

Senate Budget and Appropriations Committee  
FY 2007 Budget Hearings

**The Judiciary**

April 11, 2007

Hon. Philip S. Carchman, Acting Administrative Director

Chairman Kenny and members of the committee, thank you for providing this time to hear about the work of the Judiciary. With me today are Bergen Vicinage Assignment Judge Sybil Moses; Monmouth Vicinage Assignment Judge Lawrence Lawson; Burlington Vicinage Assignment Judge John Sweeney; Cumberland, Gloucester and Salem Vicinage Assignment Judge Georgia Curio; and Deputy Administrative Director Theodore Fetter.

The judiciary's constitutional mandate is to resolve disputes justly and timely. I come before you today to describe for you how the Judiciary is working to fulfill its mandate and provide justice in ways that may be outside the customary image of how the courts work. We utilize technology; advances in social and behavioral health sciences; and the most up-to-date models of how to address some of our society's most intractable problems. We operate with sound management principles and fiscal prudence for the benefit of litigants and our community at large.

**DRUG COURTS**

It is a true public service when saving money and saving lives intersect in a program that is working and has the track record to prove it. Thanks to legislative and executive branch support, drug courts operate in every one of our counties, making us the first state with a population of more than 1 million to establish an adult drug court program in every county in the state. Last year we celebrated 10 years of drug courts in New Jersey, five years in the pilot stage and five years in expansion. Lives have been changed and money has been well-spent and here are some numbers to illustrate the significant impact of drug court:

- More than 6,700 non-violent drug addicted adult offenders have been sentenced to drug court, rather than incarcerated.
- The state saves between \$14,938 and \$38,871 for each person diverted from state prison into drug court.
- Ninety-three percent of all drug court graduates are employed at graduation. Only 27 percent were employed when they entered drug court.
- To date, graduates have paid a total of \$794,079 in court assessed fees, fines and penalties while they were in the program.

- 78 babies have been born drug-free from previously addicted mothers. Nationally, the cost of medical care to treat infant addiction is estimated at a minimum of \$250,000 per child. That works out to a possible savings of \$19.5 million for New Jersey.
- The lives of 773 minor children have been improved by their parent's sobriety and successful completion of the drug court program.
- Seven percent of drug court graduates were convicted of a new crime within three years of graduation. That compares to 43 percent reconviction of drug offenders who were released from prison.
- Let's add that up: within the next four years, the long-term savings to the state will reach more than \$80 million for graduates and current enrollees.

These are big numbers, and we must take them seriously. The drug courts can and should be expanded to divert more non-violent drug offenders away from incarceration and into treatment, but it takes money. It is difficult in a tight budget to suggest that a program should grow, but the cost savings to the state as well as the cost benefits to society indicate that drugs courts meet the goal of using taxpayer dollars in the most humane, efficient and effective manner possible.

## **JUVENILE DETENTION ALTERNATIVE INITIATIVE**

Through a collaborative effort of the Juvenile Justice Commission, the Judiciary, the Department of Children and Families, county officials and others, we have made significant improvements in addressing both racial disparity and length of stay in juvenile detention facilities for youth who are awaiting disposition of their cases. The Juvenile Detention Alternative Initiative program has operated in five counties since 2004: Atlantic, Camden, Essex, Hudson and Monmouth. Implementation is planned in five additional counties: Bergen, Burlington, Mercer, Ocean and Union.

JDAI works because it is comprehensive and systemic. It reduces the number of juveniles going into detention by finding alternative placements. It shortens the length of a juvenile's stay in detention by ensuring a prompt courtroom appearance by the juvenile, followed by a timely adjudication. Juveniles are moved out of detention quickly by ensuring that their dispositional placement is implemented as quickly as possible after adjudication.

We already have seen positive results and accomplishments as a result of this initiative. Through the leadership of court, JJC and county administration, the steering committees and their sub-committees in the five sites, collectively across JDAI sites, on any given day in 2006 there were 215 fewer youth in these counties' detention centers than in 2003. Youth of color account for 93 percent of this reduction with 199 fewer youth of color in secure detention on any given day. Disparity in length of stay also has been reduced so that across JDAI sites, minority youth no longer remain in detention an

average of twice as long as white youth. The average daily population in detention in the five counties has gone from 499 in 2003 to 284 in 2006.

## **CHILDREN IN COURT**

Although the 2006 modified settlement agreement with Children's Rights, Inc. does not specifically address the courts, be assured that the Administrative Office of the Courts and the Children-in-Court Improvement Committee (CICIC) continue to work with the Department of Children and Families on issues critical to child welfare reform. We have been using of video-teleconferencing technology in five Children-in-Court courtrooms so that attorneys, experts and caseworkers do not spend unnecessary time in court waiting for cases to be heard. We will soon evaluate its effectiveness.

And on behalf of children, we let no opportunity for additional resources escape us. We have applied for federal grants from the Administration for Children and Families to enhance court services. Proposed projects include expansion of the Court Appointed Special Advocate Program (CASA) to Ocean, Middlesex, Burlington and Passaic Counties; expansion of the child welfare mediation program; training programs for judges, attorneys, and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors; improved data collection and analysis, to help ensure that foster children's needs for safety, permanency and well-being are met in a timely and complete manner; cross-training for all entities involved in DYFS litigation cases on the medical issues of children in placement; and training on the rights of children with disabilities in foster care to receive appropriate developmental and educational services.

Our commitment to children and families who come to our courts when they are at their most vulnerable has not diminished and will not waiver.

We have seen the success of adult drug courts and have begun to apply those principals to families who have been ravaged by addictions and whose children have had to be removed from their homes. In small pilot programs in Morris, Sussex and Essex Counties, teams work with the goal to reunite families within one year and to provide additional monitoring after the family is reunited. We will be reporting back to you as this program gains some experience and we evaluate the efficacy of the drug court model for troubled families.

And in two weeks, together with the Division of Youth and Family Services, we are hosting a conference on the dangerous conditions in homes where both child abuse and domestic violence occurs. Chief Justice Zazzali will address an assembly of social workers, health care professionals, court personnel and others who are determined to protect the children caught in these potentially deadly circumstances.

## **MUNICIPAL COURT**

Of the 7 million cases filed in New Jersey's courts every year, 6 million are municipal court cases. Ninety percent of litigants in New Jersey see only the municipal courts. That is a staggering statistic. With the help of the Legislature, we have transformed the way municipal courts do business and more improvements are on the way. It has been 10 years since all 531 of the state's municipal courts became part of our automated systems to track traffic, criminal and ordinance violations. The on-going operating costs of supporting the statewide municipal court computer system are fully financed by offenders – not general revenue and at no cost to municipalities. We knew it was important, but I don't think any of us anticipated the full impact of the benefits this unified electronic system would yield in such a relatively short time.

Allow me to take just a moment to outline some of the most significant innovations we have provided.

Drivers can log on to the Judiciary's Web site to look up and pay their tickets online using NJMCDirect. They can view up-to-date information about their traffic tickets, including scheduled court date, violation information, payable amount, location and date of offense. When they pay their fines online, the system electronically updates the courts records in real time. More than 90,000 tickets are processed every month through NJMCDirect. Since the program began in January 2002, more than 3 million tickets with \$150 million in fines and penalties have been processed on the Web site. The efficiencies provided to municipal governments through electronic processing and payment of tickets are the most significant since the statewide computer system was first installed.

And we're not finished yet.

As we sit here today, staff in our municipal and IT divisions are placing enhanced services on the Web, including direction links to each municipal court; the ability to enter not-guilty pleas with electronic noticing; the ability to pay installment orders and non-traffic related complaints, and more. From the first day we flipped the switch on NJMCDirect, the system has been a win-win for everyone-- from municipal court staff who have been relieved of ministerial duties, to the litigants who, while not happy about the ticket, are often pleasantly surprised we've made it so easy for them to resolve it and move on.

Another critical innovation in the municipal court automated system helps law enforcement officers prepare complaints and share information about criminal complaints almost instantaneously; and helps both law enforcement officers and court personnel eliminate paperwork. Started in January 2006, the E-CDR, or criminal complaint system, is a statewide electronic system that is accessible to all of the state's law enforcement agencies through the Internet. The system provides officers with a Web-based form to enter criminal complaint information and print summonses and warrants, and updates municipal court records in real time when the complaint is entered.

As of last month, 386 of the state's police departments were actively participating and filing complaints through the E-CDR system and the number will continue to grow. We are currently implementing the system in all New Jersey State Police stations and have trained personnel in 23 of 28 stations.

These electronic innovations allow some citizens to do business with the courts from remote locations. Our success in the municipal courts has been invaluable in developing our plans for future applications of these programs throughout the Judiciary.

## **COURT SECURITY**

For the millions of litigants, judges and staff who are in our courthouse each year, Superior Courts and municipal courts, we must be ever mindful of the need for appropriate security measures. Last year, we addressed security in the Superior Courts. This year we addressed the issue in the municipal courts. Despite early concerns about increased costs, municipal officials have generally responded positively to our call for municipal court security plans. In fact, in many towns and cities across the state where security lapses were identified during the planning process, changes already have been made.

A recent NJN report featured court visitors going through a new weapons screening device and expressing their thanks for the added feeling of personal safety. This is good news for our citizens, and a tribute to the responsibility of municipal officials who demonstrate concern for their residents.

## **BACKLOG**

Every year since 2001, you have heard about the extraordinary success of the New Jersey Judiciary reducing the number of cases waiting too long for resolution. I am proud to tell you that the Winter 2007 edition of *The Judges' Journal*, a quarterly publication of the American Bar Association, featured an article entitled "Backlog Performance Measurement – A Success Story in New Jersey." We are credited with discovering the "one thing" that proved successful as a measure to improve trial court performance statewide. Court administrators across the country are asking rhetorically, "What can the rest of us learn from this New Jersey example?"

We continue to focus on backlog as one of our key indicators of the success of judicial management. We recognize that backlog trends may vary from year to year due to a number of factors. Increased filings, extraordinarily lengthy trials and judicial vacancies all have an impact. Be assured, we are proud of our efforts and will continue to closely monitor our backlog.

My answer to the rhetorical question posed in the article, "What can the nation learn from the New Jersey" is this: a great deal. New Jersey is the finest state Judiciary in

the United States. We stand as a national leader in jurisprudence, court administration and innovation. I have outlined but a few of those accomplishments here today.

I am prepared to answer your questions.