

PRETRIAL JUSTICE REFORM STUDY

Evaluation of Pretrial
Justice System
Reforms That Use
the Public Safety
Assessment

Effects of New Jersey's
Criminal Justice Reform

1

NEW JERSEY
SERIES

REPORT 1

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NOVEMBER 2019

On January 1, 2017, the State of New Jersey implemented Criminal Justice Reform (CJR), a sweeping set of changes to its pretrial justice system. With CJR, the state shifted from a system that relied heavily on monetary bail to a system based on defendants' risks of failing to appear for court dates and of being charged with new crimes before their cases were resolved. These risks are assessed using the Public Safety Assessment (PSA), a pretrial risk-assessment tool developed by Arnold Ventures with a team of experts. The PSA uses nine factors from an individual's criminal history to produce two risk scores: one representing the likelihood of a new crime being committed, and another representing the likelihood of a failure to appear for future court hearings. The PSA also notes whether there is an elevated risk of a violent crime. The PSA is used in conjunction with a New Jersey-specific decision-making framework (DMF) that uses an individual's PSA risk score in combination with state statutes and statewide policies to produce a recommendation for release conditions.

The PSA is used at two points in New Jersey's pretrial process: (1) at the time of arrest, when a police officer must decide whether to seek a complaint-warrant (which will mean booking the person into jail) or issue a complaint-summons (in which case the defendant is given a date to appear in court and released); and (2) at the time of the first court appearance, when judges set release conditions for defendants who were booked into jail on complaint-warrants. (The DMF is also used at this second point.) CJR includes a number of other important components: It all but eliminated the use of monetary bail as a release condition, established the possibility of pretrial detention without bail, established a pretrial monitoring program, and instituted speedy-trial laws that impose time limits for case processing.

This report is one of a planned series on the impacts of New Jersey's CJR. It describes the ef-

fects of the reforms on short-term outcomes, including the number of arrest events (where an "arrest event" is defined as all complaints and charges associated with a person on a given arrest date), complaint charging decisions, release conditions, and initial jail bookings. Additional reports in this series will examine CJR's effects on outcomes such as court appearance rates, new arrests, the amount of time defendants are in jail while waiting for their cases to be resolved, and case dispositions (that is, whether defendants were found guilty or not guilty or had their cases dismissed). The effects of the reforms for different subgroups of the pretrial population (for example, those defined by risk levels and race) will also be examined in a subsequent report.

Findings in this report include:

- Fewer arrest events took place following CJR's implementation. There was a reduction in the number of arrest events for the least serious types of charges — namely, nonindictable (misdemeanor) public-order offenses.
- Police officers appear to be issuing complaint-summonses more often and seeking complaint-warrants less often since CJR was implemented.
- Pretrial release conditions imposed on defendants changed dramatically as a result of CJR. A larger proportion of defendants were released without conditions, and rates of initial booking into jail were lower than predicted given pre-CJR trends.
- CJR significantly reduced the length of time defendants spend in jail in the month following arrest.
- CJR had the largest effects on jail bookings in counties that had the highest rates of jail bookings before CJR. ■

OVERVIEW

INTRODUCTION

In most jurisdictions, judges set bail for individuals charged with crimes as a way to ensure that those people will return to future court hearings and will avoid incurring new criminal charges as they wait for their cases to be disposed of (that is, until they are found guilty or not guilty, or have their cases dismissed). In practice, using bail means that people with the financial resources to post bail are released, and those without the financial means are booked into jail. Spending even a few days in jail can have a number of negative consequences: It can cause people to lose employment or housing; it can disrupt their family lives; it can expose them to inmates with criminal histories that in turn put them at a greater risk of committing new crimes when they are released; and it may result in them pleading guilty to crimes they did not commit, since they may face the choice of remaining in jail for weeks or months or pleading guilty and being released.¹ In 2012, 12 percent of the people in New Jersey’s jails were being held solely because they could not pay bail of \$2,500 or less;² meanwhile, individuals who posed greater risks to public safety were released when they could afford to pay.

In recent years reformers have been pushing to change the pretrial system, and in particular to reduce this heavy reliance on money bail. The State of New Jersey undertook groundbreaking and substantial changes to its pretrial justice system under its Criminal Justice Reform (CJR) initiative, which took effect on January 1, 2017.³ Under CJR, the state shifted from a system that relied heavily on money bail as a condition of release to a system that measures defendants’ risks of failing to appear and committing new crimes.⁴ These risks are assessed using the Public Safety Assessment (PSA), a tool developed by Arnold Ventures that uses nine factors from a defendant’s criminal history to produce two risk scores, one representing the likelihood of a person with a similar background being charged with a new crime, and the other representing the likelihood that such a person will fail appear for future court hearings (with higher scores indicating higher likelihoods). The PSA also notes whether there is an elevated risk of a violent crime. The New Jersey Judiciary worked with a team of PSA experts to develop a customized decision-making frame-

1 Lowenkamp, VanNostrand, and Holsinger (2013); Dobbie, Goldin, and Yang (2016); Pager (2003); Moore, Stuewig, and Tangney (2016).

2 VanNostrand (2013).

3 For more background about the motivations for CJR, see Chief Justice of the New Jersey Supreme Court Stuart Rabner’s piece in the *New Jersey Star-Ledger*: Rabner (2017).

4 Rabner (2017).

work (DMF) that produces recommendations for release conditions based on the PSA risk scores and state-specific policies and guidelines.

The PSA is used at two points in New Jersey’s pretrial process: (1) at the time of arrest, when a police officer must decide whether to seek a “complaint-warrant” from a judicial officer (which will mean booking the person into jail) or issue a “complaint-summons” (in which case the defendant is given a date to appear in court and released); and (2) at the time of the first court appearance, when a judge sets release conditions for a defendant who was booked into jail on a complaint-warrant. The PSA is used in conjunction with the DMF to make this decision. The reforms also greatly reduced the use of monetary bail as an initial release condition,⁵ created an option for pretrial detention without bail,⁶ established a pretrial monitoring program, and instituted speedy-trial laws that impose time limits for the processing of certain cases.

With funding from Arnold Ventures, MDRC is conducting an independent study of how CJR was implemented and assessing its effects on case dispositions, new criminal charges, and other important outcomes. This report on the effects of CJR’s shift to a risk-based decision-making framework informed by the PSA is the first in a planned series; it presents early evidence of CJR’s effects on the number of arrests in the state, on the types of charges and complaints issued, on pretrial release conditions, and on initial rates of jail commitment. Additional reports will examine CJR’s effects on defendant and case outcomes (such as failures to appear at court hearings, new arrests during the pretrial period, total days incarcerated in jail, and case dispositions), on racial disparities in outcomes, and for different subgroups of the pretrial population (for example, those defined by risk score and race). Additionally, future reports will examine in greater depth how CJR’s effects differed among counties, which could have broad implications for pretrial policy nationally.

The PSA is used at two points in New Jersey’s pretrial process:

- 1. At the time of arrest**
- 2. At the time of the first court appearance**

-
- 5** While monetary bail is still technically available, it is now used very rarely as a condition for being released initially. The analysis found only three instances where bail was set as an initial release condition in 2017. Since CJR was implemented, bail is more commonly used for responding to violations or failures to appear for scheduled court events.
 - 6** Before CJR, the courts had no way to simply hold someone in custody unless the individual was charged with specific high-level offenses. When the courts wanted to hold someone, they gave that person high monetary bail. With CJR, the statute was changed to allow a prosecutor to request detention if that prosecutor is concerned about new criminal charges or a failure to appear. Throughout this report, this new option for pretrial detention without bail is referred to merely as “pretrial detention.”

BACKGROUND ON CRIMINAL JUSTICE REFORM AND THE PRETRIAL CASE PROCESS

Through CJR, the State of New Jersey shifted from a pretrial justice system that relied on money bail to a fairer, risk-based system in which release conditions are not financially based and cases are processed and disposed of faster. CJR consisted of the following main components: (1) a substantial reduction in the use of money bail; (2) the use of the PSA to assess defendants' risks and the DMF to inform the release conditions needed to manage those risks; (3) the legal ability to detain defendants without bail until their cases are disposed of (pretrial detention); (4) the creation of a pretrial monitoring program in which defendants check in with court staff members at regular intervals; and (5) speedy-trial laws that limit the time prosecutors have to reach major milestones such as indictment and case disposition for defendants in jail, and on the time courts have to schedule a first appearance hearing and make a release decision following an initial jail booking. New Jersey's goals for CJR were to improve fairness throughout its pretrial system while protecting public safety and making sure defendants still appear in court.

Figure 1 depicts the steps in the current pretrial process (the process since the implementation of CJR). The process begins with an arrest by a police officer. When a person is arrested and charged in New Jersey, he or she is issued either a complaint-warrant or a complaint-summons. While complaint-warrants are required for some serious criminal charges (such as murder or sexual assault), for most criminal charges either type of complaint can be used. Similarly, both "indictable" and "nonindictable" charges — New Jersey's equivalents of felonies and misdemeanors — may be issued using either type of complaint.⁷

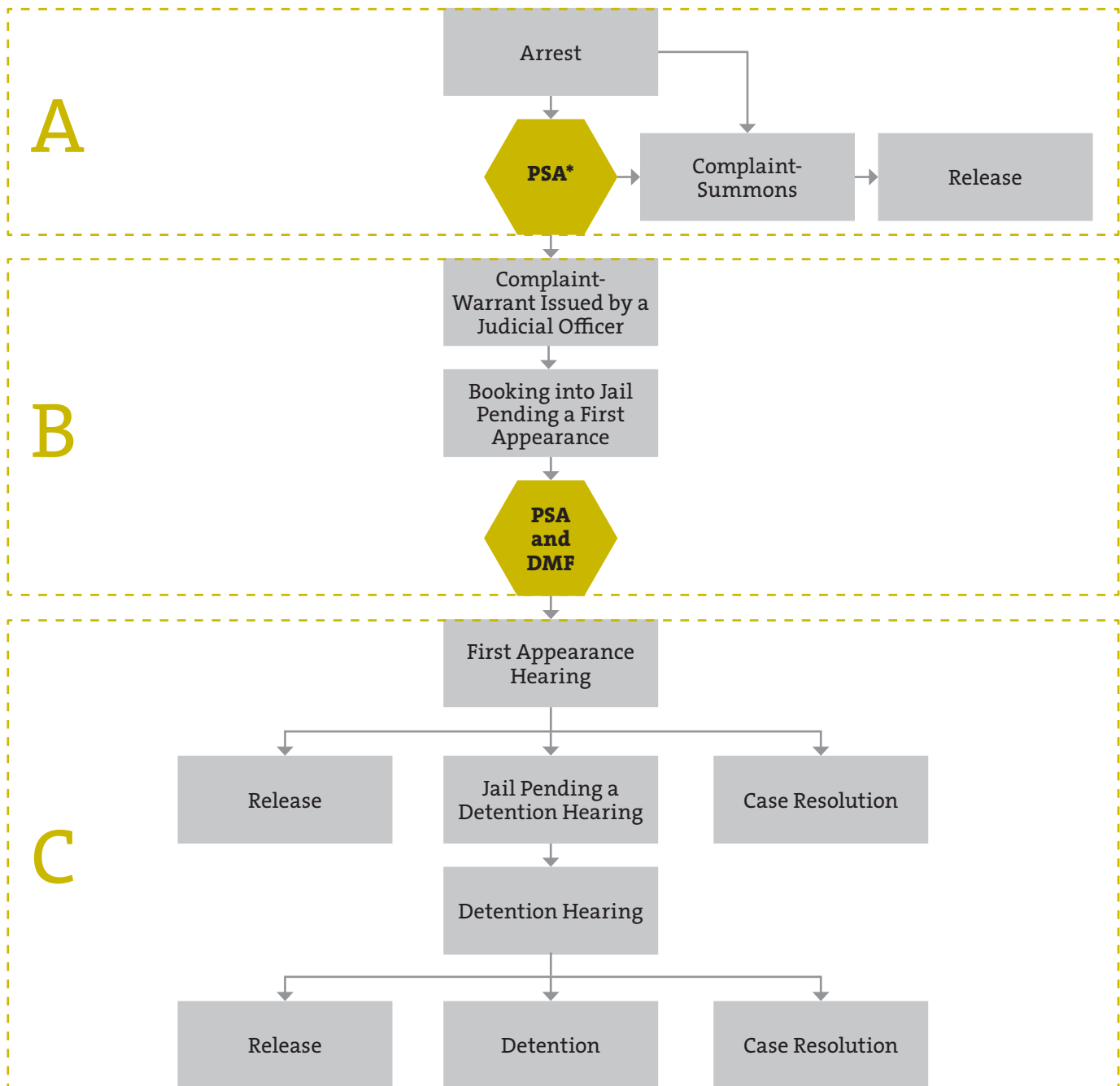
Area A of Figure 1: Complaint Processes

The complaint-summons process. The complaint-summons process has changed little as a result of CJR. If a police officer decides to issue a complaint-summons, he or she can do so without needing the approval or review of a judicial officer. The same was true before CJR.⁸ A defendant who receives

⁷ Nonindictable charges are not technically considered criminal. (New Jersey also has other processes to issue complaints for other, less serious matters, such as traffic offenses, municipal ordinances, and other low-level violations. This report does not touch on these complaints because there is no reason to expect CJR to have affected them. And in fact a sensitivity analysis showed no evidence that CJR did affect those complaints.)

⁸ Typically, the officer brings the defendant to the police station to issue the complaint-summons. The same was true before CJR. Defendants issued complaint-summonses are fingerprinted while at the police station, which was often but not uniformly the case before CJR.

FIGURE 1 New Jersey Pretrial Case Flow Since CJR Was Implemented



*This PSA is referred to as the "preliminary PSA." For defendants issued complaint-warrants, this score is later reviewed and will be regenerated by Pretrial Services before the first appearance hearing, as indicated by the second "PSA" hexagon in the pretrial case flow.

a complaint-summons is released and given a date to appear in court for a hearing. A police officer does not need to obtain a PSA score in order to issue a complaint-summons, although the officer may seek a PSA score if he or she is not sure whether to issue a complaint-summons or pursue a complaint-warrant (see below).

The complaint-warrant process. CJR has changed the procedure for issuing complaint-warrants considerably. Before CJR, if a police officer wanted to seek a complaint-warrant, he or she would fingerprint the individual and call a judicial officer to request a warrant, describing the evidence and the reasons for requesting a warrant over the phone.

