

## Discussion Points

1. The Governor's budget incorporates an estimated \$5.183 billion over two fiscal years in federal stimulus funding provided by the American Recovery and Reinvestment Act (ARRA) of 2009. According to a table on page 42 of the Governor's abbreviated budget, the State will use \$3.074 billion (\$854 million in FY 2009 and \$2.220 billion in FY 2010) from ARRA for budget relief. In addition to these funds which will offset revenue shortfalls, \$2.109 billion will be used for new or expanded programs or initiatives. The ARRA allocates funds to states both by formula and by competitive awards. Most executive departments anticipate stimulus funding in either FY 2009, FY 2010 or both.

- **Question:** Please itemize the federal stimulus funding, other than portions of the \$3.074 billion allocated for budget relief, included in the Judiciary's budget, by fiscal year and federal program, setting forth program goals and eligible uses together with the amount for state administrative expenses and the amount for allocation to local public and private recipients, respectively. Please identify intended and actual recipients and the process by which the Judiciary determines recipients and funding awards. Are there ARRA funds that flow through the Judiciary for which the State has no discretion? Please also set forth the timetable for obtaining federal approval of funding, obligation and allocation of funding to recipients, and use by recipients. Could any of this funding be used to offset other State appropriations, and if so, what programs and in what amount? What additional positions, if any, have been and will be hired with these funds? If this money is being used for new or expanded activities, will the new or expanded activities be continued in FY 2011? If so, how will they be funded?
- **Question:** In addition to funding incorporated in the FY 2010 budget, what specific competitive grant opportunities has the Judiciary identified that it is eligible to pursue, has applied for, and has been awarded, respectively?

### Response

Please itemize the federal stimulus funding, if any, other than portions of the \$3.074 billion allocated for budget relief, included in the department's budget, by fiscal year and federal program, setting forth program goals and eligible uses together with the amount for state administrative expenses and the amount for allocation to local public and private recipients, respectively.

The governor's recommended budget does not provide federal stimulus funding to the Judiciary. The Judiciary has been working with the Attorney General's Office, which is the state administering agency responsible for distributing approximately \$48 million of stimulus money as it relates to criminal justice programs.

The Judiciary submitted numerous proposals totaling \$10,878,729 to the Attorney General's Office for consideration. These proposals are for Judiciary specific projects that will not add administrative expense and will not be allocated to local public or private recipients.

**Please identify intended and actual recipients and the process by which the department determines recipients and funding awards?**

- If the Judiciary receives funding for the above projects, the Judiciary division that proposed the project will be responsible for administering the project. The Judiciary does not plan to sub-grant any of the award money from the above prioritized projects.

## Discussion Points (Cont'd)

**Are there ARRA funds that flow through your department for which the State has no discretion?**

- We have not been informed that there will be any recovery funds flowing directly to/through the Judiciary.

**Please set forth a timetable for obtaining federal approval of funding, obligation and allocation of funding to recipients and use by recipients:**

- The Attorney General's Office has advised that some projects funded with federal stimulus dollars will have a start date of July 1, 2009, while others will have a start date of Oct.1, 2009. They did not indicate how the start dates will be determined.

**Could any of this funding be used to offset other State appropriations, and if so, what programs and in what amount?**

- No. If the Judiciary receives funding for any of the above projects, the funding will be dedicated to that project. None of the above proposed projects have been included within the current Judiciary state allocation.

**What additional positions, if any, have been and will be hired with these funds?**

- The Judiciary does not anticipate hiring additional staff with the federal stimulus funding.

**If this money is being used for new or expanded activities, will the new or expanded activities be continued in FY2011? If so, how will they be funded?**

- The proposals presented to the Attorney General's Office were one-time projects that, if funded, will address many of the system interface needs of the Judiciary. Once an interface is properly addressed, there should not be a need to seek additional funding for such projects.
- One project that would need to be continually funded, whether federally or at the state level, would be the Drug Testing Project. In order to better monitor clients, the tools need to be accurate, precise and administered on a timely basis.
- **Question:** In addition to funding incorporated in the FY 2010 budget, what specific competitive grant opportunities has the department identified that it is eligible to pursue, has applied for, and has been awarded, respectively?
  - The Judiciary continues to seek grant opportunities that will provide funds that support justice related projects.
  - In relation to the Recovery Act, we are looking closely at the Edward Byrne Memorial Justice Assistance Grant Program (JAG) competitive opportunity because it seems to represent the most logical choice in providing justice-related funds.

2. Over the past several years, the overall staffing level in State government has been reduced through restrictions on hiring and an early retirement program. The FY 2010 budget proposal envisions continuation of the hiring restrictions coupled with possible furloughs or further reductions in positions.

