

**REMARKS OF JUDGE GLENN A. GRANT,
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS
BEFORE THE ASSEMBLY BUDGET COMMITTEE**

Hearing Date: April 3, 2019

Good afternoon, Chairwoman Pintor Maron, Vice-Chairman Burzichelli, and other members of the Assembly Budget Committee.

With me today are Assignment Judges Yolanda Ciccone, Peter Bariso Jr., Karen Cassidy and Stuart Minkowitz, who are members of the Judiciary's Budget and Planning Committee, as well as the director of our Office of Management and Administrative Services, Shelley Webster, and our Chief Information Officer, Jack McCarthy. Assignment Judge Ronald Bookbinder, who chairs the Budget and Planning Committee, was not able to be here today.

On behalf of Chief Justice Stuart Rabner and the Justices of the Supreme Court, I want to publicly acknowledge the outstanding work of the judges in all of our courts – the Appellate Division, Superior Court, the Tax Court, and the Municipal Courts – and all of our Judiciary employees who reflect our strong commitment and dedication to doing our very best to render fair and impartial justice for all who come in contact with our court system. At the same time, we act as wise and prudent stewards of the public funds provided for the operation of the courts.

This is my tenth opportunity to appear before the Legislature to provide remarks on the Judiciary's operation for the upcoming fiscal year.

Over that past decade, the three branches of New Jersey state government have demonstrated and proven the power of government to collaborate in order to make a positive impact in dealing with important issues facing communities and individuals in this state.

While our collective goals are many, they share a common ideal: that "good government" initiatives can protect the vulnerable and improve community safety while ensuring the essential constitutional principles of access, fairness, and equal treatment.

For the past several years, my remarks to this body have centered on one particular "good government" initiative designed to create a safer, fairer and more efficient criminal justice system. Yesterday, we released our annual report on Criminal Justice Reform and it confirms through statistical evidence that the program is working as intended. However, before discussing Criminal Justice Reform, I would like to spend a few moments discussing a few other "good government" partnerships.

Recently, Chief Justice Rabner empaneled a 38-member working group comprised of representatives from all three branches of government to work on municipal court reform. The group is tasked with implementing some of the key recommendations from the Supreme Court Committee on Municipal Court Operations, Fines and Fees.

I want to stress at the outset that the vast majority of our municipal court judges, and staff perform their duties with the utmost integrity and

professionalism. However, as the Chief Justice recently acknowledged, there is a need to do more to improve access and fairness and to ensure judicial independence in our municipal courts.

Several of the recommendations from the Supreme Court Committee's report have already been implemented, while others are currently before the Legislature.

The follow-up working group is examining some of the big picture issues related to municipal courts, such as decoupling the court's sentencing practices from a municipality's need for revenue, consolidating or regionalizing municipal courts, and modifying the appointment process for municipal court judges.

Separate from the efforts of the committee and the working group, but consistent with their focus the Supreme Court earlier this year dismissed approximately 800,000 unresolved municipal court bench warrants and complaints involving minor matters that had gone unresolved for 15 years or more.

Another "good government" effort involves the state's efforts to improve outcomes for homeowners, lenders, and, by extension, communities through modifications to the residential mortgage foreclosure process in New Jersey.

To address that area, Chief Justice Rabner established the Special Committee on Residential Foreclosures, an inter-branch committee tasked with finding solutions to create a fairer and more equitable manner for both homeowners and lenders to resolve their disputes.

That committee's findings served as the impetus for a package of 10 foreclosure bills that passed both houses a little more than a week ago. I would like to recognize and particularly thank Speaker Coughlin and Assemblymen Wimberly and McKeon for their leadership on this issue. The 10 bills, most of which received unanimous approval, can help further improve a foreclosure process that has seen significant progress over the past decade.

It's worth noting that since 2011, the number of active foreclosure cases in New Jersey has been reduced by 85 percent. The number of complaints filed annually and the average time from complaint to judgment also have decreased significantly during that same period.

The Extreme Risk Protective Order statute is yet another successful example of New Jersey's "good government" movement. Through the strong advocacy of the state Legislature, particularly the leadership of Assemblyman McKeon, New Jersey is among the first jurisdictions to allow law enforcement and family members to file for a protective order to allow for the seizure of weapons from those who pose a significant danger to themselves or others or to prevent the sale of weapons to such individuals.

