Discussion Points

1. According to the New Jersey Law Journal, the State's practice of confining sexually violent predators who have served their sentences but who are considered to remain a danger to the public has had major repercussions on the court system in terms of commitment hearings and in appeals.

> *Question:* **How has this program affected the operations of the Judiciary? What is the estimated cost to the Judiciary for conducting the various commitment hearings and appeals?**

The Judiciary has supported the program of commitment hearings for alleged sexually violent predators pursuant to the New Jersey Sexually Violent Predator Act, N.J.S.A. 30:4-27:24 et seq., since its effective date in August 1999. We estimate the Judiciary's annual cost at about $400,000. At the trial level, judges involved are primarily retired judges on recall so as to reduce the impact on other calendars, but regular staff support is required.

The Attorney General's Office has initiated a total of 389 Sexually Violent Predator (SVP) involuntary commitments during that time, and there are currently 327 active cases on the SVP calendar. The Act requires that a person who is involuntarily committed receive a hearing with respect to the issue of the continuing need for involuntary commitment within 20 days from the date of the original temporary commitment order. This hearing usually lasts two days and includes testimony from three expert witnesses. The judge will then prepare an opinion on the question of continued commitment. There is also an annual review hearing for those persons involuntarily committed, and the review hearing usually takes one day. Again, the judge will prepare an opinion.

The Appellate Division has prepared a comprehensive management report for handling appeals to the original order. When there is an appeal from an original commitment hearing, briefs are prepared, and there is extensive liaison with the Attorney General's Office and the Public Defender. Subsequent appeals from annual review hearings usually do not require briefs and are argued on a special calendar of eight to ten appeals in order to expedite the matters and minimize the impact on the workload of the Appellate Division.

2. A Legislative audit of the Judiciary's Bail Fund issued in April 2004 indicated that the procedures for the collection of forfeited bail from sureties and individuals are not adequate. In response to this, the Judiciary undertook a revision of the forms and procedures governing bail and bail forfeitures.

> *Question:* **Please highlight the revisions undertaken. Have these new procedures been fully implemented? How have the revised procedures affected the Judiciary's bail collections?**

While most recommendations were directed to the Office of the Attorney General, the effort to improve procedures was a joint effort. Those efforts have resulted in collections

Discussion Points

doubling this fiscal year over the previous fiscal year. It should be noted that 50 percent of these collections are retained by the State and the balance goes to county governments. The Judiciary developed and published remittitur guidelines for both the Superior and Municipal courts.

The audit recommended that the Office of the Attorney General establish standard procedures for the negotiation of forfeited bails and distribute those procedures to counties' counsel. The attorney general completed that task. Superior Court judges use the guidelines when reviewing consent agreements between corporate sureties and counties' counsel.

In 2004 the Office of the Attorney General undertook a concerted effort to collect on forfeited bail that had been moved to judgment status.

	Collected
FY 2004	$13,352,000
FY 2005	$26,000,000 (projected)

3. In FY 2005, the Judiciary received enough funding to expand drug courts to all 15 vicinages.

> ***Question:*** **How many offenders have been diverted from prison to incarceration to drug court treatment? Please comment on the effectiveness of the drug court program. How does the Judiciary measure the success of this program?**

How many offenders have been diverted from prison to incarceration to drug court treatment?

- A total of 4,612 offenders were sentenced to adult drug court programs in New Jersey.
- Approximately 2,400 participants were sentenced to drug court since the adult Drug Court statewide implementation project began on April 1, 2002.
- Since FY 2005 began, 685 offenders were sentenced to drug court. About 91 percent (623) would otherwise have been sentenced to state prison. The remaining 9 percent (62) were sentenced to drug court in lieu of a county jail sentence.

Please comment on the effectiveness of the drug court program. How does the Judiciary measure the success of this program?

The major indicators of program success for drug courts are program retention rate and recidivism rate for program graduates. Approximately 69 percent of participants sentenced since the adult Drug Court statewide implementation project began on April 1,

Discussion Points

2002 remain active participants or have successfully graduated. That percentage mirrors what is found in drug courts nationally. New Jersey's program is longer than most other drug courts due to statutory provisions; therefore maintaining a 69 percent program retention rate after three years is a considerable success. The last recidivism study conducted revealed that within three years of graduation, 14 percent of drug court graduates were rearrested for an indictable offense, 6 percent had been convicted of a new indictable offense and half of those convicted were sentenced to a term in state prison.

Data being collected on other outcome measures include:

- Number of drug free babies:
  - Fifty-three drug free babies were born to previously addicted mothers.
- Number of participant parents who regained custody of their minor children:
  - Fifty-two parents in the program regained custody of their minor children.
- Percentage of negative drug tests conducted on program participants:
  - Of the more than 78,000 drug tests conducted since April 1, 2002, 97 percent were negative.
- Rate of employment for participants and graduates:
  - At the time of program entry, 71 percent of participants were unemployed; at the time of graduation, only 7 percent were unemployed.

4. A recent shooting by and escape of a prisoner in Atlanta highlights the need for adequate security within the courthouse when dealing with criminal defendants.

> ***Question:*** **What procedures does the Judiciary follow to maintain security within the courthouses both from defendants and from outside attack? Are the security measures uniform among vicinages? What plans, if any, exist to upgrade courthouse security? Has the Judiciary investigated the possibility of obtaining anti-terrorism funding available for this purpose?**

By statute, **N.J.S.A. 2B:6-1d**, assignment judges have overall authority to establish the manner in which security will be provided for their court facilities. The statute assigns operational responsibility for providing court security for the Superior Courts to each county's sheriff.

In September 2001, the Supreme Court approved a Model Court Security Plan developed by a committee of judges, court staff, sheriffs, county and municipal government representatives, state and local police and the attorney general's office.