## Discussion Points (Cont'd)

- **Question:** How has the reduction in staffing affected the Judiciary? What strategies has the Judiciary employed to deal with staff reductions? What projects, work products or functions has the Judiciary discontinued or deferred because of staffing levels? Will the Judiciary be able to accommodate furloughs in FY 2010 without increasing spending for overtime?

### Response

The Judiciary sees reduced staffing as the primary mechanism to achieve the \$52 million budget savings required in FY 2010. We have absorbed staff reductions through modification of staffing targets and are currently reviewing cost-saving proposals, which include the deferral of various IT Strategic Plan projects. The Judiciary uses divisional staffing models to align staffing to caseload and other workload factors.

3. The FY 2009 appropriations act anticipated that \$25 million in procurement savings would be achieved. A chart on page 75 of the Budget in Brief categorizes those savings and indicates they will continue into FY 2010. The FY 2010 budget includes another \$25 million from procurement savings (Budget in Brief, Appendix I, page 8).

- **Question:** Please indicate the FY 2009 amount of procurement savings achieved by the Judiciary, by the categories set forth in the referenced table, and the sources of those savings by department program? What is the annual amount of these savings as continued into FY 2010? How have these reductions affected the Judiciary? What projects, work products or functions has the department discontinued or deferred in order to achieve these savings?

### Response

In FY 2009, the Judiciary accepted \$33.75 million in budget reductions. We are managing this reduction through decreased staffing levels and various operating expense reduction activities. The Judicial Branch was not included in the FY 2009, \$25 million procurement efficiencies table referenced in question #3.

The Governor's FY 2010 budget requires \$52 million in reductions to Judiciary appropriations. Please refer to the response to question #2.

4. In FY 2005 the Judiciary expanded the drug court program to all 15 vicinages. Since then drug court funding has increased based on their success in diverting offenders from jail and obtaining treatment services. Drug courts provide for intensive, court supervised substance abuse treatment for certain non-violent, addicted offenders.

- **Question:** Please describe the current status of the Drug Court program and appropriate evaluative data. Does the State fund the cost of all drug court treatment for program participants? Does the State attempt to recoup costs from participants who have medical insurance? How much does the State recoup? If the State does collect from participant insurance companies, how much is collected? If not, what are the potential collections?

### Response

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The courts have enrolled more than 7,300 participants into the program since the Drug Courts were initially state funded in 2002. After seven years of operation, 61 percent of those admitted have either successfully graduated or are still in the program in good standing. The last recidivism study conducted in February revealed that the rate of re-arrest for program graduates remains low at 15 percent. The current rate of re-conviction was 6 percent, and of that group, only half, or 3 percent, were sentenced to a state prison term as a result of a new indictable conviction. National research suggests that two of the elements that are responsible for the success of the New Jersey Drug Courts are the length of time participants are in treatment and the intensive court supervision. Both are major features of the New Jersey program. In addition, by reducing costs associated with incarceration, the Drug Court Program has resulted in a net savings of \$19.5 million to the state during fiscal year 2009.

The Judiciary is appropriated \$29.163 million for treatment programs related to this program. As the Administrative Office of the Courts transfers these Drug Court treatment funds to the Division of Addiction Services in the Department of Human Services (DHS) for the procurement of services under a "Cooperative Agreement," any treatment, recoupment, insurance or collection related questions may be better answered by staff at DHS.

5. In response to the Governor's Government Efficiency and Reform (GEAR) Commission's recommendations, the FY 2009 budget and the FY 2010 Budget recommendation include increases in the Drug Court and Intensive Supervision Programs. These programs operate as alternative to incarcerating non-violent offenders in the overpopulated State prison system, reserving more costly prison bed spaces for violent offenders.

- **Question:** Please describe the impact of these program expansions, and the capacity of these programs to further expand.

### Response

#### Impact of the Drug Court Expansion

The statutory changes to N.J.S.A. 2C:35-14, which became effective on Aug. 1, 2009, has resulted in additional applications and admissions to the Drug Court of otherwise prison-bound offenders. The Drug Courts are projected to meet expansion goals by the end of FY 2009. When fully annualized, the Drug Courts are projected to increase their admission rate by one-third to approximately 1,600 new admissions per fiscal year. Beyond the operational costs of further expansion, additional annual admissions to the Drug Courts would require a concurrent expansion in the treatment infrastructure in regard to long and short term residential and half-way house programs. The expansion of the Drug Court program has resulted in a net savings of \$1.1 million to the state during FY 2009.

