

# Annual Report to the Governor and the Legislature

CRIMINAL  
JUSTICE  
REFORM

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# I.

## OVERVIEW

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**“If the true test of a program is how it responds in a crisis, CJR responded remarkably well to the challenges presented by COVID-19.”**

**- Chief Justice Stuart Rabner**

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Through its four years of existence, Criminal Justice Reform in New Jersey has performed admirably and with consistency.

In replacing a cash bail system that stood for more than a century, CJR charted a new path under a set of principles agreed upon by New Jersey’s criminal justice community. Among them:

- The pretrial disposition of defendants should not be based on a defendant’s wealth but rather on an objective set of factors that assess risk to public safety and the likelihood a defendant will flee from justice.
- Risk assessments should be conducted as quickly as possible, so that low-risk defendants are not detained for more than 48 hours.
- Monetary bail should be used only sparingly as a last resort.
- Only those defendants who pose a substantial risk to public safety or risk of flight should be detained pretrial.
- All defendants are entitled to a speedy trial.

This annual report analyzes the performance of CJR during the height of the COVID-19 pandemic. Throughout that national crisis, CJR continued to be guided by its founding principles.

The statistical findings in this report reflect the obstacles presented by the pandemic. The crime rate rose nationwide. For the majority of 2020, criminal trials were shut down. When trials were able to resume, they did so with social distancing requirements in place.

Because of those and other challenges, many of the statistics in this report break from the patterns established during the first four years of CJR.

With trials halted, the average time to dispose of cases increased significantly from past years. In turn, the jail population increased for the first time under CJR, and those who were released pretrial waited longer to appear in court. Not surprisingly, the percentage of defendants charged with indictable offenses while on pretrial release also increased for the first time.

Yet despite the increase in crime rates and the increase in the rate of new criminal activity, the percentage of defendants charged with serious crimes while on release was 1.2 percent, a lower percentage than after the first year of CJR.

Meanwhile, court appearance rates improved to 97 percent, the highest mark since the start of CJR, as the Judiciary expanded its use of virtual proceedings to allow defendants to appear by phone or video and avoid traveling to courthouses.

First appearances also continued to be held promptly despite the pandemic. In nearly 99 percent of cases, judges made initial pretrial release decisions within 24 or 48 hours, just as they had done in prior years.

New Jersey's jails continued to include a high percentage of defendants charged with the most significant offenses, more so than under the previous bail system. A one-day snapshot in October 2021 showed nearly 70 percent of defendants were charged with or sentenced for first- or second-degree offenses, as compared to just 1.1 percent of defendants who were charged with or sentenced for disorderly persons offenses as their highest degree charge.

Finally, the use of bail in New Jersey continued to decline. In calendar year 2021, the court ordered just 23 defendants to post monetary bail. In all but four cases, bail was ordered for violations of pretrial release conditions and not as part of an initial release determination.

One longstanding problem candidly documented in this report is the continuing racial inequity that exists throughout New Jersey's criminal justice system. Black defendants are still disproportionately represented at each step in the criminal justice process, from initial arrest statistics to the jail population. Some of those disparities have widened since the last report. It will require the dedication and cooperation of the entire criminal justice community to make meaningful improvements in this area.

Overall, if the true test of a program is how it responds in a crisis, CJR responded remarkably well to the challenges presented by COVID-19. It remains a model for other states to consider, even as it continues to confront the challenges ahead.

## **II.**

# **RESPONSE TO THE CORONAVIRUS PANDEMIC**

## Impact of the Coronavirus Pandemic on Criminal Justice Reform Statistics

The Judiciary is committed to the continued evaluation of the performance of CJR. The findings of this report, however, particularly when drawing comparisons to previous years, should be considered in the context of the events of 2020 and 2021, most notably the impact of COVID-19 on the court system and the entire criminal justice system.

In March 2020, consistent with public health recommendations of the Centers for Disease Control and Prevention (CDC) and the New Jersey Department of Health (NJ DOH) regarding the COVID-19 pandemic, the Supreme Court suspended most in-person court proceedings throughout the state. While the Judiciary continued to operate remotely in most proceeding types, including first appearance hearings for defendants committed to jail pursuant to CJR, in-person trials were suspended.<sup>1</sup>

This report is based on data collected in 2020 and 2021, during the height of the pandemic, and details the impact of the COVID-19 shutdown on the criminal justice system. The findings in the report, from the filing of complaints through the disposition of cases, are greatly impacted by COVID-19.

For example, in 2020, there were significant decreases in the number of complaint-warrants, which are typically used for more serious matters or for individuals determined to be at a high risk of committing new criminal activity or failing to appear in court. There were also decreases in complaint-summons, which are typically used for less serious crimes and individuals determined to be lower risk.<sup>2</sup>

COVID-19 also placed extraordinary constraints on the operations of the state's criminal justice system in general, and the Judiciary specifically, limiting the ability to process and dispose of cases in a timely manner in 2020 and 2021.

While judges and staff continued to conduct many criminal proceedings remotely throughout the pandemic, the need to suspend criminal jury trials for most of 2020 caused a significant decrease in the number of case dispositions and an increase in the time it took to dispose of cases. As a result, during the pandemic there was an increase in the number of individuals, both detained and not detained, awaiting trial.

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<sup>1</sup> Almost all court proceedings continued in a remote format, as reflected in the Court's COVID-19 Omnibus Orders. See [Coronavirus disease \(COVID-19\) \(njcourts.gov\)](https://www.njcourts.gov/covid-19) for all orders related to the COVID-19 pandemic.

<sup>2</sup> Pursuant to the CJR statute, those issued a complaint-warrant are required to be committed to jail. Pretrial services staff then prepare a risk assessment, and a release decision must be made within 48 hours of the defendant's commitment. Defendants who are issued a complaint-summons are released immediately without being committed to jail. N.J.S.A. 2A:162-15, *et seq.*



Following the second wave of the pandemic in the winter of 2020-21, the Court implemented a phased-in resumption of in-person criminal jury trials. This increased the disposition rates compared to 2020, but only to a limited degree, and not to the level prior to the COVID-19 pandemic. As health and safety and social distancing requirements were put in place, only 115 criminal jury trials were held statewide, compared to 573 in 2019.

Statewide indictments were also affected by the pandemic. In 2019, the state averaged more than 2,200 indictments per month. In the first eight months of the pandemic (April – December 2020), New Jersey averaged 313 indictments per month. From January to December 2021, indictments increased to an average of 2,040 per month.

While dispositions and indictments decreased, the total jail population increased for the first time under CJR. Jail populations had declined steadily during the first three years of CJR’s existence. According to a one-day snapshot study described in Section IV, jail populations declined to a low of 7,937 inmates on October 2, 2019. However, starting in 2020, the jail population increased sharply. While the jail population decreased from 8,930 inmates on October 7, 2020, to 8,643 inmates on October 6, 2021, the population has not returned to pre-pandemic levels.

In addition to the impact of COVID-19, the Judiciary operated with an increasingly high number of judicial vacancies during the pandemic. There were 25 judicial vacancies at the inception of CJR on Jan. 1, 2017. By Jan. 1, 2021, the number of vacancies grew to 66. Resolving the vacancy issue will be critical as the courts continue to deal with the impact of COVID-19 in the years ahead.

### **Impact of Expungements**

Another factor affecting the statistical findings in this report is an increase in expungements. When a case is expunged, the record of the case, including the complaint itself, is immediately removed from Judiciary systems and is no longer available for analysis.

Pursuant to new legislation passed in 2019 and 2021, the number of criminal and municipal court cases expunged from Judiciary records increased in 2020 and 2021.<sup>3</sup>

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<sup>3</sup> Specific detail on this process and how it changed is described in the section entitled “eCourts Expungement System: Implemented December 2020.”



The 2019 Clean Slate Expungement Law amended N.J.S.A. 2C:52-6 to allow for the expungement of a case on an expedited basis when the proceedings against the person are dismissed, the person is acquitted, or the complaint is otherwise discharged without a conviction. An automated process was developed to enable the expedited expungement of cases that did not result in a conviction (likely to primarily be dismissals and acquittals).

In addition, a 2021 state law directed the automatic expungement of cases where the conviction was for specific charges related to marijuana possession or distribution. A February 2021 directive from the Attorney General called for the immediate dismissal of specific pending marijuana charges, and convictions or sentences for those same charges were vacated.<sup>4</sup>

Prior to 2020, there were relatively few expungements each year. In general, expunged records were likely to have been issued on complaint-summons and thus, were likely to involve less serious offenses and lower-risk individuals. Far fewer of the expunged complaints were issued on complaint-warrants, which are typically reserved for more serious offenses or higher-risk individuals.

Although it is not possible to fully gauge the impact of expungements on the findings in this report, it is likely that many defendants whose complaints were expunged were at lower risk for rearrest. It is also likely that had those complaints been included in the analysis described in the next sections of this report, the rearrest rates for indictable offenses and disorderly persons offenses may have been slightly lower. Finally, expungements have likely had an impact on other outcomes, such as the time it takes to bring a case to conclusion.

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<sup>4</sup> Attorney General Law Enforcement Directive No. 2021-1 ([ag-Directive-2021-1\\_Dismissal-of-Marijuana-Cases.pdf](https://www.nj.gov/ag-2021-1_Directive-2021-1_Dismissal-of-Marijuana-Cases.pdf) ([nj.gov](https://www.nj.gov))).

**III.**  
**CRIMINAL JUSTICE REFORM OUTCOMES**

## A. Public Safety

When Criminal Justice Reform was implemented in 2017, it changed the way the pretrial process worked in the State of New Jersey. Instead of conditioning pretrial release on a defendant's ability to afford bail, CJR prioritized public safety by assessing the risk that a defendant, if released, might commit a new criminal act or fail to appear in court. CJR also strengthened speedy trial requirements, setting limits on the amount of time a person could be detained pretrial.

This section provides a statistical analysis of the outcomes of pretrial release, including case disposition times, new criminal activity rates, and failure to appear rates for defendants arrested in 2020. It also analyzes the accuracy of the Public Safety Assessment tool and CJR's impact on creating a fairer criminal justice system.

While the mechanics of the CJR process did not change, it is likely that fewer complaints were issued during the early months of the pandemic. Also, the number of expungements increased in 2020. Thus, there were several thousand fewer cases included for the research analysis. The lower number of complaint-summons noticeably shifted the ratio of complaint-summons to complaint-warrants, which affected our ability to draw relevant comparisons to the previous CJR year.

### Reduction in Complaints

In general, guided by Attorney General-issued directives,<sup>5</sup> law enforcement officers determine whether to issue a complaint-summons, in which case the defendant is released immediately, or seek a judicial officer's approval to issue a complaint-warrant, which requires the defendant to be committed to jail until a risk assessment can be conducted and an initial appearance held. The judicial officer then determines whether to issue a complaint-warrant based on various factors, including probable cause, the nature of the charge, the results of a preliminary PSA provided to law enforcement, and rules of court. Low-risk defendants accused of lower-level offenses are more often issued complaint-summons, and higher-risk defendants accused of higher-level crimes are more often issued complaint-warrants.

Since the implementation of CJR, the vast majority of defendants have been identified as lower risk and released on a complaint-summons, avoiding incarceration in a county jail. The number of complaint-warrants and complaint-summons issued annually is demonstrated in Figure 1, which does not include complaints that were expunged.

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<sup>5</sup> Attorney General Law Enforcement Directive 2016-6 v3.0 ([ag-directive-2016-6\\_v3-0.pdf\(nj.gov\)](#))  
Law Enforcement Guidance During COVID-19 Pandemic ([COVID LE Guidance 2020 0316 FINAL.pdf\(nj.gov\)](#)).

The chart shows the number of complaint-summonses issued declined each year, while the number of complaint-warrants remained at roughly the same level until 2020, when it declined for the first time under CJR.

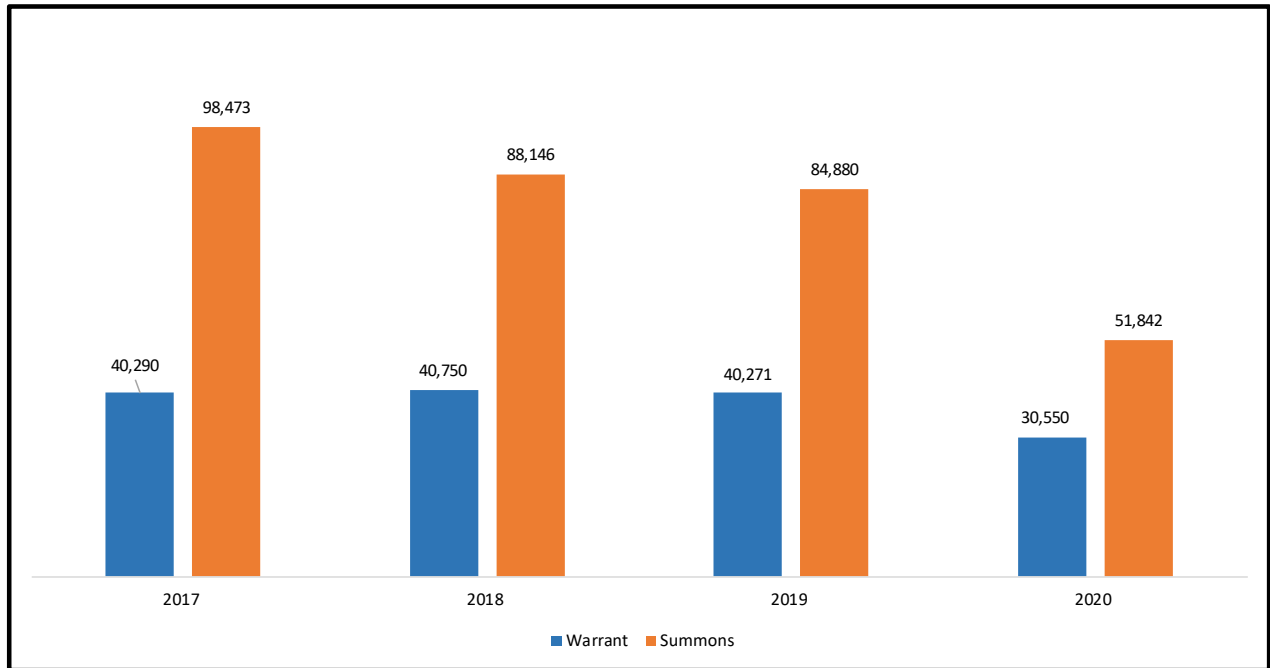
The March 16, 2020, COVID guidance from the Attorney General recommended the use of complaint-summonses whenever appropriate in order to lessen the strain of the COVID-19 pandemic on the courts and the county jails. This guidance likely contributed to the decrease in complaint-warrants and the issuance of complaint-summonses over complaint-warrants in some cases.<sup>6</sup>

As discussed in the previous section, another factor affecting the decrease in complaints is an increase in case expungements. It is estimated that roughly 18,000 defendant arrest records that would otherwise have been included in this year's research may have been expunged. Given the limited crimes eligible for some types of expungement, most expungements would have likely been of complaint-summonses that involved less serious offenses.

