

What is speedy trial reform?

Before Jan. 1, 2017, the state had no speedy trial statute or rules, which meant that some cases could sometimes take years to go from arrest to trial. The new speedy trial law applies to defendants who are subjected to pretrial detention.

The speedy trial component establishes limits on the amount of time a defendant can remain detained before trial. The new law provides three distinct speedy trial limits:

- ✓ From arrest to indictment: No more than 90 days prior to return or unsealing of the indictment.
- ✓ From indictment to trial: No more than 180 days before commencement of the trial. Additional time can be granted by a judge after a prosecutor's motion.
- ✓ An overall limit from detention to trial: Two years after the issuance of the detention order, excluding only those delays attributed to the defendant, to the commencement of trial.

The law contains extensions of time for pretrial motions, competency hearings, plea negotiations, the consent of the parties, and other excludable time.

New Jersey Judiciary



**Chief Justice
Stuart Rabner**

“The existing bail system is not fair to poor defendants who, because they cannot post bail, are cut off from families and may lose their jobs. In terms of the charges against them, studies have shown that they face tougher plea offers and pressure to plead guilty because of the amount of time they have already spent in jail, and they receive longer sentences as compared to similarly situated defendants who were able to make bail.”



STUART RABNER
CHIEF JUSTICE

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

CN 12058 - MAY 2017

New Jersey Judiciary



Frequently Asked Questions

For more information about criminal justice reform in New Jersey, go to www.njcourts.gov and search for “criminal justice reform.”

What is criminal justice reform?

Criminal justice reform represents a fundamental change in how defendants and their cases are processed in the New Jersey courts. On Jan. 1, 2017, the state moved from a system that relied principally on setting monetary bail as a condition of release to a risk-based system that is more objective, promotes public safety and is fairer to defendants because it is unrelated to their ability to pay monetary bail. The new law also sets deadlines for the timely filing of an indictment and the disposition of criminal charges for incarcerated defendants.



How did criminal justice reform come about?

The transformation of our criminal justice system is a joint effort of all three branches of government. It grew from the work of the Joint Committee on Criminal Justice, a special committee of the Supreme Court established by Chief Justice Stuart Rabner to examine the issues of bail and speedy trial reform. The committee included the attorney general, the public defender, judges, county prosecutors, defense counsel, court administrators, representatives of the Legislature, and a representative of the American Civil Liberties Union. The committee developed and issued a series of recommendations that were incorporated into landmark legislation. Voters in November 2014 approved a constitutional change that became effective on Jan. 1 2017 to permit judges to keep high-risk defendants detained without bail.

Why did New Jersey reform its criminal justice system?

The criminal justice system is rooted in two principles: That those accused of a crime are innocent until proven guilty and that they have a constitutional right to a speedy trial.

Under the former system, in which judges set a dollar amount of bail, poor defendants who posed little risk of danger or flight were sometimes held in county jail because they couldn't make even modest amounts of bail.

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 and cultural minority groups.

Meanwhile, under the old law, defendants with assets could post bail and be released even if they posed a serious risk of flight or danger to the public.



Under criminal justice reform, judges will assess the level of risk each defendant presents and impose conditions of release. Judges will use an objective risk-assessment tool that has been tested and validated with data from thousands of actual New Jersey cases. Judges will consider factors such as the defendant's age at the time of arrest, pending charges, prior convictions and whether any of those involved violence, prior failures to appear, and prior jail sentences.

With that information, each defendant will be classified as low, moderate, or high risk and could be released on conditions without having to post monetary bail. Those determined to be dangerous would be held without bail pending trial.

The court will make a pretrial release decision at a centralized first appearance that will occur within 48 hours of a defendant's arrest and commitment to the county jail. Unless a prosecutor moves for detention, the court must make a release decision at that point.

How will those on pretrial release be monitored?

A pretrial services program that will be staffed by more than 200 pretrial services officers statewide will be responsible for monitoring defendants who are released pending trial, a system similar to the federal system and a number of other jurisdictions. For low-risk defendants, that could amount to nothing more than a phone call or text to remind them to show up in court.

As the risk level increases, the nature of the monitoring will be enhanced. The officers will ensure that defendants are notified of future court appearances, will alert the court of any violations of release conditions, and in some instances initiate the release revocation process.