Since CJR was implemented, if a police officer wants to pursue a complaint-warrant or is not sure whether to seek a complaint-warrant or issue a complaint-summons, he or she collects fingerprints and generates a PSA report.⁹ The PSA report generated at this step is referred to as the “preliminary PSA” in New Jersey, which distinguishes it from the PSA report generated later in the process (see below). The PSA report provides the officer with a preliminary score. The officer then uses that score and considers whether to issue a complaint-summons or pursue a complaint-warrant based on the charge, the PSA score, and guidelines issued by the state attorney general.¹⁰ If a complaint-warrant is not recommended and the officer decides to issue a complaint-summons, he or she does so following the same complaint-summons process described above. If it is determined that a complaint-warrant may be recommended and the officer decides to pursue one, or if a complaint-summons is recommended but the officer still wants to pursue a warrant, the officer sends the complaint and the preliminary PSA report to a judicial officer for review. This information is typically sent electronically, with prosecutors or supervisory police officers reviewing the information on a computer, tablet, or smartphone before it is sent to the judicial officer. To determine probable cause for issuing a warrant, judicial officers consider the case details, the PSA report, and legal statutes and rules of the

9 At this stage, the PSA uses information from the defendant’s in-state criminal history — which is available from state databases once fingerprints are taken — to calculate a risk score.

10 At the beginning of 2017, the attorney general’s guidelines said that officers may pursue a complaint-warrant when the failure-to-appear score or new-criminal-activity score produced by the PSA was 4 or higher. In May 2017, this threshold was changed to scores of 3 or higher, and the guidelines added that officers may pursue a complaint-warrant if the PSA identifies a risk of a new violent crime. See Porrino (2017).

courts.¹¹ Notably, this process is more formal and time-consuming for police officers than the process they followed before CJR.

If the judicial officer does not find probable cause based on the documents provided and his or her conversation with the police officer (described above), the complaint ends. The same was true before CJR.¹² If the judicial officer does find probable cause, the judicial officer may issue either a complaint-warrant or a complaint-summons. Before CJR, bail was generally set immediately by the judicial officer based on a statewide schedule that listed a range of recommended bail amounts for each criminal charge. Judicial officers were not required to follow the bail schedule and could set bail outside of the recommended ranges or choose to release a defendant on his own recognizance (ROR) without any monetary conditions. Since CJR was implemented, bail is not an option at this stage and if a complaint-warrant is issued, the defendant is held in jail pending a first appearance hearing before a judge, where release conditions are determined (described below).

Area B of Figure 1: The Initial Jail Booking Process for Defendants Issued Complaint-Warrants

CJR affected the initial charging process by requiring that defendants issued complaint-warrants be booked into jail pending a first appearance hearing, with a release decision to be made within 48 hours. Before CJR, bail would be set for these defendants, and if bail was paid immediately, defendants would be released from the police station (without going to jail) pending their court appearances. Defendants who were not able to post bail immediately were booked into jail and remained there until bail was posted, they were released at court hearings, or their cases were disposed of.

As described above, since CJR was implemented, bail is no longer an option; at this stage in the process defendants issued complaint-warrants are booked into jail while they await a first appearance hearing (which must occur within 48 hours). The jurisdiction's Pretrial Services staff reviews the preliminary PSA report produced at the request of the police, and may add missing criminal-history information (for example, information from other states)

11 The rules governing the New Jersey courts include instructions for when a complaint-warrant is required or presumed. For example, a complaint-warrant may be required if there is probable cause to believe that the defendant committed certain serious offenses, such as murder, sexual assault, or robbery. See *New Jersey Courts* (2018).

12 It is unknown how many cases ended without any complaint being filed, since such cases would not appear in the New Jersey arrest data.

or modify erroneous information. Changes in criminal-history information result in an automatic recalculation of the PSA results. Pretrial Services then generates a release recommendation by incorporating the amended PSA report into the decision-making framework that accounts for state-specific policies.¹³ In New Jersey, the DMF generates three possible release recommendations: (1) ROR; (2) release to one of four levels of pretrial monitoring by Pretrial Services;¹⁴ or (3) no release. The PSA results and the recommendation for release conditions are then made available to the presiding judge, prosecutor, and defense attorney ahead of the first appearance hearing.

Area C of Figure 1: Initial Hearings

A defendant booked into jail after being issued a complaint-warrant attends a first appearance hearing. The same was true before CJR, but CJR changed the required time frame and content of this hearing. Before CJR, the first appearance hearing occurred 5.7 days on average after an initial jail booking and consisted of little more than the judge formally reading the charges to the defendant.¹⁵ Although judges could review and change the amount of bail set, they rarely did, according to local court staff members.¹⁶ The case could also be dismissed or the defendant could take a plea deal at this point or at any other point in the pretrial process. In practice, very few cases were disposed of at the first appearance.

13 New Jersey-specific policies about current charges sometimes result in a more restrictive DMF recommendation than what would result from a PSA score alone. For example, some serious charges, such as murder, manslaughter, sexual assault, or carjacking, would almost always result in a DMF recommendation that the person not be released, regardless of the PSA risk score. So would a combination of a charge for a violent crime and a PSA determination that there was a risk of a new violent crime.

14 Within pretrial monitoring, the DMF recommends the level of supervision, referred to as the Pretrial Monitoring Level (PML). A defendant released on his or her own recognizance will have no conditions, no face-to-face contact with a Pretrial Services officer, and no phone contact with the officer. At PML 1, there is monthly phone reporting. At PML 2, defendants must report once a month in person and once a month by telephone, and are subject to some monitored conditions such as a curfew. At PML 3, defendants are monitored in person or by phone every week and are also subject to monitored conditions. Defendants at the next level — PML 3 plus electronic monitoring or home detention — are subject to all the PML 3 conditions and also may be confined to their homes or required to wear GPS monitoring devices. See American Civil Liberties Union, National Association of Criminal Defense Lawyers, and State of New Jersey Office of the Public Defender (2016).

15 Before CJR, there was no requirement that the first appearance hearing take place within 48 hours of jail booking, like there is since CJR was implemented.

16 Court administrators and judges told MDRC that bail was more often reconsidered at bail review hearings. These hearings could be requested after first appearance hearings but were often not scheduled until several weeks later.

Since CJR was implemented, the PSA scores and recommendations for release are read into the record by the judge at the first appearance hearing.¹⁷ As mentioned above, statute requires that the hearing occur within 48 hours after a person is booked into jail. (In practice, among the CJR cases in this study that began after the implementation of CJR, the average was 1.2 days, or about 29 hours.) New Jersey has been able to hold first appearance hearings faster since CJR in part because public defenders have agreed to represent all defendants provisionally at their first appearance hearings, before it has been determined whether they are eligible for public defenders based on their incomes.

At the first appearance hearing, the prosecutor, the defendant's attorney, and the judge are involved in making decisions about release. If the prosecutor files a motion for pretrial detention, the defendant is typically held in jail pending a detention hearing, which must then occur within three business days. Since there are often brief adjournments granted to either the prosecution or the defense, however, in practice detention hearings commonly occur about a week after first appearance hearings.¹⁸ Detention hearings did not exist before CJR (the legal option for preventive detention was a component of CJR). If the prosecutor does not file a detention motion, the judge decides whether to give ROR or to release the defendant on pretrial monitoring, sometimes with other conditions attached.¹⁹ Money bail is technically an option at this point, but since CJR was implemented, it is almost never set as an initial release condition.²⁰

As was the situation before CJR, the judge may also dismiss the case or a defendant may accept a plea deal at any point in the pretrial process. Only a small percentage of cases statewide are disposed of at or before the detention hearing, however.²¹

17 That is, they are stated aloud and recorded in the court records.

18 When a motion for detention is filed, a prosecutor may request an adjournment of up to three additional business days and a defense attorney may request an adjournment of up to five additional business days. Judges, court administrators, prosecutors, and defense attorneys told MDRC in interviews that detention hearings usually occur about a week after first appearance hearings.

19 These other conditions may include electronic monitoring or conditions related to the circumstances of the case, such as no contact with the victim. The court cannot detain a defendant under any circumstances if the prosecutor does not file a motion for detention. The New Jersey Constitution was amended to authorize the courts to deny pretrial release to certain criminal defendants.

20 As mentioned above, it was only set three times for cases initiated on complaint-warrants in 2017, according to data provided to MDRC by the New Jersey Administrative Office of the Courts.

21 Findings regarding case resolutions at the first appearance and detention hearings are presented in greater detail below.

Speedy-Trial Laws

CJR included speedy-trial laws that set clear time limits on the amount of time prosecutors have to reach case-processing milestones such as indictment and case disposition, and on the amount of time courts have to schedule a first appearance hearing following an initial jail booking. If the prosecution fails to meet these deadlines in a case, then the court must release the defendant while the case is awaiting disposition. There is an overall time limit of two years to dispose of a case. Speedy-trial laws did exist before CJR, but they did not set explicit time limits like these.

METHODS AND DATA SOURCES

For the purposes of this analysis, all complaints and charges associated with a person on the same arrest date are considered a single “arrest event.” (For ease of explanation, this report also uses the word “defendant” and “case” interchangeably with “arrest event.”) Each arrest event is only counted once in the analysis, even if it resulted in more than one complaint, complaint type, or charge. Arrest events that resulted in both a complaint-warrant and a complaint-summons are treated as resulting in complaint-warrants, and if multiple charges were filed, then the analysis focuses on the most serious charge.²²

The analysis uses an interrupted time series design to estimate the effects of CJR. The defendants are grouped into monthly cohorts (for example, all defendants whose arrest dates were in January 2017 are included in the January 2017 cohort) to create a time series of monthly averages. Data from the pre-CJR months (January 2009 through June 2016) are used to predict what the monthly averages would have been in the period after CJR was implemented (January 2017 through December 2017) had no changes in policy taken place.²³ The effect of CJR is then estimated by comparing the *actual* monthly averages in the period after CJR was implemented with these predicted averages. In other words, the analysis examines whether the observed values for selected measures in the period after CJR was implemented are different from what

22 Indictable charges are treated as more serious than nonindictable charges. Charges are further ranked by severity using the National Crime Information Center’s system for classifying offense descriptions. See National Institute of Justice (1983).

23 The analysis is intended to use data that were unaffected by CJR to predict what would have happened had CJR not happened at all. Because some aspects of CJR were pilot tested in some counties about six months before they were implemented in the rest of the state, and because training in the changes introduced by CJR also took place during this time, data from July 2016 through December 2016 are excluded from this regression.

would have been expected had pre-CJR trends continued. More detailed information about the statistical methods used in this evaluation is available in a technical working paper.²⁴ Box 1 explains how to read the time-series figures that illustrate the effects in this report.

BOX 1 How to Read the Time-Series Figures

The graphs in this report show outcomes in each month of the years before and after CJR was implemented. The gray-shaded area on the right of each graph, from January 2017 onward, represents the period after CJR was implemented. The black line shows the observed outcome values in each month (as aggregated counts or percentages), while the gray line shows the prediction for outcome values in the absence of CJR based on the data from the pre-CJR period. The difference between the black and gray lines represents the estimated effect of CJR on the outcome measure — the difference CJR made. The blue envelope around the gray line in the period after CJR was implemented represents the 95 percent confidence interval around the predicted value at each point. For any month, if the black line falls outside of the blue envelope, then the effect is considered to be statistically significant. The predicted value, observed value, difference (effect — or *impact*), and percentage change for each graphed outcome are presented in the table below each figure for arrest events in July 2017, six months after the policy was implemented. Six months is a reasonable time to expect to observe the effects of CJR on the immediate outcomes measured in this report. This time frame accounts for several months of start-up after the date CJR was officially launched, yet is close enough to that date that effects on outcomes can still be attributed to CJR. If the effect in that month is statistically significant, an asterisk (*) appears next to the effect number in the table. The effect in the table is estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing the average effect in Months 5 through 7 after CJR was implemented.

The data used in the analysis were provided by the New Jersey Administrative Office of the Courts. The sample covers the eight years before CJR went into effect and one year afterward, and includes all arrest events in New Jersey between January 1, 2009 and December 31, 2017 that resulted in complaint-warrants and complaint-summonses. The total sample size is 1,776,181 arrest events: 574,368 that resulted in complaint-warrants and 1,191,813 that resulted in complaint-summonses (or about 200,000 arrest events per year over the nine-year sample period). For each arrest event, the data include the arrest date, the complaint type, the charges, the municipality, the county, the initial release conditions, and the admission and release dates from county jail. In addition, for complaints issued in the period after CJR was implement-

²⁴ Miratrix (2019).

ed, the data include PSA scores and DMF recommendations. The outcomes presented in this report are based on the 30 days after the arrest event. Future reports will include at least nine months of follow-up data, which will allow for measures of case outcomes such as disposition, court appearance, and new arrests during the pretrial period.²⁵

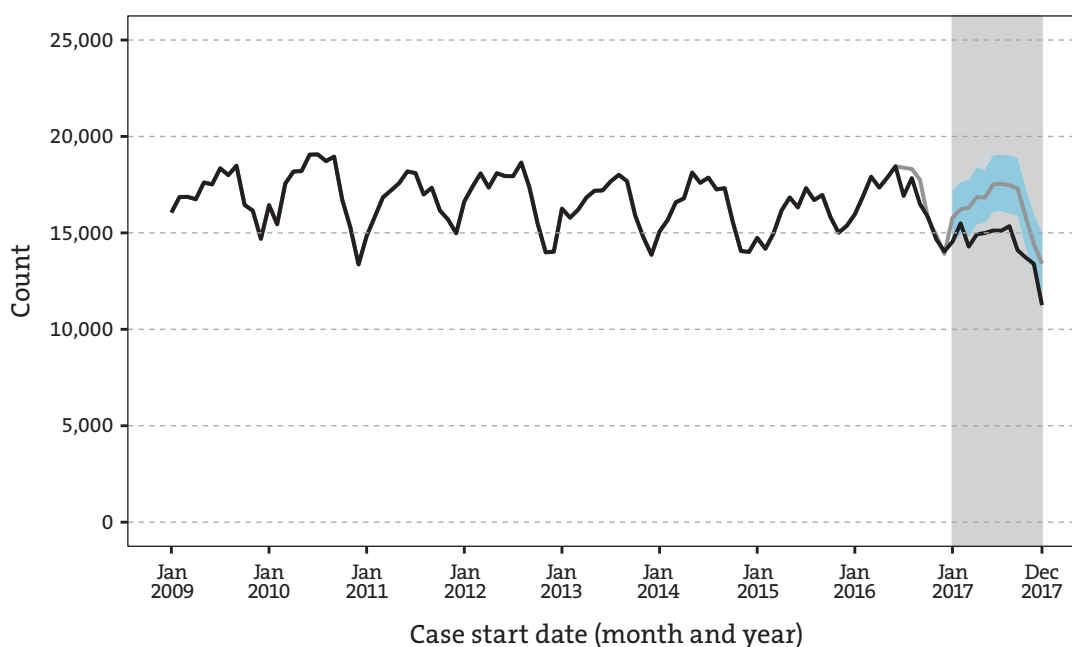
CJR'S EFFECTS ON THE NUMBER AND COMPOSITION OF ARREST EVENTS

Understanding whether CJR led to any changes in the number or characteristics of court cases in New Jersey is central to interpreting effects on outcomes that occur later in the judicial process, such as release conditions and rates of initial jail booking. For example, one might expect to see more restrictive release conditions if the cases entering the courts had more serious charges, on average, after CJR was implemented. Since CJR involved changes to the process police officers followed when making arrests, it could have affected the types of arrest events or cases. This section examines how these outcomes changed with the implementation of CJR.