Our judges are being trained on the new law and the Judiciary is designing and building an electronic database of such protective orders to be ready when the new law becomes effective in September of this year.

Yet another example of the movement to advance the interests of society through good government is the Complex Business Litigation Program, which the Supreme Court created in response to concerns raised by the business community and lawyers involved in these cases. In the past two years, the Chief Justice has designated a civil judge in each of the vicinages to handle and resolve complex business litigation cases. We are currently engaged in a partnership with the state and county bar associations to promote the program.

The Judiciary's drug court program continues to confront one of the most tragic and pressing issues facing our society, the opioid crisis. Our drug courts serve as a dramatic testament to the positive improvements that can take place when all three branches of government remain committed to an initiative. If you want to witness the results of good government in action, attend a drug court graduation. The new drug court expungement law allows graduates of the program to truly get a fresh start as they reintegrate back into society.

Finally, I'd like to talk about the three-branch partnership to improve our criminal justice system. Criminal Justice Reform became a reality on January 1, 2017. The specific reforms were the result of recommendations by the Joint Committee on Criminal Justice chaired by Chief Justice Rabner and implemented through a constitutional amendment, legislation, and court rules.

The Judiciary is required each year to provide the Governor and the Legislature with a report on Criminal Justice Reform. We issued the report on 2018 earlier yesterday. That report includes a statistical comparison of CJR to the bail system that preceded it.

We can now confirm the following:

- CJR defendants are no more likely to commit a crime or fail to appear in court than defendants released on bail under the old system. The failure-to-appear rates and the new crime rates have remained essentially unchanged. Moreover, the rate at which defendants appeared in court remained high after CJR. CJR defendants made 89.4 percent of their court appearances in 2017 as compared with 92.7 percent in pre-CJR in 2014. The research also demonstrates defendants are not ignoring court dates under the new system.
- The PSA has been remarkably accurate in classifying a defendant's risk for court appearances and new violent criminal activity. The study found that as risk scores increase, actual failure rates of compliance increased with each step.
- On any given day, 6,000 fewer people are in custody in our county jails under CJR, including 3,000 fewer black defendants, 1,500 fewer white defendants, and 1,300 fewer Hispanic defendants.
- The composition of the jail population has also changed; nearly 75 percent of the 2018 jail population included detainees charged with serious offenses.
- The vast majority of defendants, 81.3 percent, were released within 24 hours; when no detention motion was filed, 99.5 of all defendants were released within 48 hours.

Additionally, concerns about a possible spike in crime and failures to appear did not materialize. Two years into its existence, CJR has balanced the protection of the constitutional rights of New Jersey residents with the responsibility to assure community safety.

That is not to say that our work is done in this area. The risk assessment tool is a dynamic one. In that regard, we are working with a nationally recognized research expert to detect and address potential racial

disparities to ensure that all defendants are treated equally by the courts, to better identify the risk for new domestic violence activity, and to improve the effectiveness of the pretrial monitoring program.

Funding, of course, remains a concern. Right now, the Pretrial Services Program's funding stream relies entirely on an increase filing fees authorized by the Legislature and adopted by the Supreme Court. The program has been operating with a structural deficit in funding since its first year of operation. However, we will experience an actual deficit by the end of this fiscal year.

Our projections indicate we will be more than \$15 million in the red for next year's Pretrial Services budget. We urge the Governor's office and the Legislature to replace the current fee-based funding structure with a permanent funding source that makes the Pretrial Services Program a regular part of the state's budget. An initiative of CJR's magnitude deserves – needs – a reliable, sustainable source of funding to continue to fulfill its mission fully and properly.

The women and men of the New Jersey Judiciary are proud of the role they play each day to advance the public good for all New Jersey residents. We are dedicated to building upon this three-branch collaboration to address the multiplicity of issues confronting the residents and businesses of this state. Dr. King stated that "Life's most persistent and urgent question is 'What are you doing to help others?'" This "good government movement" occurring in New Jersey proves that we are successfully responding to Dr. King's call to action.

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