

History of Pretrial Services

In the summer of 2014, the New Jersey Legislature passed, and Gov. Chris Christie signed, the criminal justice reform law. In November 2014, voters approved an amendment to the New Jersey Constitution that permits the pretrial detention of high-risk defendants.

The criminal justice reform law requires a shift from a resource-based monetary bail system to a risk-based system of pretrial release. Under this new system of pretrial release, the financial ability to pay monetary bail is no longer the sole reason a defendant is released or held in jail pretrial. Instead, the defendant's risk of failure to appear in court and risk to community safety are the factors considered to make the release decision.

The new legislation sets out a hierarchy of five release options for the court when making release decisions, with a guiding principle of the least restrictive option. Among the five release options is release on pretrial monitoring. Also, an additional 13 conditions of release can be ordered. The Judiciary created the Pretrial Services Unit to conduct the pretrial monitoring. However, while the statute establishes pretrial monitoring as a pretrial release option, it does not specifically state how that pretrial monitoring is to be accomplished. The Judiciary established the policies and procedures to implement pretrial monitoring effective Jan. 1, 2017.

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

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New Jersey Judiciary



Pretrial Services Program

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

Purpose of Pretrial Monitoring

The purpose of pretrial monitoring is to manage pretrial defendants' risk of failure to appear in court, risk to community safety, and risk of obstructing or attempting to obstruct the criminal justice process. The monitoring will be conducted in the *most effective* and *least restrictive* manner possible to improve the defendant's likelihood of pretrial success.



What is Pretrial Services?

Pretrial Services is:

A unit within the criminal division of the New Jersey Judiciary

Designed to help pretrial defendants achieve pretrial success, such as appearing in court when required and not engaging in additional criminal activity

Pretrial Services is NOT:

A law enforcement agency

Probation

A social services agency

Punitive in nature

What Will Pretrial Services Do?

- Ensure that appropriate pretrial defendants are released as quickly as possible
- Use the least restrictive means possible to carry out pretrial monitoring

Monitor

- All pretrial defendants for failure to appear in court
- All pretrial defendants for new arrests
- Drug and alcohol use by screening new arrests and drug testing results where court-ordered
- Employment and education through self-reporting where court-ordered
- Court-ordered curfew by screening new arrests, third-party reports, and electronic monitoring
- Court-ordered medical, psychological or psychiatric treatment by requiring defendants to provide verification and to sign a release with the treatment provider

Pretrial Services Also Will

- Conduct electronic monitoring to follow the location of

- pretrial defendants where court-ordered
- Take appropriate action where violations of no-contact orders are brought to the Pretrial Services Program's attention and refer these violations to the court where appropriate
- Report violations of the conditions of pretrial monitoring to the court and make recommendations for possible sanctions
- Require pretrial defendants subject to pretrial monitoring to have periodic contact with the Pretrial Services Program
- Require pretrial defendants to immediately advise of a change of address, telephone number or other contact information
- Send text and e-mail reminders to pretrial defendants reminding them of upcoming court dates and monitoring appointments
- Provide pretrial defendants with community referrals to assist them as necessary

What Will Pretrial Services Not Do?

- Arrest defendants who violate their pretrial release conditions
- Guarantee in every case that pretrial defendants:
 - will appear in court
 - will not reoffend
- Investigate potential violations of electronic monitoring
- Conduct curfew checks
- Collect firearms or other weapons from pretrial defendants

Pretrial Services Also Will Not

- File a violation of pretrial monitoring solely based on a defendant's failure to attend school or educational programs, or to obtain/maintain employment
- Make unsolicited contact with victims or witnesses to monitor no-contact orders
- Contact schools and educational programs to verify a defendant's attendance
- Contact employers to verify employment