Figure 2 shows effects on the total number of arrest events by month. The gray shaded area on the right, from January 2017 to December 2017, represents the period after CJR was implemented. The black line shows the actual number of arrest events in each month, while the gray line shows what the number was predicted to have been in the absence of CJR, based on the pre-CJR trend. The difference between those two lines represents the estimated effect of CJR. The blue envelope around the predicted values in the period after CJR was implemented indicates the uncertainty, or confidence interval, of the predicted trend. If the black line falls outside of the blue envelope, then the effect is statistically significant. See Box 1 for more information on how to read the time-series figures.

25 At the time this report was written, the New Jersey Administrative Office of the Courts was in the process of expanding the amount of data available for the evaluation. Specifically, future data will include additional court and jail outcomes and criminal-history details for the sample analyzed in this report. The future data are not anticipated to affect the number or composition of the arrest events or outcomes presented in this report. Although the results presented in this analysis are unlikely to change with the new data, they should be considered preliminary. Any updates to the analysis will be posted as they are available.

FIGURE 2 Effects on the Total Number of Arrest Events



Number of Arrest Events in July 2017

| Arrest Events | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|---------------------|-------------------|------------------|---------------------|-------------------|
| Total arrest events | 17,444 | 15,264 | -2,180* | -12.5 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for arrest events occurring in Month 6 using an asterisk (*) next to the difference in the table below the graph. The effect in the table is estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing the average effect in Months 5 through 7.

- **CJR was associated with a significant reduction in the total number of arrest events in the year following implementation.**

As shown in Figure 2, the number of arrest events was lower than the predicted trend in the year after CJR was implemented.²⁶ The largest reductions occurred during the summer months when arrests typically peak. For example, the predicted number of arrests in July 2017 was estimated to be 17,444 and the actual number of arrest events was 15,264 — more than 2,000 fewer than

²⁶ Only one arrest event is counted per defendant per date. See the Methods and Data Sources section for more information on the unit of analysis.

predicted. The actual number of arrests remained significantly below the predicted number through the end of the year.

It is also worth noting that here and elsewhere in this report, the interrupted time series analysis cannot establish with complete certainty that CJR was the only contributor to the results observed. It is possible that other policy changes (such as a reduction in the use of stop-and-frisk police practices, as was happening in Newark and surrounding Essex County around the time of CJR) also played a role. However, the stable patterns observed in the large amount of pre-CJR data available — and the fact that those patterns remained very stable even though other, similar policy changes occurred throughout the years before CJR — increases the likelihood that the changes detected truly are related to CJR.

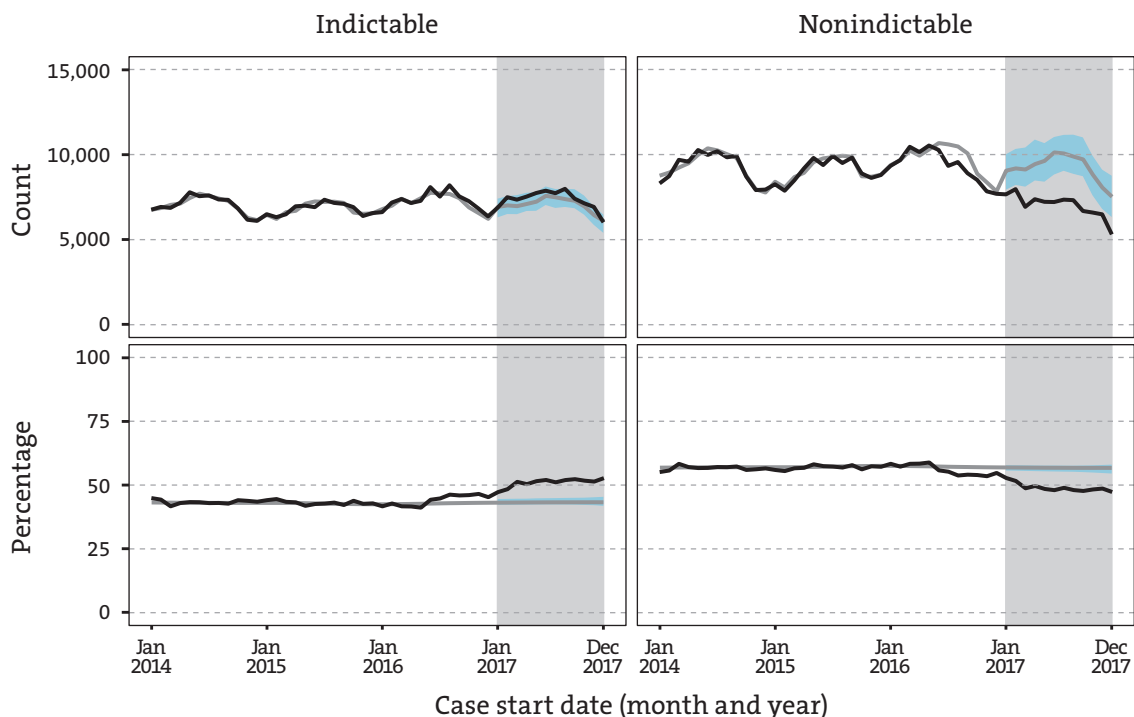
- **The reduction in the total number of arrests events largely reflects a reduction in arrest events involving less serious charges. This reduction in arrests for less serious charges meant that the cases that reached the courts involved more serious charges, on average, after CJR was implemented.**

As shown in the top panel of Figure 3, there were significantly fewer nonindictable (misdemeanor) arrest events after CJR was implemented than predicted by the pre-CJR trend, amounting to about a 25 percent reduction (or more) in April through December of 2017. The least serious types of nonindictable charges accounted for the bulk of the decline — specifically, charges for nonindictable public-order crimes such as loitering, gambling, or obscenity, which are typically issued on complaint-summons (see Appendix Figure A.1).²⁷ CJR did not lead to any significant change in the number of arrest events with indictable charges, however, which indicates that the reduction in the total number of arrest events was largely caused by police officers making fewer arrests for lower-level charges.

In the graphs in Figure 3 showing effects on nonindictable charges, it appears that changes in arrest events began several months before January 2017. These changes were probably due to the preparations and training for CJR that were happening throughout the state during those final months of 2016. Many of the court staff members, judges, and other stakeholders that MDRC interviewed described CJR as requiring a culture change that involved train-

²⁷ Charges were classified by their offense descriptions into four categories — violent, drug, property, and public order — using the National Crime Information Center system mentioned above.

FIGURE 3 Effects on the Number and Percentage of Arrest Events, by Charge Class



Charges Among July 2017 Cases

| Type of Charge in the Case | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|----------------------------|-------------------|------------------|---------------------|-------------------|
| Indictable (count) | 7,513 | 7,855 | 342 | 4.6 |
| Nonindictable (count) | 10,076 | 7,409 | -2,667* | -26.5 |
| Indictable (percentage) | 43.6 | 51.3 | 7.6* | 17.4 |
| Nonindictable (percentage) | 56.4 | 48.7 | -7.6* | -13.5 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the difference in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through 2016, however.

ing judges and staff members and obtaining their support for the reforms during the months leading up to the launch.²⁸

²⁸ As mentioned above, because this gradual change was in progress during that time, the research team excluded the six months before January 2017 from the pre-CJR data used to predict what would have happened in the absence of CJR.

(continued)

Since the number of arrest events with nonindictable charges declined while the number of arrest events with indictable charges remained constant, the cases entering the courts involved more serious charges, on average, after CJR was implemented. The bottom panel of Figure 3 shows that cases involving indictable charges were a greater percentage of all cases in the period after CJR was implemented than was predicted by the pre-CJR trend. There was no change relative to the predicted trend in the *number* of cases involving indictable charges.

Additional information about the characteristics of defendants and cases in the period after CJR was implemented is shown in Appendix Table A.1. Defendants in the period after CJR was implemented were more likely to have past criminal histories than was predicted based on the pre-CJR trend, were more likely to have had convictions for violent crimes and sentences to incarceration, and were more likely to be classified as high-risk by the PSA. On average, among cases involving nonindictable charges there were fewer charges after CJR was implemented for public-order offenses and somewhat more charges for drug-related offenses. There were few significant differences in the types of indictable charges after CJR was implemented.

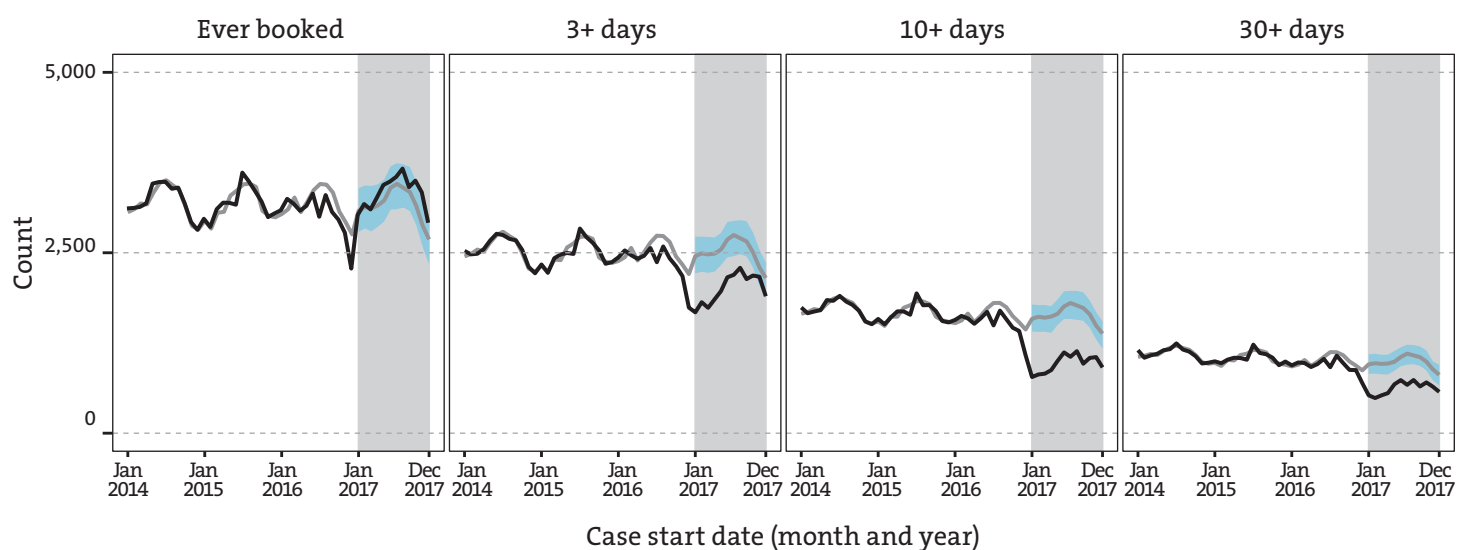
In short, given changes in the types of arrest events, the cases that reached the courts involved more serious charges (indictable offenses) after CJR was implemented, and the defendants were generally higher-risk. These changes appear to be an effect of CJR, and therefore the analyses later in this report that try to isolate how CJR affected court practices must account for them.

CJR'S EFFECT ON INITIAL JAIL STAYS AMONG ALL DEFENDANTS

Figure 4 shows CJR's overall effects on initial jail stays among all defendants, including those who were issued complaint-summons. Including cases issued on complaint-summons allows for an assessment of the overall effect

Also as described above, the City of Newark in Essex County underwent a series of changes in police practices related to arrests that could have contributed to the overall decline in arrest events observed statewide in this analysis. After a complaint was filed by the U.S. Department of Justice claiming that the Newark police department's "stop-and-frisk" practices violated the U.S. Constitution and federal law, the city entered into a consent decree with the Department. The city agreed to implement changes, subject to federal monitoring, that would effectively reduce its use of stop-and-frisk. A sensitivity analysis that removed Essex County showed results that were qualitatively similar: The reduction in arrest events that began before January 2017 was somewhat less pronounced statewide without Essex County included, but followed largely the same pattern.

FIGURE 4 Effects on Lengths of Initial Jail Stays Among All Defendants



Jail Stays Among July 2017 Cases

| Jail Stay | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|---------------|-------------------|------------------|---------------------|-------------------|
| Ever booked | 3,445 | 3,573 | 129 | 3.7 |
| Held 3+ days | 2,743 | 2,303 | -440* | -16.0 |
| Held 10+ days | 1,804 | 1,150 | -653* | -36.2 |
| Held 30+ days | 1,106 | 744 | -362* | -32.8 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the differences in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

of CJR that takes into account the fact that there were fewer arrest events overall, which itself could affect jail stays. In other words, this analysis reports the overall effect of CJR on jail bookings but does not attempt to isolate whether the reduction in jail stays is due to CJR policies or the fact that there were fewer arrest events. The leftmost panel of the figure shows that CJR had little effect on the total number of defendants initially booked into jail (“ever booked”). Recall that since CJR was implemented, all defendants issued complaint-warrants must be booked into jail pending a first appearance hearing, with no

option to post bail and avoid jail. Posting bail was an option before CJR. The right three panels of the figure show that the number of defendants held in jail for 3 or more days, 10 or more days, and 30 or more days were all significantly less than predicted, with reductions of about a third or more for the latter two categories. These findings indicate that among all defendants, CJR appears to have led to faster release from jail: Since CJR had no effect on the number of defendants initially booked but did reduce the number of defendants held in jail for three days or longer, it must have increased the number of defendants who were released after only one or two days. CJR led to these faster releases despite the new requirement that all defendants issued complaint-warrants be booked into jail, which is a particularly notable achievement.

