

NEW JERSEY POLITICS

## The good news: N.J. bail overhaul is working. The bad news: It's already going broke.

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In its first year, New Jersey's historic criminal justice system overhaul slashed the number of people charged with minor crimes locked up until trial because they couldn't post bail by 20 percent, according to a new report from the state judiciary.

But like many bright ideas hatched in Trenton, the new system is already going broke.

Starting last year, New Jersey all but eliminated cash bail, moving instead to a system where judges can order defendants jailed based in part on a risk assessment that weighs the suspect's criminal history and the charges they face.

The report, submitted by acting administrative director Judge Glenn Grant to the governor and state Legislature on Monday, found the dramatic transformation had created "a more comprehensive, reasonable, and most importantly, a fairer system of pretrial release."

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"New Jersey has successfully transformed an antiquated money bail system into a modern, risk-based system that relies on empirical evidence to better identify the risk a defendant poses," Grant said in a statement following its release.

The report also warned the new system is "simply not sustainable" and faces a "substantial annual structural deficit" because its funding mechanism, which relies on court fees rather than the state budget.

It's not the first time the judiciary raised the alarm about the need for a "stable sustainable funding stream." Speaking at a Senate budget hearing last spring, Grant said serious problems paying bills could arise as soon as 2019.

The situation has not improved, the new report found. As of the beginning of 2018, the judiciary was spending more on the program than it was collecting in fees and is still expected to hit the wall within a year.

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The findings portray an uncertain financial future for the new system, a top achievement of former Gov. Chris Christie's administration. The changes drew broad support within state government but derision from local law enforcement and some community leaders, who argued it allowed the release of too many people accused of serious crimes.

It also poses problems for Gov. [Phil Murphy](#), whose young administration will have to grapple with how to fund an ambitious overhaul being held up as a model for criminal justice reform around the country. A spokesman for the governor did not immediately return a request for comment.

According to the report, there were 44,319 people charged on a warrant in New Jersey in 2017. Of those people, prosecutors asked judges to lock up 19,366 defendants until trial, and of that group, the court ordered 8,043 thrown in jail.

The report found technological improvements in the state court system helped judges meet another key feature of the overhaul: a "speedy trial" rule which requires defendants be indicted within 90 days and limits the amount of time they can spend in jail awaiting trial.

Yet it found staff at the pretrial monitoring program, whose job it is to keep tabs on people released under the new system, lack resources to help defendants with issues involving mental health and addiction.



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The highest tier of pretrial monitoring, which requires defendants wear GPS monitoring bracelets, was particularly taxing on court staff, the report found. Keeping tabs on the 3,686 defendants entered into that tier last year required 24-hour staffing.

In a few counties, local jails have taken up the duty of responding when a defendant goes missing, but in most jurisdictions around the state, that responsibility fell on the civilian court staff.

The second year of New Jersey's overhaul will be closely watched around the country, as states such as New York and Delaware weigh similar systems.

It continues to face opposition from the bail bonds industry as well as local officials and law enforcement. Earlier this month, Newark Mayor Ras Baraka blamed the new system for the release of a man awaiting trial on domestic violence charges who was later accused of fatally shooting his girlfriend.

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