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<sup>6</sup> [COVID LE Guidance 2020 0316 FINAL.pdf \(nj.gov\)](#).

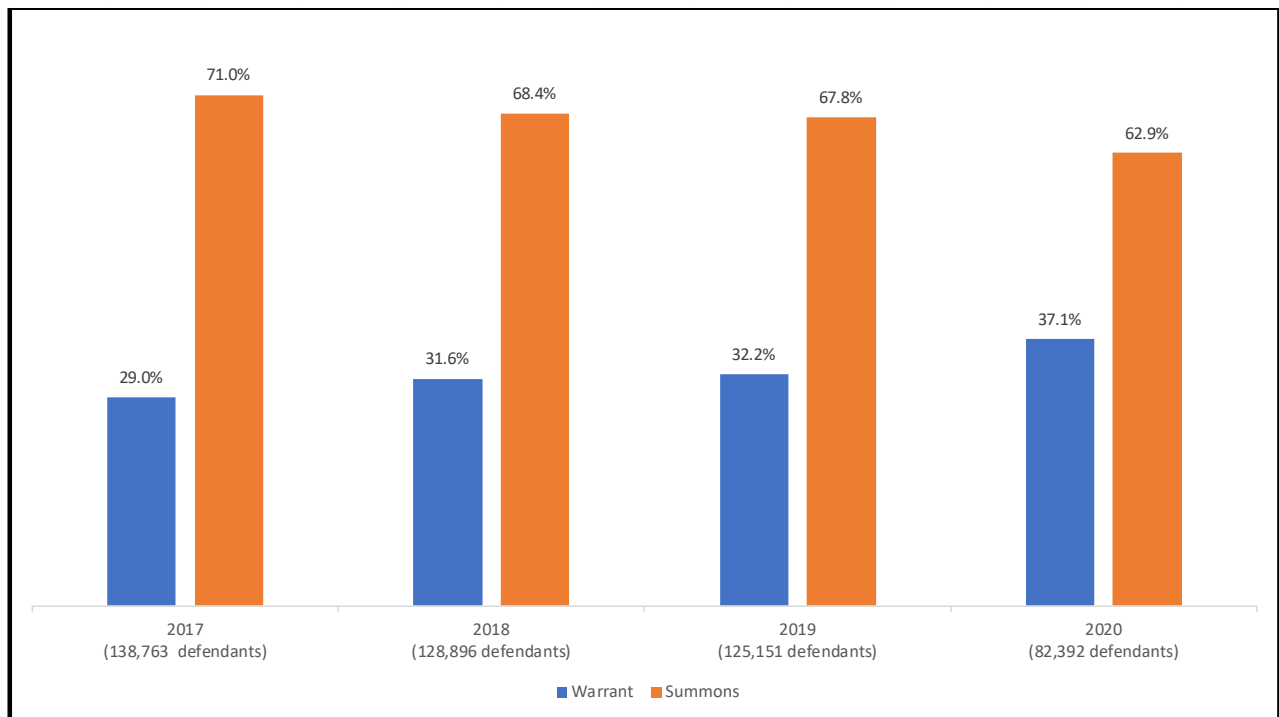
**Fig. 1. Total Defendants Issued Summonses and Warrants 2017-2020\***



\*The number of complaints does not include complaints expunged during the research period for all years. This particularly affects 2020 because of legislative changes relating to expungements that took place in 2020.

Figure 2 demonstrates the percentage of defendants issued complaint-warrants and complaint-summonses (which were not expunged) each year under CJR. The share of complaint-warrants ranged from a low of 29 percent in 2017 to a high of 37 percent in 2020. The percentage of complaint-summonses declined accordingly during that period. Without the increase in expungements, it is likely that the ratio of summonses to warrants would have been similar to prior years under CJR.

**Fig. 2. Ratio of Summons to Warrants Issued 2017-2020\***



\*The number of complaints does not include complaints expunged during the research period for all years. This particularly affects 2020 because of legislative changes relating to expungements that took place in 2020.

### **Increases in Time to Case Disposition**

In this report, as in past reports, we analyzed the timeliness of the criminal justice process by tracking defendants from the year of their arrest until either the disposition of their case or Oct. 31 of the following year.

For example, after Criminal Justice Reform took effect in 2017, nearly four out of every five defendants (78.2 percent) had their cases disposed by October 31, 2018. For 2018 defendants, the disposition rate was 77.1 percent.

Defendants arrested in 2019 were tracked until the date of case disposition or October 31, 2020, well after the start of the pandemic. During some of this period, from March 2020 through October 2020, many court events were postponed or significantly delayed in response to COVID-19.<sup>7</sup>

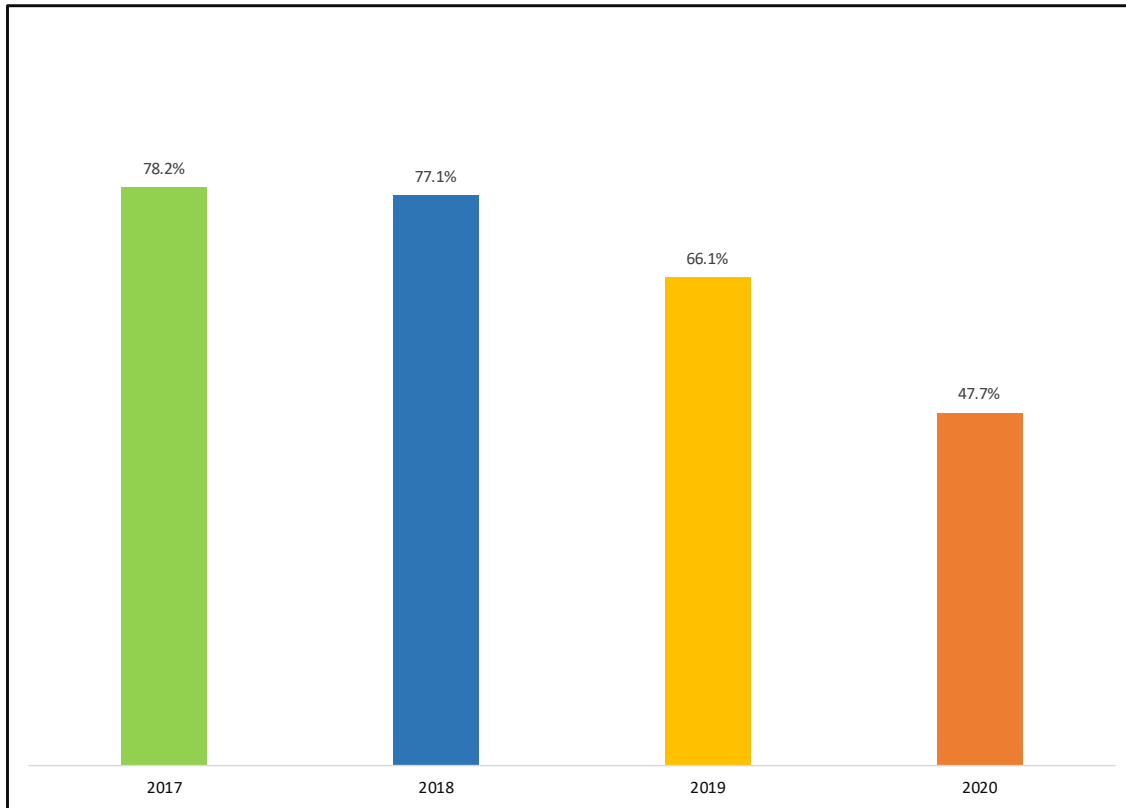
<sup>7</sup> For Supreme Court Orders and notices directing court operations during the pandemic, see [Coronavirus disease \(COVID-19\) \(njcourts.gov\)](https://www.njcourts.gov).

Of defendants arrested in 2020, only 47.7 percent had their cases disposed of by October 31, 2021. The vast majority of those cases were delayed by COVID-19, as in-person criminal trials were stalled until the end of 2020 and social distancing requirements continued to significantly impact the number and types of cases that could be brought to trial. As a result, the length of the pretrial period likely increased for many 2020 defendants, increasing the time during which some may have been rearrested. It is likely that the increased length of the average pretrial period increased the chances of pretrial rearrest independently of other factors.

The number of expungements also likely affected disposition rates in 2020 as compared to the prior years of CJR. Expedited expungements of cases that were resolved by a dismissal or acquittal were automatically deleted from Judiciary systems and were not available to ascertain the length of the time to disposition in 2020. As a result, the rate of cases disposed within 22 months for 2020 defendants may be higher than reported.



**Fig. 3. Percentage of Cases Disposed Within 22-Month Period\***



\*The number of complaints does not include complaints expunged during the research period for all years. This particularly affects 2020 because of legislative changes relating to expungements that took place in 2020.

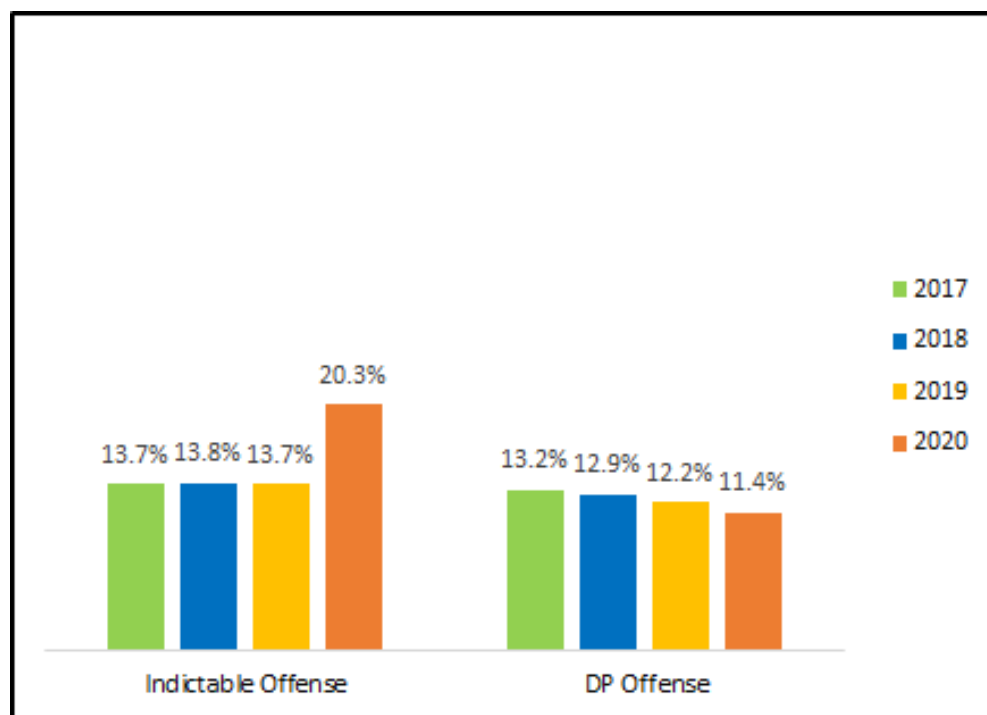
## **B. New Criminal Activity**

One of the more important measurements of the success of CJR, and perhaps the one that receives the most discussion, is the percentage of defendants who are charged with new crimes while on pretrial release. As mentioned previously, the report tracks defendants from the time of their release until the disposition of their case or until Oct. 31 of the following year, whichever comes first.

Figure 4 shows the percentage of defendants charged with a new criminal activity while on pretrial release. Those percentages remained steady from 2017 to 2019, particularly for defendants charged with an indictable offense. During the first years of CJR, the percentage of defendants charged with an indictable offense while on release varied from a low of 13.7 percent to a high of 13.8 percent.

That changed, however, in 2020 during the pandemic when the number of defendants charged with indictable offenses while on pretrial release increased to 20.3 percent. Meanwhile, the percentage of defendants charged with a disorderly person offense declined slightly, from a high of 13.2 percent to a low of 11.4 percent in 2020.

**Fig. 4. Percentage of Defendants Arrested on Pretrial Release**



The decrease in the issuance of complaints, along with an increase in expungements (see Figures 1 and 2), appears to have had a significant impact on the 2020 rates of new criminal activity. The total number of defendants arrested for new criminal activity changed very little for indictable offenses and yet declined markedly for disorderly persons offenses. It is also important to note that during this period, which coincides with the onset of the pandemic, crime and, in particular, serious crime increased nationally.

Further, with the increase in expungements in 2020, fewer defendants were available in Judiciary records to be tracked over time. This likely affected the rate of new criminal activity in Figure 4 in a multitude of ways. It is probable that many of those with expunged complaints were lower-risk defendants and, had they been included in the research analysis, the rate of new criminal activity would have been lower.

Finally, the number of defendants in 2020 who were released pretrial and rearrested within the next 22 months for new offenses, and who were subject to either the No Early Release Act (NERA)<sup>8</sup> or Graves Act remained low and relatively steady when compared to previous years. Less than one percent of the defendants arrested in 2020 and released pretrial were charged with committing a subsequent NERA or Graves Act<sup>9</sup> offense. More specifically, as depicted in Figure 5, below:

- 0.6 percent of 2020 defendants (482 out of 76,100) who were released pretrial were subsequently charged with a NERA offense.
- 0.6 percent of 2020 defendants (484 out of 76,100) who were released pretrial were subsequently charged with a non-NERA Graves Act gun offense as their primary offense.

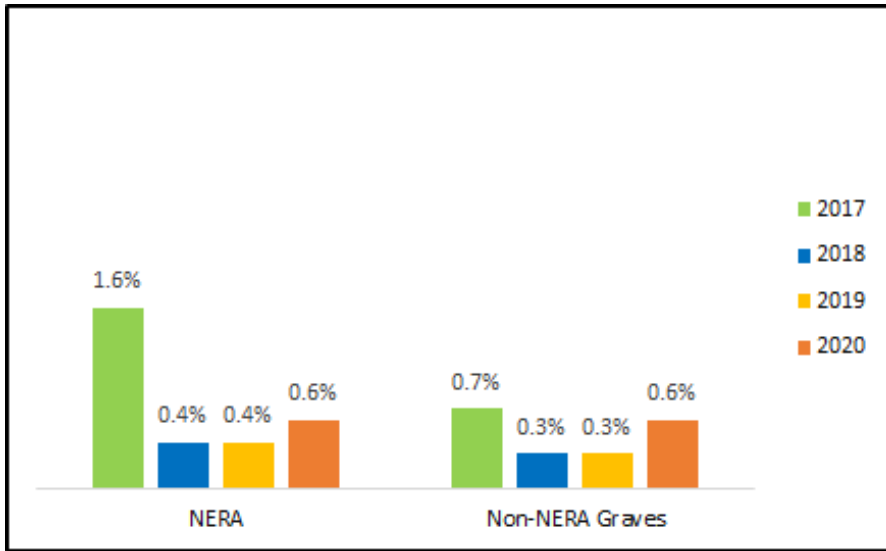
Overall, the number of defendants charged with NERA or non-NERA Graves Act crimes while on pretrial release remained lower than it was in the first year of CJR in 2017.

