RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CRIMINAL CASEFLOW PROCESS IN CAMDEN COUNTY TO REDUCE THE JAIL POPULATION

Consultant:
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JULY 2005
American University
Courts Technical Assistance Program

CLIENT EVALUATION FORM

Subj. Code

PLEASE RETURN TO:
American University/Justice Programs Office
Brandywine Building - Suite 100
4400 Massachusetts Avenue, NW
Washington, DC 20016-8159

AGENCY RECEIVING ASSISTANCE: CAMDEN COUNTY ADMINISTRATOR

LOCATION: CAMDEN COUNTY, NEW JERSEY

FOCUS OF ASSISTANCE: POTENTIAL IMPACT OF CRIMINAL CASE PROCESS ON JAIL CROWDING

CONSULTANT(S): RICHARD HOFFMAN

Please rate the technical assistance provided using the scale of 1 (least effective) - 5 (most effective):

You were kept adequately advised of the status of your request for assistance prior to notification by the technical assistance project that your request was approved. 1 2 3 4 5

Arrangements for delivery of technical assistance were handled adequately by technical assistance project staff. 1 2 3 4 5

The consultant appeared competent in his/her field and brought the necessary background and experience for dealing with the designated problem areas. 1 2 3 4 5

The consultant appeared to have reviewed site-relevant background material and otherwise consult with the Local Coordinator to prepare for his/her site work. 1 2 3 4 5

Page 1 of 2
Please rate the technical assistance provided using the scale of 1 (least effective) - 5 (most effective):

The consultant dealt fully and adequately with the specific areas of request assistance.  
1 2 3 4 5

The consultant’s report was received within a reasonable period of time, in view of the scope of work involved.  
1 2 3 4 5

The report was clear and specific, and provided a helpful guideline for further action.  
1 2 3 4 5

The services provided by American University’s technical assistance project met the expectations of the requesting agency or official.  
1 2 3 4 5

May the technical assistance report be distributed to interested state and local agencies or public repositories upon request? [Circle one]

Yes  No

From what sources did you learn of the availability of technical assistance?

What action do you intend to take as a result of this technical assistance?

ADDITIONAL COMMENTS (including any recommendations for improving the delivery of technical assistance in the future):

Signature  Date

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A. Maintain the regular meetings of the component agencies of the criminal justice system in Camden County in the Criminal Justice Coordinating Council, chaired by retired Judge Joseph Mariani.
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C. Initiate intense training programs to upgrade the quality and timeliness of police reports throughout the county.
D. Develop a stronger partnership between the prosecutor's office and the several police agencies that will involve the prosecutor earlier in the process to screen potential charges.
E. Upgrade the status and operations of the court bail unit so it will be capable of proposing conditions of release to the court in the manner of a pretrial services agency.
F. The court bail unit should be re-oriented to function as a pretrial services agency to propose nonfinancial conditions of release where appropriate.
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I. INTRODUCTION

A. Study Background

In the Spring of 2004, David S. Owens, Jr., Deputy County Administrator of Camden County, New Jersey, requested BJA's Criminal Courts Technical Assistance Project at American University to conduct a review of the criminal caseflow process in Camden County and related justice system resource needs. The purpose of this review was to identify areas for potential improvement that would relieve the serious jail overcrowding situation then facing the County. The Board of Freeholders of Camden County joined Mr. Owens in this request. In addition to the requested study of the criminal caseflow process, the County had also requested technical assistance from the National Institute of Corrections to review the operations of the Camden County Jail.

A. Study Approach and Site Schedule

On March 31, 2004, Joseph A. Trotter, Jr. and Caroline S. Cooper, CCTAP Director and Associate Director, respectively, conducted a preliminary site visit to Camden at which time they met with representatives in the District Attorney's office, the Superior Court, the Jail, and community groups. These meetings focused upon obtaining initial background information regarding the nature of the jail crowding situation in Camden, relevant issues that should be incorporated in the technical assistance study, and relevant data that should be compiled and analyzed. During April and May 2004 various data runs were performed by the Camden County Jail to provide information relating to the nature of charges, length of stay, and release mechanisms applicable to the population housed in the jail. The CCTAP then assigned Richard B. Hoffman, a nationally recognized expert in caseflow management, as the special consultant to conduct the in-depth review of the criminal case process requested, analyze the data compiled, and work with CCTAP staff in developing recommendations to alleviate the jail crowding situation. On May 28, 2004, Deputy Administrator Owens met with Messrs. Trotter and Hoffman and Ms. Cooper in Washington to further discuss the focus of the study.

