

Discussion Points

1. A report issued by the NJ Office of the State Comptroller on March 9, 2011 stated that a laptop computer formerly used by the Judiciary and transferred to the Department of the Treasury for cleaning and disposal included numerous confidential and personal files after it had been released for auction.
- **Question: What controls does the Judiciary have in place to provide for the security and confidentiality of information contained in its data processing equipment? What actions, if any, does the Judiciary take to clean storage devices prior to discarding data processing equipment?**

Response

The Judiciary has continuously been taking steps to ensure that such security risks are avoided. We are also taking appropriate steps to maximize protection of our data assets from any unauthorized exposure or use. The following steps are already completed or currently underway:

1. We have developed and are in the final approval stages of a new Judiciary Information Disposal and Media Sanitization Policy compliant with Treasury Circular Letter 00-17-DPP.
2. We have reinforced the existing policy of digital sanitization of hard drives by local and central office IT staff.
3. The Judiciary IT security group conducts regular and random audits of all hardware being surplus.
4. The Judiciary is exploring opportunities to contract with a third-party vendor to provide certified destruction services for hardware storage media.
5. The Judiciary is completing a conversion from an internally developed asset inventory system to a new and more robust asset management system.
6. The Judiciary conducts comprehensive quarterly scans/audits of all IT assets connected to the Judiciary network and then reconciles those results against inventory management data to validate active and surplus hardware status.
7. Improvements in work processes, including segregation of duties, will ensure that no security breaches contribute to any future failure in the proper handling of surplus devices.

Discussion Points (Cont'd)

2. The Supreme Court last year issued a new Administrative Directive designed to improve oversight of Abused and Neglected Children in foster care, refocusing the work of volunteer Child Placement Review Boards.

- **Question: What were the goals of the Supreme Court directive? How has this directive affected the operation of the Child Placement Review Boards?**

Response

Judiciary Administrative Directive #04-10 sets out the Supreme Court's policy that highlights the primary responsibility of judges to monitor abused and neglected children in foster care. Adoption of this policy does not mean that the Child Placement Review Boards have no role in the protection of these children, but rather a revised role. Under this policy:

- Child Placement Review (CPR) Boards conduct an enhanced 45-day review in each case, but are not required to conduct subsequent reviews;
- Judges conduct hearings to review these cases every two to three months, formalizing the practice that has evolved over the past few years;
- Judges have exclusive oversight of cases after parental rights have been terminated and a child remains in placement; these are known as "Post-Termination" cases.

The reorganization of CPR Board functions is supported by two important principles: (1) improved efficiency leads to budget savings, and (2) improved efficiency does not reduce the safety of the abused and neglected children under the court's jurisdiction, but in fact enhances their safety and well-being.

As to budget savings, the reduction of CPR Board reviews translates into a reduction of staff duties to support the boards, which include in part: securing documents from DYFS, managing and maintaining case files, scheduling the cases for review, noticing parties for each review, updating the Family Automated Case Tracking System (FACTS) to ensure accurate case tracking, preparing multiple copies of each file for distribution to each of the five CPR Board members required for the CPR Board reviews, attending the CPR Board reviews, and performing follow up tasks after a CPR Board review (such as sending the CPR Board recommendations to the judge and other stakeholders). The Judiciary expected this functional reorganization to result in almost \$1,000,000 in savings for the state.

As to enhancing the safety and well-being of children in foster care, the refocused CPR Board 45-day review requires gathering the following vital information at the enhanced 45-day review:

- Whether DYFS has placed siblings together in foster care.
- Whether DYFS has promoted sufficient visitation between the child and parents and between the child and siblings.
- Whether DYFS sought and assessed relatives as placement options.
- Whether DYFS assessed the child, parents and foster parents for services and provided necessary services to them.
- Whether DYFS has scheduled a comprehensive medical examination for the child.

Discussion Points (Cont'd)

- Whether DYFS has ensured that the child remains in the same school, where appropriate, when the child is placed in a foster home located in a different school district.

