the defendant will appear for court and not obstruct the criminal justice process. If the court orders a defendant detained, CJR's speedy trial law sets specific timeframes

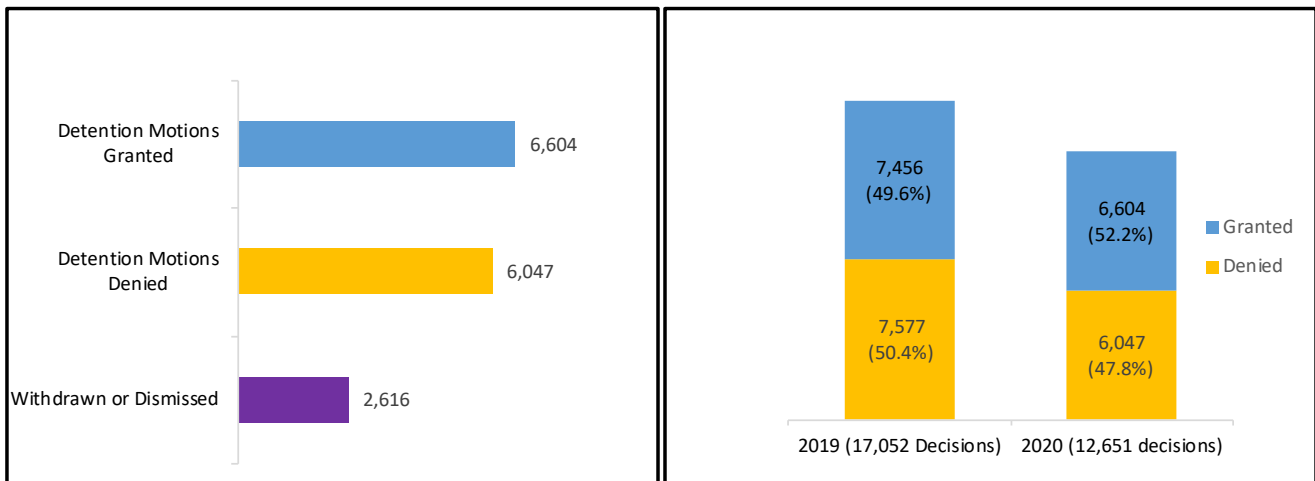
¹¹ Note: The number of bails ordered in 2020 by judges is distinct from the snapshot of defendants who were in jail as a result of bail, discussed on page 17, which may have been set in prior years and was not posted as of the snapshot date of the first Wednesday of October 2019 or 2020.

for the case to proceed to indictment and trial. If those timeframes are not met, the defendant can be released from jail pending trial.

Prosecutors filed fewer pretrial detention motions overall in 2020 than in 2019, and they filed at almost the same rate. Specifically, prosecutors filed pretrial detention motions in 44 percent of cases in which a complaint-warrant was issued in 2019 and 44.6 percent of such cases in 2020.

Of the 15,267 pretrial detention motions filed in 2020, prosecutors withdrew, or the court dismissed, 2,616 motions. For the remaining 12,651 motions, judges granted 6,604 detention motions (47.8 percent) and denied 6,047 (52.2 percent). Figure 20 compares the handling of detention motions filed on defendants arrested in 2020 with defendants arrested in 2019.

Fig. 20. Detention Motions, 2019 and 2020

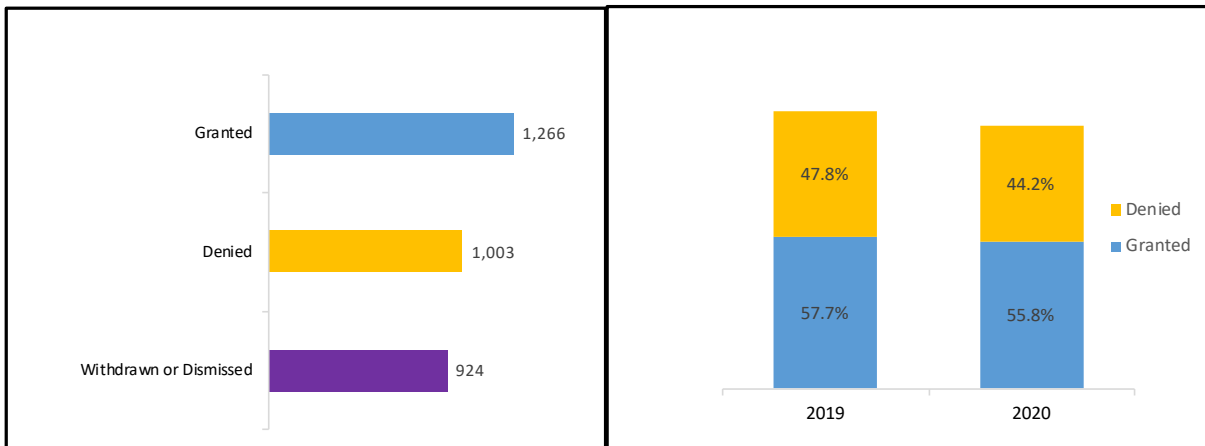


D. Revocation of Pretrial Release

If a defendant violates a condition of pretrial release, the prosecutor may file a motion to revoke the defendant's release. The court then holds a hearing and, after hearing evidence from the prosecutor and the defense, may continue, modify, or revoke the defendant's conditions of release.