During June - September, Mr. Hoffman conducted several site visits to Camden County to meet with county and court officials whose involvement in and perspective on the caseflow process was essential to the technical assistance study being conducted. On June 8-9, 2004, Mr. Hoffman met with: Mr. Owens, Superior Court Assignment Judge Francis Orlando, Chief Municipal Court Judge John McFeeley; Michael O'Brien, Trial Court Administrator for the Camden Vicinage; Robert Sebastiani, Chief Probation Officer; Eric Taylor, Warden of the County Jail; Vincent P. Sarubbi, Esq., County Prosecutor; Harold Kasselman, Esq., Deputy First Assistant Prosecutor and Chief of Grand Jury Section of Prosecutor's Office; Michael Friedman, Esq., County Public Defender; Cpt. Joseph Richardson, Lt. Michael Penna, and Sgt J.C. McCray of the Camden City Police Department; and Sgt. Trusadi of the Camden County Sheriff's Department. During the previous visit in March, Mr. Trotter and Ms. Cooper also met with many of these personnel, as well as with First Assistant Prosecutor James P. Lynch and the prosecutor’s Chief of Investigators Anthony R. Saponare.

On August 24, 2004, Mr. Hoffman met with Trial Court Administrator O'Brien and Deputy County Administrator Owens, and then attended the monthly meeting of the Criminal Justice Coordinating Council, where he briefly described the scope of the technical assistance. Mr. Hoffman and Ms. Cooper returned again to Camden on September 9, 2004, to meet with Assignment Judge Orlando, Superior Court Presiding Judge Linda Baxter of the Criminal Division, Trial Court Administrator O'Brien, and Criminal Case Manager Bonnie Kernagis.

In December 2004, a draft of the technical assistance report was sent to Camden County officials for review. This report is now submitted in final form.

C. Scope and Focus of Technical Assistance Provided

As noted above, the CCTAP was requested to examine the jail overcrowding situation at the Camden County Correctional Facility from the standpoint of proposing methods to improve the processing of criminal cases so as to reduce the jail population. Resolving jail overcrowding, along with reduction of police overtime spent attending judicial proceedings, are the two principal forces in the U.S. stimulating improvement of criminal justice case processing. For this reason, the study team examined the entire

criminal case process rather than simply focus on any one segment of the criminal caseflow in order to be able to recommend a comprehensive approach to improving the movement of criminal cases.
II. ANALYSIS OF EXISTING SITUATION

A. The Jail Situation

Camden County, New Jersey, is experiencing significant jail overcrowding. The county jail constructed less than 20 years ago with a current rated population capacity of 1,297 has been regularly holding upwards of 1,700 and 1,800 prisoners. While poor facility design, confirmed by the recent National Institute of Corrections-sponsored assessment,1 has made it more difficult inter alia to move prisoners in and out of the jail, resolution of the overcrowding problem requires both analysis and action on a criminal justice system-wide basis. The policies of the individual component agencies that comprise the criminal justice system—the police, the prosecutor’s office, the defense bar, the courts, and the correctional institutions—all have an impact on determining how speedily cases move through the system and thus the size of the jail population.

While steps need to be taken to reduce all segments of the jail population, the prime focus arguably should be directed at the more than 50 percent of the 2003 jail population (total 20,929) that was held for between 2 to 30 days (12,677). This review should focus upon the degree to which more expeditious case processing and earlier decisions resulting in release could reduce the jail population. Of the inmate group held between 2 to 30 days, those making up the larger part, 8,943, were held from between 2 to 7 days, and 3,734 were held from between 8 to 30 days. Table 1 on the following page provides a summary of the length of stay of inmates in the Camden County Jail during Calendar Year 2003.