CJR'S EFFECT ON POLICE DECISIONS ABOUT WHETHER TO ISSUE COMPLAINT-WARRANTS OR COMPLAINT-SUMMONSES

This section explores whether CJR affected police decisions about whether to pursue complaint-warrants or issue complaint-summonses. Complaint-warrants carry the possibility of pretrial detention — and since CJR was implemented, they always result in an initial jail booking pending a first appearance hearing — while complaint-summonses always result in an immediate release with a date to return to court. One might anticipate that CJR could have affected the decision about whether to pursue a complaint-warrant or issue a complaint-summons because of the use of the PSA to inform that decision, the new procedures and oversight required to pursue a complaint-warrant, or the broad cultural shifts occurring across the judiciary and the courts.

As described above, CJR led to significant changes in the number and composition of cases in the system: It reduced the number of arrest events involving less serious (nonindictable) charges while having no effect on the number of arrest events with more serious (indictable) charges. These changes in policing that occurred at the same time as CJR make it challenging to interpret effects on additional outcome measures because it is difficult to parse whether any observed effects on other outcomes, such as detention, are because of the bail and court policies associated with CJR or are because of the changes in policing (which resulted in a mix of cases with more serious charges and higher-risk defendants, on average, after CJR was implemented — see Appendix A). The remainder of the analyses in this report therefore focus only on

arrest events for indictable charges. As has already been seen, this number remained relatively constant, indicating it was not affected by CJR.²⁹

- **CJR appears to have led to an increase in the proportion of complaints issued on summonses and a corresponding decrease in the proportion issued on warrants.**

Figure 5 shows the proportions of arrest events with indictable charges that were initiated through complaint-warrants and complaint-summonses. The proportion where complaint-warrants were issued declined relative to the predicted trend after CJR was implemented. Conversely, the proportion where complaint-summonses were issued was significantly higher than predicted.³⁰ This pair of findings appears to indicate that police officers issued complaint-summonses after CJR was implemented in some cases where they would have pursued complaint-warrants before CJR. The same pattern was generally observed among the full set of arrest events (that is, among cases with both indictable and nonindictable charges; see Appendix Figure A.2).

- **The initial effects of CJR on complaint decisions appear to dissipate among cases initiated during the second half of the year following the launch of CJR.**

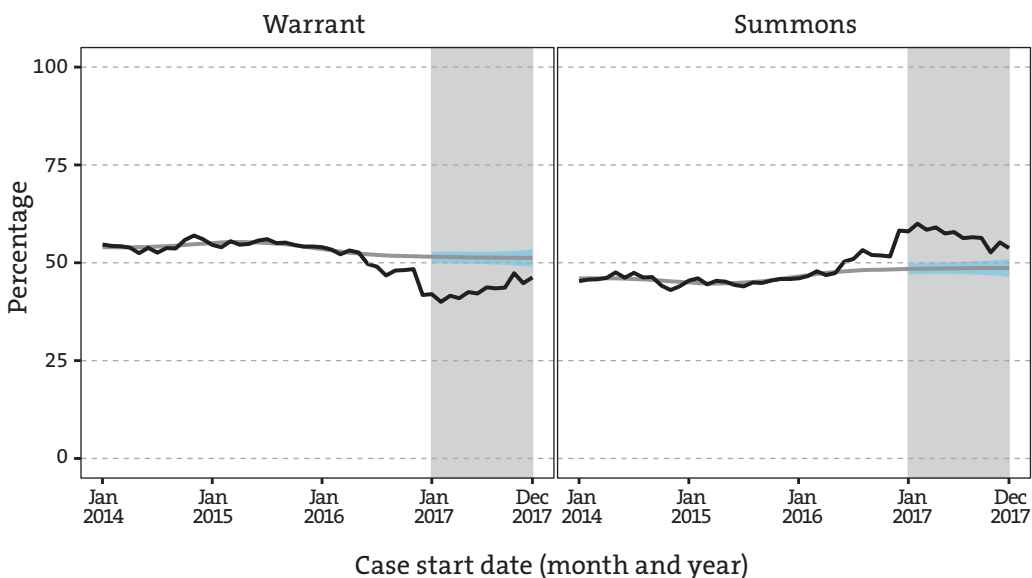
Notably, the effects on complaint decisions shrink during the latter half of 2017, with the proportion of indictable charges issued on complaint-warrants moving toward pre-CJR levels between July and December 2017 (conversely, the proportion of charges issued on complaint-summonses decreased during this period). This change in the trend midway through the year may be due to a modification to the attorney general's guidelines made in May 2017 that lowered the PSA scores at which a complaint-warrant is recommended.³¹ It will

²⁹ The types of offenses among defendants with indictable charges were largely unaffected by CJR (shown in Appendix B). In the latter half of 2017, there was a steady uptick in the proportion of indictable cases with violent charges. A sensitivity test was conducted to determine whether this small increase in the proportion of cases with violent charges was leading to a spurious effect on outcomes such as initial detention. The results of the sensitivity analysis are shown in Appendix B and indicate that this small increase in the proportion of indictable violent offense charges does not skew the observed effects of CJR presented in the remainder of this report.

³⁰ Figure 5 also shows that changes in the proportions of arrest events issued on complaint-warrants and complaint-summonses began to occur several months before January 2017, probably because of the preparations and training for CJR mentioned above. The 2016 changes in Essex County policing practices, also mentioned above, also probably contributed to these late-2016 changes. A sensitivity analysis that removed Essex County showed results that were qualitatively similar to the results including all counties.

³¹ Porrino (2017). Recall that the PSA score is used to inform a police officer's decision about whether to pursue a complaint-warrant or issue a complaint-summons. As mentioned above, the revised attorney general guidelines reduced the threshold for issuing a complaint-warrant from a PSA score of 4 to a score of 3 in mid-2017.

FIGURE 5 Effects on Complaint Types Among Cases with Indictable Charges



Complaint Type Among July 2017 Cases with Indictable Charges

| Complaint Type | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|----------------|-------------------|------------------|---------------------|-------------------|
| Warrant | 51.3 | 43.3 | -8.0* | -15.6 |
| Summons | 48.6 | 56.7 | 8.0* | 16.5 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the difference in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

Arrest events can be initiated only on a complaint-warrant or a complaint-summons in this sample, so the two measures are exhaustive and mutually exclusive. Any slight differences in effects between the two measures are solely due to the predictive modeling approach used in this analysis.

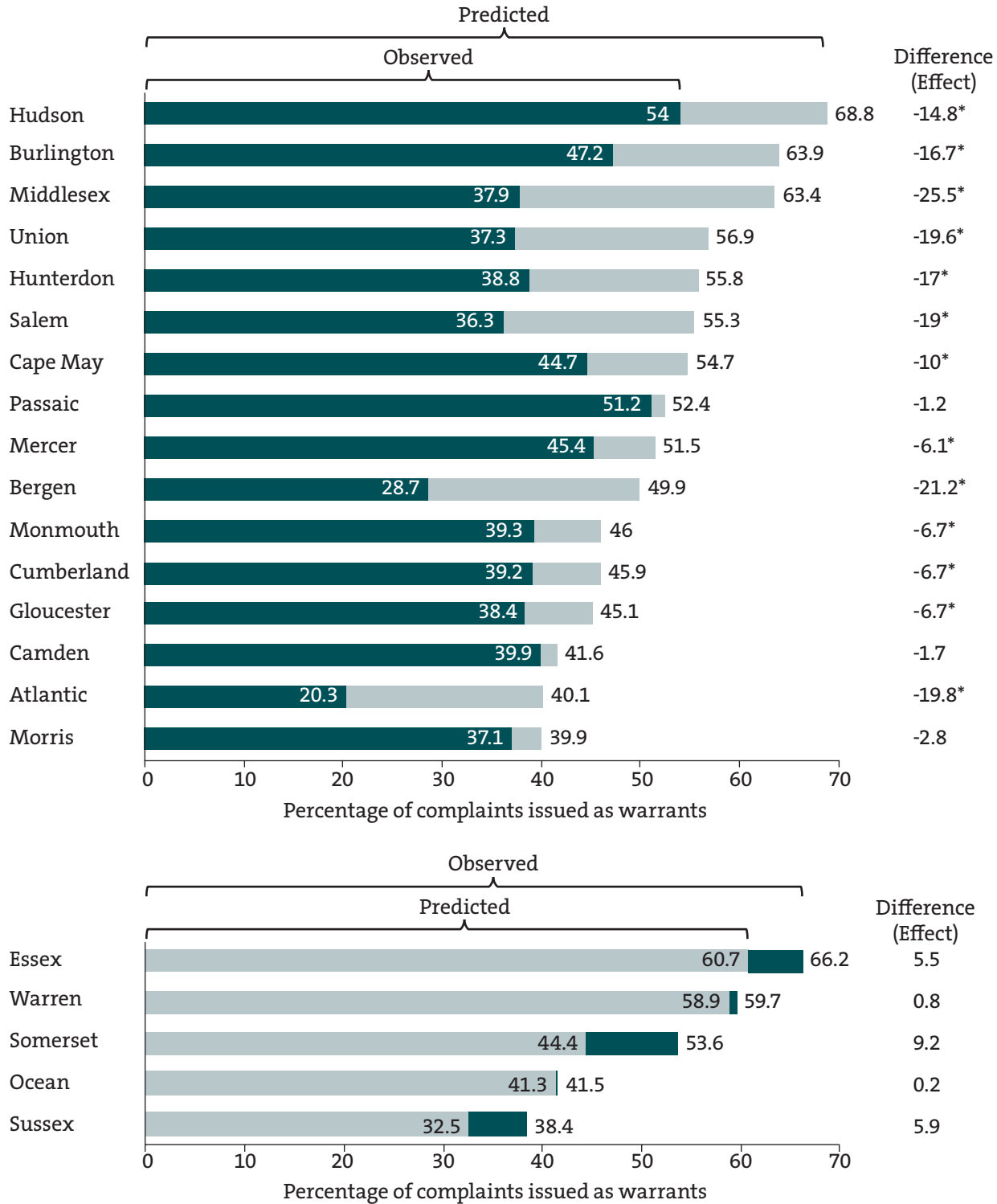
The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

be important to explore how this trend evolves with additional follow-up, because it has implications for how the effects of CJR can be sustained over time.

- **An analysis by county found that the decrease from the predicted trend in the proportion of charges issued on complaint-warrants occurred in most counties.**

Figure 6 shows the effects of CJR on the decision to issue charges on a complaint-warrant or complaint-summons, by county. Each county is shown in the figure. The top portion of the figure shows the counties that experienced decreases from their predicted trends in the percentage of arrest events

FIGURE 6 Effects on Complaint-Warrants Among Defendants Arrested on Indictable Charges, by County



SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range; statistical significance is indicated using an asterisk (*).

The predicted and observed percentages were calculated by aggregating the results of monthly interrupted time series analyses for 2017 into averages for the year.

involving complaint-warrants.³² The five counties shown in the bottom panel of the figure experienced slight increases from their predicted trends in the percentage of indictable charges issued on complaint-warrants. None of those small increases are statistically significant.

The figure shows that most counties in New Jersey (13 of 21) experienced statistically significant reductions in the percentages of arrest events for indictable charges involving complaint-warrants, compared with the prediction. In other words, these counties experienced a substantial shift from complaint-warrants (and potential jail commitments) to complaint-summonses and immediate releases (since a smaller percentage of complaint-warrants meant a larger percentage of complaint-summonses). In sum, in most counties, CJR led to a greater use of complaint-summonses rather than complaint-warrants. Future reports will further explore the differences in effects by county.

CJR'S EFFECTS ON PRETRIAL RELEASE CONDITIONS

As illustrated in Figure 1, once a defendant is issued a complaint-warrant, he or she is booked into jail and scheduled for a first appearance hearing, where a decision is made about the conditions under which the defendant may be released while waiting for the case to be disposed of. CJR made sweeping changes to the menu of possible pretrial release conditions and to the process for determining release conditions in a given case. As described in detail above, a system based mainly on money bail was replaced with a system that includes a pretrial monitoring program and the possibility of preventive detention. This section examines the effects of CJR on pretrial release conditions (among arrest events involving indictable charges, for reasons explained in the previous section).

- **CJR resulted in a higher proportion of defendants being released without conditions following the first appearance hearing.**

The effects of CJR on release conditions for defendants arrested on indictable charges are summarized in Table 1. The first column of numbers in the table shows predictions based on trends for all of 2017. The second column shows the actual percentage assigned each release condition during that year.³³ The

³² These percentages were calculated by aggregating the results of monthly interrupted time series analyses for 2017 into averages for the year.

³³ These percentages were calculated by aggregating the results of monthly interrupted time series analyses into averages for the year.

**TABLE 1 Average Effects on Release Conditions
Among Defendants Arrested on Indictable Charges**

| Release Condition (%) | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|--|-------------------|------------------|---------------------|-------------------|
| Release condition as of the first appearance hearing | | | | |
| Released | 77.9 | 82.2 | 4.3 | 5.5 |
| Without conditions | 53.5 | 62.7 | 9.2* | 17.2 |
| With conditions | 24.5 | 19.5 | -5.0* | -20.4 |
| Not released | 21.9 | 17.3 | -4.6* | -21.0 |
| Case resolved | 0.6 | 0.5 | -0.1 | -16.7 |
| Release condition as of the detention hearing ^a | | | | |
| Released | 78.0 | 90.7 | 12.7* | 16.3 |
| Not released/detained | 21.9 | 7.3 | -14.6* | -66.7 |
| Case resolved ^b | 0.6 | 2.0 | 1.4* | 233.3 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range; statistical significance is indicated using an asterisk (*).

The predicted and observed percentages were calculated by aggregating the results of monthly interrupted time series analyses for 2017 into an average for the year. Only January-October 2017 are included from the period after CJR was implemented due to data-availability limitations.

Outcomes do not always sum to 100 and there may be small differences in effects for categorical measures due to the predictive modeling approach used in this analysis.