#### Impact of the ISP Expansion

The Intensive Supervision Program (ISP) has reduced the prison population by an additional 200 inmates since July 1, 2008. ISP reached the expansion goal of 1,425 participants on March 4, 2009.

The repeal of 2C:43-11a (4) has allowed ISP to consider previous graduates and violators program eligibility on subsequent convictions. ISP has admitted seven prior ISP participants since July 1, 2008.

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The expansion included funding for additional treatment, which has contributed to increased admissions to the ISP. More than 30 additional instances of residential treatment occurred since July 1, 2008. Additional treatment funding has also provided an alternative to violation and return to prison for those who stumble with addiction in the course of supervision. ISP has saved approximately 20 participants from violation with the use of expansion treatment funds.

In order to sustain the goal of 1,425 participants, it is necessary that ISP hire seven ISP officers and two community development specialists by July 2009, as indicated in the expansion proposal.

The success of ISP in reducing incarceration costs to the state has been repeatedly confirmed during the program's 26-year history.

ISP can expand the caseload by an additional 200 cases, from 1,425 to 1,625 participants, within 24 months of receiving an additional \$4 million. ISP is a statewide program, which operates out of six field offices distributed throughout the state. As such, any program expansion would be statewide.

To achieve the goal of 1,625 participants, the program will continue to review applicants who will most likely reflect individuals with greater substance abuse needs and more serious physical and psychological problems than our previous applicant pool. Additional funding for treatment will be necessary. As seen in previous expansions, ISP has been able to reach and maintain caseload goals without change to its recidivism rates, the percentage of the population returned to prison, or compromising community safety.

ISP provides cost savings to the state by reducing the number of inmates in state prison, providing additional beds for more violent criminals and reducing the cost of building and maintaining additional prisons. ISP participants work full-time, pay taxes, child support, fines, fees, and restitution. Participants receive necessary treatment and learn how to maintain a law-abiding lifestyle. Families of participants benefit from increased earnings and improved stability. Additionally, non-profit organizations benefit from the community service performed by ISP participants.

6. Several bills have been introduced into the Legislature creating mental health courts. Mental health courts are similar to drug courts, but are structured to divert non-violent mentally ill offenders to treatment rather than to jail.

- **Question:** Please comment on the Judiciary's position on the implementation of mental health courts. Does the Judiciary have any data concerning potential savings to be generated by diverting non-violent offenders to mental health court?

### Response

Unlike the universal acceptance of Drug Courts as a means of breaking the cycle of drug-related crime for substance abusing offenders, "mental health courts" have not clearly illustrated that they are the most effective and efficient method of intervening in the lives of individuals with a primary diagnosis of mental illness who come into contact with the criminal justice system. The Judiciary has taken a careful, evidence-based approach to reviewing the efficacy of establishing mental health courts. Significant evidence exists that other models that are more focused on crisis intervention at the point of arrest may be more effective. In addition, New Jersey Drug Court teams report that participants in their program with severe and persistent

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mental illness often are not able to thrive in a judicially driven program based on a “community” of offenders who share their struggles in open court.

The New Jersey Drug Courts are continually seeking ways to adequately address the needs of substance abusers with co-occurring mental health disorders. In FY 2009, for the first time, a portion of the treatment funding was dedicated to providing services for the participant with co-occurring substance abuse and mental health disorders. The Division of Addiction Services, in the Department of Human Services released an RFP and subsequently established a co-occurring treatment network among existing providers to enhance their ability to treat offenders with both substance abuse and mental health disorders. Additionally, the Drug Courts have focused on more effective screening and assessment procedures so that an offender applying to Drug Court can be referred to the appropriate program and services upon admission. The goal was to better serve the co-occurring population and assist offenders who might otherwise be prohibited from participating in Drug Court due to a psychiatric diagnosis or who would abscond or terminate early from the Drug Court because their treatment needs were not being met. This co-occurring treatment network is focused on both increasing and enhancing participation and successful completion of the Drug Court program.

Other avenues are being explored that focus on the mentally ill criminal offender. Several vicinages have developed specialized “mental health” caseloads for offenders unsuitable for Drug Court but who suffer from a persistent mental illness and require monitoring and supervision by a specially trained probation officer. These caseloads are available in five counties. In addition, probation services is working on a comprehensive training program for all probation officers on how to deal with offenders with co-occurring mental health disorders to improve the quality of supervision for these offenders.

7. The Judiciary has recently implemented a Veteran’s Assistance Project in Atlantic and Union Counties. The Veterans Assistance Project is a combined effort of the Judiciary, the New Jersey Department of Military and Veterans Affairs, and the New Jersey Department of Human Services, Division of Mental Health Services, to provide referrals to existing community services as well as mentors for veterans.