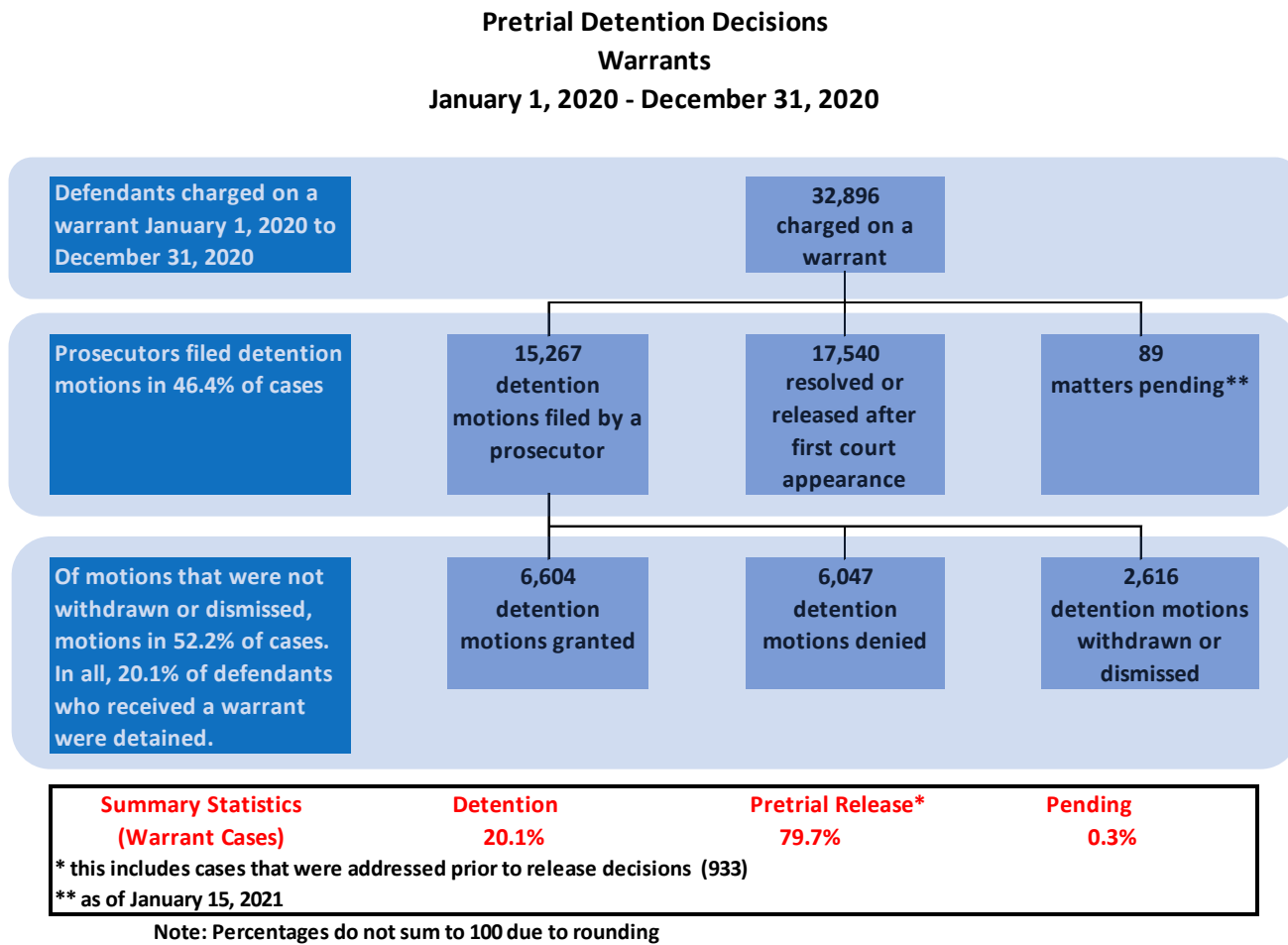
Prosecutors filed a total of 3,193 motions to revoke release in 2020. Of those, prosecutors withdrew 924 motions, and judges decided 2,269 motions. The court granted 1,266 motions, or 39.6 percent, and denied 1,003 motions, or 31.4 percent. Eliminating the motions that were withdrawn, judges granted revocation motions 55.8 percent of the time in 2020.

Fig. 21. Revocation Motions, 2019 and 2020



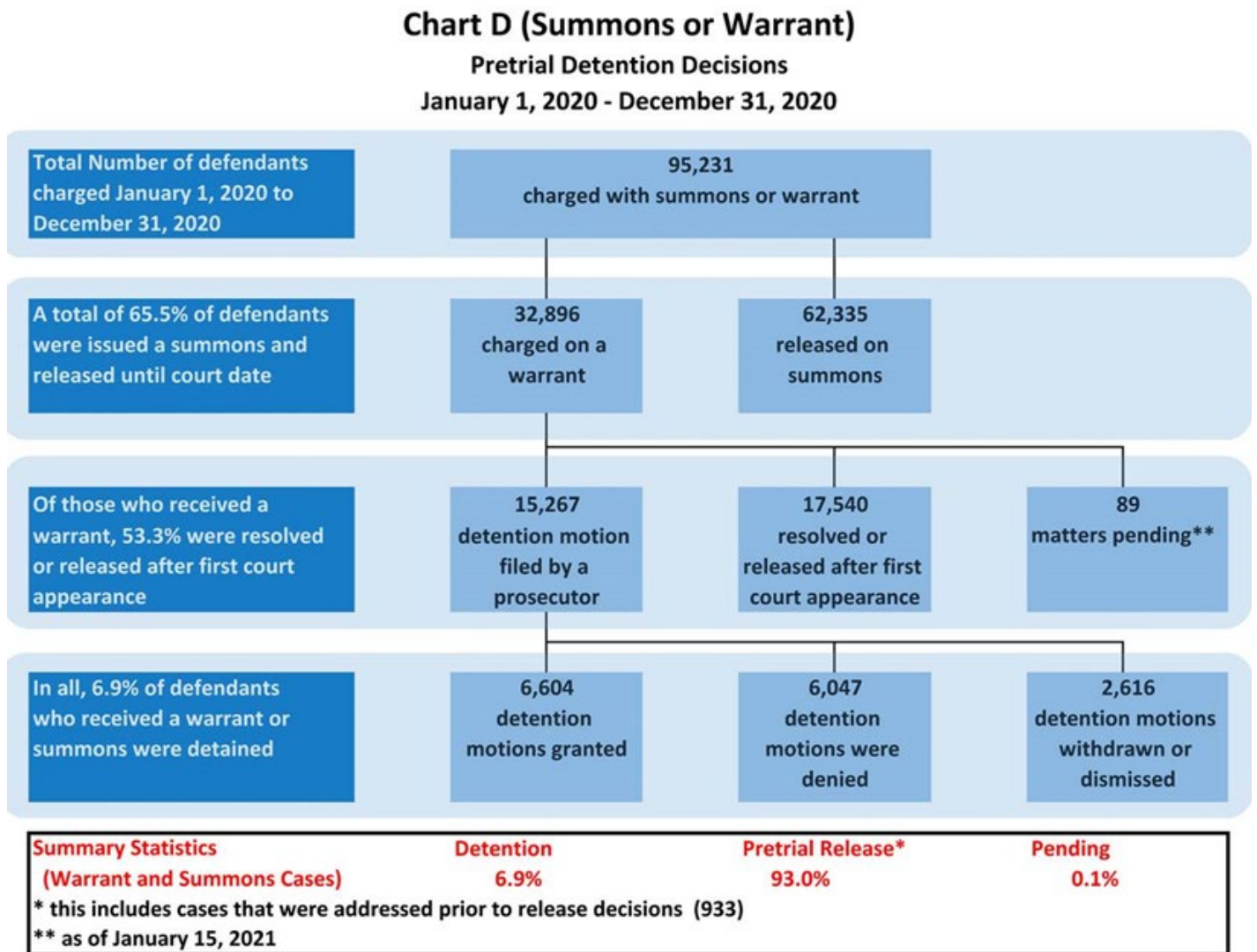
The following chart depicts the different outcomes in 2020 for defendants charged on a complaint-warrant:

Fig. 22. Pretrial Detention Decisions Case Flow, Warrants, 2020



The following chart depicts the different outcomes for all defendants charged, both on a complaint-summons or a complaint-warrant:

Fig. 23. 2020 Pretrial Detention Decisions Case Flow, Summons and Warrants



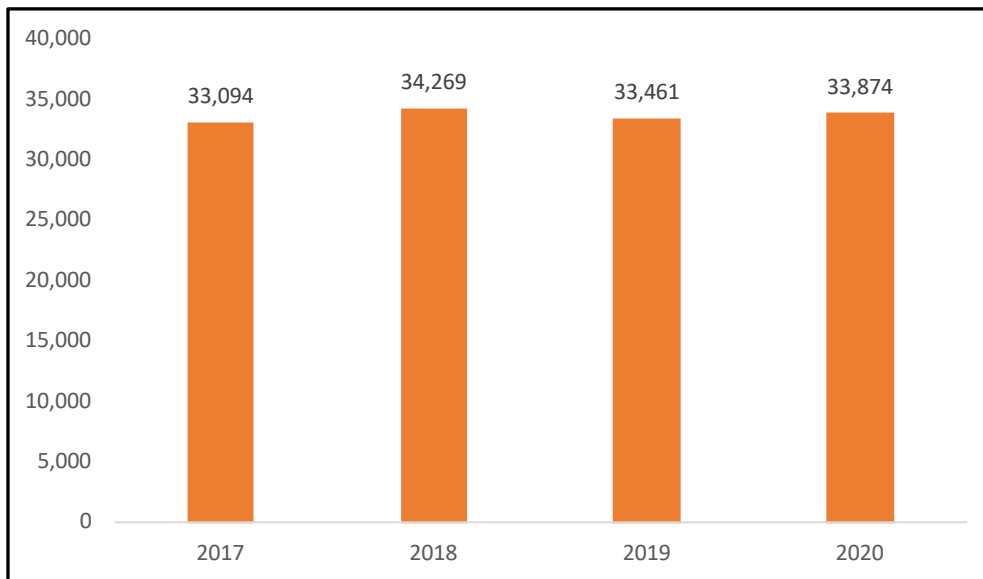
To place the detention statistics in a broader context, the rate of pretrial detention for all defendants, including those released on a summons, was 6.9 percent in 2020, up slightly from 5.9 percent in 2019.

E. Domestic Violence

CJR works to identify defendants at risk of reoffending while upholding the constitutional rights of the accused. Addressing the risk of domestic violence presents additional challenges for any criminal justice system. However, a risk-based system is well positioned to identify domestic violence offenders, who come from every economic stratum. Unlike the previous bail system, CJR provides the opportunity to detain domestic violence offenders regardless of their financial status.

In total, the number of criminal complaints that involved domestic violence remained relatively constant during the past four years.¹² From 2017 to 2020, the total number of complaints alleging domestic violence has ranged from a low of 33,094 to a high of 34,269 in 2018. The number of complaints increased slightly from 2019 to 2020, from 33,461 to 33,874, as did the overall percentage of cases that, according to law enforcement, indicated domestic violence (from 17.5 percent to 22.9 percent).

Fig. 24. Criminal Complaints Involving Domestic Violence



In 2020, the five most common charges among complaints indicating domestic violence were: 1) Simple Assault, 2) Contempt, 3) Harassment, 4) Criminal Mischief, and 5)

¹² Domestic violence is defined by N.J.S.A. 2C:25-17 *et seq.*, and typically involves assault, harassment or stalking behavior between family members, roommates or housemates, spouses or individuals in a dating relationship. The initial identification that an offense involves DV is indicated by law enforcement in the electronic complaint generation system, eCDR. In that system, law enforcement may select that DV was involved, providing both the prosecutor and the courts early information for case screening and processing.

Strangulation of a DV Victim. The most common charge was simple assault (13,262 complaints, 39.2 percent of total).

Of the 33,874 complaints indicating domestic violence, 1,732 (5.1 percent) complaints alleged aggravated assault against a DV victim involving strangulation as the most serious charge, and 696 (2.1 percent) complaints alleged aggravated assault against a DV victim as the most serious charge. The latter two offenses were enacted as separate offenses in 2015 (aggravated assault of a domestic violence victim) and 2017 (aggravated assault of a domestic violence involving strangulation).