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Further examination of jail population statistics discloses that 51 percent of all inmates on a recent day ("snapshot" date: May 14, 2004) were being held pending first appearance, grand jury action (prior to indictment), or waiting for trial (after being indicted). This group—of whom, 24 percent (of all inmates) faced 1st or 2nd degree (more serious) charges and 27 percent faced less serious 3rd or 4th degree charges—clearly presents the most opportunity for impact on jail population reduction by improving the basic pretrial criminal caseflow management process in Camden County. The next largest group of detainees that should be identified for improved processing of their proceedings for the purpose of jail crowding reduction are the eight percent of detainees being held only for probation or parole violation charges.

Several possible strategies were proposed by the NIC-sponsored consultants. These included: (1) an offsite receiving and holding center, (2) a pretrial release system with release monitoring, (3) an accelerated Municipal Court process, (4) faster processing of probation and parole violation hearings, (5) other "innovative strategies" to move minor cases, (6) renting bed space in other county jails for long-term inmates, and (7) enactment of sentence reduction initiatives.

Although none of these strategies appears to be faulty, and some will be examined in this report for potentially greater use, this technical assistance review instead approached the problem by examining the criminal caseflow process itself more closely and, as a result of that analysis, our recommendations emphasize changes in that process which, if followed, will result in more expeditious reduction of the jail population.

Table 1. Length of Stay in Camden County Jail, 2003

<table>
<thead>
<tr>
<th>Length of Stay Before Discharge</th>
<th>Number of Inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Day</td>
<td>3,363</td>
</tr>
<tr>
<td>2 to 7 Days</td>
<td>8,943</td>
</tr>
<tr>
<td>8 to 30 Days</td>
<td>3,734</td>
</tr>
<tr>
<td>31 to 60 Days</td>
<td>1,718</td>
</tr>
<tr>
<td>61 to 120 Days</td>
<td>1,397</td>
</tr>
<tr>
<td>121 to 180 Days</td>
<td>713</td>
</tr>
<tr>
<td>181 to 365 Days</td>
<td>813</td>
</tr>
<tr>
<td>365 Days and Over</td>
<td>248</td>
</tr>
<tr>
<td>Total</td>
<td>20,929</td>
</tr>
</tbody>
</table>

Source: Camden County Correctional Facility Population Analysis, 2003
B. The Criminal Justice Process in Camden County

1. Overall time performance.

It should be emphasized that the median time performance statistics for the processing of criminal cases—overall and by stages—by the Camden County courts are not excessive. Although the American Bar Association standards call for 90 percent of all felony cases to be adjudicated or otherwise concluded within 120 days of arrest, 98 percent within 180 days and 100 percent within one year, few courts have achieved these goals although many are moving toward them. The most recent median time from arrest to indictment disposition in Camden County criminal cases was 160 days, which was less than the entire New Jersey state court median of 191 days. The following table compares Camden County with both the New Jersey state courts and probably the most recent national comparative study that included nine courts with fast, medium, and slow processing rates.

Table 2. Comparative Median Times from Arrest to Disposition and Indictment to Disposition in Criminal Cases.

<table>
<thead>
<tr>
<th></th>
<th>Arrest to Disposition</th>
<th>Indictment to Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camden County</td>
<td>72</td>
<td>68</td>
</tr>
<tr>
<td>N.J. State Courts</td>
<td>97</td>
<td>83</td>
</tr>
<tr>
<td>Nine-Court Study</td>
<td>169</td>
<td>118</td>
</tr>
</tbody>
</table>

Source: Superior Court (Camden Vicinage) Trial Court Administrator’s Office

Careful study of the initiation of the criminal justice process in Camden County suggests, however, that there likely is opportunity for significant reduction in the number of days it takes for accused persons to be processed during the critical first two weeks of the process.

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2. **Initial appearance.**

The process begins with a first appearance of the accused before a judicial officer. This occurs either in Municipal Court, or, for certain serious offenses, in Superior Court. Since Municipal Courts are spread across the county, many accused persons attend their first appearance either before the presiding judge in Camden City Municipal Court or before him on video from the nearby county jail. One Superior Court judge normally presides at the first appearances of those accused persons whose charges—these are the seven most serious felony offenses (nicknamed in New Jersey and in other jurisdictions with similar categories as “the seven deadly sins”)—require appearance in that court. For purposes of setting bail, this first appearance must occur within 12 hours of the arrest.³

Police booking procedures (discussed infra), combined with repetitive identification procedures at the county jail, occupy a large amount of this initial time period. As a result, little real investigation of the offense occurs then. The prosecutor is normally not aware of the charges at this time and does not normally attend the initial appearance. Nor does the public defender, who will eventually represent most of the accused persons. The court bail unit, a part of the Superior Court, collects information from accused persons for presentation to the presiding judge at first appearance; the unit functions as an essentially clerical adjunct of the court.

