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Judiciary Releases Annual Criminal Justice Reform Report

Statistical Comparison to Monetary Bail System Shows Recidivism and Court Appearance Rates Remain Stable

As New Jersey's jail population continues to decline, a report released today by the Administrative Office of the Courts shows that Criminal Justice Reform defendants are no more likely to commit a new offense or fail to show up for a court appearance than defendants released under the prior system of monetary bail.

The Judiciary's Annual Report on Criminal Justice Reform concluded that New Jersey's jail population now consists largely of defendants accused of violent crimes or other serious offenses. At the same time, defendants who pose little risk of committing another crime or fleeing from justice - but cannot afford bail - are no longer spending weeks and months in jail while presumed innocent, according to the report.

"New Jersey's criminal justice system has begun to remove inequities created by the heavy reliance on monetary bail," said Chief Justice Stuart Rabner. "The annual report reveals that Criminal Justice Reform has reduced the unnecessary detention of low-risk defendants, ensured community safety, upheld constitutional principles, and preserved the integrity of the criminal justice system."

The Annual Report begins with a research project that provides, for the first time, a statistical comparison between CJR in 2017 and the monetary bail system in 2014. It also includes a study that compares the jail population on a single day, Oct. 3, in both 2012 and 2018.

Public Safety

Among other performance measurements, the research project compared the recidivism and court appearance rates for both CJR defendants and defendants subject to the previous system that relied heavily on monetary bail. It found the following:

- Defendants were charged with indictable crimes while on pretrial release at virtually the same rate under both systems. In 2014, 12.7 percent of defendants were charged with an indictable offense while on pretrial release; in 2017, the percentage increased slightly to 13.7 percent.
- The percentage of defendants charged with new disorderly persons offenses increased less than 2 percent, from 11.5 percent in 2014 to 13.2 percent in 2017.

Court appearance rates were high under both systems. On average, defendants showed up for 92.7 percent of pretrial court appearances in 2014 and 89.4 percent of court appearances in 2017. The study tracked defendants over a 22-month period, or until final disposition. It found cases were being completed in the same amount of time under both systems, demonstrating that, even if defendants missed a court appearance, they were not more likely to flee under CJR.

Comparing 2018 to 2012, the jail population study showed that there were thousands fewer defendants in jail under CJR, with the highest-risk defendants detained. Specifically, the study found the following:

- On Oct. 3, 2018, 47 percent of the jail population consisted of people charged with at least one violent offense, compared to 35 percent on the same day in 2012.
- Nearly 75 percent of the 2018 jail population consisted of defendants charged with serious offenses.

The use of bail is now largely relegated to defendants who fail to appear in court or otherwise violate the conditions of pretrial release set by a judge, according to the report. In all of 2018, only 102 defendants – out of a total of 44,383 – were ordered by courts to post bail. In 90 of those cases, judges ordered bail for violations of pretrial monitoring, such as a failure to appear in court.

“New Jersey’s jail population looks very different today than it did when the idea of reforming the state’s criminal justice system first took hold,” said Judge Glenn A. Grant, acting administrative director of the courts. “The state’s jails now largely include those defendants who present a significant risk of flight or danger to the community. Low-risk defendants who lack the financial resources to post bail are now released back into the community without having to suffer the spiraling, life-changing consequences of being detained for weeks and months while presumed innocent.”

Lower Jail Population

The jail population study showed 6,000 fewer people incarcerated under CJR on Oct. 3, 2018 compared to the same day in 2012. That included approximately 3,000 fewer black defendants, 1,500 fewer white defendants, and 1,300 fewer Hispanic defendants.

The report also shed light on some of the driving factors contributing to that decline. Among them:

- Early screening by prosecutors and the ready availability of objective information about a defendant’s criminal history and record of court appearances have led to a substantially larger number of lower-risk defendants - 71 percent in 2017 compared to 54 percent in 2014 - being released on summonses without first being sent to jail.
- The vast majority of defendants arrested on warrants were released within 24 to 48 hours under CJR.
- Defendants sent to jail were incarcerated for substantially less time under CJR. For comparable periods, the average amount of time defendants spent from commitment until pretrial release decreased approximately 40 percent, from 62.4 days in 2014 to 37.2 days in 2017.

The decrease in jail population has led to reductions in all demographic categories. For example, the average time in jail was reduced by 10.3 days for black defendants and 5.2 days for white defendants. However, the racial and ethnic makeup within the jail population has remained largely the same. Black defendants, for example, continue to represent 54 percent of the jail population.

Next Steps

The Annual Report also identifies areas for improvement, particularly in assessing the risk of domestic violence, notifying defendants charged with disorderly persons offenses about upcoming court dates, and securing additional resources to provide those on pretrial release with greater access to services.

In addition, the Judiciary will examine the effect of CJR on racial disparity in the criminal justice system to ensure that all defendants are treated equally.

The report also makes clear that the Pretrial Services Program faces an impending funding crisis because CJR operations continue to be funded through annual court filing fees. Without a permanent funding source, the Pretrial Services Program will reach an overall negative balance by late fiscal year 2020 or early fiscal year 2021.

“An initiative of CJR’s magnitude and importance deserves a reliable, sustainable source of funding to continue to fulfill its mission fully and properly,” Judge Grant said. “We must continue our efforts to create and maintain the best possible criminal justice system for New Jersey and remain a model for the nation to follow.”

The full report can be found at njcourts.gov.

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