Another 31 complaints alleged attempted murder as the most serious charge, 32 complaints alleged murder as the most serious charge, and 243 complaints alleged stalking as the most serious charge.

Fig. 25. Complaints Involving Domestic Violence by Primary Charge, 2020

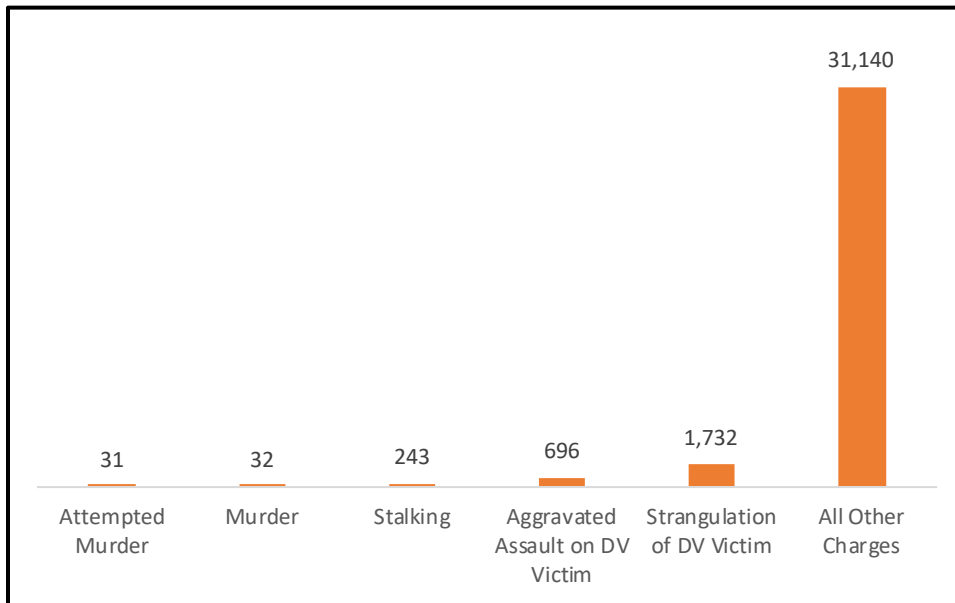
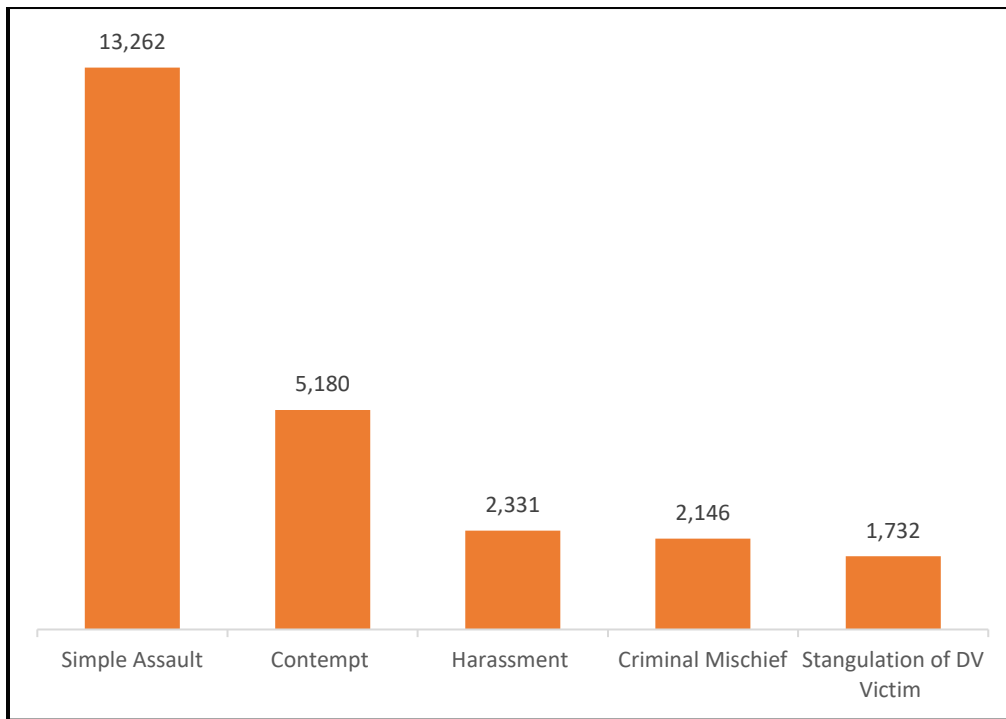


Fig. 26. Complaints Involving Domestic Violence by Most Common Charge, 2020



When viewed by charge, 52 percent of criminal complaints indicating domestic violence were issued on complaint-warrants, and 48 percent were issued on complaint-summons.

VI.
PRETRIAL SERVICES PROGRAM
OPERATIONS AND FUNDING

A. Revenue and Expenses

The Judiciary's budget operates on a fiscal year from July 1 to June 30. This annual report covers a calendar year.

Historically, the Pretrial Services Program was funded by the filing fees collected, which were inadequate to meet operational costs. As a result of legislative action and support from the Governor, effective July 1, 2019, the Pretrial Services Program is now funded through an annual \$22 million appropriation from the state budget.

Since November 17, 2014, the Judiciary has collected a total of \$240.4 million from the authorized increase in court filing fees. Filing Fees continue to fund Legal Services of New Jersey and eCourts.

As of December 31, 2020, in accordance with the statutory requirements, the Judiciary allocated funds collected from increased court filing fees of \$240.4 million as follows:

- 1) \$124.6 million to the Pretrial Services Program;
 - a) \$99.1 million to the Pretrial Services Program – Dedicated Account (November 2014 – June 2019)
 - b) \$25.5 million to the State Treasury – General Fund for the Statewide Pretrial Services Program (July 2019 – December 2020)
- (2) \$57.2 million to Legal Services of New Jersey;
- (3) \$56.6 million for eCourts; and
- (4) \$2.0 million to the discretionary account.