The enhanced CPR Board 45-day review has been implemented successfully statewide. The Judiciary's expectation of a significant reduction in the number of CPR board reviews and fiscal savings has been confirmed. Before the adoption of Directive #04-10, CPR Boards conducted about 15,000 reviews per year, an average of about 1,250 reviews per month. The statistics in recent months indicate that the CPR Boards conduct less than 300 reviews per month. The judges continue to conduct reviews of children in foster care every two to three months.

Because of the wealth of information compiled in the enhanced 45-day review, court staff can work more efficiently. Cost savings have resulted from the change in policy since the improved system allows each staff person to handle more cases. Therefore, the Judiciary has been able to reduce each vicinage's child placement staffing allocation by 38 percent. We are on course to achieve the expected cost savings.

3. Each year the Judiciary experiences a number of vacant judgeships due to mandatory retirement. These vacancies must be filled through nomination by the Governor and approval by the Senate.

- **Question:** What is the current number of vacant judgeships? What is the impact of these vacancies on judges' assignments, case scheduling and backlogs?

Response

As of April 11, 2011, there will be 48 Superior Court vacancies and 1 Tax Court vacancy. An additional 17 vacancies are expected through December 31, 2011. Currently, eight nominations are pending Senate sign off and consideration by the Senate Judiciary Committee.

The high number of vacancies has required judges in a number of vicinages to assume multiple calendars and assignments. In some vicinages, judges have had to reduce their trial schedules to attend to emergent matters or to address the significant motion practice, just to keep calendars moving.

The backlog for all calendars combined has increased by 9 percent to more than 34,500 cases in the past two years from February 2009 to February 2011.

Discussion Points (Cont'd)

4. Last year, the Judiciary developed a tool kit for municipalities contemplating joining or sharing court services with other municipalities.

- **Question:** Please provide an overview of the Judiciary's efforts to facilitate municipal court consolidation. How many joint and shared courts are currently in operation? What obstacles to consolidation have the Judiciary identified that could be removed or reduced by Legislative action?

Response

Reductions in state aid and increased operating expenses are leading many New Jersey municipalities to consider shared services. The Judiciary has continued to support efforts by municipalities to consolidate and share municipal courts by offering both pre-planning technical assistance and operational support once a consolidation is underway. To facilitate that support, the Chief Justice promulgated a Municipal Court Consolidation plan for use by our vicinages as a toolkit to assist towns considering consolidation.

The report defines the two types of consolidated courts – joint and shared – and identifies prominent issues surrounding each and provides a blueprint for municipalities. It stresses the importance of involving all relevant parties in consolidation discussions as early as possible, particularly the assignment judge, who has general authority over all court operations in a county. Input from the municipal presiding judge, municipal division manager, municipal court judge and the court administrator will inform municipal leaders, who must assess whether a consolidated court best serves the needs of the public.

In addition, the Judiciary has implemented statewide standard operational procedures and computer systems that significantly reduce consolidation conversion costs and complement municipal efforts to share staff resources between municipal courts.

With the addition of Pascack Joint Court in Bergen, with Montvale, Park Ridge and Woodcliff Lake, as of April 1 the state has 21 joint courts that encompass 62 municipalities and 44 shared courts that encompass 98 municipalities. In total, 160 municipalities have either shared or joint courts in operation.

Based on our significant experience assisting towns' efforts to consolidate, we have identified several obstacles that must be overcome.

- The appointment process for municipal court judges: Appointments for municipal courts judges to serve in joint courts are made by the governor. In some instances, towns have been unwilling to create joint courts and give up local appointment authority. (Note: this will most likely require a constitutional amendment to resolve). Most recently the governor has made nominations of municipal court judges to serve in joint courts.
- Court facilities: The use of existing court facilities can prove to be a significant hurdle. The consolidation of courts often means additional space needs to be identified to adequately support the consolidated court.

Discussion Points (Cont'd)

- Police and public access: The location of the consolidated court may be a significant distance from one or more of the towns involved. This can impose additional costs on towns because police officers must attend court at the new and more distant court location. Similarly, some members of the public may have to travel a distance if their local court operations have been moved to a neighboring municipality.
5. NJKiDS has been fully implemented as the new Statewide child support computer system as of September, 2009.
- **Question:** What impact has the implementation of NJKiDS had on the Judiciary's role in the child support system? Has the Judiciary experienced any improvements in case processing and service to those receiving child support and in child support enforcement?