The assignment judge in each vicinage appoints a local court security committee to implement the standards in the Model Court Security Plan. Each vicinage has a local

Discussion Points

court security plan developed according to the guidelines in the Model Court Security Plan and approved by each assignment judge.

Key among the guidelines are:

- Full weapon screening is in place in all Superior Court Courthouses.
- Armed officers are present in courtrooms during all court proceedings for criminal, family, special civil part claims, and hearing officer proceedings. For other proceedings, officers are available based upon risk assessment.
- The New Jersey State Police Central Security Unit, the sheriff, and other local law enforcement respond to threats to members of the Judiciary according to procedures promulgated by the Judiciary in conjunction with New Jersey State Police Central Security Unit. The State Police Central Security Unit maintains a central file of all threats reported and performs investigations of reported threats.

Are the security measures uniform among vicinages?

The key elements of the Model Court Security Plan listed above are uniformly followed in all vicinages. Application of some recommended standards may vary from location to location, depending on the physical plant, the risk assessed and the available resources.

What plans, if any, exist to upgrade courthouse security?

The Model Court Security Plan requires that vicinages conduct annual surveys, or risk assessments, to determine if any new security risks exist or if any deficiencies need to be mitigated. The results are presented to the Local Court Security Committee for review. Any recommendation to upgrade court security as a result of the annual risk assessments could then be discussed with the sheriff and presented to the local county for funding consideration.

Additionally, according to the plan it is mandatory that an external security audit be performed every three to five years. Private security services, the U.S. Marshall Service, or sheriffs from surrounding vicinages perform these audits.

Plans for courthouse renovations and new courthouse construction are reviewed by the AOC for compliance with all security requirements as set forth in the Model Court Security Plan and the New Jersey Courthouse Facilities Guidelines.

The Judicial Council recently established an ad hoc committee on Judicial Security. This committee will explore all aspects of security of courthouses, ancillary facilities and beyond.

Has the Judiciary investigated the possibility of obtaining anti-terrorism funding available for this purpose?

Distribution of federal anti-terrorism funding has been limited to law enforcement organizations and first responders. The Judiciary does not directly provide security

Discussion Points

services because by statute, courthouse security is the responsibility of the sheriff at the county level and the State Police at the state level.

5. In light of the recent budget crisis, all State departments and agencies have been subject to efforts to conduct operations more efficiently and to identify savings from within their budgets.

> *Question:* **What steps has the Judiciary taken to reduce expenditures and to maximize operational efficiency of the courts? What savings have been generated through these efforts?**

The Judiciary has consistently demonstrated its commitment to work with the Executive and Legislative Branches to address the difficult financial issues before the state. Over the past several fiscal years, we have generated considerable savings to the general fund. In addition, to cost savings, we have managed our budget so that we could devote resources to decreasing case backlogs, expanding electronic case filing, and funding an aggressive IT strategic plan.

Each year, we carefully study and model caseload patterns and align staff for maximum efficiency. This has enabled us to maintain essential public services, while saving salary dollars. After careful review, the Judiciary reduced its FY 06 salary budget request, such that the FY06 recommended appropriation reflects a $5 million base salary reduction. Related fringe benefit savings are estimated at $1.6 million.

Savings of non-salary expenses have also been achieved. In order to operate efficiently within a continuation budget, we are using smaller work stations (56sq. ft.) to make more efficient use of space and limit rent expense. We have standardized office furniture options, purchasing lower cost alternatives. We have consolidated bank accounts to reduce banking fees. We have reviewed document delivery practices to identify less expensive modes of communication. We continually monitor state automobile usage in order to ensure maximum utilization of the fleet.

The judiciary remains committed to optimizing the services provided to the users of the court. As an organization, we will continue to seek operating efficiencies wherever possible, and we will do so in an environment that stresses fiscal responsibility and the importance of cost containment to the taxpayers of New Jersey.

6. Over the past several years the Judiciary has received funding from several sources to upgrade its data processing system in order to provide better service to the public.

> *Question:* **What is the status of the information processing upgrade? How have these improvements affected the court's ability to provide services to the public and respond to inquiries from the Legislature? How have the improvements affected the Judiciary's**

Discussion Points

ability to obtain and provide information about court usage and activities?

The Judiciary continues to make good progress in following the priorities outlined in the multi-year information technology strategic plan. We have successfully converted the first of our legacy systems, the judgment system, to a new database and are aggressively converting the civil and the municipal systems, which we expect to have completed in early FY 06. As described in our plan, we are replacing aging database technology in order to preserve the usability of our systems.

Additionally, we completed significant infrastructure upgrades statewide. We have

- Modernized the network and significantly increased capacity.
- Implemented a new email system.
- Implemented a new local area networking infrastructure.
- Replaced obsolete desktop equipment and implemented standard desktops with a new suite of office applications.
- Extensively improved the security infrastructure to create multi-tiered protection against the ever-increasing universe of threats such as viruses, spam, spyware, denial-of-service attacks, and other threats.
- Increased server capacity to support all the infrastructure changes and to provide capacity for the applications systems' improvements.

We continue to maintain and develop the infrastructure as required to support strategic initiatives. The benefits to attorneys, litigants and the general public are significant. Once completed, the Judiciary's systems will continue to operate with new generations of technology. This will allow us to provide better services in several areas, including:

- Internet connection to provide ready, on-line access to court records. The public now can access criminal court records at user-friendly terminals in every courthouse. We currently are developing similar access to judgment and civil court records.
- Electronic filing by law enforcement of significant court documents such as restraining orders and criminal dispositions reports.
- Electronic filing so that law firms can automatically send their special civil part pleadings to court and get them docketed.
- Greatly enhanced public access to summary information and data that can be analyzed by means of data warehousing to allow the public to better understand the work of the courts.