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<sup>8</sup> 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.

<sup>9</sup> 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.

**Fig. 5. Percentage of Defendants Charged with NERA or Non-NERA Graves Crimes While On Pretrial Release**

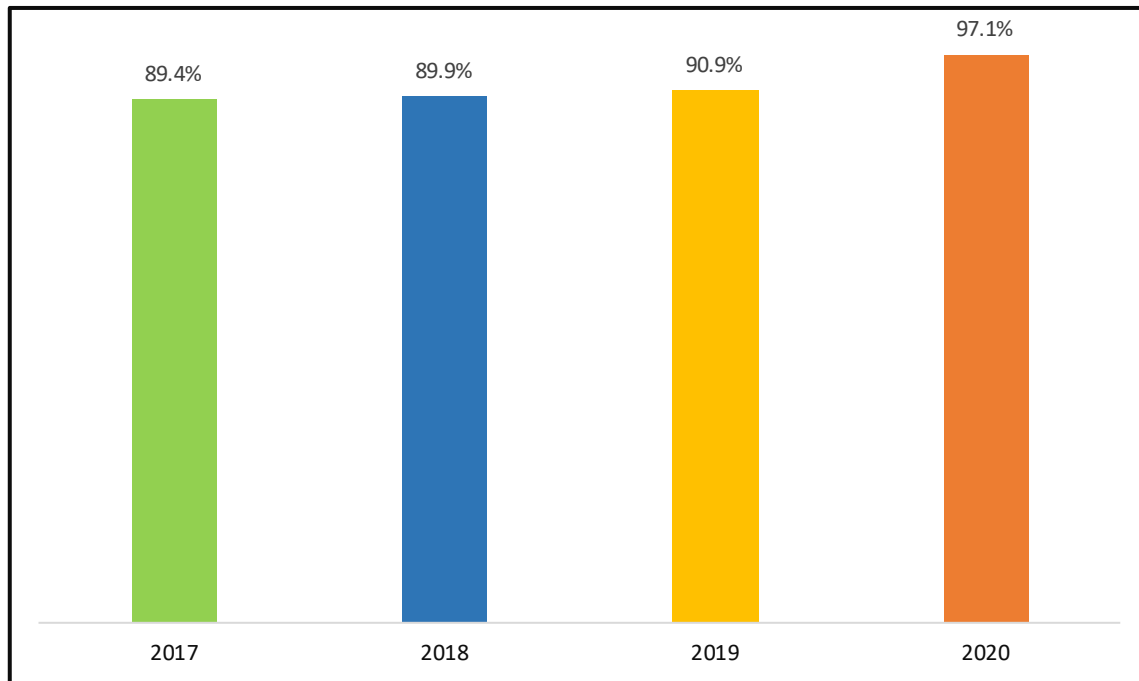


### **C. Court Appearance Rates**

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

Since the start of CJR, court appearance rates have hovered between 89 percent and 91 percent. However, in 2020, court appearance rates improved significantly, surpassing 97 percent.

**Fig. 6. Court Appearance Rate for All Defendants During the Pretrial Period\***



\*The rate of court appearances does not include appearances for complaints expunged during the research period for all years. This particularly affects 2020 because of legislative changes relating to expungements that took place in 2020.

One partial explanation for the improvement in court appearance rates is the increased reliance on remote court events, which allows defendants to appear for a hearing by phone or video without having to travel to a courthouse.

However, it is important to point out that during the pandemic, municipal courts relisted cases without issuing bench warrants for missed court appearances. As a result, the true court appearance rate may be slightly lower.

#### **D. Public Safety Assessment Performance**

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 upon which to rely when making decisions on pretrial release and what, if any, conditions to impose on defendants.

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 offense while on pretrial release.<sup>10</sup>

As done in prior years, to evaluate the 2020 performance of the PSA, Judiciary researchers generated PSA results for all defendants issued complaint-summonses and complaint-warrants in 2020, and then compared the risk scores to actual rates of failure to appear and rearrest for new criminal activity while on pretrial release. Defendants issued either a complaint-summons or complaint-warrant in 2020 were tracked throughout the pretrial period from release to disposition, or through October 31, 2021.<sup>11</sup>

A review of PSA risk scores and their outcomes found that as risk scores for the NCA scale increased, the defendants’ actual failure rates increased as well. For example, only 11.7 percent of defendants who received an NCA score of “1” were charged with a new offense while on pretrial release, while 59.8 percent of defendants with an NCA score of “6” were charged with a new offense while on pretrial release, a rate similar to the previous two years.

Defendants who received an NVCA flag were more likely to be charged with committing a new violent offense while on pretrial release (18.1 percent) than defendants who did not receive the NVCA flag (9.1 percent).

See Appendix A for more information on the PSA.

## **E. Fairness and Equity**

CJR seeks to confront longstanding inequities in the criminal justice system while balancing the constitutional rights of the individual with the public’s need for safety.

The discontinuation of monetary bail as a primary consideration in the release of defendants has no doubt created a fairer system of pretrial justice, but historical inequities continue at each stage of the criminal justice process.

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<sup>10</sup> 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.

<sup>11</sup> The 2021 arrest data will be collected and analyzed after October 31, 2022.

Those inequities, which were likely exacerbated by the pandemic, begin with a defendant's interaction with law enforcement.

### **Issuance of Complaint-Warrants by Race**

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 on a complaint-warrant are considered CJR-eligible defendants and are committed to the county jail.

New Jersey residents identified as black or African American make up 15.2 percent of the state's population. However, as Figure 7 shows, black defendants now represent more than half of the population of individuals who receive complaint-warrants.<sup>12</sup>

Black defendants made up 45.3 percent of the defendants in 2020, up from 43.5 percent in 2019.<sup>13</sup> Conversely, white defendants comprised 51.0 percent of defendants in 2020, a small decrease from 2019. Other defendants stayed at 3.7 percent for 2020.

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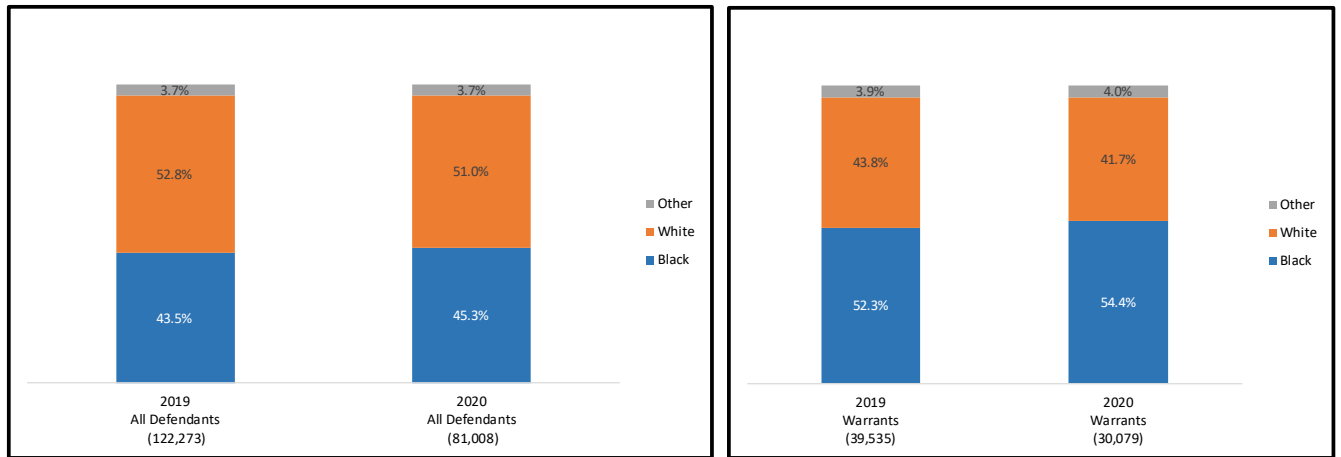
<sup>12</sup> Population data come from the 2020 US Census. America Counts Staff. August 25, 2021. "New Jersey Population topped 9 Million in Last Decade." [https://www.census.gov/library/stories/state-by-state/new-jersey-population-change-between-census-decade.html#:~:text=Population%20\(up%207.4%25%20to%20331.4,or%20More%20Races%2010.2%25\).](https://www.census.gov/library/stories/state-by-state/new-jersey-population-change-between-census-decade.html#:~:text=Population%20(up%207.4%25%20to%20331.4,or%20More%20Races%2010.2%25).)

<sup>13</sup> The number of complaint-warrants and complaints-summons when examined by race of the defendant varies somewhat due to lack of data on the race of the defendant for a small number of defendants.

For Figure 7 and in this section of the report, the percentage of defendants represented by each group is compared to the total number of black defendants, white defendants, and defendants whose race was identified as "other."



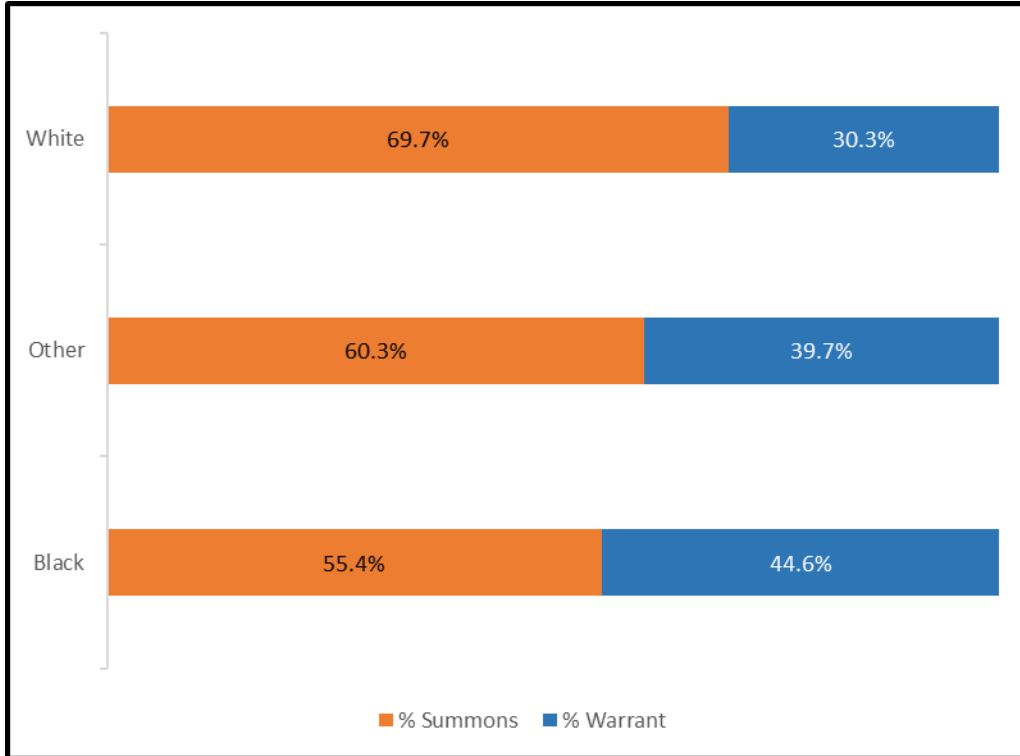
**Fig. 7. Total Complaints and Complaint-Warrants by Race**



The disparity between the rates at which black and white defendants were issued complaint-warrants widened between 2019 and 2020. Figure 7 demonstrates that in 2019, 52.3 percent of warrants were issued to black defendants while in 2020 54.4 percent of complaint-warrants were issued to black defendants.

As shown in Figure 8, 44.6 percent of the complaints received by black defendants were complaint-warrants, while 55.4 percent were complaint-summonses. By comparison, just over 30 percent of complaints issued to white defendants were complaint-warrants and nearly 70 percent were complaint-summonses. In 2020, 39.7 percent of defendants whose race was recorded as “other” received complaint-warrants relative to 60.3 percent complaint-summonses.

**Fig. 8. Total Complaints by Race for 2020**



As described earlier, it is likely that the increasing share of complaint-warrants out of total complaints is affected by both a decrease in the issuance of complaint-summonses and the increase in expungements over time. However, the increase in serious crime observed in New Jersey and nationwide at the onset of the COVID-19 pandemic likely had an impact on the increasing share of complaint-warrants as well.

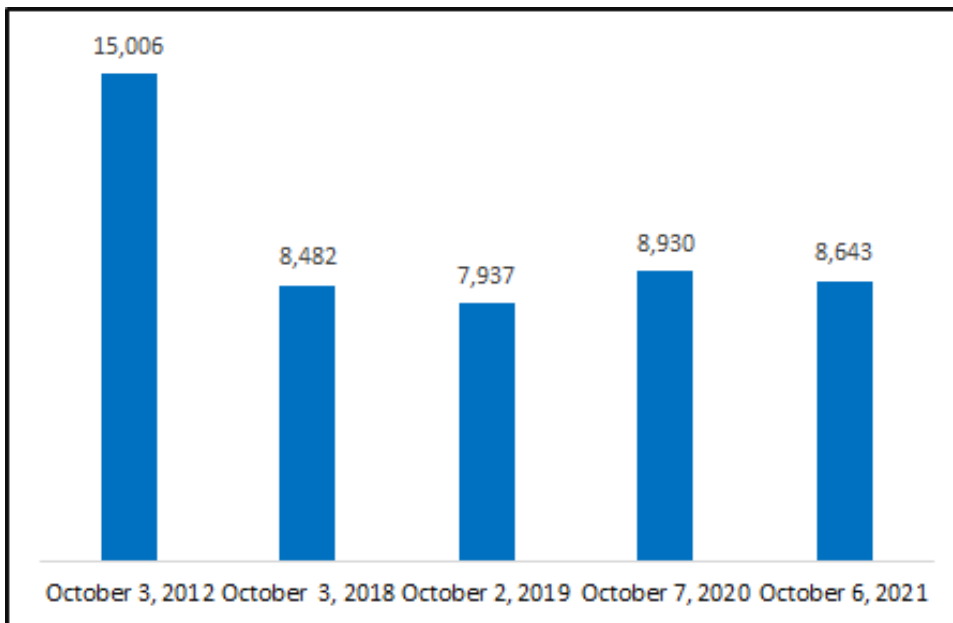
**IV.**  
**JAIL POPULATION**  
**2020 vs. 2021**

## A. Impact of CJR on County Jail Population

An important catalyst toward the adoption of Criminal Justice Reform was a 2012 study of New Jersey’s county jail population, a one-day snapshot which found that 12 percent of inmates were being held pretrial on a bail of \$2,500 or less.<sup>14</sup> The Administrative Office of the Courts replicated that study each year since the enactment of CJR by comparing the jail population on the first Wednesday of each October. The most recent study was conducted on October 6, 2021, to determine if the improvements seen in earlier years had been sustained and to identify areas in need of closer examination.<sup>15</sup>

As shown in Figure 9, there were 15,006 inmates in custody on October 3, 2012. The population had declined precipitously by 2018 (8,482) and declined further in 2019 (7,937). However, as restrictions put in place to respond to the COVID-19 pandemic slowed the criminal justice process, the jail population increased to 8,930 inmates in October 2020, a 12.5 percent increase from the prior year. In 2021, the jail population decreased slightly (3.2 percent) from 2020, to 8,643 inmates.