All complaint-summonses are included in "released/released without conditions" in both panels. For complaint-warrants in the period after CJR was implemented, ROR = "released without conditions," pretrial monitoring = "released with conditions," and detention motions and preventive detention = "not released/detained." For complaint-warrants in the pre-CJR period, at the first appearance hearing defendants might be given ROR ("released without conditions"), released on bail ("released with conditions"), or not released because they did not post bail ("not released/detained").

^aSince there was no detention hearing before CJR, the predicted number is based on defendants' pre-CJR statuses as of the first appearance hearing, and the observed number is based on their statuses after CJR was implemented as of the detention hearing.

^bFor the period after CJR was implemented, cases are counted as resolved if they were resolved at the first appearance hearing or within 10 days after arrest.

difference between these columns represents the estimated effect of CJR. The top panel of the table shows release conditions as of the first appearance hearing, while the bottom panel shows release conditions as of the detention hearing. It is important to note that people issued complaint-summonses are included in the "released without conditions" category.³⁴

34 See the notes below Table 1 for more detail regarding this analysis. See Appendix Table A.2 for more detailed information about release conditions for the full sample in both periods (that is, among cases with both indictable and nonindictable charges). The patterns of effects for the full sample are generally similar to those described here for the sample of arrest events with indictable charges, although the percentages themselves vary somewhat.

The top panel of Table 1 shows that CJR led to a significant increase of about 9 percentage points over the predicted trend in the percentage of defendants released without conditions, either because they were charged on complaint-summonses or because they were released on their own recognizance at a hearing (though the vast majority were released on complaint-summonses). Even though CJR introduced pretrial monitoring and pretrial detention motions at the first appearance hearing, fewer defendants were released with conditions or held in jail by the time of the first appearance hearing than was predicted based on the pre-CJR trends. These changes indicate that pretrial monitoring and pretrial detention motions were used with a smaller percentage of defendants than would have been assigned bail had CJR not occurred. In particular, a smaller percentage of defendants were held in jail because of detention motions than would have been held in jail because they did not post bail.

- **CJR reduced the proportion of defendants held in jail after the final release condition was set.**

CJR was expected to reduce the number of defendants being held in jail because they were unable to pay monetary bail. However, CJR also introduced pretrial detention motions, which could have the opposite effect, causing more people to be detained with no possibility of bailing out. To shed light on how CJR affected release conditions, the bottom panel of Table 1 shows the release conditions set as of the detention hearing among defendants arrested on indictable charges. These “final” release conditions are the ones that will apply to defendants as long as their cases are open.³⁵ The table shows that after CJR was implemented, just 7 percent of defendants were detained as their final release condition, compared with a predicted rate of 22 percent. (The vast majority were released by the time of the first appearance hearing and did not have detention hearings.) This effect is the equivalent of a 67 percent reduction in the proportion of defendants detained while their cases are being adjudicated. As discussed previously, the percentage of cases disposed of at this point through dismissals or plea deals is very small, but it appears to be higher than predicted after CJR was implemented. A full analysis of CJR’s effects on case disposition is planned for a future report.

³⁵ For many defendants, the final release condition is set when a police officer decides to issue a complaint-summons, or at the first appearance hearing. For defendants who are detained following the first appearance hearing, the final release condition is set at the detention hearing. The release condition can change if a defendant incurs a new charge or misses a court hearing.

Figure 7 shows CJR’s effects on the percentage of defendants who were booked into jail as of the detention hearing, by county (among defendants arrested on indictable charges). As the figure shows, all but one county in New Jersey experienced significant reductions in the percentage of defendants who were booked into jail, compared with what was predicted had CJR not occurred. Larger reductions were generally observed among counties with higher predicted jail-booking rates, that is among counties with the highest rates of jail booking before CJR (for example, Hudson, Warren, Essex, Burlington, and Union), with some exceptions.

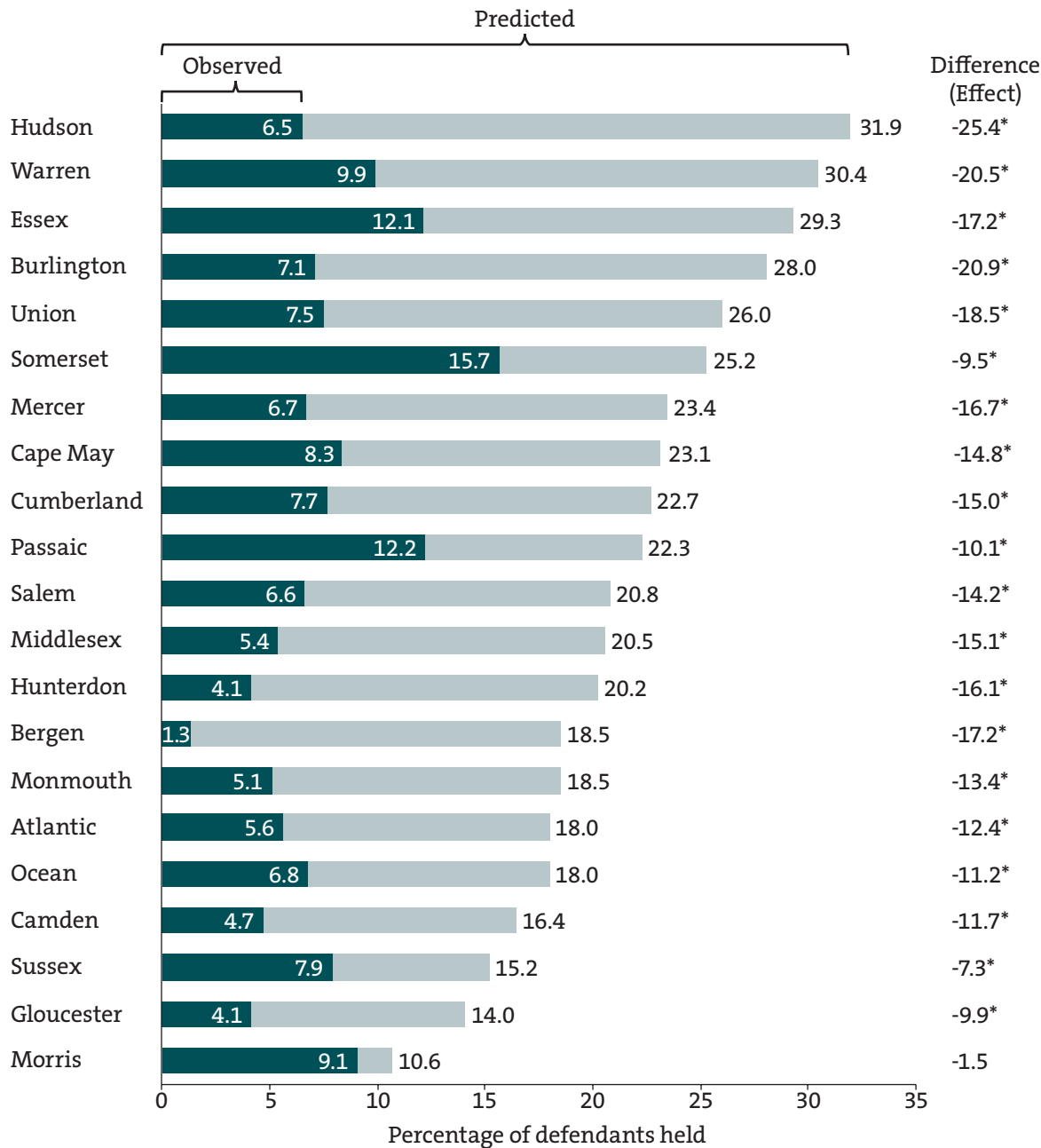
Appendix Figure A.3 shows the “initial” release conditions for defendants after CJR was implemented (defined here as release conditions as of the first appearance hearing), by county. Counties differed somewhat in their use of various initial release conditions after CJR was implemented. County differences in initial release conditions may reflect differences across counties in the severity of the charges on cases in the courts, in the types of defendants in the justice system, or in the ways the counties implemented CJR.

CJR’S EFFECTS ON INITIAL JAIL STAYS

This section examines CJR’s effects on jail stays within the first 30 days after arrest. Figure 8 shows effects on the percentage of arrest events involving indictable charges in which the defendant was initially booked in jail, and the percentages detained for at least 3 days, for at least 10 days, and for at least 30 days.³⁶ These measures are not mutually exclusive; for example, all defendants with an initial detention of at least 10 days are also included as having been detained for at least 3 days.

36 The jail data do not include information about the exact times that an individual was booked into and out of jail. These measures are based on calendar dates. If an individual was booked into and out of jail on the same calendar day, he is coded as having been detained for one day. If he was released the day after he was initially booked, he is coded as having been detained for two days. As explained above, this analysis focuses on defendants with indictable charges so that any observed effects can be attributed with greater confidence to CJR policy changes after the point of arrest rather than to the changing composition of defendants and charges attributed to changing law enforcement patterns. See above for a discussion of CJR’s effects on initial detention among all defendants (including those charged with nonindictable offenses).

FIGURE 7 Effects on Jail Bookings as of the Detention Hearing Among Defendants Arrested on Indictable Charges, by County

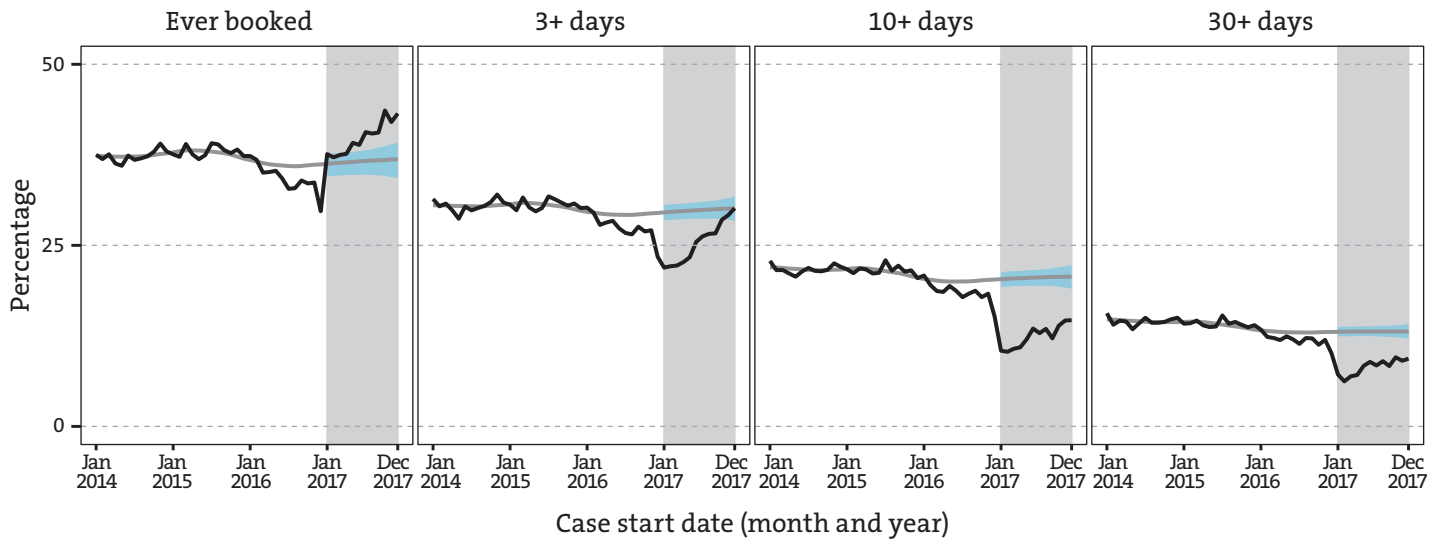


SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or impact, is the observed outcome minus the predicted outcome. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range; statistical significance is indicated using an asterisk (*).

The predicted and observed percentages were calculated by aggregating the results of monthly interrupted time series analyses for 2017 into averages for the year.

FIGURE 8 Effects on Lengths of Initial Jail Stays Among Defendants Arrested on Indictable Charges



Jail Stays Among Defendants with Indictable Charges in July 2017

| Jail Stay | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|---------------|-------------------|------------------|---------------------|-------------------|
| Ever booked | 36.7 | 39.3 | 2.6* | 7.1 |
| Held 3+ days | 29.9 | 25.7 | -4.2* | -14.0 |
| Held 10+ days | 20.6 | 13.0 | -7.6* | -36.9 |
| Held 30+ days | 13.1 | 8.5 | -4.6* | -35.0 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the differences in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

- **CJR led to an increase in the proportion of defendants who were initially booked into jail, but significantly reduced the amount of time that defendants were held in jail in the 30 days following arrest.**

The leftmost panel in Figure 8 shows a gradual climb in the rates of initial jail booking beginning in January 2017, when CJR went into effect. This increase is not particularly surprising since CJR eliminated the option to post bail for defendants issued complaint-warrants, requiring instead that all those issued complaint-warrants be booked into jail pending a first appearance hearing

(which had to occur within 48 hours). The reduction described previously in the total number of defendants issued complaint-warrants tempered the increase observed here somewhat. In other words, the percentage of defendants initially booked would have been even higher had complaint-warrants been issued at the same rate they were before CJR. The gradual increase in the percentage booked into jail midway through the year after CJR went into effect is probably related to a similarly observed increase in the percentage of complaint-warrants issued for indictable cases over the same period (see Figure 5 above).³⁷ The increase shown in the figure became statistically significant starting in June 2017 and continued to rise through the end of the year.³⁸ It will be important to obtain additional follow-up data that allow for a more complete assessment of these effects.

While CJR led to an initial reduction in the proportion of defendants held for 3 or more days, the figure shows that this effect began to recede in mid-2017 and was no longer significant by the end of the year. CJR's near-elimination of bail combined with the option for pretrial detention motions — and a mid-2017 expansion of this option — probably contributed to this pattern of effects. Specifically, the attorney general issued revised guidelines in May 2017 that lowered the PSA score threshold where it was recommended that a defendant be held. Before this directive, the recommended threshold for a recommendation to issue a complaint-warrant (thus holding a defendant) was a PSA score of 4 or higher; the directive revised that threshold to a PSA score of 3 or higher. At the same time, the judiciary added certain charges, such as firearm offenses, to the list of those where the DMF automatically recommends no release at the initial appearance hearing.³⁹ These changes may explain why the pattern of effects on this measure appears to reverse in mid-2017.

As shown in the right two panels of the figure, CJR led to sustained reductions in the percentage of defendants held in jail longer than 10 days. Both the percentage held for 10 or more days and the percentage held for 30 or more days were about a third lower than predicted. In other words, while the percentage

37 The proportion of indictable cases initiated on complaint-warrants began climbing back to pre-CJR levels in mid-2017, possibly due to changes in mid-2017 that lowered the PSA score threshold at which a complaint-warrant was recommended. Porrino (2017).