In consequence, little occurs at the first appearance except for the advising of rights by the judge and the setting of bail. There is no pretrial services agency and no recommendation by a disinterested unit regarding appropriate bail settings or proposed conditions of release. Bail review may occur, however, at any time after the initial appearance. It routinely is conducted on the first business day after the first appearance by the Presiding Judge of the Criminal Division. The public defender reported that his office agreed not to submit more than one bail motion within the first 60 days to reduce what is normally needless paper flow; there is general concern among criminal justice professionals in the county, however, that bail amounts are higher than necessary to guarantee both appearance and safety. This is due in some measure to statutory changes that both increased bail levels and required posting of 100 percent of the bail amount.

³ N.J. COURT RULES, § 3:4-1 (a) (2) and (b) (Pressler, ed., 2003 ed. at 765-766).

3. From initial appearance to CJP hearing.

Police departments are required to submit their reports within 72 hours from arrest, directly to the court, through its central judicial process unit. We were told by both prosecutors and public defenders that this deadline is frequently not met.4 This unit then transmits copies to the prosecutor and to defense counsel, frequently not very far in advance of the Central Judicial Processing hearing, the next major event in the criminal justice process.5 This hearing normally is held within seven to twelve days after the arrest. By this time, defense counsel, normally the public defender, has been appointed. This hearing is generally characterized by discussions between the prosecutor and public defender as to possible immediate disposition of the case by either guilty plea or dismissal. A relatively small number of cases are dismissed at this stage. If the case is not resolved at this hearing, the accused will be held in jail pending the next likely hearing, which will be a pre-indictment conference (PIC), followed, if the case is not resolved at the PIC, by possible indictment in Superior Court or return to one of Camden County’s 37 Municipal Courts to face the charges.

Many justice systems in the U.S. have shown that a great deal may be done to expedite this process. The goal will always be to advance the date when cases that eventually will be disposed of short of trial will actually drop out of the process. The major problem with the process as it operates in Camden County is that the first appearance occurs too early for meaningful disposition of most cases, while the Central Judicial Process hearing occurs too late, in that the defendant has stayed another week or more in jail, merely because, in most cases, police reports are submitted late and are often not complete even then.

We were informed that some years ago, when the CJP hearing was introduced as a key point in the criminal justice process in Camden County, these CJP hearings occurred earlier in the process: often as soon as four to five days after arrest and initial

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4 The CJP unit in the court certainly makes every effort to expedite transmission of the police reports, since the unit actually travels to outlying police locations to pick up the reports rather than wait for them to be transmitted.

5 As described in the Annual Report for 2002 (2003) of the Prosecutor’s Office, at p. 19: “The first scheduled appearance for defendants occurs at the Central Judicial Processing Court (C.J.P.) This court meets four times a week to arraign suspects, determine representation of defendants, and to allow the [prosecutor’s grand jury] legal staff to evaluate the strength of cases. The legal staff receives police reports a day before the C.J.P. date.”

appearance. Clearly, while the success of this early scheduling was credited in large part to the individual prosecutor and public defender assigned at that time to this stage of the process, it was only possible if both possessed the necessary information about the defendant and the case to permit early review and, often, resolution of the matter. What is most encouraging about this history is that having once been able to conduct this hearing much more expeditiously, it certainly should be possible, with the right personnel and adequate information, to achieve this level of performance again. Making this happen again may well require additional resources for the prosecutor and public defender—these resources would surely be less costly than additional correctional facilities. Moreover, increased case volume should not have a major impact on delaying these hearings as the lag now is caused largely by late police reports.

