Good afternoon Chairman Sarlo and other members of the Senate Budget Committee.

With me today are Assignment Judges Yolonda Ciccone, Ronald Bookbinder, Peter Bariso Jr., Karen Cassidy and Stuart Minkowitz, as well as the director of our Office of Management and Administrative Services, Shelley Webster.

We welcome this opportunity to appear before you today and update the Senate on the continuing efforts of the state’s judicial branch of government.

In that regard, I want to publicly acknowledge the outstanding work of Chief Justice Stuart Rabner, the other members of the Supreme Court, the judges in all of our divisions: appellate, civil, criminal, family and tax court, our administrative staff, and all of our Judiciary employees who make sure our court system operates efficiently, independently and fairly every day. Their efforts reflect a strong commitment to honor the core values and principles that guide the New Jersey Judiciary.

This is the eighth time that I have had the privilege and honor of appearing before this committee and I am pleased to report that the
Judiciary continues to act as wise and prudent stewards of the public funds utilized for the operation of our courts.

In fact, our FY17 appropriations request represents only 2 percent of the state budget.

From my perspective, our appropriations request has three broad foundations: (1) to provide sufficient funding for our organizational staffing in order to handle the approximately 1.1 million cases that are filed in our courts each year; (2) to maintain and expand the Judiciary’s information technology infrastructure which, as you know, serves as a backbone for much of the criminal justice system; and (3) to continue the decades-old collaboration and partnership with the other two branches of government to tackle some of the most intractable problems confronting the communities of this state.

Those foundations have been tested as the demands placed on the court system continue to increase without the corresponding timely replacement of our judicial workforce.

Through the work of our talented and dedicated judges and staff, we have overcome ongoing challenges such as judicial vacancies, the continued downsizing of government and the increased demands for the Judiciary’s participation in addressing significant societal challenges.
The Judiciary has collaborated on policy initiatives and programs designed to address some of the most challenging issues facing the citizens of New Jersey, using the courts as a vehicle to advance the mutual interest of creating a fairer and more just society. Through such efforts we are able to bring meaningful improvements to our communities while generating economies and savings to the state budget.

For example, through our partnerships with the other two branches of government, we’ve created a special program to help returning veterans locate the services they need to get back on their feet. Our drug courts help those with substance abuse problems overcome their addictions so they can reclaim their lives and become productive members of society. We’ve also worked together on solutions to better address the scourges of domestic violence, elder abuse and human trafficking.

However, the Judiciary’s participation in these therapeutic solutions to societal problems must have a sustainable and consistent allocation of judicial and staffing resources in order to remain successful.

These programs would also not be possible without the efficiencies created by our technological applications, which allow the Judiciary to handle an ever-increasing volume and diversity of cases before our courts.
In short, we are proud of the partnership and collaboration between the three branches of government but are also cognizant of the challenges to providing quality service and most importantly justice to the communities of this state.

**Criminal Justice Reform**

Starting in January 2017, the Judiciary will shift from an antiquated, arbitrary system of cash bail to a fairer, safer, swifter, smarter and more efficient operation for administering criminal justice in our state.

While much of the responsibility for this shift lies with the court system, this is by no means merely a Judiciary initiative. An undertaking of this magnitude would not be possible without the benefit of an ongoing partnership between all three branches of government, each of which have played critical roles in the creation of criminal justice reform and each of which must play critical roles in its future success.

I will speak in more detail on that in a moment, but first I’d like to provide some background on how we arrived at this historic point.

A March 2013 study of New Jersey’s county jail population found that 39 percent of inmates were eligible to be released on bail but remained incarcerated not because they had committed a violent crime, or because
they had a history of failing to appear in court, but because they lacked the financial resources to post bail. Of perhaps even greater concern, 12 percent of inmates remained in jail due to their inability to post bail of $2,500 or less.

The impact for defendants in such instances can be life-altering. While in jail, awaiting a trial that will determine if they are innocent or guilty, defendants lose access to their families and, in some cases, may end up losing their jobs.

Conversely, under our traditional bail system, defendants charged with violent crimes who pose a risk of reoffending, or a risk of flight, can still be released from jail until trial simply because they do have access to clean money. Such instances create an obvious public safety issue for witnesses and the community. In other words, our bail system is based on an arbitrary factor that has a disproportionately punitive effect on the poorest of our citizens and does not protect the public. New Jersey, to its credit, took action to become an early leader in a national movement to find a better way to administer justice.

In 2014, legislation providing the framework for criminal justice reform was approved in both houses and signed into law by the governor.
Essentially, the legislation allows us to leverage modern technology in order to conduct risk assessments that allow us to make more informed and more just decisions regarding pre-trial detention.