38 The reason that there was no effect on the *number* of all defendants ever booked into jail yet a positive effect on the *percentage* of defendants with indictable charges ever booked (as well as the percentage of all cases — see Appendix Figure A.5) is related to the changing number and share of complaint-warrants. A greater proportion of defendants were initially booked into jail due to CJR's requirement that all those issued complaint-warrants be initially booked, but this increase in the proportion of defendants initially booked was counteracted by a reduction in the proportion of defendants issued complaint-warrants, yielding no net effect on the total number of defendants initially booked.

39 Porrino (2017).

of defendants with indictable charges who were initially booked into jail increased, releases came faster and individuals spent substantially less time in jail during the pretrial period, after CJR went into effect.⁴⁰ The same pattern was generally observed across the counties. Since this analysis was limited to defendants with indictable charges, the number of whom was unaffected by the overall decline in arrest events, the faster releases from jail appear to be a result of changes to the pretrial processes in the courts.

CONCURRENCE BETWEEN RELEASE CONDITIONS AND THE RECOMMENDATIONS OF THE DMF

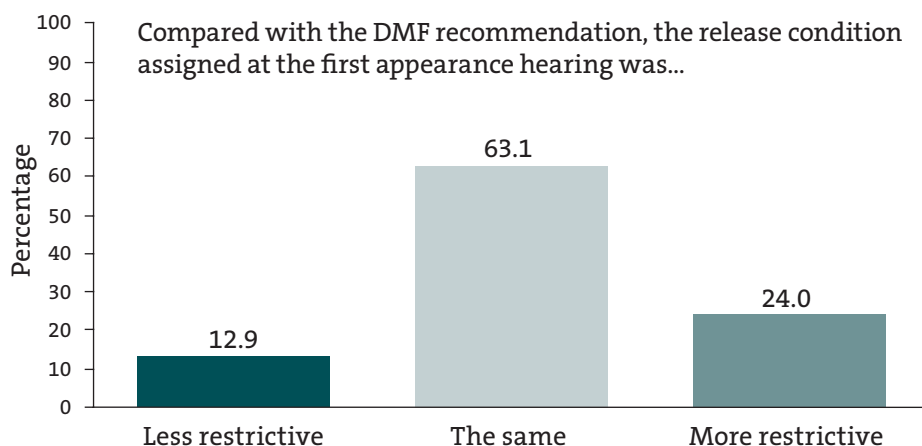
The results presented in the previous section show that the broad set of policy changes implemented under CJR led to shifts in the conditions of pretrial release in New Jersey. This section focuses more specifically on the role of the PSA and DMF in the period after CJR was implemented by examining the extent to which the release conditions after CJR was implemented corresponded with the recommendations of the DMF developed by the judiciary (referred to as “concurrency”). The analysis is limited to defendants issued complaint-warrants with indictable charges in the period after CJR was implemented, and focuses on the outcome of the first appearance hearing, at which point in the process the PSA score and DMF recommendation are available. Future reports from this evaluation will examine the overall alignment of defendants’ assessed risk levels with the release conditions they received.

A defendant can be issued one of three broad categories of release conditions — ROR with or without conditions, release to pretrial monitoring, or no release. The DMF recommends one of these possible release conditions.⁴¹ Figure 9 shows the proportion of defendants for which the release condition assigned at the first appearance hearing matched the recommendation of the DMF and among those for whom the condition did not match the recommendation, whether the actual condition was more restrictive than recommended (for ex-

40 Since there was a small increase in the percentage of defendants with indictable violent charges after CJR was implemented, a sensitivity test was conducted on lengths of initial jail stays that excluded those with violent charges from the analysis of defendants with indictable charges. The general trends for this subset were similar to those observed among all defendants with indictable charges, but the rates of the initial jail-stay outcomes were a little lower across the board. As a result, there was less of an effect on the percentage initially booked into jail and greater reductions in the percentages held for 3 or more, 10 or more, and 30 or more days. See Appendix B for more details.

41 There are different levels within pretrial monitoring that have been collapsed for this analysis. Release to pretrial monitoring at any level is considered to correspond with any DMF-recommended level of pretrial monitoring.

FIGURE 9 Concurrence Among Defendants Arrested on Complaint-Warrants with Indictable Charges



SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: Only January-October 2017 are included due to data-availability limitations. This figure excludes 202 cases (fewer than 1 percent of the total) that were resolved at the first appearance hearing.

To illustrate the meanings of the categories above, the “less restrictive” category would include an instance where pretrial monitoring was given when no release was recommended, the “same” category would include an instance where pretrial monitoring was given when pretrial monitoring was recommended, and the “more restrictive” category would include an instance where pretrial monitoring was given when ROR was recommended.

ample, a detention motion when the DMF recommended pretrial monitoring) or less restrictive.

- **The initial release conditions matched the DMF recommendations most of the time. When an actual release condition did not match the recommendation, it was often because the prosecutor decided to request a detention hearing.**

In almost two-thirds of cases (63 percent), the release conditions resulting from first appearance hearings matched the DMF recommendations. Release conditions were more restrictive than the DMF recommendations in about one-quarter of cases (24 percent) and less restrictive in about 13 percent of cases.

When there were deviations from the DMF recommendations, it was most often because prosecutors decided to move for detention at the first appearance hearing: Among the instances in which the release conditions did not match the recommendations, in more than one-third the prosecutor moved for detention when it was not recommended by the DMF, and in about one-third the

prosecutor did not move for detention when the DMF did recommend it (not shown in the figure). Most of the remaining nonmatching situations (fewer than one-third) were those in which the DMF recommended ROR but the defendant was released with pretrial monitoring.

These results speak to the important role prosecutors play in determining whether someone will be detained in New Jersey since CJR was implemented. The concurrence findings also suggest that sometimes a defendant who is placed on pretrial monitoring would have been released without conditions before CJR. This trend may be related to the fact that in 2017, judges could not attach conditions such as “no contact with the victim” to an ROR. Starting in 2018, judges can now attach certain conditions to an ROR, which may mean that judges’ decisions currently concur more with the DMF when ROR is recommended than was the case in the time period included in this analysis.

Appendix Figure A.4 shows concurrence rates by county. In most counties release conditions concurred with DMF recommendations most of the time — between about 50 percent and 80 percent of the time — with one exception. These relatively high concurrence rates in most counties suggest that at least some of the variation across counties in release conditions seen earlier — particularly for defendants issued complaint-warrants — may reflect county differences in case and defendant characteristics (in addition to county differences in CJR implementation). For example, some counties may have had more detention motions because larger proportions of their defendants were assessed as being high-risk.

SUMMARY OF FINDINGS

CJR led to large-scale changes in New Jersey’s arrest and pretrial processes, which resulted in dramatic effects on arrest events, on the use of complaint-summonses and complaint-warrants, on release conditions, and on initial jail stays. The effect on arrest events was unexpected: CJR led to a decrease in the total number of arrest events, which was largely the result of a reduction in arrests for the least serious types of charges (nonindictable public-order offenses). Among arrest events involving the most serious types of charges (indictable offenses), the number of which was not affected by CJR, a greater percentage of defendants than predicted received complaint-summonses (which guarantee immediate release) and a smaller percentage received complaint-warrants (which guarantee at least some jail detention, since after CJR individuals can no longer pay bail to be released before the first

CJR led to large-scale changes in New Jersey’s arrest and pretrial processes, which resulted in dramatic effects on arrest events, on the use of complaint-summonses and complaint-warrants, on release conditions, and on initial jail stays.

appearance hearing). These patterns occurred across most counties, which strengthens confidence that statewide findings can be attributed to CJR (since they are not due to a few larger counties implementing other, simultaneous policy changes).

As expected, CJR led to significant changes in the release conditions given to defendants. In particular, a larger proportion of defendants were released without conditions after CJR was implemented, mostly because police officers shifted to complaint-summonses. Bail was virtually eliminated, with pretrial monitoring and detention motions often used for those arrested on complaint-warrants. Yet even with the option of pretrial detention motions, the proportions of defendants held in jail at the time of the first appearance hearing and detention hearing were significantly lower than predicted based on pre-CJR trends. This finding means that lower percentages of defendants were given pretrial detention at these stages than would have been held before CJR because they did not pay bail. The release conditions given by judges after CJR was implemented usually concurred with DMF recommendations at the first appearance hearing, and this finding was generally observed across the counties, with some variation. When the release conditions differed from the recommendations, it was often because prosecutors moved for pretrial detention when the DMF recommendation was for release or because prosecutors did not move for pretrial detention when it was recommended.

For defendants with indictable charges, CJR increased the percentage who were initially booked into jail, because CJR required that those defendants be held pending a first appearance hearing with no option to bail out. However, CJR reduced the percentages detained for 10 or more and 30 or more days. Since this effect occurred among defendants with indictable charges (which appear to be largely unaffected by the decline in overall arrests), the shorter stays in jail appear to be the result of changes in the courts' pretrial processes. This pattern of findings was generally observed across counties and the reduction in length of jail stays was also observed among the full sample of defendants. In short, CJR led to fewer individuals spending long amounts of time in jail after they were arrested even though it required that all those issued complaint-warrants be booked into jail initially.

POLICY IMPLICATIONS

With CJR, New Jersey changed the pretrial process at multiple points and affected the decisions of multiple actors, including police officers, prosecutors, public defenders, and judges. As a result, there were large effects on the number and composition of arrest events and charges, on the release conditions imposed on defendants awaiting trial, and on the lengths of initial jail stays. The net result was a much smaller number of people in jail awaiting trial. These results provide important lessons for other jurisdictions looking to make similar changes.

While New Jersey did not explicitly aim to reduce arrests, CJR appears to have had the effect of reducing the total number of arrests for the least serious types of offenses. This effect may have been the result of a number of factors: broader culture changes that accompanied the reforms, changes in the process required for issuing complaint-warrants (such as the use of the PSA), new paperwork requirements, and greater oversight of police complaint charging decisions. The effect on the types of complaints issued once charges were initiated on an arrest (that is, police officers' use of complaint-summonses in lieu of complaint-warrants) may have been because the use of the PSA informed that decision or because of the changes to the complaint charging process.

While the changes in the number of people arrested are large, this analysis is able to isolate those effects from the effects that occurred within the courts. The analysis presented in this report offers compelling evidence that changes in the policies and practices of the courts, and not just changes in policing, affected release conditions and reduced the length of time defendants spent in jail awaiting trial. That is, the effects on release conditions and initial jail stays were due to changes in the pretrial process *after* the point of arrest: the revised procedures for issuing complaints, the virtual elimination of bail, the first appearance hearing process, revised release conditions (including pretrial detention motions), and the use of the PSA and DMF to inform release conditions. These results suggest that jurisdictions could reduce pretrial jail stays, even if there were no changes to policing and even with the option for pretrial detention motions. Future reports that are planned from this evaluation will assess whether the reforms affected court appearance rates and new criminal charges, both of which are of concern as more defendants are released.

CJR's effects on initial jail bookings are important for jurisdictions to consider when they contemplate reducing or eliminating money bail. The in-

The analysis presented in this report offers compelling evidence that changes in the policies and practices of the courts, and not just changes in policing, affected release conditions and reduced the length of time defendants spent in jail awaiting trial.

crease after CJR was implemented in the proportion of defendants initially booked into jail means that some defendants were booked into jail after CJR was implemented who would not have been before CJR. On the other hand, the system since the implementation of CJR is more equitable since jail commitment is no longer based on one's ability to afford bail, and ultimately the system after CJR was implemented resulted in less jail time for those who were booked. It will also be important to continue to examine the effects on cases that were initiated after December 2017 (and to look at case and crime outcomes that occur beyond the 30-day follow-up period of this report, particularly given the steady climb in jail detention and detention for 3 or more days that was observed over the course of 2017).

Lastly, readers should bear in mind that this report is the first in a series that has been planned on the effects of New Jersey's Criminal Justice Reform. The findings in this report show that CJR appears to have been successful in nearly eliminating money bail, releasing more defendants on complaint-summons and without conditions even in the presence of a new pretrial monitoring program. It also reduced jail stays despite the option for preventive detention. However, it remains to be seen whether these promising changes had any effect on defendants' rates of failing to appear at court hearings, new criminal activity, or case dispositions. Subsequent reports will present findings on these topics, and will also examine the effects of CJR on racial disparities and further explore the role of risk-based decision making in achieving the effects.

APPENDIX TABLE A.1 Defendant and Crime Characteristics

| Characteristic (%) | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|--|-------------------|------------------|---------------------|-------------------|
| Defendant characteristics (complaint-warrant arrest events only) | | | | |
| Race ^a | | | | |
| Black | 42.9 | 47.9 | 5.0* | 11.7 |
| Not black | 53.6 | 51.2 | -2.4* | -4.5 |
| Female | 19.9 | 15.4 | -4.5* | -22.6 |
| Less than 23 years old | 16.9 | 16.9 | 0.0 | 0.0 |
| Criminal history | | | | |
| Prior conviction | 57.3 | 68.0 | 10.7* | 18.7 |
| Prior violent conviction | 23.5 | 29.5 | 6.0* | 25.5 |
| Prior violent indictable conviction | 14.8 | 19.5 | 4.7* | 31.8 |
| Failure to appear in the past 2 years | 31.3 | 44.8 | 13.5* | 43.1 |
| Failure to appear more than 2 years ago | 44.0 | 52.5 | 8.5* | 19.3 |
| Prior sentence to incarceration | 35.9 | 45.6 | 9.7* | 27.0 |
| Risk level ^b | | | | |
| Low | 34.1 | 21.8 | -12.3* | -36.1 |
| Medium | 32.5 | 29.8 | -2.7* | -8.3 |
| High | 33.5 | 48.4 | 14.9* | 44.5 |
| Crime characteristics (complaint-warrant and complaint-summons arrest events) | | | | |
| Charge class | | | | |
| Indictable | 43.2 | 51.3 | 8.1* | 18.8 |
| Nonindictable | 56.6 | 48.7 | -7.9* | -14.0 |
| Charge category | | | | |
| Violent | 19.6 | 19.2 | -0.4 | -2.0 |
| Drug | 36.1 | 41.8 | 5.7* | 15.8 |
| Property | 19.6 | 21.8 | 2.2* | 11.2 |
| Public order | 24.4 | 16.7 | -7.7* | -31.6 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range; statistical significance is indicated using an asterisk (*).