To date, the Judiciary has expended or encumbered a total of \$104.1 million for Pretrial Services, with \$79.9 million for salaries and fringe benefits.

For eCourts,¹³ the Judiciary has expended or encumbered \$46.7 million to date, leaving a balance of \$1.3 million.

The Judiciary also has expended or encumbered \$9.3 million to date for software for Pretrial Services and for eCourts, with \$3.8 million coming out of Pretrial Services funding.

Electronic monitoring costs were \$285,134 in calendar year 2020. Per diem payments to authorized Municipal Court judges for handling Centralized Judicial Processing hearings totaled \$671,100 for the year. Staff salaries for the calendar year totaled \$17.0 million.

¹³ See Addendum – Development, Maintenance and Administration of eCourts.

B. Pretrial Services Unit Staffing and Monitoring

Pretrial Services staff in each vicinage prepare tens of thousands of PSAs annually, make release recommendations to the court, and monitor tens of thousands of defendants placed on pretrial release as well as after-hours electronic monitoring alerts.

To meet the statutory requirement that all pretrial release decisions occur within 48 hours of a defendant's commitment to the county jail, the Judiciary's Pretrial Services Program operates six days per week, including weekends and holidays.

Through virtual courtrooms, the Judiciary conducts hearings on weekends and holidays. This cost-savings measure offers the same protections and functions as in-person hearings, and conserves county resources by not having to open courthouses. The public can also view these sessions on the Judiciary's website, www.njcourts.gov, via LiveStream technology. The use of virtual courtrooms was expanded during the Coronavirus-19 pandemic to limit in-person contact at court while maintaining essential operations.

Statewide, in addition to the judges assigned to hear these matters, 311 staff positions were dedicated to the Pretrial Services Program. That represents an increase of 3 positions from 2019.

Pretrial Services staff monitor eligible defendants from the date of release until final disposition to ensure compliance with any court-ordered conditions, which range from reporting to Pretrial Services by phone or in-person, or electronic monitoring. The frequency of staff contact with a defendant on court-ordered pretrial monitoring is determined by the level of risk the defendant poses.

To promptly assess and respond to electronic monitoring alerts, the Pretrial Services Program functions on a 24-hour-per-day schedule. Depending on the circumstances surrounding the emergent alert, staff will contact law enforcement or the defendant. Emergent alerts occur 24 hours per day for a variety of reasons, including a defendant's entry into a prohibited zone, leaving home when ordered to home detention, or tampering with an electronic monitoring device. In fewer than one-third of counties across the state, county jails have assumed responsibility for receiving and responding to emergent electronic monitoring alerts. In the remaining counties, Pretrial Services staff perform those functions.

Research indicates that providing pretrial defendants with reminders of upcoming appearances significantly increases court appearance rates. Accordingly, defendants monitored by Pretrial Services may choose to receive automated reminders of upcoming court events by text messages, emails, or automated phone calls.

If a defendant is noncompliant with release conditions and must appear before a judge, Pretrial Services staff file a violation of monitoring with the court and schedule the defendant to appear at a hearing.

C. Access to Services

One of the key components to a defendant's pretrial success is the ability to link eligible defendants to adequate treatment services. To that end, Pretrial Services staff refer defendants in need to available local services. The Judiciary also continues to partner with county officials and officials from the State Department of Human Services to identify solutions for defendants who may benefit from such services.

Two initiatives may also improve defendants' access to services.

First, the Supreme Court established the Mental Health Advisory Committee to examine issues surrounding the criminal justice system's process for handling matters involving individuals with mental illness, with an initial focus on CJR-eligible defendants. Methods to improve access to mental health services also will be addressed by this Committee, which is comprised of representatives from all branches of government, including the Office of the Attorney General, the Public Defender, the Department of Human Services, local law enforcement, mental health advocacy groups, and health care providers.

Second, the State of New Jersey received \$7.8 million in grants from the federal government to fight the opioid overdose epidemic. Individuals who leave jail or prison are some of the most vulnerable to an opioid overdose. To help combat this issue, the New Jersey Department of Human Services and the Department of Corrections, alongside the New Jersey Department of Health, will fund county correctional facilities to administer medication-assisted treatment (MAT) to those with opioid addictions.

VII. CONCLUSION

Conclusion

Criminal Justice Reform represented the most significant change to New Jersey's criminal justice system in decades. It overhauled a monetary bail system that had served for more than a century as the principle way to determine whether a defendant should be released or detained before trial.

The unfairness of the bail system and its real-life consequences are well-documented. First, too many poor defendants, who posed a minimal risk of danger or flight, sat in jail too long while awaiting trial because they could not post even modest amounts of bail. Second, defendants accused of violent crimes who posed a serious risk of danger or flight were eligible for bail because the State Constitution guaranteed that right in all cases.

CJR addressed both of those inequities. Today, monetary bail is hardly used. Courts ordered only five defendants to post monetary bail in 2020 as part of an initial release determination.

The practice of holding low-risk defendants in jail on bails of \$2,500 or less - once the catalyst for the adoption of CJR - also continues to decline dramatically. A 2012 county jail population study found 12 percent of inmates were in jail pretrial on a bail of \$2,500 or less. When that study was replicated in 2019, the percentage had dropped to 2.4 percent. In 2020, even as the overall jail population increased because in-person trials were halted as a result of the Covid-19 pandemic, the percentage of jail inmates held on bail of \$2,500 or less dropped to 0.2 percent, as low-risk defendants were no longer being detained.

That same study also found that the percentage of individuals in jail charged with serious offenses increased from 75.9 percent in 2019 to 79.7 percent in 2020.