**Fig. 9. New Jersey Jail Population (One-Day Snapshot)**



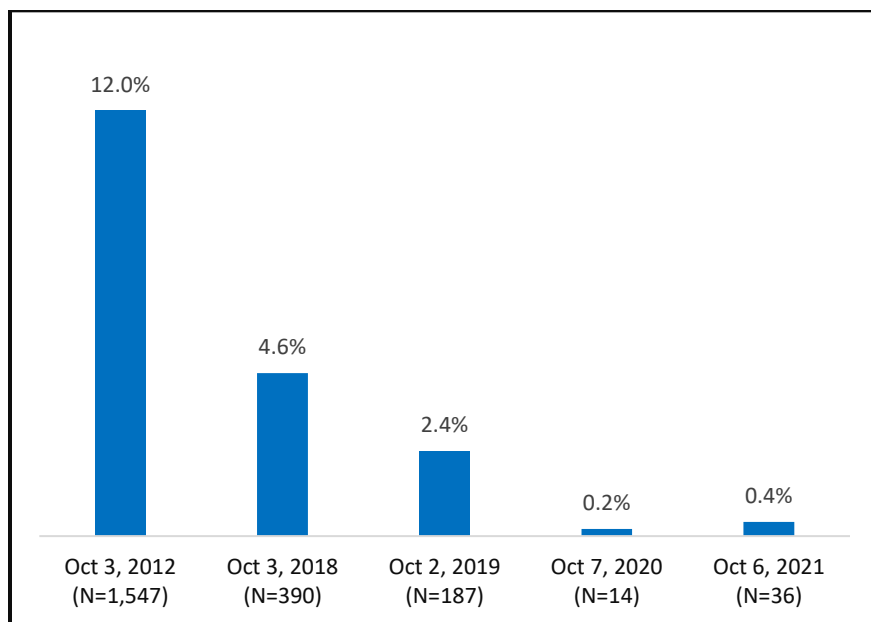
<sup>14</sup> See 2013 Jail Study: [https://www.drugpolicy.org/sites/default/files/New\\_Jersey\\_Jail\\_Population\\_Analysis\\_March\\_2013.pdf](https://www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf).

<sup>15</sup> For this analysis, some records were not included because they did not fit the definition of pretrial, sentenced, or otherwise relevant to a population of NJ county jail inmates. The reasons for this include: inmates on a federal contract, inmates on weekend custody or community custody, or expunged records.

Despite the ongoing effects of the pandemic on criminal jury trials and dispositions, Figure 10 demonstrates that the percentage of inmates in jail on bail of \$2,500 or less continued to remain at historically low rates, even through 2020 and 2021.

Looking at the first Wednesday in October for each year, 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, 2.4 percent in 2019, and 0.2 percent in 2020. In 2021, the percentage of inmates held on bail of \$2,500 or less remained relatively steady at 0.4 percent, representing just 36 inmates.

**Fig. 10. Defendants Held on Bail of \$2,500 or Less**



Of the 36 inmates held on low bail in 2021, twenty-four were ordered to post bail in Municipal Court.<sup>16</sup> The twelve Superior Court defendants held on \$2,500 bail or less were all CJR defendants.<sup>17</sup>

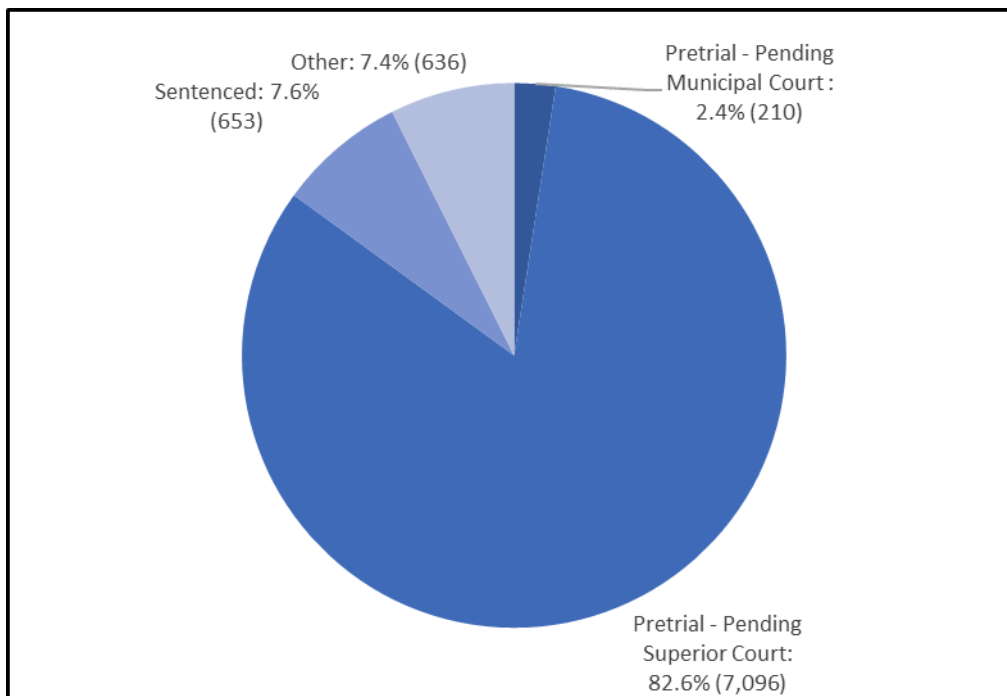
<sup>16</sup> N.J.S.A. 2A:162-16(b)(2)(a) requires that for defendants released on a summons who subsequently fail to appear and are arrested on a bench warrant, the court must release the defendant on their own recognizance or on monetary bail.

<sup>17</sup> The CJR statute defines an eligible defendant as “a person for whom a complaint-warrant is issued for an initial charge involving an indictable offense or disorderly persons offense.” N.J.S.A. 2A:162-15.

As shown in Figure 11, the majority of individuals (85.0 percent) in jail on October 6, 2021, 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 (7,096), and a smaller number (210) had a pending case in Municipal Court.

Another 7.6 percent of individuals were in jail after sentencing while the remaining 7.4 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 in 2021**



## B. Jail Population by Severity of Charge

One of the most important tenets of CJR is that it is designed to detain individuals based on the threat they pose to public safety, as opposed to their ability to post bail. Since the implementation of CJR, the pretrial jail population has consistently seen a higher percentage of inmates charged for the most significant offenses than was the case under the cash bail system. This held true during the pandemic because the vast majority of inmates in the custody of county jails on the first Wednesday in October 2021 were charged with or sentenced for first- or second-degree offenses.

As shown in Figure 12, 35.8 percent of defendants in jail pretrial in 2021 had a first-degree charge such as homicide, aggravated sexual assault, or firearms or weapons charges as their highest degree charge, and 33.4 percent had a second-degree charge such as robbery or aggravated arson as their highest degree charge.

Conversely, just 16.1 percent of defendants had a third-degree offense (e.g., shoplifting), 5.7 percent of defendants had a fourth-degree offense (e.g., certain drug possession charges) as their highest degree charge, and 1.1 percent had disorderly persons offenses (e.g., simple assault) as their highest degree charge. Another 7.9 percent of inmates were held for some other reason, such as a probation or parole violation.

**Fig. 12. Primary Charge Severity for all Defendants in Jail in 2021**

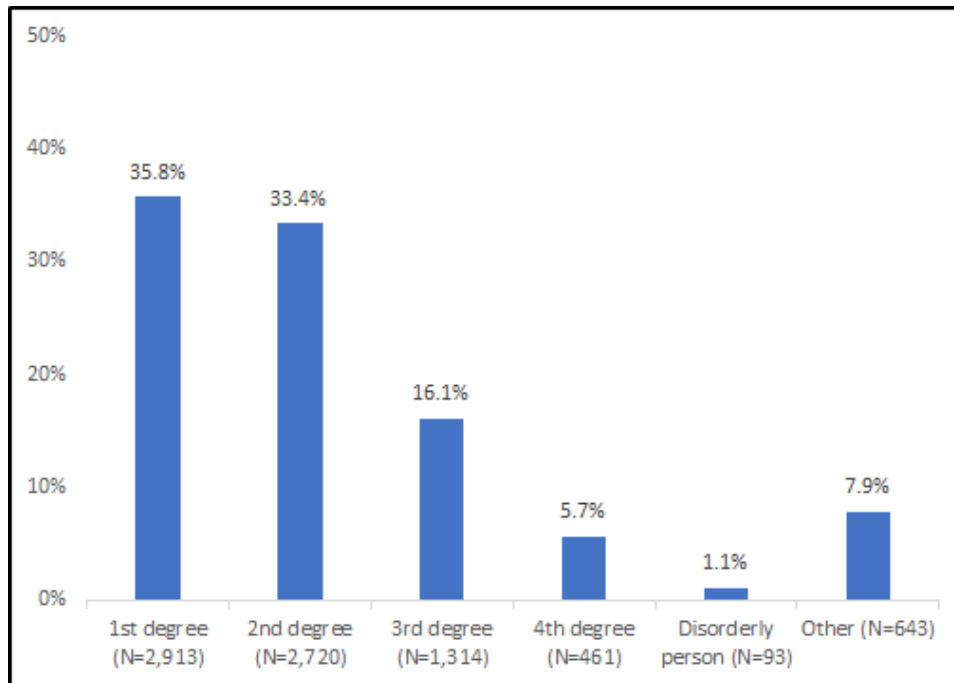
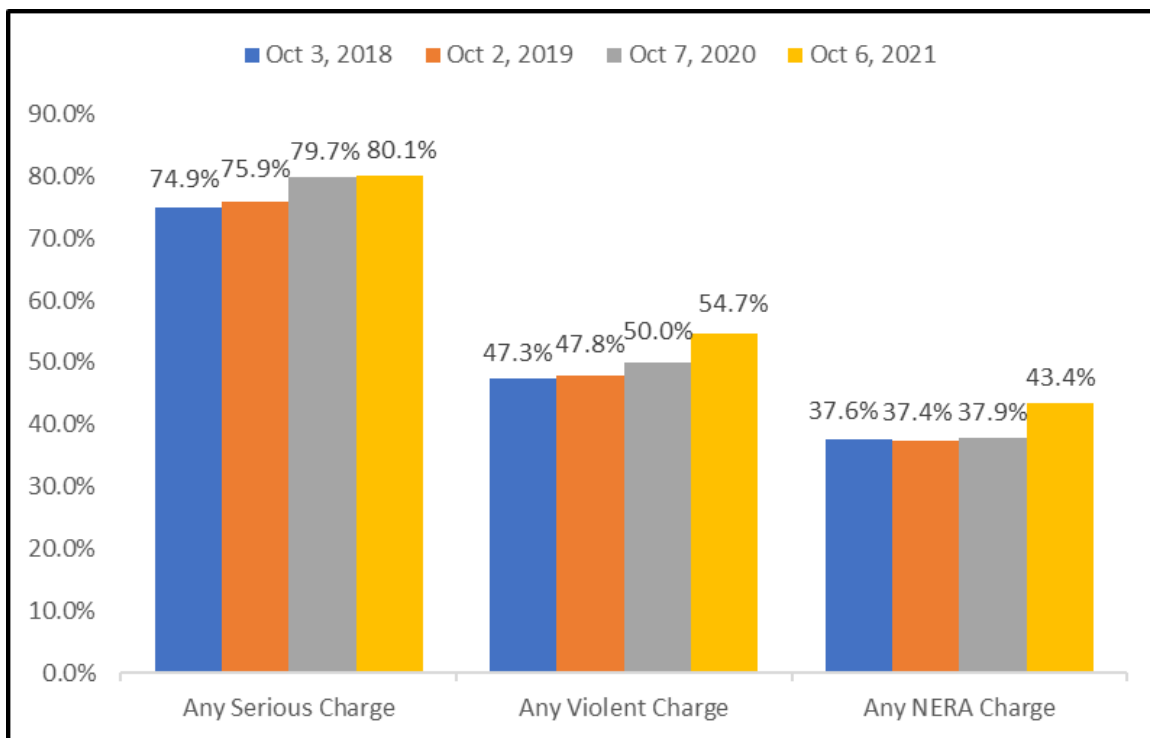




Figure 13 shows the percentage of defendants in jail with serious offenses<sup>18</sup> has increased each year since 2018 across a number of different categories. For example, the percentage of defendants in jail with any serious charge increased from 79.7 percent in 2020 to 80.1 percent in 2021. The percentage of defendants in jail on any violent charge increased from 50.0 percent in 2020 to 54.7 percent in 2021. Finally, the percentage of defendants in jail on any NERA offense rose from 37.9 percent in 2020 to 43.4 percent in 2021.

The high percentage of defendants held on first- and second-degree offenses indicates that CJR is working as intended and that defendants are being detained based on the risk that they pose to the community.