- **Question:** Please provide a description of the project, including its goals, potential costs and savings, and potential for expansion Statewide.

### Response

#### Background

Veterans often self-medicate to address the stresses of returning to civilian life. The U.S. Department of Veterans Affairs (VA) has identified substance use disorders as one of the three most common diagnoses. The January 2008 National Survey on Drug Use and Health (NSDUH) found that approximately one out of six veterans from Operations Enduring and Iraqi Freedom have a substance use disorder. A Rand Corp. study found that 19 percent of the veterans who returned from Iraq and Afghanistan, roughly 300,000 people, reported symptoms of post-traumatic stress disorder or major depression.

#### New Jersey Program

The New Jersey Veterans Assistance Project (VAP) is a combined effort of the Judiciary, the New Jersey Department of Military and Veterans Affairs, and the New Jersey Department of Human Services, Division of Mental Health Services, to connect service members who come

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into contact with the courts and who need help with existing community services as well as mentors to address those issues.

The program is geared toward identifying veterans who have come into contact with the courts and referring them for available services, not diverting veterans from the courts. Veterans who are charged with indictable and non-indictable offenses, other than minor traffic matters, as well as veterans who are on probation, are eligible to participate in the program.

The VAP began in December 2008 as a pilot program in the Municipal Courts and Superior Court (Criminal Division) in Atlantic and Union counties. The pilot will run through May 2009. This initiative identifies veterans as soon as possible after they enter the court system, and refers them to their local Veterans Service Office (VSO). The local VSO attempts to contact the veteran. If contact is made, the VSO assesses the veterans need and, when needed, provides referrals to community resources to address the unique services required by veterans. Those services could include substance use/abuse treatment, mental health counseling and securing veterans' benefits. The program also contains a mentoring component. The local VSO, during the assessment process, will determine whether the service member could benefit from assignment of a mentor. If so, one will be assigned. By connecting criminal justice involved veterans with these services, it is the goal of this initiative that they will not repeat the behaviors that lead to their criminal justice involvement.

### Potential Costs and Savings

The program acts as a referral service to existing resources. Given that existing resources are used the costs of referral to the Judiciary are minimal. No additional costs are anticipated.

### Potential for Expansion Statewide

The program is currently being piloted in two counties. That pilot is scheduled to be evaluated later this spring and additional expansion will be considered at that time.

8. According to the Administrative Office of the Courts, the Chief Justice has formed a Committee to make recommendations to the Judiciary regarding the subject of E-Filing.

- **Question: Please describe the scope and status of that initiative and the time frame for a report to the Chief Justice.**

### Response

The Supreme Court Special Committee on Electronic Filing is charged to examine all of the Judiciary's case filing and case processing systems to identify the best way to achieve comprehensive electronic and paperless case processing in every Judiciary case type in the shortest possible time period. This initiative has been given high priority so that the work of developing new e-filing systems can begin promptly. The Special Committee will address issues that include alternative technology options, potential impact on court rules and operations, initial and ongoing costs, and suggested implementation approaches. The Special Committee will report its findings and recommendations in June 2009.

9. In March, 2008, the City of Camden was given approval to participate in the US Marshal's Service Fugitive Safe Surrender program. The program encourages persons with outstanding warrants to come out of hiding and surrender at a church as a safe haven with the assurance of receiving favorable consideration from the criminal justice system. The program

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was designed to address the problem of outstanding warrants in both the Municipal and Superior Courts.

- **Question:** Please describe the program, its status and the potential for expansion to other counties. What would be the cost of expanding the program Statewide?

### Response

Fugitive Safe Surrender is a U.S. Marshals Service program authorized by Congress as part of the Adam Walsh Child Protection and Safety Act of 2006. The U.S. Marshals Service Web site describes the program as follows:

Fugitive Safe Surrender is a unique, creative, and highly successful initiative that encourages persons wanted for non-violent felony or misdemeanor crimes to voluntarily surrender to the law in a faith-based or other neutral setting.

Managed by the U.S. Marshals Service as a community re-entry program for wanted non-violent offenders, Fugitive Safe Surrender offers individuals with felony and misdemeanor warrants the ability to turn themselves in to law enforcement and have their cases adjudicated in a safe and non-violent environment.

The goal of Fugitive Safe Surrender is to reduce the risk to law enforcement officers who pursue fugitives, to the neighborhoods in which they hide, and to the fugitives themselves.

The Fugitive Safe Surrender Program is an executive branch program. The Judiciary's role is to provide access to court personnel and judges to assist in the disposition of matters that have resulted in warrants.

