

EXECUTIVE ORDER NO. 211

WHEREAS, in 2014, the citizens of New Jersey voted overwhelmingly to amend the State Constitution to eliminate the State's "resource-based" approach to pretrial release of individuals facing criminal charges, which allowed potentially dangerous defendants to be released if they had the financial wherewithal to make bail, while requiring defendants who posed no threat to the community to remain in jail simply because of an inability to pay bail or post bond; and

WHEREAS, in lieu of the resource-based system, the voters authorized a "risk-based" system, which, through individualized, objective, and scientifically-based assessments, allows for the detention of criminal defendants who pose a danger to the community, a flight risk, or potential to obstruct justice, where these concerns cannot be mitigated through release conditions; and

WHEREAS, the Legislature passed, and I subsequently signed, P.L. 2014, c. 31, implementing legislation that will take effect on January 1, 2017, and will bring about the sweeping reforms to New Jersey's adult criminal justice system consistent with the the aforementioned constitutional amendment; and

WHEREAS, upon full implementation of the constitutional amendment and the implementing legislation, fewer defendants will be incarcerated in county jails at taxpayer expense while awaiting trial; and

WHEREAS, the speedy indictment and speedy trial deadlines in the implementing legislation will result in shorter periods of pretrial detention for defendants who are not eligible for release based on the objective risk assessment; and

WHEREAS, the Judiciary is currently revising the Rules of Court to implement the aforementioned reforms and establish new practices and procedures that will impact the operations and workload of police agencies and prosecutors' offices; and

WHEREAS, the Attorney General, in his capacity as the State's chief law enforcement officer, is preparing to issue a Law Enforcement Directive to provide guidance to police and prosecutors to ensure the uniform and efficient implementation of these reforms and the new Court Rules; and

WHEREAS, the Directive will encourage prosecutors to review arrests for certain offenses before a decision is made whether to issue a complaint-summons (allowing release of the defendant pending a court appearance) or to apply for a complaint-warrant (requiring evaluation of the defendant by the risk-based assessment to determine if release is appropriate), which represents a significant change in practice for most prosecutors, and may require significant re-alignment of resources to perform these early case-screening functions quickly and efficiently, often outside of normal business hours; and

WHEREAS, the reforms will require the appropriate prioritization of judicial and prosecutorial resources; and

WHEREAS, it is necessary and appropriate to study, project, and monitor the savings and the costs associated with these reforms, and to develop additional policies and procedures to address administrative challenges in order to successfully implement the reforms to our pretrial release system; and

WHEREAS, preparations for implementation are sufficiently advanced such that the savings and costs resulting from the reforms can be reasonably estimated;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

1. The Attorney General shall evaluate the costs, savings, and administrative challenges associated with the reforms to our pretrial release system set forth in the State Constitution, implementing legislation, and the forthcoming Attorney General Law Enforcement Directive, with specific focus on County Prosecutors' Offices, county jails, and local police departments.

2. The study shall be conducted by the Division of Criminal Justice and the Office of Law Enforcement Professional Standards in the Department of Law and Public Safety, in consultation with the State Police and the County Prosecutors Association of New Jersey, and shall solicit the input of appropriate stakeholders.

3. To effectuate the study, the Attorney General shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as deemed necessary to discharge the duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Attorney General within the limits of its statutory authority and to furnish such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

4. The Attorney General shall, within 60 days, report to the Governor on the progress of the study of anticipated costs, savings, and administrative challenges.

5. This Order shall take effect immediately.

GIVEN, under my hand and seal this
30th day of June,
Two Thousand and Sixteen, and
of the Independence of the
United States, the Two
Hundred and Fortieth.

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor