

ASSEMBLY BILL 42 - SENATE BILL 10 ALERT

New Jersey Pretrial System Making Communities More Dangerous

“It is a proven fact that since its enactment, law enforcement has encountered a more difficult time in attempting to keep New Jersey’s communities safe.”

James E. Ford, Recording Secretary and Legislative Chairman of the New Jersey State Fraternal Order of Police

Recommendations by the New Jersey State Fraternal Order of Police:

- First and foremost, high risk accused offenders should be held without bail for crimes such as murder, aggravated sexual assault and other violent offenses.
- Second, first time offenders and those accused of petty crimes should continue to be released on a summons.
- Third, offenders who are in the middle category of petty crimes and high risk, violent crimes should be given monetary bail. Monetary bail obligates those individuals who have a financial obligation in an offender to monitor the offender and ensure that he attends court dates, seeks employment and integrates into society. This will also help eliminate the recent surge in processing and transporting costs for law enforcement. Furthermore, monetary bail generates revenue for the State which can be used to assist law enforcement and the legal system in handling the unforeseen costs of the new bail reform law.
- Finally, the FOP recommends eliminating PSA scoring, which can be skewed. For example, someone who commits an offense and had been incarcerated for a period of 15 years could have a 3/3 on the PSA due to not having any police contact for the past 15 years. Of course, this is due to him having been in prison for the last 15 years. Incarceration should be determined only by a Judge, not by a computer, who has the knowledge and experience necessary to determine whether a suspect should be released or incarcerated.

(See Attached Letter by the Honorable James E. Ford, “New Jersey State Fraternal Order of Police, Expresses Concerns New Bail system,” New Jersey State Lodge Fraternal Order of Police, See Attached Later, 4/17/03)



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WAYNE WINKLER
SECRETARY

April 25, 2017
Honorable Christopher Porrino
Office of Attorney General of New Jersey
25 Market Street
Trenton, NJ 08611

Dear General Porrino:

I am writing on behalf of the New Jersey State Fraternal Order of Police (FOP) to express its concerns with the new bail reform law in New Jersey that took effect in January of this year. It is a proven fact that since its enactment law enforcement has encountered a more difficult time in attempting to keep New Jersey's communities safe. Since the law's enactment, law enforcement has been overwhelmed by the release of suspects and in many cases their often prompt re-arrests. This has resulted in much of law enforcement's time being spent processing reports and transporting repeat offenders. The result is the removal of officers from their primary duty of protecting communities. Given the fact that most offenders are released on summonses, they do not seem deterred to continue committing crimes. Furthermore, in many cases officers are reporting that offenders are released and on their way to committing another crime before they (officers) can finish the initial incident and arrest report. Finally, many law enforcement agencies do not have the funding available to handle the significant increase in activity.

For these reasons, the FOP wishes to propose for your consideration several ideas to improve upon the bail reform law. First and foremost, high risk accused offenders should be held without bail for crimes such as murder, aggravated sexual assault and other violent offenses. Second, first time offenders and those accused of petty crimes should continue to be released on a summons. Third, offenders who are in the middle category of petty crimes and high risk, violent crimes should be given monetary bail. Monetary bail obligates those individuals who have a financial obligation in an offender to monitor the offender and ensure that he attends court dates, seeks employment and integrates into society. This will also help eliminate the recent surge in processing and transporting costs for law enforcement. Furthermore, monetary bail generates revenue for the State which can be used to assist law enforcement and the legal system in handling the unforeseen costs of the new bail reform law.

Finally, the FOP recommends eliminating PSA scoring, which can be skewed. For example, someone who commits an offense and had been incarcerated for a period of 15 years could have a 3/3 on the PSA due to not having any police contact for the past 15 years. Of course, this is due to him having been in prison for the last 15 years. Incarceration should be determined only by a Judge, not by a computer, who has the knowledge and experience necessary to determine whether a suspect should be released or incarcerated. If PSA scoring is to continue, it MUST take into account the total number of arrests of an offender. If an offender has an inordinate amount of arrests, and he isn't incarcerated, the system is allowing him to create more crime victims.

Please note that the FOP is not proposing a complete repeal or overhaul of the present bail reform law. It is merely seeking to correct the law's flaws and to strengthen those parts of the law that are not being followed. The FOP believes that these proposals will protect the public safety, ensure offenders will participate in the judicial system and aid law enforcement in the performance of its duties. The flaws in the law are having a direct, negative impact on all participants in the bail system, including law enforcement, local and county prosecutors, public defenders, jail wardens, crime victims and local and county governments.

The FOP is available to meet with you to further discuss these matters. If you wish to continue this conversation, please contact Peter Guzzo, the FOP's Government Affairs Agent (609-883-7481 or njtpgov@gmail.com).

Respectfully yours,

James E. Ford
New Jersey Fraternal Order of Police
Recording Secretary
Legislative Chairman