CJR remains in its infancy, particularly when compared to the bail system that existed for more than a century before it. Important challenges still must be confronted, foremost among them the significant racial inequities that continue to exist in New Jersey's criminal justice system. That critical issue extends beyond our courts, which respond to defendants who are brought into the judicial system. Racial disparities exist throughout the criminal justice process, from the initial arrest, to the disproportionate representation of Black defendants in the issuance of complaint warrants, and ultimately to the jail population.

New Jersey's population is 15.1 percent Black, yet Black defendants made up 43.5 percent of criminal defendants. Black defendants were also issued 52.3 percent of complaint-warrants.

Of all complaints issued to Black defendants, 38 percent were handled as complaint-warrants (as opposed to summonses, which would not require a trip to jail). By contrast, white defendants were issued complaint-warrants 25.9 percent of the time.

As a result, although there are fewer defendants of all races and genders in jail today under CJR, Black individuals represent 60 percent of the state's jail population.

If that disparity is to improve in the years ahead, and fairness and equity demands that it must, then stakeholders across the criminal justice system must work together to address racial disparities in a responsible way.

In its short history, CJR has proven effective in maintaining the balance between public safety and the rights of the accused.

The rate of new indictable criminal activity for defendants released pretrial has held between 13.7 percent and 13.8 percent for three years straight. The number of defendants on pretrial release committing serious offenses has also stayed the same, with 0.4 percent of defendants on pretrial release charged with committing a No Early Release Act (NERA) offense and 0.3 percent charged with committing a non-NERA Graves Act gun offense.

Court appearance rates improved from 89 percent in 2018 to 90 percent in 2019.

The suspension of in-person grand jury proceedings and criminal trials brought on by the Coronavirus pandemic affected at least two areas: jail population and the length of time to dispose of cases.

In 2020, New Jersey's jail population increased by 12.5 percent, to 8,930 inmates, reversing a trend that began with the start of CJR. Conversely, the percentage of cases disposed of within a 22-month period dropped from 77.1 percent for defendants arrested in 2018 to 66.1 percent for defendants arrested in 2019.

The pandemic will likely have an even greater impact on next year's annual report, and its effects on the criminal justice system may be felt for years to come.

CJR, however, has proven the system is adaptable to change. In its four years of existence, CJR has worked to decrease the unnecessary detention of low-risk defendants, ensure community safety, and preserve the integrity of the criminal justice system. Its successes have become a model for other states to follow. With continued analysis, and the support of the criminal justice community, CJR is poised to respond to challenges new and old in the coming years and to continue to work toward lasting solutions.

VIII.
ADDENDUM:
DEVELOPMENT, MAINTENANCE
AND
ADMINISTRATION OF ECOURTS

Development, Maintenance and Administration of eCourts

The Judiciary is engaged in a multifaceted initiative to convert its legacy information technology systems, based on mainframe databases, into a modern integrated eCourts electronic filing, electronic storage, and electronic case management application. Over the years, the Judiciary has collected millions of party and case records, currently maintained in numerous decades-old databases, which require rebuilding from the ground up. Four essential functionalities support this concerted effort to transform the Judiciary into the digital age:

- (1) Electronic filing and information exchange between the court and attorneys;
- (2) The establishment of electronic case files;
- (3) The maintenance of electronic records management systems that provide attorneys and the public with appropriate access to case information; and
- (4) Modern case management systems that will enable the Judiciary to track, dispose of, report on, and share data with our government partners.

The various systems described below represent a significant undertaking and a bold push toward the Chief Justice's vision of total modernization. Despite the progress that has been made in the areas of efilings, several more years of work are required to complete our goals of replacing all systems from front-end efilings to back-end case management.

JEDS (Judicial Electronic Document Submission): Implemented April 2020

As a direct result of the Covid-19 pandemic and subsequent closing of judicial buildings and offices, the Judicial Electronic Document Submission (JEDS) system was imagined and implemented in record time. As the ability to drop off documents at the court window came to a halt, JEDS allowed for the electronic uploading of documents as well as fee collection depending on the type of document that was uploaded. As the pandemic continued its hold on the country and New Jersey, JEDS was enhanced in rapid fashion to also provide for automatic case jacket insertion, notifications, and, for court staff, basic case management functionality by way of the universal work basket.

As of December 31, 2020, there have been 247,796 documents filed.

eCourts Expungement System: Implemented December 2020

The eCourts Expungement system was implemented in phases throughout 2020. Public defenders can submit proposed orders for all drug court expungements via the new automated system. Attorneys and self-represented litigants also can submit a petition and proposed order for regular, clean-slate and marijuana expungements via the new automated system. Internal court staff from Superior criminal, Superior family and municipal courts can initiate and generate expedited expungement orders for all dismissed cases. Prosecutors can review petitions and proposed orders in the new online system and can submit response letters to the court electronically. Court staff and judges review all necessary information and generate orders electronically. All agencies to be notified receive a copy of the petition and the final expungement order via the new system.

As of December 31, 2020, there have been 786 drug court expungements filed, 2,227 expedited expungements filed, 120 regular expungement petitions filed, 35 clean-slate expungement petitions filed, and 4 marijuana expungement petitions filed via the new automated system.

eCourts Supreme Court: Implemented in 2017

The offices of the Attorney General and Public Defender as well as county prosecutors are filing electronically in the Supreme Court. The Judiciary is expanding electronic filing to include private attorneys in criminal matters, and the next expansion will include private attorneys in civil matters. The application provides for electronic access by counsel, Justices, and Supreme Court staff to all electronically filed documents.

eCourts Appellate Division: Implemented June 2013

eCourts Appellate was initially available in criminal cases in which the Public Defender filed the motion and the Attorney General or county prosecutor was the responding party. The system has progressively added new case types or case filers over the past several years, including Children in Court, Family, Pretrial Detention (CJR) appeals, and as of January 1, 2018, civil cases, under mandatory efilings. System use of both Judiciary Account Charge System (JACS) and credit cards has enabled access to the entire bar for filing. With the advent of efilings, data and documents are transmitted to the appellate case management system, which has ensured access to these data and documents by the bar, the court, and staff. In addition, efilings will assist with instant notifications of submissions, document review at the touch of a button, and record retention.

eCourts Criminal: Implemented July 2014

The Judiciary in 2014 implemented eCourts Criminal. At the outset, it provided attorneys the ability to efile motions, responses, and briefs. The Judiciary has since expanded the application to include almost all other documents filed in the Criminal Division. The Superior Court Clerk's Office has converted thousands of archived paper records to digital images and added them to the eCourts system. As of December 28, 2020, there have been 1,771,215 filings in Criminal.

