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To: Assignment Judges
From: Glenn A. Grant, J.A.D. 
Subj: Criminal Justice Reform – Pretrial Services Fact Sheet
Date: December 20, 2016

This memorandum promulgates the Pretrial Services Fact Sheet, which outlines the role of the Judiciary's Pretrial Services Program and its approach to the monitoring of pretrial defendants. The Fact Sheet sets forth what the Pretrial Services Program is and what it is not, and what it will and will not be doing. In short, the Fact Sheet makes it clear that the primary function of Pretrial Services staff is to assist pretrial defendants in making their court appearances and avoiding new criminal activity. Pretrial Services staff therefore will not be arresting defendants or performing fieldwork. Instead, staff will monitor pretrial release conditions and will take appropriate steps, such as filing a violation with the court, when warranted. By clearly delineating what Pretrial Services staff will and will not be doing, this Fact Sheet is intended to eliminate any confusion or misconceptions regarding the Pretrial Services Program and its monitoring responsibilities.

Please provide the Fact Sheet to your county prosecutor, deputy public defender and local bar representative. It is expected that your local Pretrial Services team will be able to address any questions that may arise. Questions or comments may also be submitted via email to: pretrialinfo.Mailbox@NJCourts.gov.

G.A.G.

Attachment

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges
Municipal Court Presiding Judges
Family Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators

Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Vance Hagins, Chief, Pretrial Services
Cara Kurtz, Assistant Chief, Pretrial Services
Criminal Division Managers/Assistant Managers
Municipal Division Managers
Family Division Managers

Pretrial Services Program Pretrial Monitoring Fact Sheet

History:

In the summer of 2014, the New Jersey Legislature passed, and Gov. Chris Christie signed, the Criminal Justice Reform Law, N.J.S.A. 2A:162-15 et seq. Then, in November 2014, the New Jersey 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 the current resource-based monetary bail system in New Jersey to a risk-based system of pretrial release. Under this new system of pretrial release, the financial ability to pay monetary bail no longer will be 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 will be 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. Therefore, the Judiciary has established the policies and procedures to implement pretrial monitoring effective Jan. 1, 2017.

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:	Pretrial Services IS NOT:
<ul style="list-style-type: none">• A unit within the Criminal Division of the NJ Judiciary	<ul style="list-style-type: none">• A law enforcement agency
<ul style="list-style-type: none">• Designed to assist pretrial defendants to achieve pretrial success, such as appearing in court when required and not engaging in additional criminal activity	<ul style="list-style-type: none">• Probation
	<ul style="list-style-type: none">• A social services agency
	<ul style="list-style-type: none">• Punitive in nature

What Will Pretrial Services Do?

Pretrial Services WILL:	Pretrial Services WILL NOT:
<ul style="list-style-type: none">• Ensure that appropriate pretrial defendants are released as quickly as possible	<ul style="list-style-type: none">• Arrest defendants who violate their pretrial release conditions

Pretrial Services WILL:

Pretrial Services WILL NOT:

- **Serve as liaison to judges to provide necessary information**

- **Conduct fieldwork to monitor home detention of defendants who are not on electronic monitoring**

- **Monitor all pretrial defendants for failure to appear in court**

- **Guarantee in every case that pretrial defendants will appear in court**

- **Monitor all pretrial defendants for new arrests**

- **Guarantee in every case that pretrial defendants will not reoffend**

- **Use the least restrictive means possible to carry out pretrial monitoring**

- **Conduct searches of pretrial defendants' residences, vehicles, or other locations**

- **Send text and e-mail reminders to pretrial defendants reminding them of upcoming court dates and monitoring appointments**

- **Contact schools and educational programs to verify a defendant's attendance**

- **Provide pretrial defendants with community referrals to assist them as necessary**

- **Conduct fieldwork to verify and/or determine the propriety of a pretrial defendant's residence**

Pretrial Services WILL:

Pretrial Services WILL NOT:

- **Assess defendants' ability to comply with court-ordered conditions of release and request changes as necessary**

- **Adjust reporting requirements or other conditions of release without a court order**

- **Monitor pretrial defendants' drug and alcohol use by monitoring new arrests and drug testing results where court-ordered**

- **Conduct fieldwork to administer drug testing**

- **Restrict pretrial defendants' travel where court-ordered**

- **Restrict a pretrial defendant's travel unless court-ordered**

- **Verify pretrial defendants' employment and education through self-reporting where court-ordered**

- **Contact employers to verify employment**

- **Conduct electronic monitoring to determine the location of pretrial defendants where court-ordered**

- **Conduct fieldwork to investigate potential violations of electronic monitoring**

- **Monitor court-ordered curfew by monitoring new arrests, third-party reports, and electronic monitoring**

- **Conduct fieldwork to conduct curfew checks**

Pretrial Services WILL:

Pretrial Services WILL NOT:

- **Monitor court-ordered medical, psychological or psychiatric treatment by requiring defendants to provide verification and to sign a release with the treatment provider**

- **Conduct fieldwork to visit pretrial defendants in hospitals or treatment programs**

- **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**

- **Make unsolicited contact with victims or witnesses to monitor no-contact orders**

- **Require pretrial defendants to immediately advise of a change of address, telephone number or other contact information**

- **File a violation of pretrial monitoring solely based on a defendant's failure to obtain/maintain employment**

- **Require pretrial defendants subject to pretrial monitoring to have periodic contact with the Pretrial Services Program**

- **File a violation of pretrial monitoring solely based on a defendant's failure to attend school or educational programs**

- **Report violations of the conditions of pretrial monitoring, including electronic monitoring, to the court for possible sanctions**

- **Conduct fieldwork to investigate potential violations of electronic monitoring**

Pretrial Services WILL:

Pretrial Services WILL NOT:

- **File violations of pretrial monitoring with the court where appropriate**

- **File violations of pretrial monitoring with the court unless appropriate and in accordance with procedure**

- **Make appropriate recommendations to the court to address violations of pretrial monitoring**

- **Conduct fieldwork to collect firearms or other weapons from pretrial defendants**

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