4. The process after the CJP hearing.

There is not much in the way of formal occasion for cases to be disposed of between the CJP hearing and the PIC (pre-indictment conference) some weeks or months later. However, some data\(^6\) show that relatively large numbers of cases have been dismissed later in the process. 25 percent of criminal cases initiated in June 2003 were dismissed post-indictment; 33 percent of the cases initiated in June 2002 were also dismissed post-indictment. The full-year (June 2002-June 2003) figures reflect a far smaller number—only 7 percent were dismissed post-indictment, which was the state’s annual average for all counties, and the annual guilty-plea rate was the second-highest in the state.

C. Strategies Being Used by Jurisdictions to Facilitate Earlier Case Dispositions of Cases that Will Eventually Fall Out.

In contrast to the standard New Jersey procedure, today many jurisdictions emphasize a shift of activity toward the front end of the criminal case process so as to

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\(^6\) The following data are taken from Report CR3 (Monthly and Year to Date) by the Criminal Practice Division of the New Jersey Administrative Office of the Courts, entitled Fallout Rates: The Number and Percentage of Criminal Defendants Terminated From Referral of the Complaint to the Prosecutor Through Adjudication. Recommendations For Improving the Operation of the Criminal Caseflow Process in Camden County to Reduce the Jail Population. BJA Criminal Courts Technical Assistance Project. (CCTAP No. 3-005). American University. July 2005.
facilitate earlier dispositions of cases that will eventually fall out of the process in any event.

In such a model process, both prosecutors and defense counsel—either public defenders or assigned counsel—become involved much faster in the process. Police officers are required to transmit their reports immediately to the prosecutor; many prosecutors have organized intake units staffed by senior prosecutors who screen the case and interview the officer within hours after the arrest. Often, the experienced prosecutors find that many cases should be dropped at this early stage because there are obvious issues as to lack of support for charges or evidentiary questions. The cases that will proceed after this screening are then “papered” in preparation for the first court appearance.

When the accused is brought to the holding area in a courthouse, or alternatively, in the jail, these other jurisdictions also ensure that the defense counsel gains early access to the accused for a brief interview. In this way, counsel may knowledgably represent the accused at the initial hearing. Even if the counsel who “stands in” at the first appearance does not continue to represent the accused, that counsel has learned enough to discuss release and possible dispositions.

In many courts, a pretrial services agency or unit will also interview the accused at this early stage prior to the first appearance. Instead of 12 hours, that appearance may occur at 24 or 48 hours, to permit this preparation to occur yet remain within constitutional requirements. The pretrial services agency is similar to the court bail unit in New Jersey but with added capabilities. Usually the agency gathers as much information related to the accused’s roots in the community, criminal history, employment, and family so as to make an informed recommendation to the court. The recommendation will often support release, but almost always will include suggested conditions of release that are designed to ensure the accused’s appearance at further proceedings as well as to forestall possible danger to the community from the release. This may include a recommendation for electronic monitoring. Many pretrial services agencies also possess a limited supervisory capacity—usually there are too many persons on release for direct supervision to be a major factor but it is possible and in certain limited numbers of cases where the court expresses the need, supervision can be
intensive. Some pretrial agencies also provide very frequent drug testing as a further informational support for judicial decisions on conditions of release.\(^7\)

Thus, when a first appearance is held with this kind of support, all participants possess some useful information that may permit either release with adequate conditions or spur actual disposition of the case.

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\(^7\) Standard X (A) and (B) of the National Association of Pretrial Services Agencies (NAPSA) *Performance Standards and Goals for Pretrial Release* (NAPSA, 2d ed., 1998) outlines the services a pretrial services agency should provide: THE PRETRIAL SERVICES AGENCY SHOULD PROVIDE DIRECT SERVICES TO PRETRIAL RELEASEES AND THE COURT AND SHOULD COORDINATE OTHER SERVICES WITH OTHER AGENCIES FOR THE BENEFIT OF PRETRIAL RELEASEES.

A. The Pretrial Services Agency Should Provide Services Necessary To Assure Efficient Use Of Nonfinancial Release. These Services Should Include, But Not Be Limited To:

1. Availability of personnel for interviewing arrestees at any time;
2. Collection and verification of information pertinent to release decisions;
3. Communication of a written summary of interview information and recommendations to judicial officers or agencies responsible for making release decisions;
4. Appearance in court by staff representatives to answer questions concerning the agency's report and recommendations and to explain conditions of release and sanctions for noncompliance;
5. Notification to defendants of upcoming court dates;
6. Maintenance of a system to track developments in the court process for defendants;
7. The monitoring of compliance with release conditions and preparation of reports reflecting compliance or noncompliance for appropriate officials; and
8. Maintenance of lists of detained persons and assistance in developing alternative release plans for defendants ineligible for unconditional release on recognizance.