In 2020, system enhancements were developed to accommodate virtual events due to COVID-19. Email notifications and notices were enhanced to indicate virtual events. The criminal case jacket was integrated with the JEDS system so that documents and motions filed by self-represented litigants and other non-eCourts submitted documents were automatically transferred to the criminal case jacket.

eCourts Tax: Implemented February 2015

The introduction of electronic filing in the Tax Court was instrumental in reducing significant data entry and processing backlogs. This project automated case initiation and complaint docketing.

As of 2020, self-represented litigants could sign up for electronic notifications on their cases, efiled complaints and non-complaint documents and could also utilize automated complaint generation functionality. All case types within the tax domain, except for State Equalization, could be filed directly within eCourts by both registered attorneys and registered self-represented litigants. Both groups also have access and availability to pay any court fees by credit card or ACH.

eCourts Foreclosure: Implemented September 2016

eCourts Foreclosure in September 2016 replaced the Judiciary Electronic Filing and Imaging System (JEFIS), implemented in 1995. In eCourts Foreclosure, attorneys can electronically file documents from complaint through judgment processing. Attorneys also can access electronic case files and automated notifications between attorneys of record and the court.

In 2020, the Judiciary received 230,081 Foreclosure filings, bringing the total number of electronic filings processed from inception to 1,129,081.

eCourts Special Civil Part/DC: Implemented September 2016

eCourts Special Civil Part /DC pertains to cases with a demand amount of less than \$15,000 and focuses on the replacement of JEFIS, the older electronic filing system. In eCourts Special Civil DC, attorneys can electronically file documents from complaint through post judgment.

As of 2020, the SCP Court Officers can e-file all their major post-judgment documents via eCourts. They are notified via email if there are updates within their area of responsibility. Court Officers receive an electronic daily file via email that contains all the writ and chattel executions assigned to them the previous day. Attorneys of record and the court can access the DC eCourts case jackets and receive automated notifications as well. From June 30, 2019 through July 1, 2020, there were 183,098 filings in the eCourts special civil part.

eCourts Special Civil Small Claims (SC) case jacket: Implemented September 2017

eCourts Special Civil SC pertains to cases with a demand amount of less than \$3,000. This ongoing project provides an electronic case jacket, enabling simultaneous access by judges, court staff, and attorneys. It also provides for centralized processing of court-generated notices. Implementation began with the placement of select notices in the case jacket and was expanded to include additional notices and documents.

Effective in 2020, documents associated with SC cases could be submitted electronically by attorneys or self-represented litigants to the court via JEDS. Filers have the option of paying for the filing using credit card, ACH or JACS account via JEDS. SC documents submitted via JEDS, except complaints, are immediately placed in the eCourts SC case jacket. The civil Automated Case Management System (ACMS) was also updated to accommodate the JEDS credit card and ACH transactions. From June 30, 2019 through July 1, 2020, there were 33,097 cases stored in the eCourts Small Claims case jacket.

eCourts Special Civil Landlord Tenant (LT) case jacket: Implemented September 2017

eCourts Special Civil LT pertains to cases with a dispute between a landlord and a tenant. This ongoing project provides an electronic case jacket, and enables simultaneous access by judges, court staff, and attorneys. Implementation began with the placement of all notices in the case jacket and will be expanded to include eCourts eFiling, auto docketing, case management, and centralized printing functionality.

Effective in 2020, documents associated with LT cases could be submitted electronically to the court, by attorneys or self-represented litigants, via JEDS. Filers have the option of paying for their filing using credit card, ACH or JACS account via JEDS. LT documents submitted via JEDS, except complaints, were immediately placed in the eCourts LT case

jacket. From June 30, 2019 through July 1, 2020, there were 45,535 cases stored in the eCourts landlord tenant case jacket.

eCourts Civil Law/Law Division: Implemented December 2017

eCourts Civil Part / Law Division was operational in eCourts in December 2017. All case documents from the complaint through the judgment can be electronically filed through eCourts. eCourts includes access to electronic case files and automated notifications between attorneys of record and the court.

In 2020, arbitration functionality has been added to the system to allow for scheduling of Civil Law/ Law Division arbitration sessions, as well as arbitrators for each county. Since Civil Part/ Law Division was implemented in eCourts, 136,836 cases have been filed electronically.

eCourts Probation Electronic Case Jacket: Implemented June 2016

An eCourts electronic case jacket was implemented for the Probation Division in June 2016, eliminating most paper files and allowing simultaneous access to probation information by judges and staff. The Probation case jackets also include embedded hyperlinks to other eCourts electronic files in the Criminal, Family, and Municipal divisions, eliminating delays and gaps between divisions. There have been 342,365 documents uploaded to the Probation case jacket from inception through December 2020.

In 2020, eCourts Probation was expanded to include a new ISP case management application and a mobile application. Probation Case Management (PCM) Intake functions for Criminal and Family cases was implemented in November 2020.

eCourts Criminal – Criminal Justice Reform: Implemented January 2017

eCourts Criminal required enhancement to accommodate the many tasks involved in Criminal Justice Reform (CJR), including automation of the Public Safety Assessment (PSA) risk assessment tool utilized by judges to inform their release decisions.