**Fig. 13. Primary Charge by Category for all Defendants in Jail in 2018, 2019, 2020 and 2021**



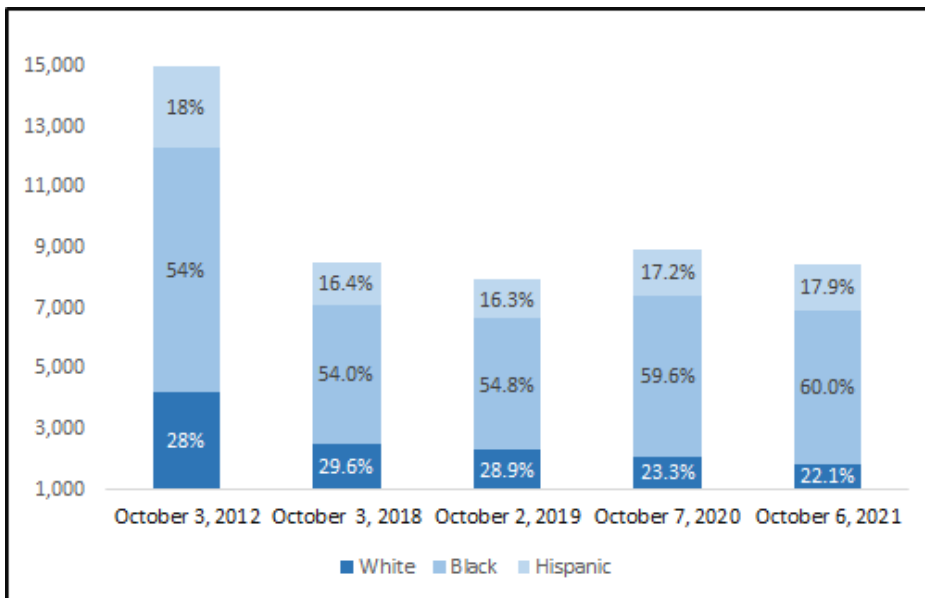
<sup>18</sup> Here, serious offense is defined as a defendant having at least one charge that involves: a first- or second-degree crime, NERA, or any violent offense.

### C. Jail Population Demographics

New Jersey’s jail population continues to be composed of a disproportionate percentage of black defendants. Black defendants made up 60.0 percent of the jail population on October 6, 2021, as seen in Figure 14.<sup>19</sup> This constitutes an increase of 0.7 percent from 2020. The percentage of black defendants in the county jails had previously increased in 2020 as well.

While white individuals represent 63.5 percent of New Jersey’s population, white defendants represented only 22.1 percent of the jail population on October 6, 2021. Hispanic individuals represent 21.6 percent of New Jersey’s population, while Hispanic defendants constituted 17.9 percent of the jail population on October 6, 2021.<sup>20</sup>

**Fig. 14. Jail Population by Race**



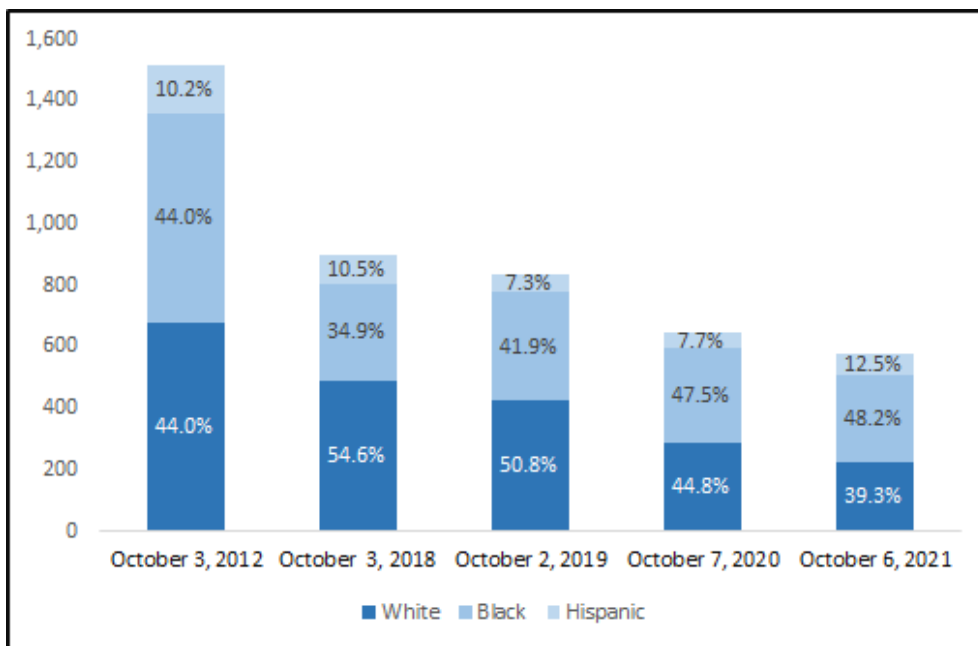
<sup>19</sup> In this section (Figures 14-16), the racial breakdowns included are black defendants, white defendants, and Hispanic defendants.

<sup>20</sup> America Counts Staff. (2021, Aug. 25). “New Jersey Population Topped 9 Million in Last Decade.” [NEW JERSEY: 2020 Census](#). The US Census Bureau allows individuals to self-identify as both Hispanic, as ethnicity, and any of the measured racial categories, including black and white. In contrast, the data system used by NJ county jails includes Hispanic ethnicity as one racial category among others, including black and white; inmates in county jails are only classified as Hispanic, black, or white, not multiple categories. Thus, there is a mismatch between how Hispanic ethnicity is measured by the US Census and NJ county jails, and this mismatch means that the statistics are not directly comparable.

In summary, black defendants are disproportionately represented at each step in the process: among defendants overall (Figure 7), among defendants issued complaint-warrants (Figure 7), and among those detained in jail (Figure 14).

When looking exclusively at the female jail population, Figure 15 shows that it decreased 8.2 percent from 646 inmates in 2020 to 593 inmates in 2021. The racial demographics of the female jail population continue to fluctuate from year to year. Black female inmates represented 48.2 percent of the female jail population in 2021.<sup>21</sup> During the pandemic years of 2020 and 2021, the percentage of inmates in county jails who are black females increased. White female inmates constituted 39.3 percent of the jail population, which represents a decrease over prior years, while Hispanic female inmates made up 12.5 percent in 2021, which was an increase over prior years.

**Fig. 15. Female Jail Population by Race**

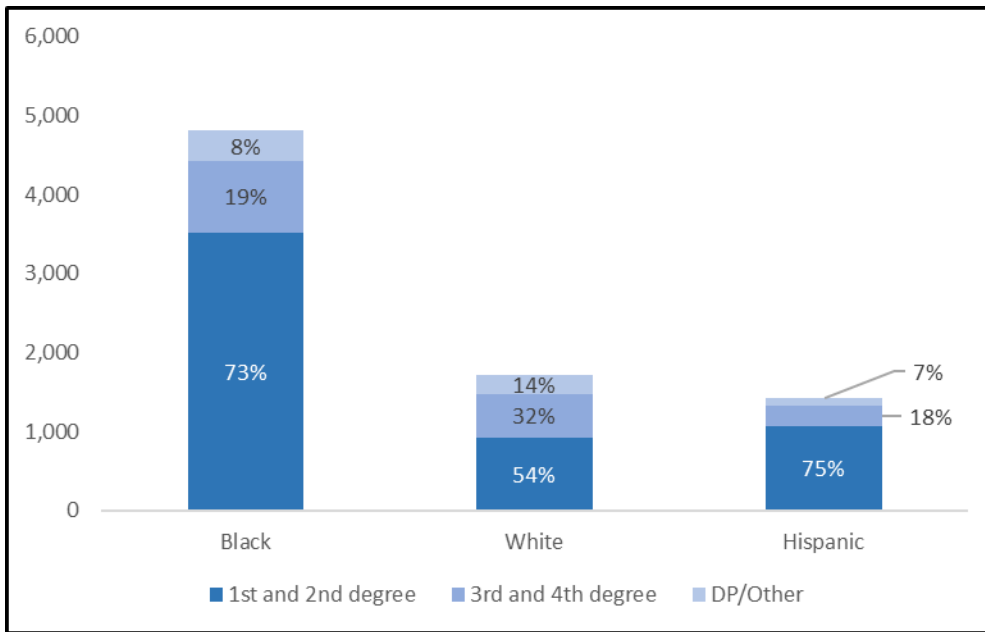


<sup>21</sup> In this section (Figures 14-16), the racial breakdowns included are black defendants, white defendants, and Hispanic defendants.

## Jail Population Demographics by Charges

As mentioned previously, the majority of inmates in New Jersey County jails on October 6, 2021 had been charged with first-or second- degree offenses. The study also analyzed black, white, and Hispanic inmates to see the types of charges for which each group was most often being held. It found seventy-three percent of black inmates, 54 percent of white inmates, and 75 percent of Hispanic inmates had been charged with first-or second- degree offenses.<sup>22</sup>

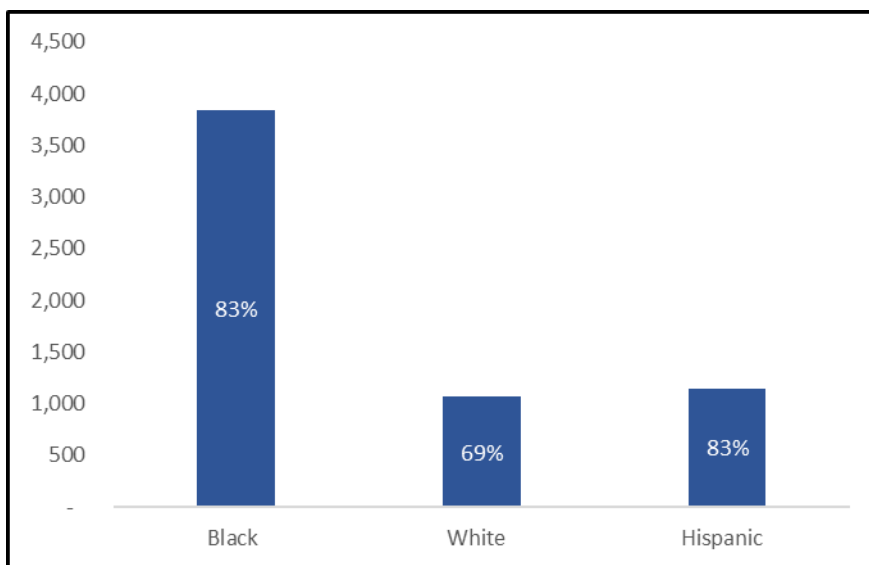
**Fig. 16. Jail Population by Demographics by Charges**



<sup>22</sup> In this section (Figures 14-16), the racial breakdowns included are black defendants, white defendants, and Hispanic defendants.

As shown in Figure 17 below, black and Hispanic inmates were more likely to be charged with serious offenses than white inmates as measured on October 6, 2021.<sup>23</sup> Specifically, 83 percent of black inmates (3,841 of 4,606) were charged with serious offenses as compared to 68.5 percent of white inmates (1,070 of 1,563) and 83 percent of Hispanic inmates (1,149 of 1,377).

**Fig. 17. Percentage of Jail Population with Serious Offenses by Race**



<sup>23</sup> Here, serious offense is defined as a defendant having at least one charge that involves: a first- or second-degree crime, NERA, or any violent offense.

**V.**

**CRIMINAL JUSTICE REFORM  
2020 PERFORMANCE**

## **A. Pretrial Decision-Making Process**

The Public Safety Assessment (PSA) is an objective risk assessment developed by the Laura and John Arnold Foundation.<sup>24</sup> The PSA measures risk through an analysis of objective information in the defendant’s criminal record and court history.<sup>25</sup> The Decision Making Framework (DMF) is used in conjunction with the PSA to manage risk by generating objective recommendations on pretrial release conditions.<sup>26</sup> 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 2021, even with pandemic restrictions and challenges, the courts were able to meet the 48-hour deadline 98.8 percent of the time (16,093 out of 16,285 defendants) as shown in Figure 18. In the majority of cases, 76.8 percent, judges made initial pretrial release decisions within 24 hours as they had done in prior years.

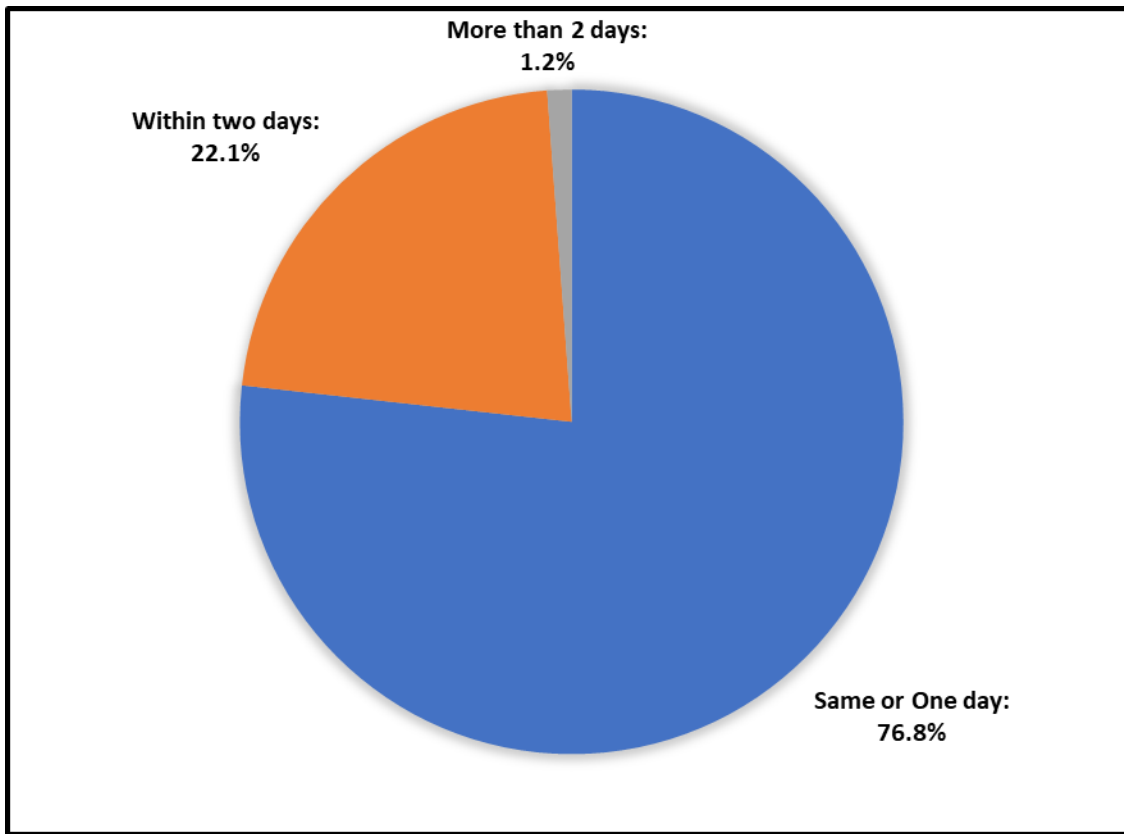
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<sup>24</sup> Now known as “Arnold Ventures.”