Response

The Judiciary completed the statewide rollout of the NJKiDS child support automation project in the fall of 2009. Despite a weak economy and staff time devoted to learning the new automated child support system (NJKIDS), we continue to post excellent collection results and efficiencies. Payments posted to the customer account are available immediately to the custodial parent.

The real-time interface between the statewide child support system and the Judiciary's Family Case Tracking System (FACTS) has proven beneficial. Workers in the family, probation and finance divisions can view and understand the full status of each case without researching multiple systems. Staff across divisions, including county welfare agencies, can interact seamlessly and redundant data entry has been eliminated. We are processing orders, performing enforcement tasks, and collecting/disbursing payments through NJKiDS. Staff have adjusted local procedures to use the system and develop workarounds where needed.

While Protech, the vendor engaged by the Department of Human Services, continues to resolve NJKiDS defects as they are identified, system enhancements have proceeded slowly as a result of executive branch budget limitations. To foster a more effective system enhancement process, teams from the Division of Family Development and Judiciary have convened to review outstanding system enhancement requests to determine their viability, establish cost estimates and recommend prioritization. While need for enhancements to the NJKiDS system remain unmet, court staff is managing their workloads and the system is operating effectively.

Discussion Points (Cont'd)

6. Early in 2011, the Supreme Court ordered a suspension in the processing of mortgage foreclosures as a result of concerns involving banking practices and “robo-signing.”

- **Question:** What is the status of the mortgage foreclosure process? Has there been an artificial decline in the filing of foreclosures because of the moratorium? Does the Judiciary expect an increase of filings when the moratorium is lifted? What is the current status of completed foreclosures that await processing in the Superior Court Clerk’s Office? If there is a backlog, how will it be addressed?

Response

In the last quarter of 2010, in response to nationwide concerns regarding robo-signing, the large mortgage lender-servicers voluntarily stopped filing new foreclosure actions and stopped requesting entry of foreclosure judgments while they examined and revised their business practices.

On December 20, 2010, three actions were initiated by the Judiciary to address the robo-signing issue in New Jersey:

- The Supreme Court adopted, on an emergent basis, amendments to the foreclosure rules. These amendments require (1) plaintiff’s counsel in all residential foreclosure actions to file an affidavit that the attorney has communicated with an employee of the plaintiff who has confirmed the accuracy of the documents, and (2) an affidavit executed by the attorney that all the filings in the case comport with all requirements of Rule 1:4-8(a).
- The Mercer County General Equity judge issued an Order to Show Cause directing the six largest mortgage lender-servicers to show why their foreclosure actions should not be suspended and why a special master should not be appointed to review their foreclosure practices and ensure the accuracy and reliability of the foreclosure documents they file.
- The acting administrative director of the courts, in the performance of his supervisory responsibilities over the Office of Foreclosure, issued an Administrative Order directing a special master (retired Assignment Judge Walter Barisonek) to examine the foreclosure document preparation and filing practices of the 24 other foreclosure plaintiffs that filed more than 200 residential foreclosure actions in 2010.

As of today, in the Order to Show Cause proceeding, the six largest mortgage lenders-servicers have agreed to the appointment of retired Appellate Division Judge Richard Williams as special master to verify that their business practices are such that documents they submit to the court are accurate and can be relied upon by the court reviewing foreclosure cases. In the administrative order proceeding, special master Judge Barisonek is working with the 24 other foreclosure plaintiffs to confirm that each has in place proper safeguards and effective procedures regarding the preparation and submission of documents submitted to the court in foreclosure proceedings.

Discussion Points (Cont'd)

As a result of the voluntary action of the six largest mortgage lender-servicers and the subsequent action by the Judiciary outlined above, there has been a temporary reduction in the number of foreclosure filings in New Jersey.

Prior to the temporary suspension of foreclosure actions, filings had increased by 300 percent as compared to levels experienced prior to the recent economic downturn. Because of a series of budget reductions over that same time period, the Judiciary has not been in a position to provide a corresponding increase in the number of full-time staff to deal with this dramatic increase in foreclosure filings. Accordingly, the overall strategy to address the influx of filings and the rapidly growing foreclosure backlog has included aggressive measures to streamline work flows, cross-train staff, and reallocate resources. Additionally, funds have been dedicated to supplemental hourly staffing and overtime. Finally, a bold initiative for an electronic filing system for foreclosure cases was developed in less than a year and put into place in July 2010. As a result of these proactive steps, accomplished within current limited resources, staff productivity has been doubled and paper filings have been all but eliminated in residential foreclosure cases.