Outcomes do not always sum to 100 and there may be small differences in effects for categorical measures due to the predictive modeling approach used in this analysis.

^aRace information was missing for a small percentage of individuals.

^b"Risk level" was assessed by applying the PSA algorithm and grouping based on the resulting failure-to-appear and new-criminal-activity scores: "high risk" = a 5 or 6 on either score, "medium risk" = a 3 or 4 on either score but nothing higher, "low risk" = a 1 or 2 on either score but nothing higher.

APPENDIX TABLE A.2 Descriptive Breakdown of
Release Conditions Among All Defendants

| Release Condition (%) | Before CJR | After CJR Was Implemented |
|--|------------|---------------------------|
| Release condition as of the first appearance hearing | | |
| Released | 87.1 | 91.0 |
| Without conditions | 71.0 | 79.1 |
| Summons | 66.4 | 76.7 |
| ROR | 4.6 | 2.4 |
| With conditions | 16.1 | 11.9 |
| Posted bail | 16.1 | -- |
| Pretrial monitoring | -- | 11.9 |
| Not released | 11.3 | 8.7 |
| Did not post bail | 11.3 | -- |
| Detention motion | -- | 8.7 |
| Case resolved | 1.6 | 0.3 |
| Release condition as of the detention hearing ^a | | |
| Released | 87.1 | 95.2 |
| Not released/detained | 11.3 | 3.7 |
| Case resolved ^b | 1.6 | 1.1 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

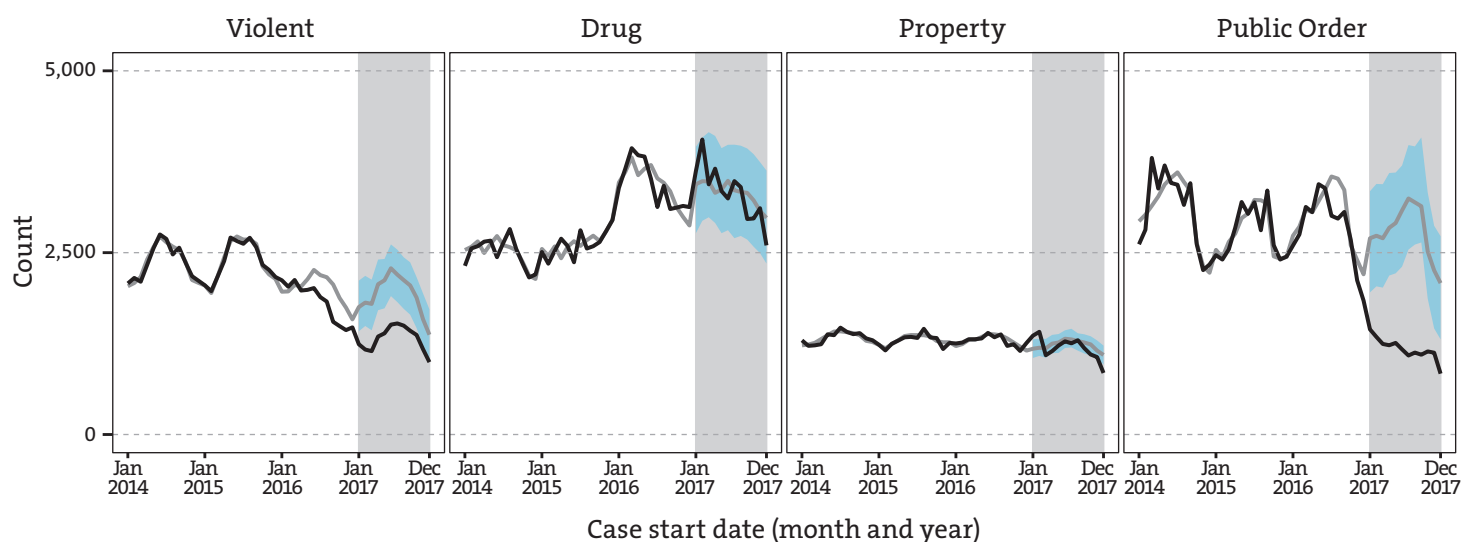
NOTES: The pre-CJR analysis includes January 2009 through June 2016; July-December 2016 are excluded since this was a transition period leading up to implementation of CJR. Only January-October 2017 are included in the analysis of the period after CJR was implemented due to data-availability limitations.

All summons complaints are coded as "summons" and "released without conditions" in the first panel and as "released" in the second panel.

^aSince there was no detention hearing before CJR, the pre-CJR numbers reflect defendants' statuses as of the first appearance hearing. The numbers after CJR was implemented reflect their statuses as of the detention hearing.

^bFor the period after CJR was implemented, "case resolved" means cases were resolved by the first appearance hearing or within 10 days after the arrest.

APPENDIX FIGURE A.1 Effects on the Number of Cases with Nonindictable Charges, by Crime Type



Number of Cases with Nonindictable Charges in July 2017, by Crime Type

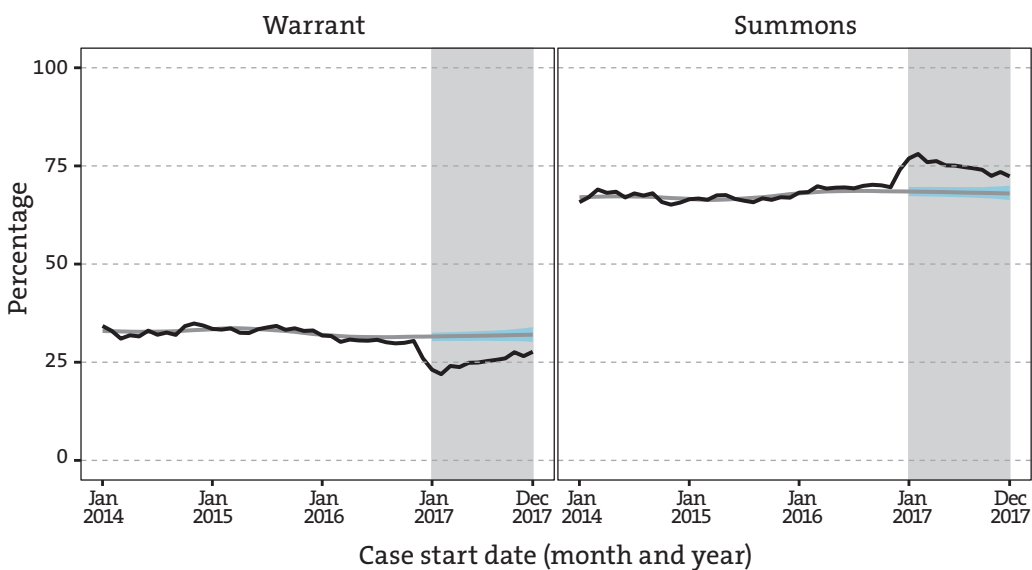
| Crime Type | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|--------------|-------------------|------------------|---------------------|-------------------|
| Violent | 2,195 | 1,537 | -657* | -29.9 |
| Drug | 3,365 | 3,248 | -117 | -3.5 |
| Property | 1,308 | 1,244 | -64 | -4.9 |
| Public order | 3,231 | 1,378 | -1,853* | -57.3 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the difference in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

APPENDIX FIGURE A.2 Effects on Complaint Types Among All Cases



Complaint Type Among All July 2017 Cases

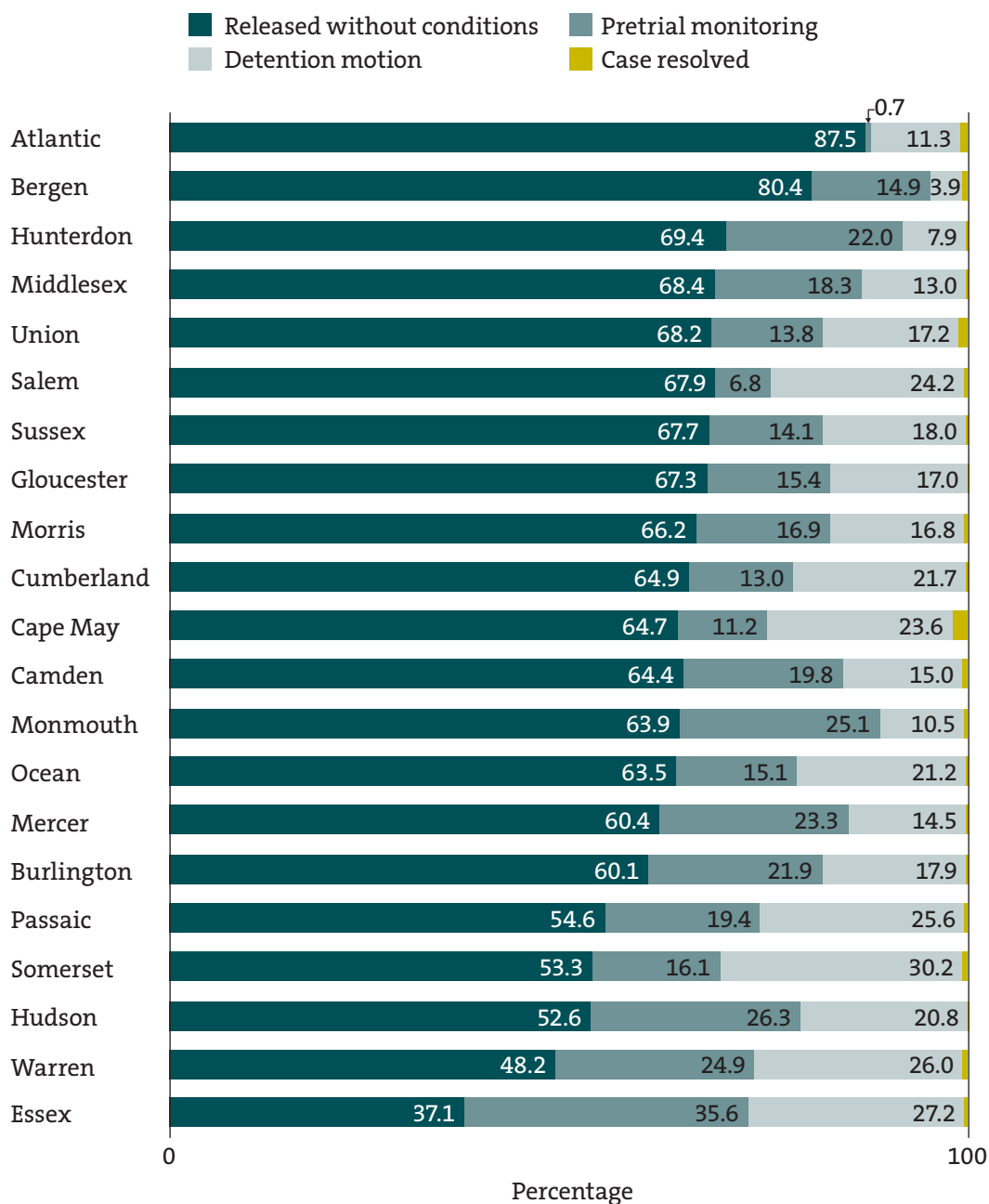
| Complaint Type | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|----------------|-------------------|------------------|---------------------|-------------------|
| Warrant | 31.8 | 25.6 | -6.2* | -19.5 |
| Summons | 68.2 | 74.4 | 6.2* | 9.1 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the difference in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

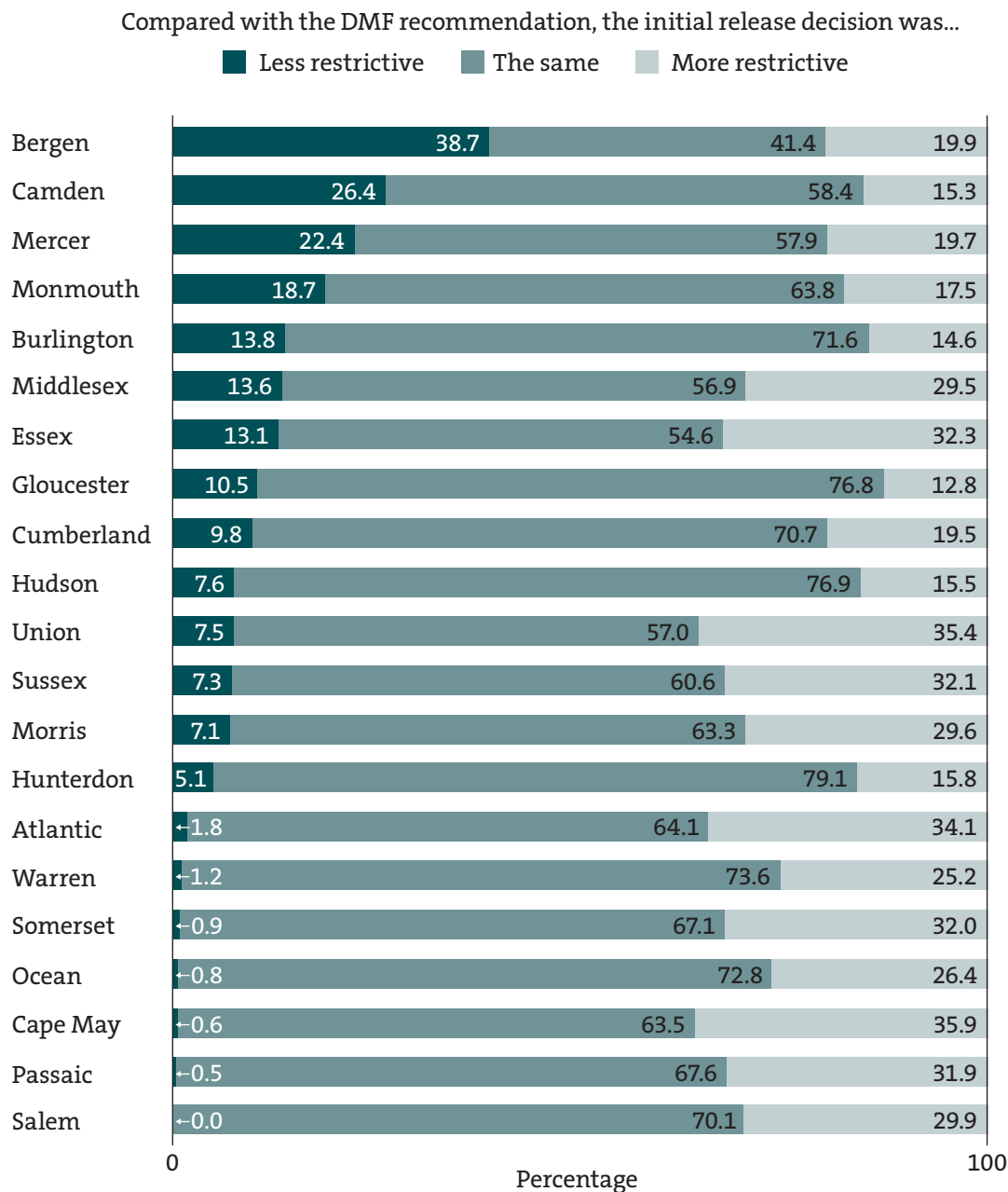
The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