The legislation also set up a pretrial services unit that will oversee the risk assessment process and supervise and monitor defendants who are released pre-trial.

The 2014 legislation also speeds up the trial process, imposing strict limits on the time that a defendant can be detained in jail between arrest and indictment, between indictment and the commencement of a trial and between detention and the conclusion of a trial.

The last major piece of criminal justice reform was approved not by the Legislature but by the public itself. In November 2014, nearly two-thirds of New Jersey voters approved a constitutional amendment that gave judges the option to detain a defendant without bail if that defendant poses a significant risk to the community.

Since that time, we have been working diligently to prepare for the Jan. 1, 2017 kickoff of criminal justice reform. In that regard, the Judiciary’s technological partnership with the executive branch has placed us in a uniquely advantageous position.
New Jersey benefits from a statewide system of data exchange that does not exist in most other states. The Judiciary, state police and county jail computer systems all have the ability to interact and exchange information, making it possible for us to convert to an automated system in which our older computer applications, filled with data dating back to the 1970’s, can communicate with modern analytical applications.

Judiciary staff have been working with the Laura and John Arnold Foundation and Luminosity, Inc. on building a version of the foundation’s risk assessment tool, called the Public Safety Assessment, which has already been used to a great degree of success in other states. It is an electronic application that employs algorithms to produce a remarkably accurate answer to two questions: What is the likelihood a defendant will show up for trial and what is the likelihood a defendant will commit another offense while out on release.

The automated process begins by capturing a fingerprint in a Live Scan system that can accurately identify an arrestee and access criminal background information in a matter of seconds.

Once that happens, the criminal complaint will automatically be populated from the Live Scan arrest record and a criminal history will be
collected from the New Jersey State Police database, thereby saving law enforcement and court staff significant time when entering a defendant’s data.

At that point, certain defendants may qualify to be released on a summons, thereby avoiding an unnecessary trip to the county jail to await a release decision.

The automated system also will include a running clock that starts once a defendant has been committed to jail so that court staff can comply with the timeframes for the new speedy trial law.

Pretrial Services staff in each court vicinage will review the criminal history to make recommendations regarding the conditions of a defendant’s potential release. The court will then consider the Pretrial Services unit recommendation and any information provided by the prosecutor and defense attorney.

Once the court has determined whether to release or detain the defendant, and in the event of a release what the appropriate conditions should be, the judge will have the option to approve or modify the Pretrial Services recommendation. The judge can then electronically sign a court
order that will automatically be sent to prosecutors, defense attorneys and
the county jail.

When a court orders that a pretrial defendant be released on non-
monetary conditions, Pretrial Services staff will be charged with the
responsibility for monitoring the defendant for the duration of his criminal
case. The conditions of the defendant’s release will be dependent upon
the defendant’s risk level and the specific conditions set forth in the court
order.

Right now, our case management process is near completion and
pilot programs are either already underway or set to get underway in our
Passaic, Camden and Morris/Sussex vicinages. We are currently testing
the entire automation process, making sure all of our computer systems are
working properly and that the risk assessment tool is accurately collecting
all of a defendant’s history.

We’ve also begun staffing our Pretrial Services unit, which will
conduct an estimated 70,000 risk assessments per year. Staff in each of
our vicinages will be trained and certified to run the risk assessment and
will be making recommendations regarding any needed improvements to
the automated systems. They also will meet with attorneys, judges and
other stakeholders to obtain feedback and collect data that might be of assistance in implementing the program statewide.

In the past year, the Administrative Office of the Courts has also focused a great deal of effort on community outreach, educating those involved in the criminal justice process, including public defenders, the state bar, wardens, sheriffs, and government officials at every level. We want everyone impacted by this initiative to be aware of the changes in the law and prepared for the opportunities and challenges that criminal justice reform will bring.

This criminal justice reform initiative reaffirms something very special about our state. We – the three branches of government -- have collectively been working for several decades to improve on the nation’s promise to provide equal access to justice for all. We were the second state to have a statewide public defender’s office. We were one of the first states to examine the constitutionality of the death penalty. We were the first state to create a statewide drug court program. We were again one of the first states with an Intensive Supervision Program designed to remove prisoners from state prison. We are a model JDAI state having achieved a remarkable reduction in juvenile detention population. We are a state
willing to help former prisoners to focus on the obstacles for individuals attempting re-entry into society after prison.

The progress made so far in implementing criminal justice reform is indeed the culmination of extensive efforts on the part of all three branches of government, working in collaboration with many other partners in the criminal justice arena. Its future success will rely heavily upon that continued collaboration.

Drug courts

Another notable example of that partnership is the Judiciary’s Drug Court program, which relies on a collaborative relationship between professionals in the criminal justice and drug treatment arenas to help drug offenders charged with non-violent crimes turn their lives around. The drug court judge heads a team of court staff, attorneys, probation officers, substance abuse evaluators, and treatment counselors who work together to support and closely monitor a participant’s recovery.