<sup>25</sup> See Public Safety Assessment: Risk factors and formula - <https://advancingpretrial.org/psa/factors/>, and Public Safety Assessment New Jersey Risk Factor Definitions - <https://www.njcourts.gov/sites/default/files/psariskfactor.pdf>.

<sup>26</sup> See Pretrial Release Recommendation Decision Making Framework <https://www.njcourts.gov/sites/default/files/decmakframework.pdf>.

**Fig. 18. Time to Initial Release after Arrest and Commitment to Jail, 2021**



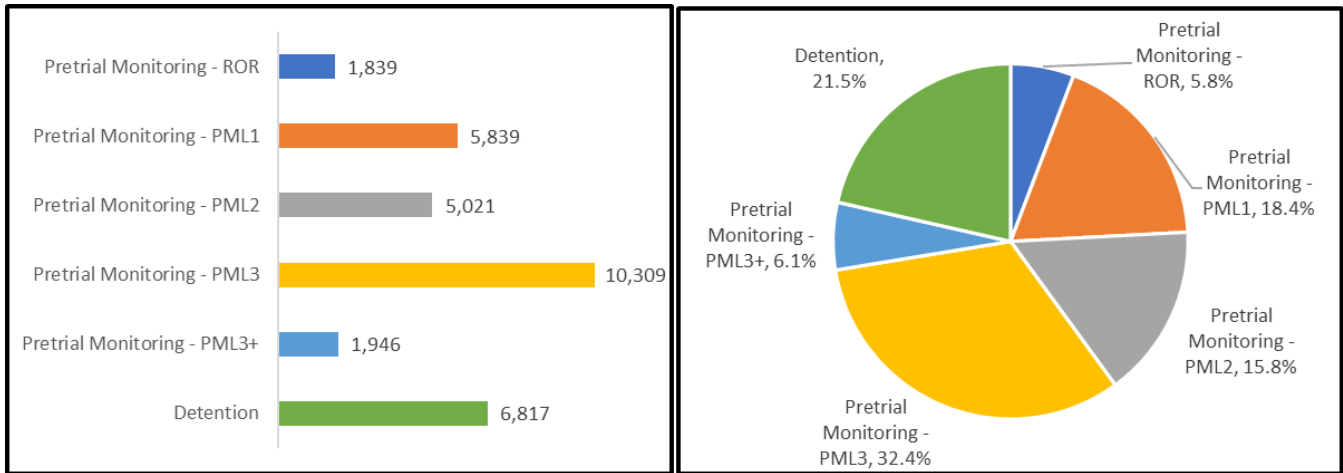
**Note: This figure only includes CJR-eligible defendants where no detention motion was filed.**

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 an elevated risk on home detention or electronic monitoring.



Figure 19 provides a breakdown of initial release decisions in 2021:

**Fig. 19. Release Decision by Type/Monitoring Level after Arrest and Commitment to Jail, 2021**



The use of monetary bail, while still an option under CJR, continues to decline dramatically. In calendar year 2021, the court ordered just 23 defendants to post monetary bail. Of those matters, the majority (19) 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 four remaining bails, one was ordered after the prosecutor did not move for pretrial detention of the defendant, and three bails were set following the denial of prosecutor motions for pretrial detention. Since January 1, 2017, of 196,083 total eligible defendants, the court has ordered bail on a total of 233 eligible defendants (0.02 percent of cases).

### 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 business days from the filing of the motion, so that both the prosecution and defense can present evidence.

Before a defendant can be ordered detained, a judge must find that no combination of conditions or level of monitoring will reasonably assure the safety of the community, that the defendant will appear for court when required, and that the defendant will not obstruct the criminal justice process. If the court orders a defendant detained, CJR’s speedy trial law sets specific timeframes for the case to proceed to indictment and trial. If those timeframes are not met, the defendant can be released from jail.

Prosecutors filed almost the same number of detention motions in 2021 as in 2020, and they filed at almost the same rate. Specifically, prosecutors filed pretrial detention motions in 46.4 percent of cases in which a complaint-warrant was issued in 2020, and 47.0 percent of such cases in 2021.

Figure 20 compares the handling of detention motions filed on defendants arrested in 2021 with defendants arrested in 2020. Judges granted slightly more than 50 percent of detention motions in both years. Of the 15,439 pretrial detention motions filed in 2021, prosecutors withdrew, or the court dismissed, 2,613 motions. In 2021, for the remaining 12,826 motions requiring a judicial decision, judges granted 6,817 detention motions (53.1 percent) and denied 6,009 (46.9 percent).

**Fig. 20. Detention Motions in 2020 and 2021**

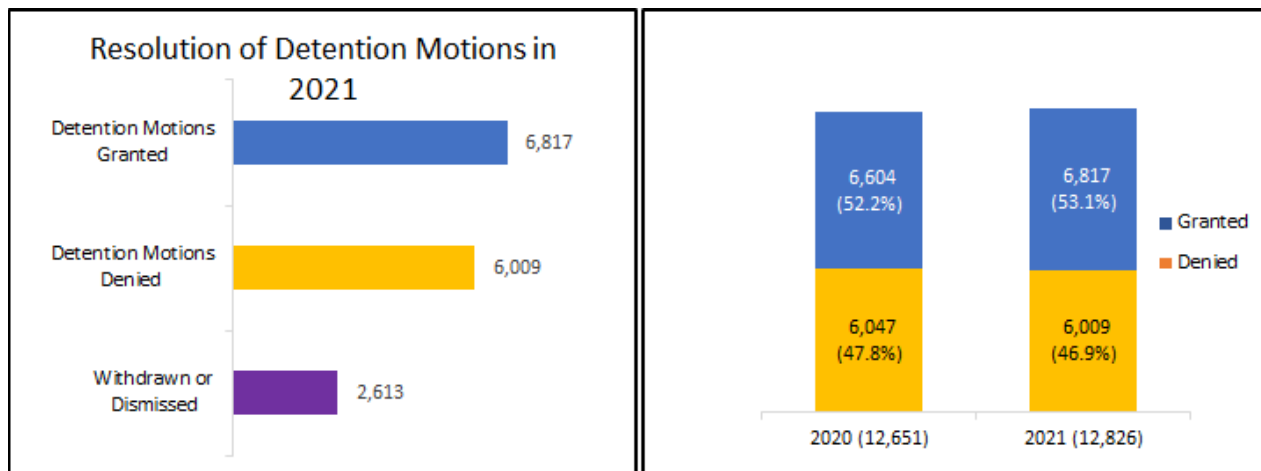


Figure 21 summarizes the different release and detention outcomes in 2021 for defendants charged on a complaint-warrant. It does not include 1,014 cases that were addressed prior to the initial release decision.

From Jan. 1, 2021 to Dec. 31, 2021, 32,880 defendants were charged on a complaint-warrant. Of those, 15,439 defendants had detention motions filed by a prosecutor (47.0 percent), 17,346 defendants were released after their first court appearance, and at the time the data were drawn (Jan. 14, 2022), 95 defendants had pending matters.

Detention motions were granted for 6,817 defendants, representing 53.1 percent of decided motions and 20.7 percent of defendants issued complaint-warrants. Detention motions were denied for 6,009 defendants and withdrawn or dismissed for 2,613 defendants. The overall release rate for defendants issued complaint-warrants was 79.0 percent.

**Fig. 21. Pretrial Detention Decisions in 2021 (Warrants Only)**

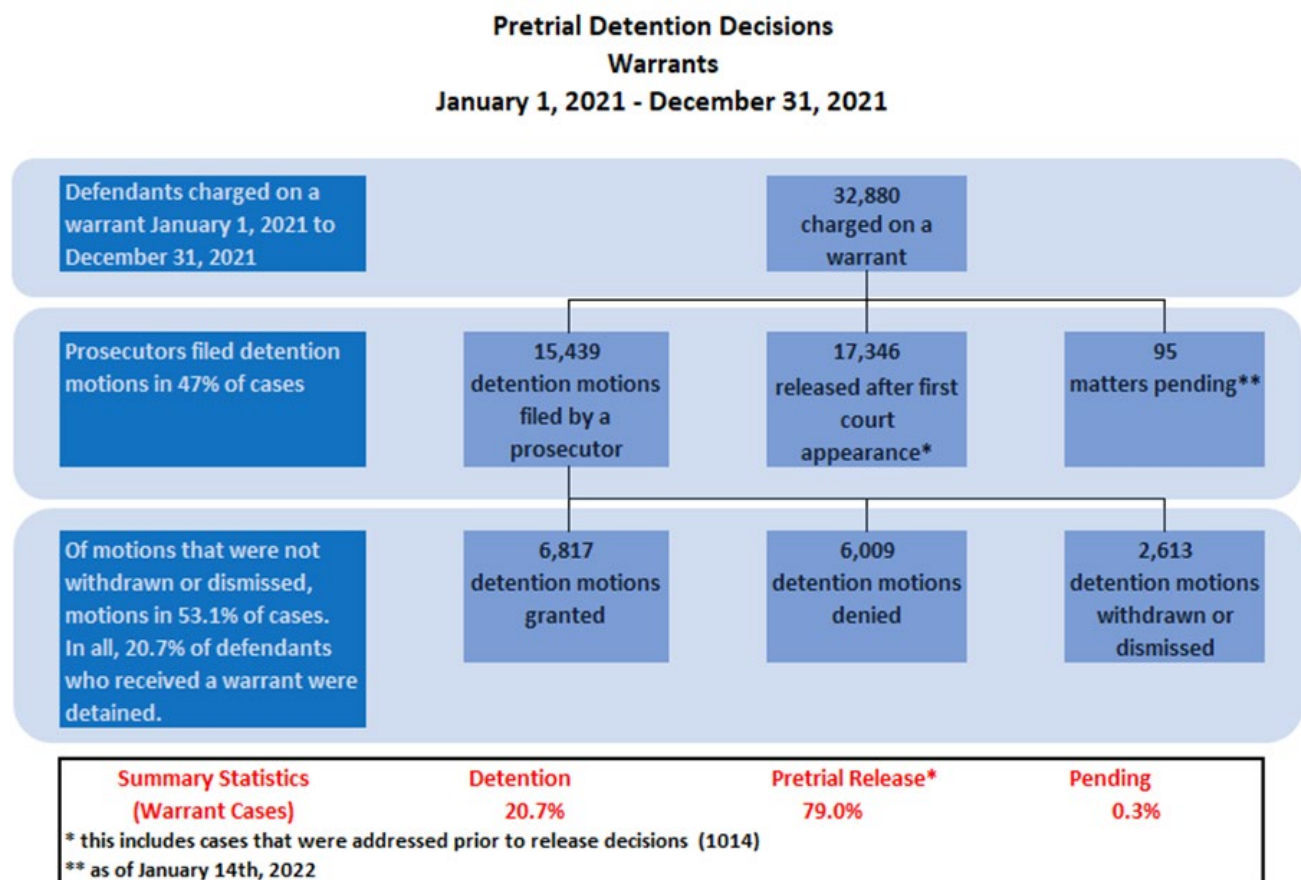
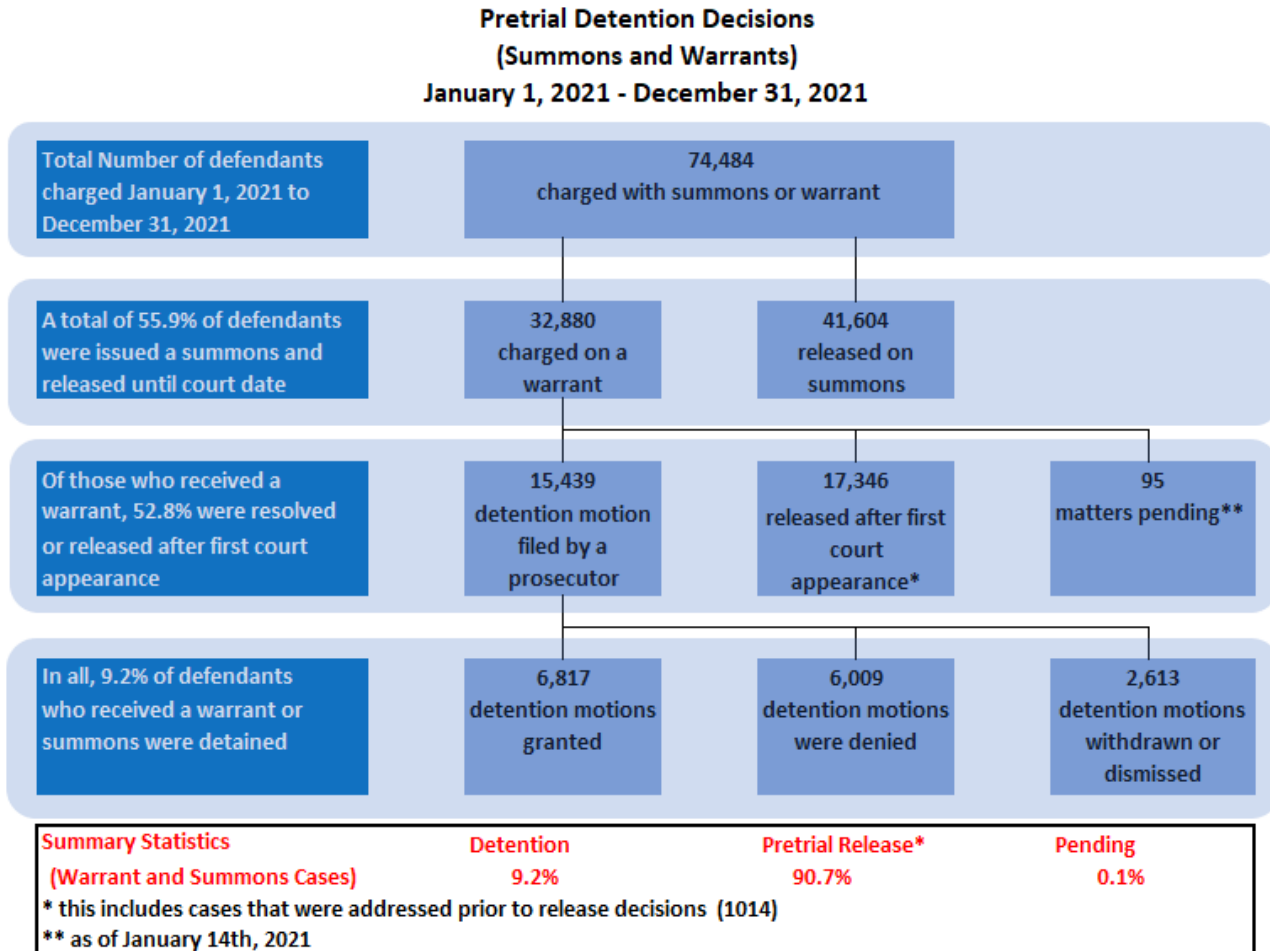


Figure 22 depicts the different release and detention outcomes for all defendants charged, both on a complaint-summons or a complaint-warrant.

