

NEW JERSEY ASSOCIATION OF COUNTIES

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NJAC STATEMENT ON COUNCIL'S DECISION TO DENY PRELIMINARY INJUNCTIVE RELIEF

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(Trenton) Although the New Jersey Association of Counties (NJAC) supports Criminal Justice Reform as good public policy, we're disappointed that the New Jersey Council on Local Mandates denied our request for preliminary injunctive relief as we make a compelling argument that the new law imposes a significant financial hardship on property taxpayers across the State. In fact, we stand by the data presented in our case that Criminal Justice Reform will cost county governments alone an estimated \$45.0 - \$50.0 million to implement as counties must: hire new assistant prosecutors, investigators, sheriff officers, and correction officers; make capital improvements to court facilities and county jails; and, purchase new information technology.

We're further disappointed that for nearly two years, State leaders have rejected our recommendations to control costs and streamline operations that include: having the Attorney General impose a hiring freeze for new assistant prosecutors and investigators related to Criminal Justice Reform; requiring the use of video conferencing on weekends and holidays to conduct risk assessments within 48 hours after a defendant's commitment to jail instead of leaving it to the discretion of an assignment judge; authorizing the use of Class Two special law enforcement officers to provide costly courthouse security; and, using a modest increase in certain court filing fees to offset the substantial financial burden imposed by the new law.

On the merits of the case, there's a clear disconnect between the 2014 ballot question and the actual language contained in the constitutional amendment. In other words, we're not convinced that voters completely understood what they were voting on in 2014 as the ballot question focused on keeping violent criminals behind bars. *"Do you approve amending the Constitution to allow a court to order pretrial detention of a person in a criminal case? This would change the current constitutional right to bail. The change to the Constitution would mean that a court could order that a person remain in jail prior to trial, even without a chance for the person to post bail, in some situations. The amendment also removes language in the Constitution about bail eligibility for death penalty cases. The death penalty no longer exists in New Jersey."* We submit that the 2014 interpretive statement provided no further guidance on the matter. Moreover, the legislation that enacted the constitutional amendment went beyond what was contemplated by the ballot question, the interpretative statement, and the amendment itself, and imposes an unfunded mandate. We look forward to next month's oral arguments on the State's motion to dismiss the complaint.