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**2016 REPORT TO THE
NATIONAL CONSORTIUM ON RACIAL AND ETHNIC FAIRNESS IN THE COURTS**

Our system of justice requires that all court users have equal access to services and equal treatment from judicial and administrative bodies. The New Jersey Judiciary has a strong reputation for the quality of our jurisprudence and the efficiency of our administration. We also have been leaders in developing policies and programs that improve the access and fairness of our courts.

These words of Chief Justice Stuart Rabner continue to reflect the underlying principles that drive the ongoing work undertaken by the New Jersey Judiciary to advance access to justice and ensure procedural fairness. At present, the New Jersey Judiciary is in the process of leading the implementation of major criminal justice systems reforms. An update¹ on these initiatives forms this year's report to the National Consortium on Racial and Ethnic Fairness in the Courts.

The New Jersey Judiciary and its criminal justice reform partners in state, county and municipal government are working to implement bail and speedy trial reform and to form a pretrial services unit. As of January 1, 2017, New Jersey will shift from a system that relies principally on setting monetary bail as a condition of release to a risk-based system that is more objective, and thus fairer to defendants because it is unrelated to their ability to pay monetary bail.

The changes stem from a committee formed and chaired by Chief Justice Stuart Rabner. The committee made recommendations that led to the passage of legislation and a voter-approved constitutional amendment in 2014. The *Press of Atlantic City*, in a recent editorial, called New Jersey's criminal justice reform "an impressive accomplishment involving all three branches of government." The authorizing statute also sets deadlines for the timely filing of an indictment and the disposition of criminal charges for incarcerated defendants.

A major reason for this sea change in New Jersey's criminal justice system is fairness. Under current law, defendants with assets can post monetary bail and be released even if they pose a serious risk of flight or danger to the public. However, one study revealed that about 12 percent of New Jersey's county jail population remained in custody because they couldn't post bail of \$2,500 or less. More than two-thirds of these indigent defendants were members of racial, ethnic, and cultural minority groups.

¹ This update includes material from *Criminal Justice Reform: Report to the Legislature* (January 1, 2015 to December 31, 2015) submitted to the New Jersey Judiciary with additional material from Mike Mathis, publications and video manager in the Office of Communications and Community Relations. See the full report at http://www.judiciary.state.nj.us/criminal/cjr/Criminal_Justice_Reform_Report_to_the_Legislature_12_01_15.pdf for Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, New Jersey 08625-0037

Being incarcerated before trial can have significant consequences. Defendants detained in jail while awaiting trial plead guilty more often, are convicted more often, are sentenced to prison more often and receive harsher prison sentences than those who are released during the pretrial period. Defendants detained before trial also are at high risk of losing their jobs, their homes and custody of their children.

When criminal justice reform is implemented, defendants will be released based on objective measures of risk and be monitored by pretrial service staff before trial. Judges will rely less on imposing monetary bail so that defendants who pose little risk of flight or danger but have limited assets are not held in jail for long periods before trial. The new risk-based system is fairer because it is based on objective factors unrelated to wealth, race or ethnicity.

Voters agreed to amend the state constitution to allow for pretrial detention of defendants who pose a substantial risk of flight and danger to the community. Pretrial detention promotes public safety by expressly permitting judges to consider danger to the community while deciding whether to release or detain a particular defendant. A speedy trial law to set forth time frames in which defendants who are detained or cannot meet the monetary bail set must be indicted and brought to trial also was enacted.

A comprehensive outreach plan to inform and advise judges, Judiciary staff, prosecutors, public defenders, the state bar, wardens, sheriffs, counties, municipalities, other criminal justice system partners, other branches of government, and the public is underway. This plan includes training classes, webinars, videos, published materials, and public and community outreach.

To date, Chief Justice Rabner, Administrative Director Grant, and other members of the Judiciary have met with and provided information and education on the criminal justice systems reform efforts to many groups, including the Attorney General's Office, the County and Statewide Jail Wardens Associations, various Municipal Court Administrators Associations, the County Prosecutors Association, the Association of Criminal Defense Attorneys, the New Jersey Association of Counties, and the League of Municipalities. Judges and staff have received numerous presentations and literature, and these educational opportunities will continue.

Bail reform and speedy trial protections collectively represent a historic shift in the way New Jersey will administer criminal justice. This shift is the culmination of the extensive efforts of the three branches of government in collaboration with many partners. Though much work has been accomplished, there is much more to be done prior to January 1, 2017. There are significant operational and staffing challenges that must be addressed in order to bring this project to fruition. The Judiciary remains confident in the State's ability to implement these statutorily-mandated reforms based upon the collaboration and partnership with the legislative and executive branches and all of the criminal justice system stakeholders.

Respectfully submitted,

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