The Fugitive Safe Surrender program was held in Camden on Nov. 19 to Nov. 22, 2008. Camden was the 12th U.S. city in which the program was held. The previous cities were Akron, Ohio; Cleveland; Columbia, S.C. Detroit; Indianapolis; Memphis; Nashville; Philadelphia; Phoenix; Rochester, N.Y. and Washington, D.C. In Camden, the program took several months of intensive planning and the support of more than 30 faith-based organizations and dozens of state and social service agencies. The U.S. Marshals Service ran the program in conjunction with the Camden Police Department, the New Jersey State Parole Board and the Antioch Baptist Church in Camden. A temporary court facility was established in a nearby building to efficiently accommodate the anticipated court sessions. The program was advertised fairly heavily locally and was billed as a "one time only" program. Fugitives were instructed to report to Antioch Baptist Church and were told that they would receive "favorable consideration" for turning themselves in. Once an initial screening was processed, the fugitives were instructed to appear at the temporary court facility.

A total of 2,245 fugitives surrendered over the four-day period – more than every previous Fugitive Safe Surrender city except Detroit, which has a population ten times greater than Camden's. The turnout was much larger than anticipated, and many fugitives were given vouchers noting that they had surrendered voluntarily and peacefully and asked to return to court at a later date. Those fugitives were processed in a second stage of the program held on Dec. 2 to Dec. 11, 2008. Approximately 80 percent of the fugitives came from Camden County, while others came from other counties and states. Roughly 97 percent of the cases processed involved municipal court warrants. Four judges heard the cases, and Public Defenders were

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also on hand to represent the fugitives. Almost everyone was allowed to return home without being arrested, and many minor charges were dropped.

It is estimated that the Camden Fugitive Safe Surrender program cost approximately \$100,000. The program was funded largely by the U.S. Marshals Service, which had received a grant from the federal government. According to data prepared by the Camden trial court administrator, the Camden Vicinage incurred \$26,882 in direct costs, most of which went to paying salaries and overtime costs for Judiciary employees. The U.S. Marshals Service reimbursed the courts \$12,400 of that amount.

Currently, a plan to hold a Fugitive Safe Surrender program in northern New Jersey later this year is being discussed. It is also possible that multiple vicinages may be involved in that effort.

A potential hurdle is the cost of the program. As noted above, the estimated cost of the Camden program was approximately \$100,000, most of which was funded by the U.S. Marshals Service. As Newark and the surrounding areas are much more densely populated than Camden, a Fugitive Safe Surrender program held in northern New Jersey would certainly cost much more than Camden's program. We have been told that the Marshals Service will not have any funds available for a northern New Jersey program because it will be funding other Fugitive Safe Surrender programs across the country. Thus, any funding for the anticipated program in northern New Jersey would have to be provided from other non-Judiciary sources such as the county prosecutor's and sheriff's offices. It is not clear, at this time, how much funding they will be able to provide.

10. According to the Judiciary, New Jersey serves as the first Juvenile Detention Alternatives Initiative (JDAI) state model site in the country. The intent of the program is to demonstrate how to implement juvenile justice system reform successfully.

- **Question:** Please provide a description of the initiative. What is the status of JDAI implementation in New Jersey? What evaluation data is available to measure the program's success?

### Response

#### Juvenile Detention Alternative Initiative Program (JDAI) Description

The program, led by the Juvenile Justice Commission and supported by the Annie E. Casey Foundation, started in 2004. The initial counties participating were Atlantic, Camden, Essex, Hudson and Monmouth. In 2006, the program was expanded to five additional sites including Bergen, Burlington, Mercer, Ocean and Union counties. The program brings together, at both the state and local level, juvenile justice stakeholders, including police, prosecutor, public defender, family court judges, court staff, Juvenile Justice Commission, Youth Services Commission Administrators, treatment providers, Department of Children and Families and Child Advocate. Participating team members analyze data and work toward common goals including reducing the number of juveniles going into detention, finding alternative placements, shortening the length of stay in detention, moving cases more rapidly, and ensuring that juveniles are placed into their dispositional situation as quickly as possible after adjudication. A risk screening tool has been developed for use in determining whether a child should be placed in detention or released home. It is based on objective criteria, providing the opportunity for equitable and fair treatment of all juveniles being evaluated for possible placement in detention.

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### What is the status of JDAI implementation in New Jersey?

Ten counties are currently operational. The pilot started in 2004. The initial counties were Atlantic, Camden, Essex, Hudson, and Monmouth. In 2006, Bergen, Burlington, Mercer, Ocean, and Union counties were added. The intent is to establish the JDAI program in all 21 counties.