B. The Pretrial Services Agency Should Also Provide Other Services Not Directly Related To The Release Decision But Which Are Appropriate To Its Role, Its Access To Information, And Its Relationship To Defendants. Such Services, However, Should Be Limited To Those Which Do Not Conflict With the Agency's Primary Responsibility Of Providing Neutral Aid To facilitate Nonfinancial Release and Which Do Not Infringe Upon A Defendant's Rights. Such Services May Include, But Not Be Limited To:

1. Development of appropriate access to community services;
2. Assistance in searching for and returning fugitives;
3. Assistance to corrections officials in the compilation of pre-sentence reports or direct submission of those reports by providing information relating to compliance with release conditions by defendants on pretrial release.

III. POTENTIAL CHANGES IN THE CRIMINAL CASE PROCESS THAT CAN CONTRIBUTE TO REDUCING THE JAIL POPULATION

A. Centralized Booking

Camden County is already very close to conducting booking at a central location, at least for accused persons from the City of Camden. The Camden City Police Department is able to run criminal histories and enter vital information about the accused into its data processing system, including a photograph taken at the booking location at police headquarters. The entire paper package is then handed to the county sheriff’s staff at the same location but there is not yet a computer interface to transfer the information, and in particular, the photograph. As a result, when the accused is transported to the jail - which is only a short distance from the police headquarters but not always accomplished quickly owing to limited transport vehicles and personnel, as well as the infelicitous sally port at the jail -- the entire identification procedure is repeated. This not only takes significant time but also effort by county personnel at the jail.

It would appear that enabling the city police to transmit the information to the county’s data processing system would not be a significant problem. However until this is accomplished the present situation creates the kind of small obstacles that slow progress in speeding criminal caseflow. It will be more difficult to include the outlying municipalities in the central booking process but this should not prevent the city and county from taking the minimal steps needed to pilot the process so that later it may be expanded to the other municipalities in the county.

B. More Timely and Adequate Police Reports

All of the participants in the court process—prosecutors, public defenders, and court officials—state that police reports tend to be submitted late and are frequently inadequate. This means that not only do the participants lack necessary information that would make the case move faster, but much effort must be expended, usually by the court and the prosecutor, to communicate with the separate police units to get the reports supplemented or otherwise improved.
In many places, obtaining police reports that are complete and ready for submission to the prosecutor and others in a timely manner has proven to be one of the most difficult parts of the criminal case process to improve. The prosecutor's office in Camden County has made efforts through lectures and other educational sessions to assist the police in upgrading the quality and the timeliness of these reports but this needs to be done more regularly and on a continuing basis. As a first step, the goal should be to get good police reports within the now-required 72 hours; later, this time should be shortened so that this information is available to support speedier dispositions.

A further means of improving this process could involve closer cooperation between the police and the prosecutor. While the prosecutor's office may station a prosecutor at the police headquarters when a major sweep is underway, the police should be able to consult a prosecutor far earlier than they now generally do. Some jurisdictions, such as Bronx County in New York City and Fulton County (Atlanta), Georgia, have organized a complaint room where police come to prepare their initial reports in cooperation with the prosecutors. This process may also be accomplished through use of videoconferencing, which is especially likely in Camden County since video technology is already being used for some initial appearances.

C. Upgrading Bail Information

While of course it would be a positive improvement for the county to establish a pretrial services agency, as an initial step, attention could well be focused on upgrading the information provided by the court bail unit. If the first appearance is held later than 12 hours from arrest, this unit should be able to interview accused persons and work on verifying the information gained from the interview. The unit should also be charged by the court to propose conditions of release that will ensure the further appearance of the accused as well as the safety of the community. Rather than a mere recommendation, the court will get more useful input from the unit's identifying specific proposed conditions.