**Fig. 22. 2021 Pretrial Detention Decisions - 2021**



During 2021, 32,880 defendants were charged on a complaint-warrant, and 41,604 defendants were issued a complaint-summons and released.

To place the detention statistics in a broader context, the rate of pretrial detention for all defendants, including those released on a summons, was 9.2 percent in 2021, up from 6.9 percent in 2020.

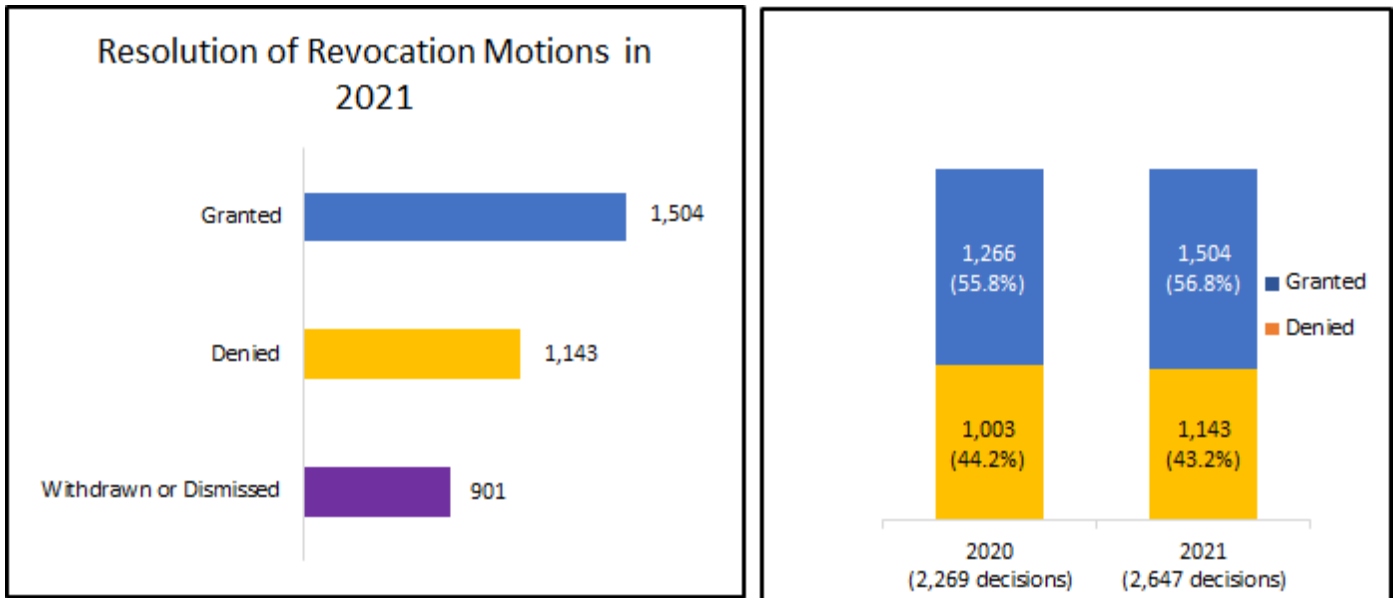
The slight increase in detention rate from 2020 to 2021 is likely due in part to the increasing share of complaint-warrants among the total number of complaints, and an increase in the number of expungements. Individuals issued complaint-summonses are ineligible for detention; individuals issued warrants may be detention eligible.

## 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 3,548 motions to revoke release in 2021. Of those, prosecutors withdrew 901 motions, and judges decided 2,647 motions. The court granted 1,504 motions, or 42.4 percent, and denied 1,143 motions, or 32.2 percent as shown in Figure 23. Eliminating the motions that were withdrawn, judges granted revocation motions 56.8 percent of the time in 2021 as compared to 55.8 percent in 2020.

Fig. 23. Revocation Motions in 2020 and 2021



## 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.

As shown in Figure 24, the number of criminal complaints that involved domestic violence remained relatively constant during the past five years.<sup>27</sup> From 2017 to 2021, the total number of complaints, both complaint-warrants and complaint-summonses, alleging domestic violence ranged from a low of 33,094 to a high of 34,401. The number of complaints increased from 33,874 in 2020 to 34,401 in 2021, a 1.6 percent increase.

**Fig. 24. Criminal Complaints Involving Domestic Violence**

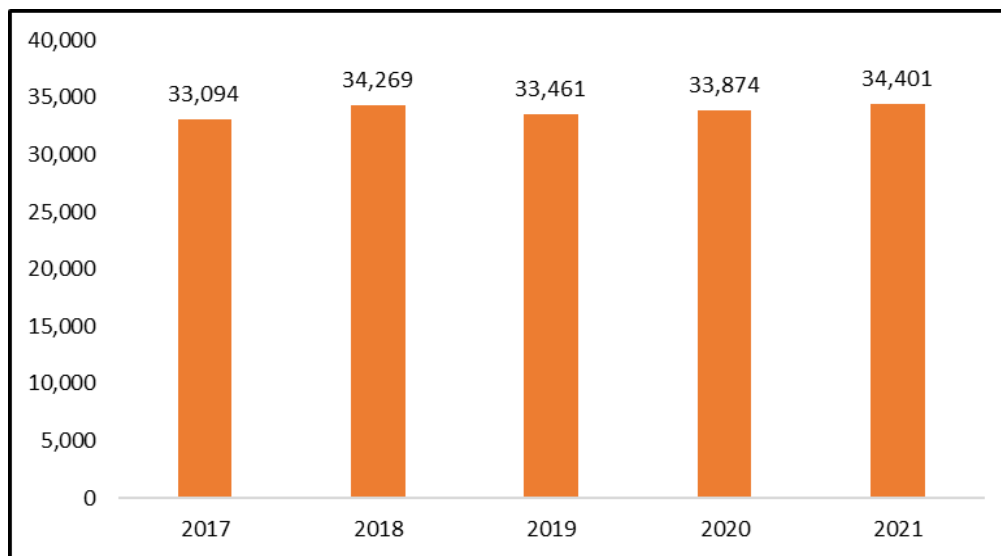


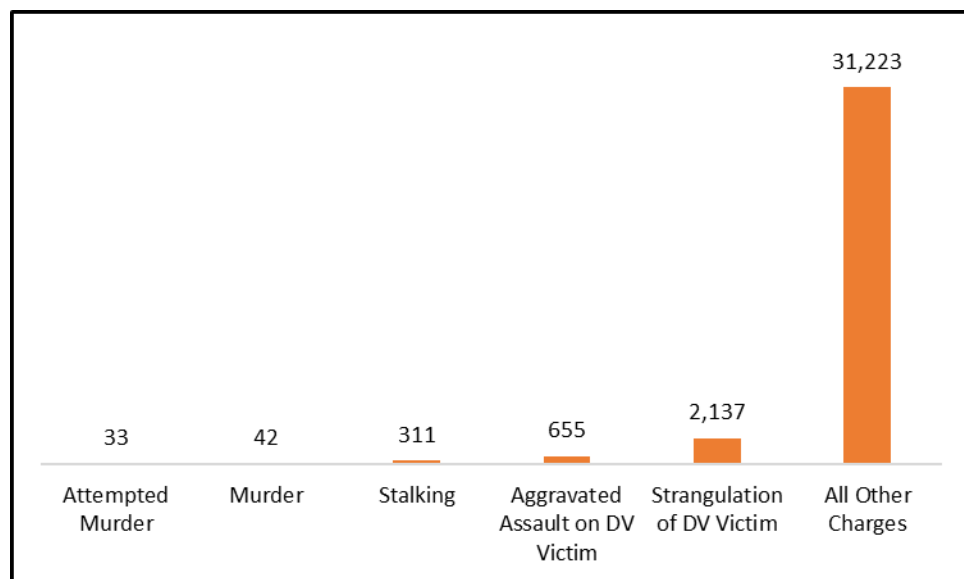
Figure 25 shows that, in 2021, of the 34,401 complaints indicating domestic violence, 2,137 (6.2 percent) alleged aggravated assault against a DV victim involving strangulation

<sup>27</sup> 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 with information early for case screening and processing.

as the highest degree charge, and 655 (1.9 percent) alleged aggravated assault against a DV victim as the highest degree charge.<sup>28</sup>

Another 33 complaints alleged attempted murder as the highest degree charge, 42 complaints alleged murder as the highest degree charge, and 311 complaints alleged stalking as the highest degree charge.

**Fig. 25. Complaints Involving Domestic Violence by Primary Charge in 2021**

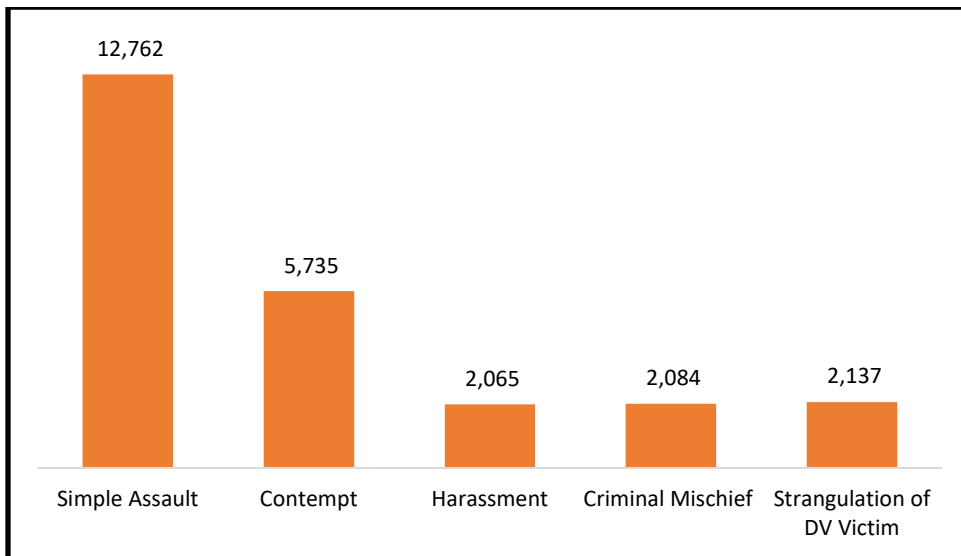


As shown in Figure 26, in 2021 the five most common charges among complaints indicating domestic violence were: 1) Simple Assault, 2) Contempt, 3) Harassment, 4) Criminal Mischief, and 5) Strangulation of a DV Victim.

The most common charge was simple assault, with 12,762 complaints comprising 37.1 percent of the total.

<sup>28</sup> The statute addressing aggravated assault of a domestic violence victim was enacted in 2015 and the statute that addresses aggravated assault of a domestic violence victim involving strangulation was enacted in 2017. In July of 2021, aggravated assault of a domestic violence victim involving strangulation, formerly a 3<sup>rd</sup> degree offense, became a 2<sup>nd</sup> degree offense.

**Fig. 26. Complaints Involving Domestic Violence by Most Common Primary Charge in 2021**





**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.

As of December 31, 2021, in accordance with the statutory requirements, the Judiciary allocated funds collected from 2014 to 2021, from increased court filing fees of \$268.9 million, as follows:

- 1) \$139.5 million to the Pretrial Services Program;
  - a) \$99.1 million to the Pretrial Services Program – Dedicated Account (November 2014 – June 2019)
  - b) \$40.4 million to the State Treasury – General Fund for the Statewide Pretrial Services Program (July 2019 – December 2021)
- 2) \$64.0 million to Legal Services of New Jersey;
- 3) \$63.4 million for eCourts; and
- 4) \$2.0 million to the discretionary account.

To date, the Judiciary has expended or encumbered a total of \$123.4 million for Pretrial Services, with \$98.0 million for salaries and fringe benefits.

For eCourts,<sup>29</sup> the Judiciary has expended or encumbered \$57.7 million to date, leaving a balance of \$11.4 million.

The Judiciary also has expended or encumbered \$10.1 million to date for software for Pretrial Services and for eCourts, with \$3.8 million coming out of Pretrial Services funding.

The cost for electronic monitoring was \$186,902 in calendar year 2021. Per diem payments to authorized Municipal Court judges for handling Centralized Judicial Processing hearings totaled \$705,400 for the year. Staff salaries for the calendar year totaled \$18.1 million.

## **B. Pretrial Services Unit Staffing and Monitoring**

A full complement of Pretrial Services staff is needed to prepare more than 32,800 PSAs annually, make release recommendations to the court, and monitor tens of thousands of defendants placed on pretrial release. Additionally, Pretrial Services staff monitor emergent Electronic Monitoring alerts 24 hours a day, 7 days a week.

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<sup>29</sup> See Addendum – Development, Maintenance and Administration of eCourts.

To meet the statutory requirement that all pretrial release decisions occur within 48 hours of a defendant's commitment to the county jail, Judges preside over Centralized First Appearance or Central Judicial Processing court events six days a week, including holidays and weekends. The Judiciary's Pretrial Services Program must also operate 6 days per week, including holidays and weekends to prepare a defendant's risk assessment and release recommendation for these court events.

Through virtual courtrooms, the Judiciary conducts hearings on weekends and holidays. This cost-saving 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](http://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, 367 staff positions are dedicated to the Pretrial Services Program. This represents an increase of 18 percent, or 56 positions from 2020. This increase was necessitated by the continued impact of the Coronavirus-19 pandemic on case dispositions. The decrease in dispositions, coupled with new arrests and case initiations, caused the number of defendants on pretrial monitoring to increase sharply in 2020 and 2021.

Pretrial Services staff monitor eligible defendants from the date they are released from jail until final disposition to ensure compliance with any court-ordered release conditions. These conditions can range from reporting to Pretrial Services by phone or in-person to 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. Staff contact can occur by phone, in-person, or by video; the latter was widely implemented due to COVID-19 in lieu of in-person requirements to ensure that Pretrial Services could continue to monitor defendants even during the pandemic.

Research indicates that providing pretrial defendants with reminders of upcoming court and reporting dates significantly increases appearance rates. Accordingly, defendants monitored by Pretrial Services are encouraged to receive automated reminders of upcoming 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**

A key component of a defendant's pretrial success in avoiding further entanglement with the Criminal Justice System involves linkage to necessary services at the earliest points of contact, regardless of whether it is a condition of release. The Judiciary maintains integral partnerships with the State Department of Human Services and local officials, to examine and incorporate solutions that address societal issues such as mental health, substance abuse, and co-occurring disorders.