### What evaluation data is available to measure the programs success?

The success of the JDAI pilot is supported by ongoing evaluation. An extensive annual report is produced each year. The annual report covers such areas as annual trends in key indicators of detention utilization, including admissions, length of stay and average daily detention population. The following was taken from the 2008 Annual Report:

- For the original sites, on any given day in 2008 there were 221 fewer kids in detention centers than in 2003, a reduction of 44.3 percent. Youth of color account for 91 percent of this reduction. More than 2,600 fewer youth walked through the front door of detention, reflecting a 41.4 percent drop in admissions, and length of stay for kids in secure detention has decreased by about four days, or 12.5 percent.
- The expansion of JDAI to five additional sites has yielded additional positive outcomes for New Jersey's detention system. Collectively, the phase 2 JDAI sites have seen the average number of youth held in detention centers on a daily bases drop by 22.5 percent, with all five sites experiencing a reduction. Youth of color account for 78 percent of this decrease. Admissions to detention have decreased by 25.4 percent, and average length of stay has decreased by 3.3 percent.
- The JDAI program is committed to reliance on data to inform policy and program decisions. As an example, a recent assessment of the risk screening tool with recommendations for expanded use was submitted to the Administrative Director in January 2009.

11. The Judiciary recently began a statewide Foreclosure Mediation Program to assist homeowners at risk of losing their homes. Under the program, the courts require mediation in all cases in which homeowners contest owner-occupied foreclosure actions. Court-referred mediation is one method to foster an open and effective channel of communication between homeowners and lenders. Foreclosure mediation introduces a neutral third party to assist lenders and defaulting homeowners in reaching a satisfactory resolution to their dispute.

- **Question:** How many foreclosures actions have been filed in FY 2009, and how do those filings compare with FY 2007 and FY 2008? What have been the results of the mediation program to date?

### Response

Foreclosure filings FY 2007 - 29,827

Foreclosure filings FY 2008 - 45,072

Foreclosure filings July 2008 through March 2009 – 41,705

Foreclosure filings projected FY 2009 – 65,250 (now receiving approximately 250 new complaints daily)

Note. A surge in FY 2010 foreclosure filings is anticipated. The weakening economy adds a new financial stressor for families, which will lead to increased foreclosures. A self-imposed moratorium for new foreclosure filings by Freddie Mac and Fannie Mae starting on Oct. 31,

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2008 and which recently ended on March 31. Similar suspensions imposed by JP Morgan Chase, Citigroup, Wells Fargo have temporality tamped-down the FY 2009 residential mortgage foreclosure numbers.

As for the mediation program, all three components of the program - free legal representation to qualified homeowners through Legal Services, free HUD-certified housing counseling through HMFA, and free mediation through the courts - were operational statewide as of Jan. 5, 2009. For the period January through March, a total of 301 mediations were scheduled statewide, and the Judiciary continues to receive additional requests on a daily basis. The program is still in the initial stage of implementation, and it is too early to assess the impact of the mediation project.

12. Each year the Judiciary reports on its backlog reduction efforts.

- **Question:** What has been the experience of the courts in addressing backlog during this fiscal year?

### Response

The term "backlog" in the Judiciary has a very specific meaning. The Judiciary imposes upon itself demanding time goals for the disposition of every type of case. Court managers measure every case against those time goals, making every effort to ensure that as many cases as possible are resolved timely. Cases that do not meet expected time goals for resolution are considered to be in "backlog."

The Judiciary made great progress addressing backlog between 1996 and 2006, with a 66 percent reduction over that 10-year period. The state reached its record low backlog of 22,765 cases in 2006 with a reduction of more than 45,000 cases in 10 years.

However, the Judiciary's workload has grown significantly in the three years since that record backlog. In 2006, the year of the record backlog reduction, there were 1,052,552 cases filed. In 2009, approximately 1,150,000 cases will be filed, a 9 percent increase since 2006 and almost 100,000 more cases than in 2006.

At the same time as the filing volume has been increasing, the number of judges available has decreased. In April 2006, there were 394 judges assigned to the trial courts. In April 2009 there are 374 judges assigned, 20 fewer than three years ago. The large filing volume and the reduced number of judges available have contributed an increase in the backlog in FY 2008-2009. Backlogs in several case types have grown, and the total is expected to reach more than 26,000 cases, which would be a 2 percent increase this year.