D. Resumption of Electronic Monitoring

The courts, through their probation office, have previously employed electronic monitoring (referred to in this locale as "house arrest") successfully. In fact, the chief
probation officer reported that only one defendant had been able to evade this supervision.\(^8\) Apparently this program has been interrupted, first when the state Administrative Office of the Courts identified this as a non-judicial function and then by a funding dispute in which the courts refused to confirm that any definite number of defendants would be placed in the program. It was agreed during conversations with several officials that this issue is resolvable and the program should be able to be reinstated soon. Clearly, those defendants who may be placed in this program will represent reductions in the jail population.

E. **Earlier Case Entry of the Public Defender**

The public defender’s office now becomes involved in cases at some time after the initial appearance. In the jail, accused persons complete indigency affidavits and if the accused seeks immediate bail review, the defender’s office becomes involved earlier. Otherwise, the office is notified by the court’s central judicial processing unit as to the setting of the CJP hearing and then begins to prepare for that hearing. The defender should enter the case far earlier, on a parallel track with the prosecutor; until these two parties are present, it is unlikely that the case may progress rapidly.

F. **Legal Issues and Practices**

There are some legal issues that are responsible to some extent for the relatively slow processing of criminal cases at the early stages of the process. This report is not focusing on issues that require statutory amendment or even significant rules change, in the interest of emphasizing improvements that may be more readily accomplished. Nevertheless, it is important to identify those issues that are themselves preventing more effective disposition of criminal cases and concomitant reduction of the jail population.

New Jersey enforces strict drug laws—it has “the highest known proportion of its prison population comprised of drug offenders in the country”\(^9\)—and the laws especially are stringent within specified distances from schools: in Camden, we were told that there is virtually no area of the city that is not within a proscribed school zone, which means that heavier charges are brought routinely. In the same way, a large number of offenses

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\(^8\) Interview with Chief Probation Officer Robert Sebastiani, Camden County Hall of Justice, June 8, 2004.


which have prescribed mandatory minimum sentences limit the discretion of the court, and in some instances, the prosecutor as well.

Statutory changes by the state legislature have also been made in bail practices that require the posting of 100 percent of bail amounts. Combined with a comparatively strict outlook on bail setting by the court, this also transfers much discretion to bail bondsmen. Upgrading of the bail unit would reduce this reliance, as would organization of a pretrial services agency, but in the immediate future, the focus should be on improving the usefulness of the work of the court bail unit.

G. Other Jail Population Components Affected by Court Action

In addition to the accused persons who make up the large segment of the jail population that spends from two to seven days in the facility (see Table 2 above), there are several other categories of inmates whose time in jail might be lessened through changes in justice system practices.

Probation and parole violation matters currently average several months from initiation to disposition. Part of the problem is that the affected agencies—the prosecutor, and to some extent, the defender—regard “first round” cases as priorities, so these other matters are relegated to secondary status. They are rarely complicated proceedings, however, and should be calendared more promptly.

Municipal court defendants often remain in jail longer than necessary because some of the municipal courts in the county sit relatively infrequently. This problem—usually arising when a defendant just misses a municipal court sitting—may be resolved in the future through increased use of videoconferencing.

Civil defendants incarcerated in the jail can often spend two weeks there because these defendants, normally charged with non-payment of child support, are remanded for two-week terms routinely by the responsible judge. While it has been determined that this process results in payment of the support in many cases, the amounts remitted do not come near to matching the costs of incarceration. Even remanding these defendants for one week might accomplish close to the same results at less cost.
IV. RECOMMENDING THE MOST LIKELY ROUTE FOR IMPROVEMENT

The following specific recommendations are designed to provide practical and immediate strategies for assisting Camden County in achieving the goal of jail crowding reduction.

A. Maintain the regular meetings of the component agencies of the criminal justice system in Camden County in the Criminal Justice Coordinating Council, chaired by retired Judge Joseph Mariani.

To the great credit of Camden County officials, this council has been recently formed and is developing capacity to propose improved methods of processing cases as well as resolving criminal justice system problems. Its activity should be expanded and supported by all of the component agencies. It is also vital that its work proceed on a consensus basis because progress is likely to come more from developing a pattern of cooperation among the different agencies rather than from any effort to impose solutions by the council's acting as if it were a legislative or other governing body rather than a forum for the involved agencies to exchange information and develop solutions on a collaborative basis.