While the number of new foreclosure cases filed has decreased since December 2010, and noting again that the decrease is temporary, the number of documents filed in January and February for cases currently pending actually increased. And while the backlog in the pending foreclosure cases remains significant, staff has focused on reducing that backlog during this lull in new case filings. When the robo-signing issues are resolved with the mortgage industry, that lull will end and there will be a large increase in the number of new case filings in very short order. In preparation for this anticipated increase, the Judiciary has developed a plan to increase temporary staff in both the Office of Foreclosure and the Superior Court Clerks' Office. The plan includes:

- hiring hourly clerical and legal staff;
- allocating overtime for full time staff to manage increases in data entry;
- hiring six full time law clerks; and
- using the services of 20 court executives (each working 20 hours per month) on a special foreclosure project to address judgment package review backlog.

7. In 2010, the Judiciary developed an automated system to process Judgments of Conviction (JOC), and has partnered with the Department of Corrections (DOC) in a pilot program allowing DOC staff to electronically access JOC forms.

- **Question:** What is the status of the pilot program? Does the Judiciary see the potential for it to expand its program of electronic form sharing to other aspects of the Judiciary's work with the Department of Corrections?

Discussion Points (Cont'd)

Response

The Judiciary and the Department of Corrections joined in a pilot program to allow DOC staff to electronically access the final Judiciary JOC forms each day. This pilot began in September 2010 and since has been expanded to include additional DOC staff. The Judiciary also expanded access to include statewide Probation Division and Intensive Supervision Program staff.

In another piece of the process, for the past eight years or so, the Judiciary has been sending a data file containing information about sentenced prisoners every night to the Department of Corrections. This information from the courts' criminal records management system is electronically interfaced with the DOC inmate management system. In February 2011, we added information relevant to the Judgment of Conviction forms to the nightly data delivery. With that improvement, DOC staff has access through their own inmate management system to the completion status of a JOC form. This improvement allows better management of the movement of prisoners from county jails to the state prison system.

Judiciary staff has coordinated with DOC staff to make completed pre-sentence investigation reports available and to ensure that all conviction information is recorded in the system on a timely basis.

8. 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 concerning its Statewide impact.**

Response

The courts have enrolled almost 10,000 participants into the program since the drug courts were state-funded in 2002. The last recidivism study conducted in February 2011 showed the rate of re-arrest for drug court graduates remains low at 16 percent. The current rate of re-conviction is 8 percent and of that group, only half or 4 percent of the graduates have been 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 major components of this state's program.

The changes to N.J.S.A. 2C:35-14, which became effective on Aug. 1, 2008, resulted in additional applications and admissions to the drug court of previously prison-bound offenders. The statutory changes allowed greater flexibility to prosecutors and judges on enrollment and provided for clinically-based treatment recommendations for all offenders in the program. Since this law was enacted, 3,669 non-violent drug addicted offenders have been enrolled in the drug court.

Discussion Points (Cont'd)

The NJ adult drug court program is a voluntary program. Drug addicted offenders agree to both enroll in the program to avoid a custodial sentence and to obtain help with their substance abuse problem. The program is rigorous and participants are required to attend treatment, seek and maintain employment, meet their financial obligations and learn to live a drug- and alcohol-free life. The program is structured this way to provide participants with the framework for long term recovery that is sustained well after their graduation from drug court. Since the statutory changes mentioned above, 78 percent of the offenders who have enrolled in the drug court program have either graduated or are currently still active in the program.

The changes to N.J.S.A. 2C:35-7 permits a judge to waive the mandatory prison sentence of certain drug offenders. This change has presented the drug court program with a challenge. Many otherwise suitable drug offenders have failed to apply to the drug court program if their prison sentence can be waived and they can receive a term of standard probation supervision, a much less rigorous and possibly even shorter obligation. As a result, we have seen a 10 percent drop in admissions to the drug court program statewide. The drug courts have had to adjust their screening and assessment process to identify those probationers who are failing under standard probation supervision and could benefit from enrollment in the drug court.