The Judiciary strives continuously to improve its performance in the resolution of cases and the reduction of backlog. Statistics are published each month and are regularly reviewed and analyzed in meetings of judges, managers, and staff. New strategies for backlog reduction are introduced and evaluated. The Judicial Council's Management and Operations Committee carries out an annual review and improvement process that focuses on backlog reduction and vicinage plans for improvement. Teams of judges and managers also visit vicinages to review their implementation of case processing standards and best practices.

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Even with the tremendous efforts of judges and staff, backlog in FY 2008-2009 will increase. It continues to be clear that backlog is also a function of judicial vacancies. In April 2009, there are 40 judicial vacancies, an average of more than two vacancies per vicinage. While the full implementation of "best practices" has had a positive effect on case management and has led to significant backlog reduction in the past, it is the presence of a judge that ultimately leads to case dispositions. Until more of the existing judicial vacancies are filled, the allocation of trial judges among counties will need to be constantly reassessed in order to assign the limited judicial resources to the best advantage.

13. For the past several years the Judiciary has undertaken a comprehensive data processing and information technology upgrade.

- **Question:** What remains to be done to complete this upgrade? What are the Judiciary's long range plans for meeting the courts' data processing needs? What will be the estimated cost of this upgrade?

### Response

In 2001, the Judiciary launched a comprehensive initiative to redesign and upgrade its information technology systems. This program was guided by an IT strategic plan approved and adopted by the Supreme Court and addressed three primary areas of long range concern: (a) an obsolete and increasingly unsupportable infrastructure that could not be expanded or adapted for future growth; (b) the need to convert the database repositories holding court data to current generation, robust, and secure technologies; and (c) establishing a capability to develop new systems which exploit Web-based services to improve and simplify access to court records. The discrete components of the IT strategic plan combine to deliver a sustainable and cost efficient infrastructure underlying adaptable and reusable business applications supporting the long-term flexible needs of the courts. The IT strategic plan is a dynamic document, and it will continue to be assessed and updated to maintain alignment with the evolving business and operational requirements of the courts. The plan has undergone two revisions that were adopted by the Supreme Court in 2003 and 2007, respectively.

The current version of the IT strategic plan defines our priorities and steers the ongoing allocation of available funding to meet those priorities. The plan is closely tied to our IT budget forecasting process, which projects our spending through FY2016. Our current combination of appropriated (DSS) and dedicated funding has proven inadequate to meet the objectives of the strategic plan, resulting in \$6 million in FY2008-2009 deferrals and significant delays in priority projects. Key initiatives affected include electronic case filing, the transition to paperless court operations, and the addition of Internet capability and accessibility to court information systems. At this time, we anticipate a strategic spending need of \$39 million in FY 2010, which will complete the infrastructure upgrade and database conversion phases of the strategic plan while funding initial efforts directed at Web-enabling of our systems. However, we acknowledge availability of only \$14 million for these projects in FY 2010, and we expect this \$25 million shortfall to compound in future years. In addition, we are awaiting the findings and recommendations of the Supreme Court Special Committee on Electronic Filing established by Chief Justice Stuart Rabner. This committee will help define the implementation and future direction of e-filing and document management in the New Jersey Courts. While this is an initiative of the highest mission-critical priority, funding is neither explicit nor assured at this time.

Generating increasing impact and concern, the recurring expense to maintain base operational services continues to compound on an annual basis. While our technology infrastructure and

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software portfolio has necessarily grown to meet the business demand, our fixed costs to provide an expanded IT environment also have grown. At the same time, state appropriated funding for Judiciary IT has historically remained level. We currently forecast a FY 2010 shortfall of \$9.5 million in operational funds. Therefore, we also project the need to allocate a substantial portion of the above referenced \$14 million toward meeting this operational funding deficit.

14. During the daily course of business, the Judiciary collects an enormous amount of data about the State's citizens. Oftentimes, vendors would purchase various mailing lists etc. from collecting agencies.

- **Question:** Does the Judiciary sell information to vendors? What type and how much information does the Judiciary sell to vendors? What revenue is generated?

### Response

The Judiciary provides online inquiry access to databases in civil cases, divorce matters, traffic tickets, statewide judgment liens and Appellate Division cases via the Electronic Access Program. Social Security numbers, driver's license numbers, financial account numbers and similar personal identification numbers are not included in any of the information sold.

In addition, below is a list of Judiciary reports available for purchase by the public.

