

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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CRIMINAL JUSTICE REFORM

For nearly two years, NJAC and county officials from across the State have been urging State leaders to address our concerns with the costs associated with implementing Criminal Justice Reform set to take effect in January of 2017. In the past two weeks alone, NJAC and a delegation of county officials have met with the Governor's office and Attorney General's office. We've also testified before the Assembly Judiciary Committee, and have had ongoing conversations with the Administrative Office of the Courts (AOC), which has been very helpful throughout the entire process.

In addition to advocating for State monies or a funding mechanism to offset the costs associated with implementing the new law, we've offered several viable solutions intended to control expenses and streamline operations. Our latest and last round of recommendations before filing a complaint with the New Jersey Council on Local Mandates include: having the Attorney General recommend 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 a risk assessment within 48 hours after a defendant's commitment to jail instead of leaving it to the discretion of assignment judges; and, authorizing the use of Class Two special law enforcement officers to provide courthouse security.

As previously reported, the Attorney General's office recently issued a directive intended to provide detailed guidance for prosecutors and police in implementing Criminal Justice Reform. You may review the document in its entirety by visiting our website at www.njac.org. Although the directive is comprehensive in its scope and provides much anticipated guidance, we're proposing that the Attorney General recommend a hiring freeze for new assistant prosecutors and investigators as means to control costs and as a legitimate starting point for identifying long term staffing needs. In light of the fact that the directive appears to provide local police with broad discretion to issue a complaint summons as opposed to a complain warrant and seems to eliminate bail hearings all together, Criminal Justice Reform may require more of a reallocation of current resources as opposed to hiring new staff. Please take a moment to review the complaint summons/warrant process summarized below.

COMPLAINT SUMMONS/WARRANT PROCESS

1. Defendant is arrested.
2. Defendant is transported to local police department.
3. The arresting officer fingerprints the defendant using the live scan system to make a preliminary risk assessment on whether to issue a complaint summons or complaint warrant.
4. *An assistant county prosecutor or designated police officer, as determined by the county prosecutor, decides to issue a complaint summons or complaint warrant.*
5. If the defendant is issued a complaint summons, the defendant is free to go.
6. If the defendant is issued a complaint warrant, the local police will transport the defendant to the county jail for intake
7. Once at the county jail, the new pretrial services unit will conduct a risk assessment to determine the conditions of the defendant's pretrial release or recommend the defendant's pretrial detention.
8. The pretrial services unit in collaboration with the county prosecutor's office must make its recommendation, and the assignment judge must make a pretrial decision, within 48 hours after the defendant's commitment to county jail.
9. The AOC is permitting the use of video conferencing on the weekends and holidays to conduct the risk assessment; however, the assignment judge in each county has the discretion to conduct the risk assessment by video conferencing, in-person, or by a combination of both.
10. If the assignment judge orders the pretrial detention of a defendant, the county prosecutor must be ready for trial within two years of the defendant's commitment to jail or the defendant is released on conditions set by the court. *Generally, the new law limits complaint warrants to: charges of murder, aggravated manslaughter, manslaughter, aggravated sexual assault, sexual assault, robbery, carjacking, and certain domestic violent charges; where the Defendant poses a moderate to high flight risk, where the Defendant poses a risk to commit new crimes or violence; or, where the Defendant poses a threat to the criminal justice process.*

With respect to requiring the use of video conferencing on weekends and holidays, we very much appreciate the AOC's directive permitting the use of such equipment as it will eliminate the need for counties to operate court facilities during this time saving valuable taxpayer dollars. As noted above however, we're recommending that the AOC require the use of video conferencing on weekends and holidays as assignment judges in a handful of counties are obligating the county to open their facilities during off hours even though the county has made the investment and has video conferencing capability. We plan on reaching out to State leaders later this week for a final resolution to our long-standing concerns before formally filing an action with the New Jersey Council on Local Mandates next week. Please note that as of this writing, Cape May, Monmouth, Morris, Ocean, and Warren counties have adopted resolutions authorizing NJAC to file the action as required under the law.

TRANSPORTATION FUNDING AND DELAY CLAIMS

As you know, Governor Christie recently signed into law legislation that reauthorizes the Transportation Trust Fund (TTF) with an 8 year \$2.0 billion per year capital program. Importantly, the new law increases Local Aid allocations for counties and municipalities from \$190.0 million to \$400.0 million per year as follows.

ALLOCATION	%	AMOUNT	COMMENT
County Local Aid Program	37.5%	\$150,000,00.00	Available as traditional County Aid
Municipal Local Aid Program	37.5%	\$150,000,000.00	Available as traditional Municipal Aid
Local Bridges Fund	11.0%	\$44,000,000.00	Available as Local Bridges Future Needs program monies
Local Freight Impact Fund	7.0%	\$28,000,000.00	Available as DOT Commissioner discretionary funding for freight travel
Local Aid Infrastructure Fund	7.0%	\$28,000,000.00	Available as traditional DOT Commissioner discretionary funding

However, NJAC is concerned that within the past week, county governments across the State have received County Aid Allotment letters for 2017 at the same level of funding or less than 2016. We plan on contacting New Jersey Department of Transportation (DOT) Commissioner Richard Hammer for clarification as pursuant to the new law, Local Aid to counties and municipalities should theoretically double in 2017 through 2024.