Staff at the Administrative Office of the Courts and vicinage administrators are working with the drug court teams to increase enrollment and decrease the number of terminations, so that the Judiciary can fulfill our commitment to divert and rehabilitate otherwise prison-bound offenders.

Drug Court Statistics as of Feb 1, 2011:

Admissions to drug court since 4/1/02:	9,763
Active participants in drug court as of 2/1/11:	3,916
Total drug court graduates since pilot programs began	2,175
Drug court completed w/ marginal improvement as of 2/1/11: (Did not qualify to graduate, but completed treatment and have not committed any new offenses)	129
Administrative discharges since 4/1/02: (Could not complete drug court due to death, term expired, psychological, medical or immigration reasons, resentenced to non-prison term or discharged to traditional probation supervision)	276
Drug court admissions either graduated or still active between 4/1/02-2/1/11: 57% (Does not include administrative discharges, discharged with marginal improvement or terminations)	

Discussion Points (Cont'd)

Drug Court Graduate Outcomes as of 12/31/10:

- Drug-free babies born of female participants: 195
- Participant parents who regained custody of minor children 108
- Fines/fees/penalties/restitution paid by graduates \$3.56M
- Graduates who improved education or vocation skills 28%
- Children whose lives have been improved by their parents graduation 2,085
- Children who are in the custody of a graduate parent 1,149
- From enrollment to graduation, participants show:
 - 55% improvement in number employed
 - 35% improvement in number w/ medical benefits
 - 40% improvement in number w/ an active drivers license

9. The Judiciary's statewide municipal court website (NJMCdirect.com) allows driver's who receive tickets to access court records and view real time information about the status of their tickets.

- **Question:** What is the volume of users of the NJMCdirect system?

Response

NJMCdirect has grown increasingly popular with drivers who receive tickets in New Jersey. In the past 12 months, drivers have resolved more than 1.6 million tickets through the website and paid \$119,756,208. The payments were electronically processed and distributed. More than 40 percent of all eligible tickets issued in New Jersey are resolved online. Since it's inception in January 2002, more than 8.5 million tickets, representing payments of \$532,999,816, have been resolved online through NJMCdirect.

NJMCdirect complements the e-Ticketing system that electronically files tickets and makes the information available immediately in NJMCdirect. With the combination of electronic tickets and online payments, tickets can be resolved within hours of being issued.

The development of additional online services is underway to include online entry of not-guilty pleas with electronic notice of court dates and payment of tickets with outstanding warrants (bail waiver).

Discussion Points (Cont'd)

10. The AOC has worked with the Attorney General's Office and the State Police to jointly develop a standard methodology for the State's law enforcement agencies to generate and electronically file traffic tickets.

- **Question: What is the status of e-ticketing in New Jersey? How many tickets are e-tickets? How many are computer generated "red light" tickets?**

Response

The Judiciary developed an e-Ticketing platform that allows private vendors and agencies to file tickets online with all 530 municipal courts.

The New Jersey State Police have begun to equip vehicles with a system that uses the e-Ticket platform. As of last month, more than 200 cars have e-Ticketing software and hardware and they expect to complete 400 cars by the end of the year. In addition, they expect to equip another 400 cars on the turnpikes and expressways.

Local police departments are contracting to use e-Ticketing as well. Using the same Judiciary e-Ticketing model, private sector companies now provide e-Ticket software to more than 40 towns.

The same e-Ticket solution has been deployed for all of the municipalities that operate red light camera programs. In the nine towns authorized to operate the program, approximately 35 intersections have been equipped with red light cameras.

Since e-Tickets were introduced in late 2009, 340,071 tickets have been issued electronically on the e-Ticket platform. The total includes 229,645 issued in the red light camera program and 101,605 tickets issued by police officers.

When combined with another Judiciary municipal court e-filing system – the Parking Authority Ticketing System (PATs) – more than 35 percent of all tickets issued in New Jersey are filed electronically. Paper files have been eliminated and data entry previously done by municipal court staff is done electronically.