### Civil

Cases Disposed by Case and Disposition Type  
 Cases by Entry Date and Case Type  
 Cases by Case Type  
 Public Access Calendar Master – Proceeding by Defendant

### Archive Management Information System

AMIS Public Access Case Summary Report

### Judgments

Judgment Verification Report for New Judgments  
 Judgment Closed Report

### Criminal

Complaint Disposition Report  
 Pleas Guilty, Not Guilty and Dismissed  
 Board of Elections - Defendants with Sentences  
 Status of Complaints Received

### Automated Complaint System

Complaints Issued and Pending

### Automated Traffic System

Police Dispositions

The fees collected by the Judiciary as reimbursement for its costs in providing public access information since FY 2007 are:

## Discussion Points (Cont'd)

FY 2007 - \$1,999,871.00  
 FY 2008 - \$2,357,303.00  
 FY 2009 - \$1,581,053.00 collected to date

15. The State of New Jersey often uses private vendors to conduct business.

- **Question:** Within the Judiciary generally, and the Probation Division specifically, are any statutory, regulatory or other functions outsourced to private groups or agencies? If so, what is the selection process for choosing the existing private agency? Was the selection made through a competitive process? What assessment tools are used to determine effectiveness of outsourced agency? What accountability procedures are in place? How are infractions by the outsource company dealt with and are written regulations and procedures in place? How has the Judiciary's use of private vendors increased since the implementation of the Early Retirement Initiative.

### Response

The Judiciary uses vendors related to the following probation division specialized activities: electronic monitoring, inpatient treatment, outpatient counseling, addiction evaluation and treatment. The Judiciary has not used private vendors to replace or supplant staff for positions that have been eliminated as a result of the staff reductions due to the current budget crisis.

When the function is intended to be provided on a statewide basis, a Request for Proposals (RFP) is issued in collaboration with AOC purchasing staff and the state Department of the Treasury to ensure a competitive bidding process. When the function is intended to be provided locally, Delegated Purchasing Authority (DPA) guidelines are followed. Regardless of the contracting mechanism, licensing information and appropriate credentials are always solicited from potential providers.

AOC administrative staff and vicinage managers can address agency performance that does not meet contract requirements. This has been done, in my experience, by demanding written and/or verbal explanations by the vendor, by demanding corrective plans of action, and by formal meetings with the vendor to discuss the specific performance issues. State contracts have accountability provisions that can be implemented if the vendor has shown an inability to carry the contract competently or in a timely manner, including opt-out provisions.

16. The Assembly Judiciary Committee reported several bills providing guidelines for the operation of municipal courts (A816) and a funding for the development of a computer system to provide municipal court prosecutors with access to discovery information and law enforcement records (A815).

- **Question:** What support, technical and/or financial does the Judiciary currently provide to municipal courts?

### Response

The Judiciary maintains and supports statewide municipal court computer systems that are strategically integrated with other Judiciary and executive branch agencies, including the Motor Vehicle Commission, the New Jersey State Police, local law enforcement and the Superior

## Discussion Points (Cont'd)

Court. These systems, Automated Traffic System (ATS) and the Automated Complaint System (ACS), provide complete case management, financial processing and a statewide warrant subsystem. All of the state's 526 municipal courts utilize ATS/ACS. In addition, the following Web-enabled systems are integrated with ATS/ACS and are supported by the Judiciary:

### Electronic Complaint Disposition Record (eCDR)

eCDR is a statewide electronic criminal complaint generation system accessible to all law enforcement agencies. This system uses an electronic form to enter and print complaint-summons and complaint-warrants. eCDR is interconnected to the Judiciary's ACS and updates the municipal court records in real time at the point of generation. The real time updating of ACS ensures complaint data is readily available for all Judiciary systems that interface with ACS, including Promis/Gavel, Criminal Case Information System (CCIS) and the Family Automated Case Tracking System (FACTS).

### NJMCdirect

NJMCdirect is the Judiciary's Web site that allows drivers to view and pay traffic tickets. NJMCdirect is integrated with the ATS, thereby updating both the case processing and financial system components. During the last 12 months, more than 1.25 million traffic tickets were resolved using the NJMCdirect Web site.

### Parking Authority and Ticketing System (PATS)

PATS is a wireless hand-held ticketing system for electronically filing parking tickets within the State's municipal courts. PATS is integrated with ATS and updates all municipal parking records at the time the ticket is generated.

### Electronic Traffic Ticket ( e-Ticket) - Currently Under Development

The e-Ticket system will allow wireless filing of tickets, both moving and parking, directly from police vehicles. This application is integrated with the ATS and will update all municipal records at the time the ticket is generated.

### Municipal Automated Complaint System (MACS) – Currently Under Development

This project is the final major initiative outlined in the Judiciary's IT strategic plan to modernize the municipal courts' case management systems. This system will provide a Web-based platform for the current ATS/ACS mainframe system.

All systems outlined above including any associated ongoing operating expenses are fully offender financed through ATS fund court cost assessments.