In recognition of the systemic gaps in serving people who live with mental illnesses, the New Jersey State Supreme Court's Mental Health Advisory Committee, Co-Chaired by Judge Stuart Minkowitz, Assignment Judge of Morris and Sussex Counties, and Acting Commissioner Sarah Adelman of the Department of Human Services, continues to move forward with its vital work. Its diverse membership includes representatives from the Office of the Attorney General, the Office of the Public Defender, the Department of Mental Health and Addiction Services, local law enforcement, jail staff, mental health advocacy groups, peer support, and health care providers. Although briefly derailed from meeting in-person due to COVID, stakeholders reconvened virtually in 2020 and continue their commitment through these electronic platforms.

The Pilot Subcommittee, Chaired by Administrative Director, Glenn A. Grant, was charged with the development of a program model, which incorporates early identification of mental illnesses, increased connections to mental health services within the community, and enhanced services. Pilots are underway in Essex and Morris Counties.

Lastly, the Supreme Court has mandated mental health trainings for all judges and staff, in order to ensure that all judiciary staff have a better understanding of the issues that face these individuals, specifically when it comes to court and legal access. These trainings were implemented in the Spring of 2022 and will be ongoing.

## **VII. CONCLUSION**

## Conclusion

This annual report is based on data collected in 2020 and 2021, during the height of the COVID-19 pandemic.

Particularly when drawing comparisons to previous years, the report's findings should be considered in the context of COVID-19, the pressures the pandemic placed on the criminal justice system, and its corresponding impact on a national increase in the crime rate.

The pandemic had a cascading effect on various points in the criminal justice process, from the filing of criminal complaints through the disposition of cases, and undoubtedly influenced the statistical findings in this report. Results that have held steady since the start of Criminal Justice Reform (CJR) in 2017 broke pattern for the first time in 2020 and 2021.

For example, a decrease in the number of complaint-summons issued by law enforcement noticeably shifted the ratio of complaint-summons to complaint-warrants, which impacts the ability to draw relevant comparisons to previous CJR years. An increase in expungements, which removes a case from the Judiciary's records, likely contributed to the shift in ratio as well.

The suspension of in-person criminal trials for the majority of 2020 – along with the addition of courtroom social distancing requirements – increased the length of case dispositions which, in turn, led to an increase in the number of individuals, both detained and not detained, awaiting trial. As a result, the jail population increased for the first time under CJR.

Just as in past reports, the timeliness of the criminal justice process was analyzed by tracking defendants from the year of their arrest until either the disposition of their case or Oct. 31 of the following year. When CJR took effect in 2017, nearly four out of every five defendants (78.2 percent) had their cases disposed by Oct. 31, 2018. That rate held relatively steady until this report. Only 47.7 percent of defendants arrested in 2020 had their cases disposed by Oct. 31, 2021.

The percentage of defendants charged with indictable offenses while on pretrial release, which remained between 13.7 percent and 13.8 percent from 2017 to 2019, increased to 20.3 percent for defendants arrested in 2020. Conversely, the percentage of defendants charged with a disorderly person offense declined slightly, from a high of 13.2 percent to a low of 11.4 percent in 2020.

The increase in new criminal activity rates did not have a commensurate impact on the percentage of defendants charged with serious crimes while on release as 0.6 percent of defendants arrested in 2020 were rearrested pretrial on a No Early Release Act (NERA) or a non-NERA Graves Act gun offense, respectively, a slight increase from a year ago but still lower than the first year of CJR in 2017.

Court appearance rates, on the other hand, improved significantly for defendants arrested in 2020, surpassing 97 percent for the first time. Many court proceedings were held virtually, allowing defendants to appear by phone or video instead of travelling to the courthouse.

Other key measurements also held steady during the pandemic despite the obstacles and challenges posed by the pandemic.

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 2021, the courts were able to meet the 48-hour deadline 98.8 percent of the time. In the vast majority of cases, 76.8 percent, judges made initial pretrial release decisions within 24 hours, just as they had done in prior years.

One of the guiding philosophies of CJR is that it seeks to detain higher-risk defendants by setting up a system in which release decisions are predicated on a defendant's risk of flight or threat to public safety rather than a defendant's ability to post bail. CJR continues to work effectively in that regard. Since the implementation of CJR, the jail population has consistently seen a higher percentage of inmates charged with the most significant offenses than it did under the cash bail system. A one-day snapshot of New Jersey's jails taken in October 2021 showed more than 69 percent of defendants had been charged with first- or second-degree offenses. Conversely, just 1.1 percent of defendants were charged with or sentenced for disorderly persons offenses as their highest degree charge.

The use of monetary bail, while still an option under CJR, continues to decline. In calendar year 2021, the court ordered just 23 defendants to post monetary bail. The majority (19) 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.

Since Jan. 1, 2017, of 196,083 total eligible defendants, the court has ordered bail on a total of 233 eligible defendants (0.02 percent of cases).

In other key areas, CJR remains a work in progress.

More must be done to improve the racial disparities throughout New Jersey's criminal justice system. New Jersey residents identified as black or African American make up 15.2 percent of the state's population. Yet, black defendants continue to be disproportionately represented at each step in the justice process, from initial arrest to the disproportionate representation of black defendants in the issuance of complaint-warrants (which result in a trip to jail), and ultimately, to the jail population. Some of those disparities widened in 2020.

The percentage of defendants issued complaint-warrants who were black increased from 52.3 percent in 2019 to 54.4 percent in 2020. Black individuals continued to represent 60 percent of the state's jail population. These longstanding inequities extend beyond our courts, which respond to defendants who are brought into the judicial system, and it will require the dedication and cooperation of the entire criminal justice community to make improvements.

In its brief existence, CJR has proven to be an adaptable system operating on a set of basic and unchanging principles: that the pretrial release decision for every defendant should be based on an assessment of an objective set of risk factors; that such assessments should be conducted as quickly as possible; that monetary bail should be used only a last resort; that only those defendants who pose the most serious risk to public safety should be detained pretrial; and finally, that all defendants are entitled to a speedy trial.

As CJR evolves and respond to new challenges, its adaptability combined with its commitment to core values should continue to make it a model for other states to consider.



**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.

In 2021, JEDS was enhanced to make it easier and more accommodating for SRL, attorneys, and internal staff. The ability to include documents/orders along with the filer's payment was added. Probation orders along with approximately 62 new filing types were added to the dockets JEDS already processes. Among the biggest enhancements that were made were the addition of Evidence and Municipal filings.

Additional user experience enhancements were added including adding filing categories to organize the filing types so the user can find them faster as well as a new detail screen to show case processing staff all the information about the filing in a more organized manner. With an eye towards JED's revenue generating side, the entire payment process was enhanced to make the act of paying via credit card, ACH/Checking or JACS more intuitive and easier to successfully complete.

As of December 2021, there have been 690,547 documents filed through JEDS. The total fees collected are \$23,733,928.61.

### **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.

In 2021, the Expungement system was enhanced to allow prosecutors to review the cases included in the petition and autogenerate their response letter via the system. Expungement system was enhanced to allow public defenders to file any type of expungement petition and all other attorneys, and self-represented litigants to file any type of expungement petition including drug court expungements. Public Defenders can view and respond to any petition submitted by self-represented litigants upon an objection by the prosecutor. Party Court History is autogenerated for every expungement petition and can be reviewed by all parties reviewing the expungement petition.

The Marijuana Decriminalization tile was implemented in the Expungement system and access provided to all internal court staff, and the Supreme Court Clerk's Office to print expungement certifications for all cases expunged under marijuana decriminalization.

As of December 31, 2021, there have been 1,693 drug court expungements filed, 49,239 expedited expungements filed, 7,847 regular expungement petitions filed, 2,246 clean-slate expungement petitions filed, 815 marijuana expungement petitions filed, and 49 marijuana decriminalization 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 eFiling. 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 eFiling, 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, eFiling 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.

In 2021, a new type of motion, "Petition for Compassionate Release," was added in eCourts with notifications sent to DOC and State Parole Board. Another new motion, "Joint motion to reduce parole ineligibility term" was also added in eCourts. System enhancements were developed to allow probation officers to file several new non-motion filing types.

Email notification to probation officer/probation supervisor was added to several eCourts Criminal filings.

Changes were performed in eCourts to hide case information for non-case attorneys for marijuana sealed cases. Document security for 5A documents was updated to be viewed by statewide public defender offices other than the county offices. Additionally, a location field was added in eCourts and Promis/Gavel to allow for the scheduling of remote proceedings.

System enhancements were developed to allow access for attorney designee users. Attorneys can authorize certain designee users to access eCourts, eFile and review/submit documents on their behalf. As of December 27, 2021, there have been 2,299,246 filings in Criminal.

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

During 2021, an automated notification process was implemented for both attorneys and SRLs.

### **eCourts Foreclosure: Implemented September 2016**

In September 2016, eCourts Foreclosure replaced the Judiciary Electronic Filing and Imaging System (JEFIS), which was in use since its implementation 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 2021, the Judiciary received 108,896 Foreclosure filings, bringing the total number of electronic filings processed from inception to 1,237,977.

## **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 to the executions 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, 2020, through July 1, 2021, there were 168,802 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, 2020, through July 1, 2021, there were 43,241 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 has been expanded to include eCourts eFiling, auto docketing, case management, and centralized printing functionality.

At the end of 2020, documents associated with LT cases could be submitted electronically to the court, by attorneys or self-represented litigants, *via the Judiciary Electronic Document System (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.

As of September 2021, all documents associated with LT cases can be submitted directly to eCourts by attorneys. The pre-COVID paper LT case processing was completely mechanized in eCourts Civil. Most documents associated with processing LT cases have been mechanized, such as the case information statement and the case management conference documents. Between June 30, 2020, through July 1, 2021, there were 137,566 cases stored in the eCourts landlord tenant case jackets. This includes backloaded cases.

### **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.

In 2021, many of the frequently used documents were mechanized. Templates were created for the notice of settlement and adjournment requests. A new process was also implemented to accommodate name change amended judgments. Since Civil Part/ Law Division was implemented in eCourts, 206,126 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 471,409 documents uploaded to the Probation case jacket from inception through December 2021.

In 2021, eCourts Probation was expanded with additional functionality for Probation Case Management (PCM) and ISP.



- PCM Intake Integration with Criminal and Family was moved to production in January 2021. As a result, the CAPS Intake screens were sunset.
- PCJ, PCM and ISP were enhanced to automatically display an indicator when dispositions are sealed.
- ISP Assessment Report automatically saving to the Probation Case Jacket was implemented in March 2021. Additionally, the assessment report was enhanced to include Community Sponsor and Network Team Member Addendums
- ISP Archive Application was moved to production in September 2021, allowing for the sunset of the old FoxPro Apptack system.
- PCM Client Inquiry and Maintenance was implemented on December 1, 2021.

### **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.

In 2021, PSA was enhanced to exclude decriminalized marijuana charges from the risk factors. PSA recommendation language was enhanced for attempt charges. PSA recommendation hierarchy was also updated for NRR (No Release Recommended) charges.



Additionally in 2021, all pretrial systems such as Order Module, PSP, PTM and Speedy Trial were enhanced to handle cases sealed per marijuana sealing legislation. PTM and Interview 5A systems were enhanced to record standardized race and ethnicity data for defendants. PTM was also enhanced to record information related to monitored defendants that are ordered home detention. Speedy Trial system was enhanced to show post indictment timers when prosecutor ready date is entered in the system. Excludable time orders were automatically generated for all speedy trial cases per the Omnibus orders issued for COVID-19.

### **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 Live Scan 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 Live Scan 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. The numbers below reflect 2021 updates as well as new initiatives implemented in 2021.

- 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. Over 28,500 tickets have been resolved to date through case resolution. The 28,500 includes over 3600 requests submitted via the defendants' attorneys.
- Municipal courts introduced electronic reminders to defendants for both traffic and criminal cases. Over 4000 reminders are sent via email and/or phone on average daily to defendants. From 12/20 through 12/21 the municipal reminder module has sent over 1.8 million reminders.
- In Feb. 2021 eMACS Calendar was enhanced to allow court users to send an email to the defendant and the involved person(s) regarding their court appearance in real time. Over 6000 alerts are sent monthly.

- In August 2021 Municipal e-filing was implemented for defendants and attorneys to electronically submit documents and record requests to Municipal Courts. Over 4800 documents have been electronically filed to date.
- There was continued expansion of the e-ticketing systems. Currently, 400 agencies are engaged in the e-ticketing program, significantly reducing the need for data entry of manual tickets.
- The e-Summons system was piloted in 2020. At present, has been rolled out to 102 agencies, with continued expansion planned throughout 2022. e-Summons allows for additional reduction for data entry in the courts.

### **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.

In August of 2021, the Title 30 – Admission or Summary Finding order was added to eCourts for FN cases to facilitate the dynamic creation of the order based on the data entered by the DCP&P and the AG's office. As of December 31st, 2021, there have been 1,580 Title-30 orders filed.

### **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 (FJ) was rolled out to all law enforcement agencies and judiciary staff in January 2021. During the year, there were multiple enhancements to the process that included advance searches for parties, improvements to the risk screening (RST) tool and the ability for staff to upload additional documents to the FJ case jacket. An ethnicity field was added in December, requiring law enforcement officers to provide that data along with a juvenile's race when filing a complaint.

Additional enhancements include, hiding sealed Marijuana cases from eCourts display, and allowing law enforcement officers to add related cases when submitting a complaint.

From January to December 2021, there have been 5,513 FJ complaints filed

### **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.

### **Evidence Submission and Workbasket: Implemented June 2021**

As a result of the COVID-19 pandemic and subsequent closing of judicial buildings and offices, virtual court hearings were introduced within the NJ Courts. The Evidence Submission and Workbasket enterprise application was developed to allow attorneys and self-represented litigants to submit trial evidence files to the courts. Piloted in a few counties within Civil, Special Civil Part, and General/Equity Chancery beginning June 2021, the application was available for these courts statewide by the end of August 2021.

Family Division was implemented October 2021 through January 2021 for all counties and dockets, except for FV and FD. Since the July implementation, there has been trial evidence submitted on approximately 890 cases statewide. The next implementation is schedule for the Criminal Division between February 2021 and April 2021, with multiple counties being added in each month. The juror access enhancement was introduced November 2021 for usage by Civil and Criminal Divisions. This will provide remote access to empaneled jurors of files ‘Admitted into Evidence’.

**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/sites/default/files/psariskfactor.pdf>.



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