B. Complete the already-initiated effort to institute central police booking.

The effort, already initiated, to institute central police booking should be completed, beginning with the City of Camden at the police department. The already-begun process of integrating the city and county processing, which should eliminate duplicative criminal history searches and other elements of the identification process, should be completed. This will also free the jail personnel from the need again perform the same functions.

C. Initiate intense training programs to upgrade the quality and timeliness of police reports throughout the county.

Since it appears that the quality and timeliness of these reports is a principal cause of delay in resolving cases at an early point in the process, emphasis must be placed on improving the production of these reports.
D. Develop a stronger partnership between the prosecutor's office and the several police agencies that will involve the prosecutor earlier in the process to screen potential charges.

This partnership should involve more than mere speeding up of the preparation and transmittal of police reports. In many counties and cities in the U.S., police work closely with prosecutors in determining what to charge from the very start of a case, using such methods as a complaint room. This coordination will focus the case from initiation on the key charges.

E. Upgrade the status and operations of the court bail unit so it will be capable of proposing conditions of release to the court in the manner of a pretrial services agency.

Pretrial service agencies provide courts with the kind of information that will enable defendants to be released with conditions that appear appropriate to assure their appearance in court as well as to protect the community. It will be important to changing the culture in the county and state for the court to encourage the evolution of its bail unit into an organization that performs the functions of a pretrial services agency.

F. The court bail unit should be re-oriented to function as a pretrial services agency to propose nonfinancial conditions of release where appropriate.

In contrast to the extensive use of bail in Camden County and in the State of New Jersey, the standards on pretrial release promulgated by both the American Bar Association and the National Association of Pretrial Services Agencies recommend the most limited use of financial conditions.10 Consistent with these national standards, the court bail unit should be re-oriented to function as a pretrial services agency to propose appropriate conditions of release.

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10 See NAPSA, *Performance Standards Relating to Pretrial Release*, note 7 supra, and American Bar Association, *Criminal Justice Standards on Pretrial Release* (2002), Report at 2: "...the proposed standards continue to emphasize only a very narrow role for cash bail as a release condition, a role that does not include serving as a response to danger concerns or operating as a surrogate, *sub rosa*, detention mechanism. See also ABA Standard 10-1.4: "(f) Consistent with the processes provided in these Standards, compensated sureties should be abolished. When financial bail is imposed, the defendant should be released on the deposit of cash or securities with the court of not more than ten percent of the amount of the bail, to be returned at the conclusion of the case."
G. Gradually seek to schedule Central Judicial Processing court sessions earlier, eventually returning to the four-or-five-day span between arrest and CJP hearing that was achieved previously in the county.

In this regard, consideration should be given to (1) having the public defender serve as “stand-in” counsel at the current first appearance and a prosecutor present at this event; (2) Improved and more timely police reports should be delivered directly to the prosecutor as well as the court; and (3) adopting open discovery principles which would support early provision of police reports to the public defender as well, to spur earlier dispositions.

H. Explore use of alternative correctional sanctions to incarceration in the county jail.

These should include reintroduction of the electronic monitoring system that had worked well and, additionally, exploration by the county of establishing a satellite correctional facility that will be equipped to provide more specialized services, possibly for intake, but also including job training and treatment in substance abuse cases. It will also be important to develop much more expanded use of community-based sanctions, for which our meetings with community representatives indicated great interest and support. These meetings also indicated a desire for greater community involvement in the justice process, especially insofar as introducing sanctions that would be performed in and benefit the community.
V. CONCLUSION

The operation of the criminal justice system is dependent on – and a reflection of – the various processes at work in the individual agencies that make up the “system.” A slowdown in procedures in any one or more of these entities – even in the most efficient of “systems” -- is often first observed in jail population growth. Addressing jail overcrowding situations almost invariably requires a review of the various processes which account for both the entry and release of inmates and the timing at which these events occur. Incremental reductions in jail populations can often be achieved through the coordinated efforts of multiple agencies, developing a range of procedural and programmatic improvements, and adding resources, where necessary. This technical assistance report study has been conducted to assist Camden County officials to begin this process.