Please note that If the 2017 allotments referenced above are based on 2016 funding levels as appears to be the case for the time being, then Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union counties would likely receive a small reduction in funding as the formula does not appear to include a \$4.0 million supplemental budget appropriation as was the case in the past three State budget cycles. As you may recall, the New Jersey Transportation Trust Fund Authority Act of 2011 eliminated the Federal Aid Urban System (FAUS) minimum allotment from the County Aid distribution formula, which caused a loss in funding for the State's most urban counties. It also appears that DOT is basing 2017 County Aid Allotments on centerline miles, which represent the total length of a given road.

NJAC is working with the New Jersey State Association of County Engineers (NJSACE) to address the County Aid Allotments for 2017. We're also advocating for legislation that would require DOT to compensate counties and municipalities for contractual delay damages resulting from the three month long shutdown of projects funded by the TTF as several counties are reporting that contractors have filed delay claims. **ASSEMBLY, No. 4114 (Muoio D-15/Schaer D-36)** recently passed the General Assembly and is currently in the Senate Transportation Committee awaiting consideration along with the Senate companion version **SENATE, No. 2776 (Cruz-Perez D-5/Diegnan D-18)**.

PRISONER RE-ENTRY

Special thanks to Gloucester County Jail Warden Eugene Caldwell and Hudson County Deputy County Administrator Oscar Aviles for taking the time out of their busy schedules on November 21st to meeting with Assemblywoman Elizabeth Muoio (*D-15*) and discuss **ASSEMBLY, No. 3822**. In summary, this legislation would require the superintendent of each county correctional facility to provide inmates at least 10 days prior to their release certain information, documents, and other assistance to facilitate their re-entry into the community. Although NJAC and NJCJWA commend the Assemblywoman for the legislation's intent to provide progressive prisoner re-entry services, we're concerned about the legislation's impact on county jail operations and resources.

With this in mind, we've proposed amendments that would require the jail warden of each county correctional facility to provide each county inmate serving a sentence of incarceration, at least 10 days prior to release from that facility, a fact sheet that assists the inmate in obtaining the following information and resources: where the inmate may obtain their criminal history record; information on the inmate's right to vote; the availability of faith based programs, employment training, and rehabilitative programs; a non-driver identification card; the inmate's birth certificate and social security card; and several other pieces of information. In general, the bill as introduced would have required the county jail warden in each county to physically produce the documents and resources listed above. The proposed amendments would also apply the legislation only to those inmates who have been sentenced to a term of incarceration and not pre-adjudicated inmates awaiting trial. In June, NJAC and NJCJWA met with the Senator Shirley Turner (*D-15*), who is the sponsor of this legislation, and shared the same concerns and recommendations. A-3822 is currently in the Assembly Law and Public Safety Committee awaiting consideration; and, S-2284 is currently in the Senate Budget and Appropriations committee after being reported from the Senate Law and Public Safety Committee earlier this year.

PERMITTED INVESTMENTS

Thank you to Mercer County Finance Officer Dave Miller for also taking the time out of his busy schedule to meet with Assemblyman Lou Greenwald's office to discuss providing local governing bodies with the authority to invest in Governmental Accounting Standards Board (GASB) regulated products as was the case in practice before the Security and Exchange Commission's (SEC) 2014 rule change on money market funds. As you may recall, the SEC's rule change is requiring prime money market funds to abandon their stable \$1.00 per share price and instead "float" net asset values (NAV). The rule change is also imposing penalties and early redemption fees for the premature withdrawal of funds to meet liquidity needs.

Money market funds have proven to be a vital cash management tool for county governments, which until the SEC's untimely rule change, relied on the stability of managing cash with a consistent principal value. With this in mind, NJAC and the New Jersey Association of County Finance Officers (NJACFO) are advocating for legislation that would preserve the list of limited investment choices for local governing bodies by authorizing counties, municipalities, and other local units of government to invest in products managed in accordance with GASB guidelines for local government investment pools. We're optimistic that the Assemblyman will introduce legislation shortly.

CLASS 3 POLICE OFFICERS

On November 21st, both houses passed **SENATE, NO. 86** (*Bucco R-25/Sweeney D-3*), (*Bucco R-25/Ciattarelli R-16*), which would establish a new category of Class 3 special law enforcement officers under the Special Law Enforcement Officers Act. Class 3 officers would be comprised of retired law enforcement officers, who would be authorized to provide security in the State's public schools, nonpublic schools, and county colleges. Class 3 officers would also be authorized to respond to offenses or emergencies off school grounds occurring in the officer's presence while traveling to a school or college, but they may not be dispatched to any other assignment off school or college property. They would be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing this security. Class 3 law enforcement officers would not be authorized to carry a firearm while off duty under the bill. Importantly, Class 3 special law enforcement officers would not be subject to the 20 hour per week limit currently applicable to Class 1 and Class 2 special law enforcement officers, and would not be eligible for pension or health care benefits. NJAC supports this legislation as it will allow county colleges and county vocational-technical schools to provide enhanced security while saving valuable taxpayer dollars. Governor Christie is expected to sign this bill into law.

SUMMIT ON PENSION AND HEALTH BENEFITS

Make sure to visit NJAC's website at www.njac.org for important details about NJAC's upcoming Summit on Pension and Health Benefits scheduled for December 9th at the historic Trenton County Club. Don't miss the unique opportunity to network with county and business leaders from across the State.

STATE HOUSE TRIVIA

Did you know that the Detroit Lions hosted the Chicago Bears at the University of Detroit for the first Thanksgiving Day football game in 1934?

"May your stuffing be tasty. May your turkey be plump. May your mashed potatoes and gravy have nary a lump. May your yams be delicious and your pies take the prize. And, may your Thanksgiving dinner staff off of your thighs." ~ Anonymous