Such automation helps Pretrial Services Program staff manage cases and prepare orders. Additional applications include a pretrial monitoring system, a detailed tracking mechanism for speedy trial dates and electronic bench warrants processing for defendants

on electronic monitoring, and an order module for the automation of detention, release, and revoke release orders that result in improved data collection.

In 2020, the system was enhanced to send automated reminders to monitored defendants for their court events and monitoring appointments. Changes were made to accommodate virtual events due to COVID-19. Excludable time orders were automatically generated for all speedy trial cases per the Omnibus orders issued for COVID-19. Order module was integrated with DVCR, so that all pretrial release orders along with victim/witness information could be accessed by law-enforcement.

eCourts Municipal: Implemented January 2017

This broad initiative, integral to CJR, provides an enhanced and improved complaint system for law enforcement statewide. It includes a LiveScan fingerprint interface, developed in partnership with the New Jersey State Police, which connects a defendant's complaint, arrest record, fingerprint record, and criminal history. The system utilizes the data from the LiveScan fingerprint interface to populate the criminal complaint and calculate the PSA risk score.

The system gives prosecutors the ability to review and modify charges on a complaint before a finding of probable cause by a judicial officer. After a finding of probable cause and issuance of a summons or warrant, the complaint is stored in the eCourts Municipal Electronic Case Jacket, and is accessible by the court, prosecutors, attorneys, law enforcement, and the county jails.

Several Municipal eCourts technology accomplishments were implemented in 2020 specifically to aid in remote operations due to COVID-19:

- Online Municipal Case Resolution, which allows defendants or their attorneys to request a review of certain traffic matters by the municipal prosecutors and judges electronically. Approximately 6,650 tickets have been resolved to date through MCR.
- There was continued expansion of the e-ticketing systems. Currently, 382 agencies are engaged in the e-ticketing program, significantly reducing the need for data entry of manual tickets.
- The eSummons system was piloted in 2020. At present, has been rolled out to 13 agencies, with continued expansion planned throughout 2021. eSummons allows for additional reduction for data entry in the courts.
- Municipal courts introduced electronic reminders to defendants for both traffic and criminal cases. More than 1,400 reminders are sent via email and/or phone daily to

defendants.

eCourts Family Children in Court (CIC) Dockets: Implemented September 2017

This eCourts project focuses on electronic filing in child neglect cases initiated by the Attorney General's Office on behalf of the New Jersey Division of Child Protection and Permanency, the Office of Parental Representation, and the Office of the Law Guardian. Four different docket / case types -- FN, FC, FG, and FL -- have been implemented. Since inception, more than 29,000 cases have been filed electronically.

The new OTSC-Combined (Care/Supervision and Custody) was put into production in October 2020.

eCourts Family (FD) Case Jacket: Implemented June 2019

This eCourts project focuses on a case jacket for non-dissolution matters. The FD Case Jacket has been developed (December 2016), however, the judiciary worked with the Division of Family Development on an interface to provide the Uniform Summary Support Order into the FD case jacket. The Complaint and Modification were put into production June 2020.

eCourts Family (FJ): Implemented November 2020 (as pilot)

This eCourts project focused on automating the process of filing juvenile delinquency complaints. Building on enhancements made to eCDR for Criminal Justice Reform, this enabled the timely entry of juvenile matters as well as improved data collection on juvenile complaints. Automation of the juvenile detention screening tool (RST) was also designed within this flow. Due to COVID priorities, pilot municipalities began in November 2020 with statewide rollout on January 4, 2021.

eCourts Family FM (Dissolution/Divorce): Case Jacket archived cases: Implemented November 2016

This eCourts project provides judges and court staff with easy access to archived files. Thousands of paper records converted to digital images are now easily accessible for court proceedings or to fulfill records requests from the public. This application has eliminated significant delays in accessing older records from the Superior Court Clerk's Office records warehouse in Trenton. eCourts FM expansion was transitioned into JEDS due to COVID.

APPENDIX A

The Public Safety Assessment

Public Safety Assessment (PSA)

The **risk measurement** component of the process, the Public Safety Assessment (PSA), utilizes the defendant's personal criminal history data to predict the risk of defendant engaging in new criminal activity or failing to appear in court, and also whether there is an elevated risk of new violent criminal activity. Through collaboration with the Office of the Attorney General and the New Jersey State Police, the Judiciary has automated the PSA for use in the State of New Jersey.

The PSA specifically measures the following nine risk factors:

- (1) the defendant's age at the time of arrest;
- (2) whether the current charge is a violent offense;
 - (2a) whether the current charge is a violent offense and the defendant is 20 years old or younger;
- (3) whether the defendant has a pending charge at the time of the offense;
- (4) whether the defendant has a prior disorderly persons conviction;
- (5) whether the defendant has a prior indictable conviction;
 - (5a) whether the defendant has a prior disorderly persons or indictable conviction
- (6) whether the defendant has a prior violent conviction;
- (7) whether the defendant has a prior failure to appear pretrial in the past two years;
- (8) whether the defendant has a prior failure to appear pretrial older than two years;
and
- (9) whether the defendant has a prior sentence to incarceration.

The PSA evaluates these factors using a weighted algorithm. Depending on the number and variety of factors present, the defendant will receive a risk score from 1 to 6 on two separate scales, with 1 being the lowest risk and 6 being the highest risk. Those two scales show the defendant's objective risk scores for Failure to Appear (FTA) and New Criminal Activity (NCA), respectively. In addition, the PSA calculates whether the defendant has an elevated risk of committing a new violent offense while on pretrial release, displayed to the court through the presence or absence

of a New Violent Criminal Activity (NVCA) flag.

The factors considered by the PSA and the risk progression between the scores are based on empirical research. For more information on the PSA, please see

<https://www.njcourts.gov/courts/assets/criminal/psariskfactor.pdf?c=eVm>

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STUART RABNER
CHIEF JUSTICE

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

OCTOBER 2021