The drug court program is rigorous, as participants must complete four phases over a five year period, following a tightly structured regiment that includes random and frequent drug testing and intensive supervision.
For an example of the type of impact drug court can have on its participants, consider Landon Hacker, who completed the program in 2014 and went on to graduate from Rutgers University in December with a 4.0 grade point average. Mr. Harker spoke at one of our drug court graduation ceremonies last month and told the graduates he planned to go on to law school. He also said he hangs his drug court graduation certificate above his college diploma because he considers it to be the greater accomplishment of the two.

The success of the program has led to a greater investment of funds that will be used to provide mandatory treatment to more first time non-violent offenders. I want to thank Gov. Christie and his administration for their commitment on this issue.

**Guardianship Monitoring**

The Judiciary’s Guardianship Monitoring Program is a comprehensive, statewide initiative that relies upon a team of volunteers who monitor guardians in their handling of the affairs of incapacitated individuals, including elderly and developmentally disabled adults. Program volunteers review guardianship cases to ensure that guardians are
performing their duties appropriately and that incapacitated individuals are not being abused, neglected or exploited.

The program is now fully implemented in all 21 counties, with volunteers having reviewed more than 4,500 inventories and annual reports submitted by guardians. Issues of urgent concern are referred to probate judges for further action.

A statewide training initiative also is underway to better inform and educate new and existing guardians as to their responsibilities.

**Domestic Violence Task Force**

In 2015, Chief Justice Rabner formed the Supreme Court Ad Hoc Committee on Domestic Violence to review concerns addressed by legislators regarding the handling of domestic violence matters.

The committee included representatives from all three branches of government, including judges, prosecutors, defense attorneys, and representatives from the Legislature, the Governor’s office, leading domestic violence advocacy groups, academics specializing in domestic violence issues and Judiciary managers with specialized knowledge in the area.
Cumberland/Gloucester/Salem Vicinage Assignment Judge Georgia M. Curio chaired the committee, which met regularly throughout the past year. The committee conducted an in-depth review of our current domestic violence laws and policies and its final report is already being prepared. We anticipate that it will be submitted to the Supreme Court within the next several months.

**Veterans Court/Veterans Assistance Project**

The Veterans Assistance Project represents another notable partnership – a combined effort of the Judiciary and the New Jersey Department of Human Services’ Division of Mental Health and Addiction Services. The program provides assistance to military veterans who return from their service with physical, mental health or personal issues and end up in trouble with the law.

Through the program, veterans who come in contact with the court system are quickly identified so they can be referred to the proper service organizations to address any underlying issues that may have led to the criminal offense.

**Complex Business Litigation Program**
To aid New Jersey’s business community, the Judiciary’s Complex Business Litigation Program now operates in each of our court vicinages. Through the program, judges with specialized training are designated to handle complex business and construction cases. The program has been effective in streamlining and expediting the process for adjudicating such cases.

To date, 204 complex commercial and construction cases have been filed and 61 cases have been resolved. We also expect the program will help us continue to develop a body of authoritative case law that will aid all parties in business litigation.

**Human Trafficking**

Through a collaboration with the Department of Children and Families and the state Attorney General’s Office, the Judiciary continues to explore the epidemic of human trafficking and the services that can be provided to victims in these cases.

Judiciary staff also have been observing neighboring states, Pennsylvania and New York, in order to develop new policies and procedures that might help identify human trafficking victims. We also are
working with DCF to compile data regarding the number of child welfare cases that include a human trafficking element.

**Statutory changes in child support**

Legislation establishing an age for the termination of child support was passed and signed into law in January 2016. The legislation calls for child support to terminate at age 19, unless otherwise ordered by the court. The new law will allow the Judiciary to shift resources to cases that require more attention in order to attain even more effective enforcement and better collection rates.

The legislation allows for a one-year implementation period. Judiciary staff are preparing for the change by determining the status of potentially affected cases and notifying affected parties.

**Conclusion**

The New Jersey Judiciary is proud of its role in helping to implement these and other programs to improve the quality of life for citizens, visitors and businesses in our state and we are proud of the collaborative partnership currently underway between state, county, and local governmental partners to implement criminal justice reform. It is a
landmark transformation that will require innovation, cooperation and resources.

We believe that even during these challenging times we will be able to improve upon our system of criminal justice because of the great work of the men and women of the courts.

There are many challenges ahead. It is crucially important that we are able to confront those challenges with sufficient staffing, proper resources and a continued collaborative approach that works for the good of all New Jersey residents.

With that, I thank you for your time today and I would be happy to answer any questions you may have.