APPENDIX FIGURE A.3 Initial Release Conditions by County After CJR Was Implemented, Among Defendants Arrested on Indictable Charges



SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

APPENDIX FIGURE A.4 Concurrence Among Defendants Arrested on Complaint-Warrants with Indictable Charges, by County

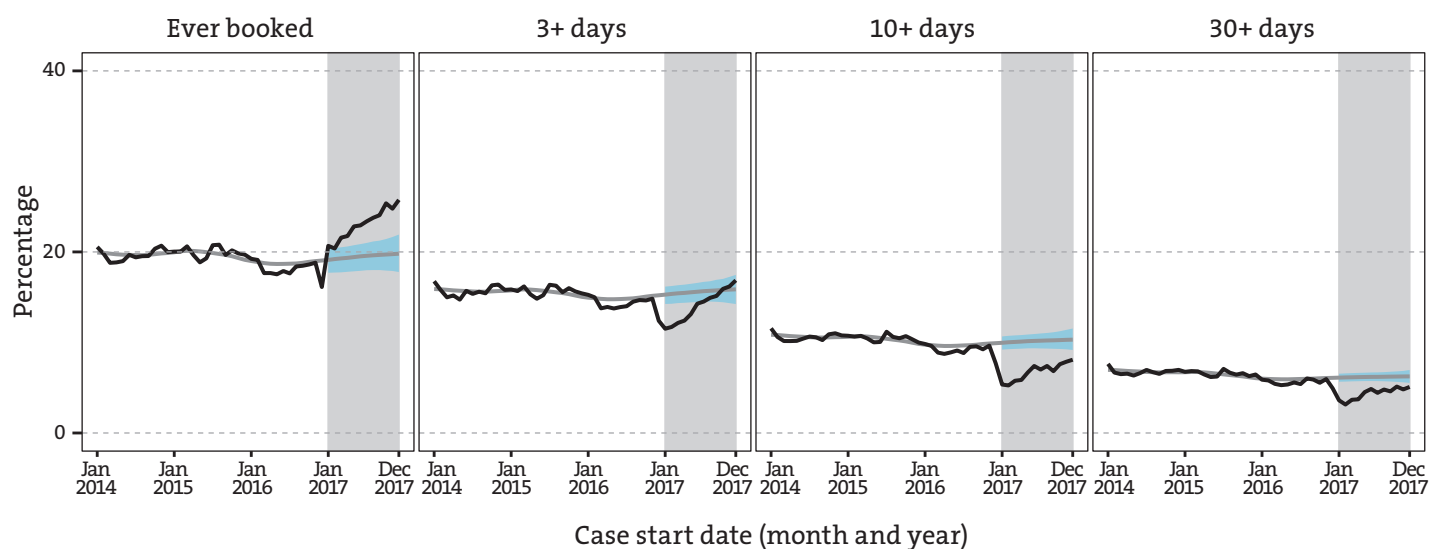


SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: Only January-October 2017 are included due to data-availability limitations.

The figure excludes a small number of cases that were resolved at the first appearance hearing.

APPENDIX FIGURE A.5 Effects on Lengths of Initial Jail Stays Among All Defendants



Jail Stays Among All Defendants with Cases Started in July 2017

| Jail Stay | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|---------------|-------------------|------------------|---------------------|-------------------|
| Ever booked | 19.6 | 22.8 | 3.2* | 16.3 |
| Held 3+ days | 15.6 | 14.3 | -1.3* | -8.3 |
| Held 10+ days | 10.2 | 7.1 | -3.2* | -31.3 |
| Held 30+ days | 6.2 | 4.5 | -1.7* | -27.3 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

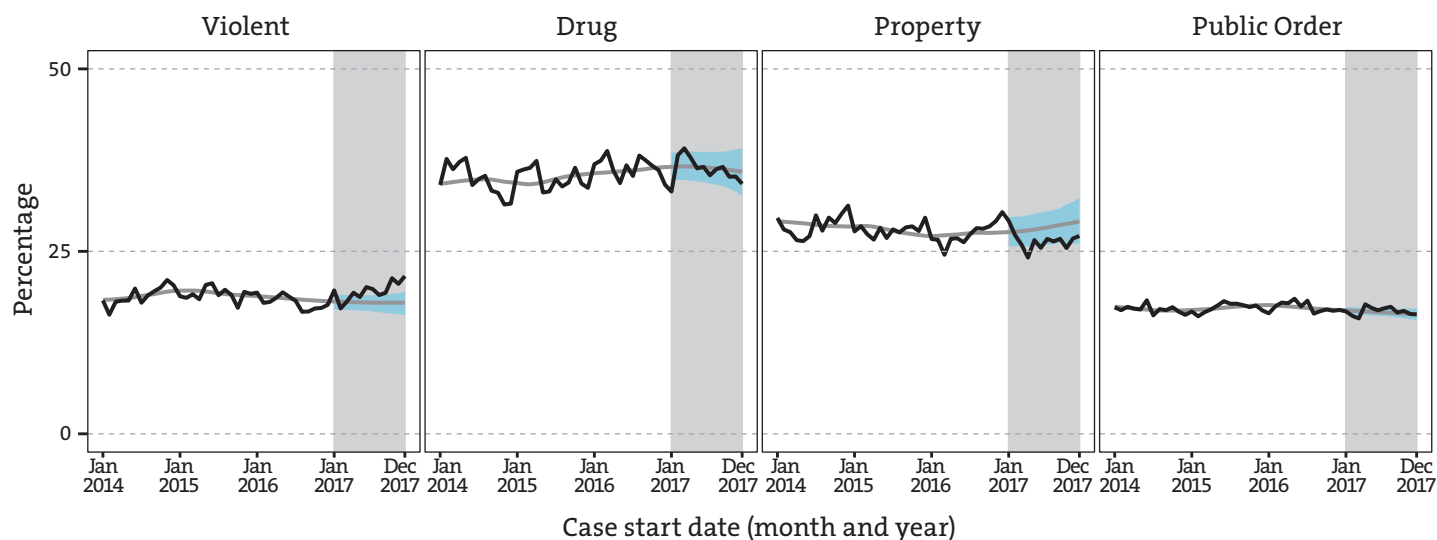
NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is also indicated for Month 6 arrest events using an asterisk (*) next to the differences in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

The graphs only show January 2014 through December 2017 in order to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

SENSITIVITY TEST FOR EFFECTS ON LENGTHS OF INITIAL JAIL STAYS AMONG DEFENDANTS ARRESTED ON INDICTABLE CHARGES

Among cases with indictable charges, CJR resulted in a small increase in the percentage that involved charges for violent crimes (see Appendix Figure B.1). A sensitivity test was therefore conducted for the effects presented in the body text on lengths of initial jail stays among all defendants with indictable charges. The sensitivity test included only nonviolent indictable cases. The purpose was to assess whether the general patterns in effects on initial jail stays described in the text were still present, and to what extent they could be attributed to the change in case composition. As shown in Appendix Figure B.2, the sensitivity test revealed that the small increase in arrest events involving indictable charges for violent crimes largely explains the increase in the proportion of defendants with indictable charges who were ever booked into jail. However, the increase in arrest events involving indictable charges for violent crimes does not explain the reductions in the proportions of defendants with indictable charges who were initially held for 3 or more, 10 or more, and 30 or more days. Therefore, this analysis confirms that CJR's changes to the pretrial process after the point of arrest probably sped defendants' release from jail by reducing the proportion of cases in which defendants were held for longer periods.

APPENDIX FIGURE B.1 Effects on the Percentages of Crime Types
Among Cases Involving Indictable Charges



Number of Cases by Crime Type

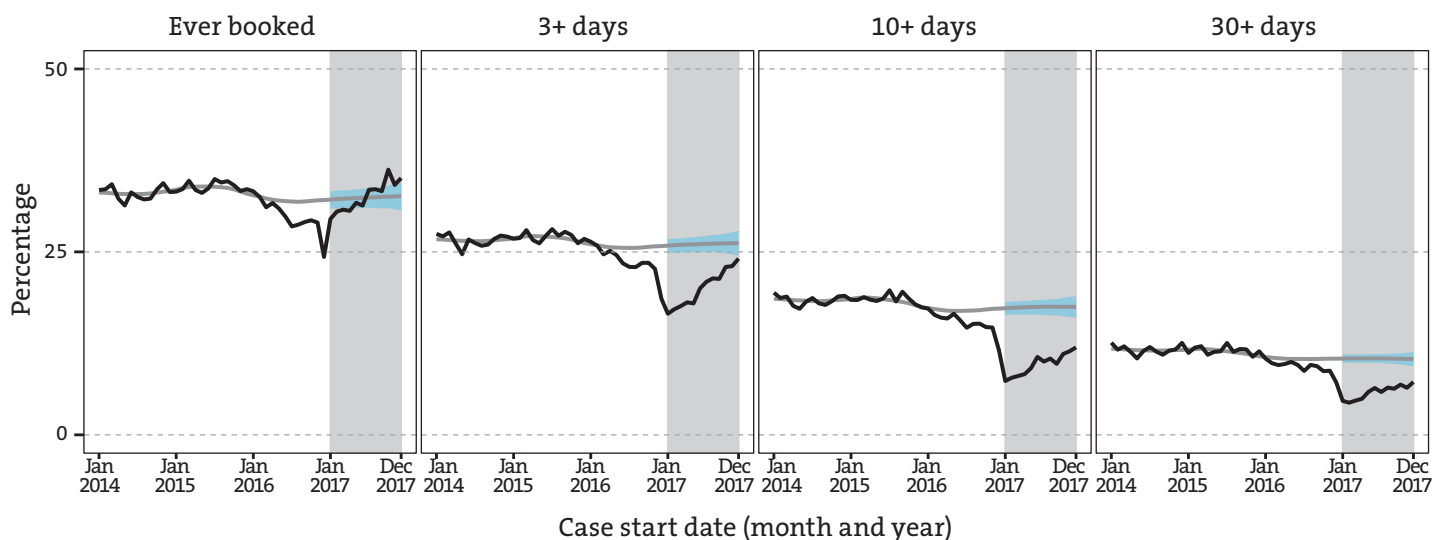
| Crime Type | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|--------------|-------------------|------------------|---------------------|-------------------|
| Violent | 17.9 | 19.4 | 1.5* | 8.4 |
| Drug | 36.4 | 36.1 | -0.4 | -1.1 |
| Property | 28.2 | 26.7 | -1.5 | -5.3 |
| Public order | 16.6 | 16.8 | 0.2 | 1.2 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the differences in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

The graphs only show January 2014 through December 2017 to make the effects after CJR was implemented more visible. The predictive models were fit to data from January 2009 through June 2016, however.

APPENDIX FIGURE B.2 Effects on Lengths of Initial Jail Stays Among Defendants Arrested on Nonviolent Indictable Charges



Jail Stays Among Defendants Arrested on Nonviolent Indictable Charges with Cases Started in July 2017

| Jail Stay | Predicted Outcome | Observed Outcome | Difference (Effect) | Percentage Change |
|---------------|-------------------|------------------|---------------------|-------------------|
| Ever booked | 32.5 | 32.1 | -0.4 | -1.2 |
| Held 3+ days | 26.1 | 20.4 | -5.7* | -21.8 |
| Held 10+ days | 17.5 | 10.1 | -7.4* | -42.3 |
| Held 30+ days | 10.4 | 6.1 | -4.3* | -41.2 |

SOURCE: MDRC calculations based on data provided by the New Jersey Administrative Office of the Courts.

NOTES: The *difference*, or effect, is the observed outcome minus the predicted outcome. *Percentage change* is the difference between the observed and predicted values as a percentage of the predicted value. The difference is *statistically significant* if the observed outcome falls outside of the predicted confidence interval range indicated by the blue envelope in the graph; statistical significance is indicated for Month 6 arrest events using an asterisk (*) next to the differences in the table below the graph. The effects in the table are estimated with smoothing in order to increase power. As a result, the numbers in the table can be thought of as representing average effects in Months 5 through 7.

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American Civil Liberties Union, National Association of Criminal Defense Lawyers, and State of New Jersey Office of the Public Defender. 2016. *The New Jersey Pretrial Justice Manual*. Washington, DC: National Association of Criminal Defense Lawyers.

Dobbie, Will, Jacob Goldin, and Crystal Yang. 2016. "The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." *American Economic Review* 108, 2: 201-240.

Lowenkamp, Christopher, Marie VanNostrand, and Alexander Holsinger. 2013. "The Hidden Costs of Pretrial Detention." Website: https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_hidden-costs_FNL.pdf.

Miratrix, Luke. 2019. "Technical Paper for the Public Safety Assessment Impact Evaluation in Mecklenburg County, N.C." Unpublished paper. New York: MDRC.

Moore, Kelly, Jeffery Stuewig, and June Tangney. 2016. "The Effect of Stigma on Criminal Offenders' Functioning: A Longitudinal Mediation Model." *Deviant Behavior* 37, 2: 196-218.

National Institute of Justice. 1983. *National Crime Information Center (NCIC) Code Manual*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

New Jersey Courts. 2018. "Rules Governing the Courts of the State of New Jersey." Website: www.njcourts.gov/attorneys/rules.html.

Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108, 9: 37-75.

Porrino, Christopher. 2017. "Attorney General Law Enforcement Directive No. 2016-6 v2.0: Modification of Directive Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform Pursuant to P.L. 2014, c. 31." Website: https://www.state.nj.us/oag/dcj/agguide/directives/ag-directive-2016-6_v2-0.pdf.

Rabner, Stuart. 2017. "Chief Justice: Bail Reform Puts N.J. at the Forefront of Fairness." *New Jersey Star-Ledger* January 9, 2017.

VanNostrand, Marie. 2013. "New Jersey Jail Population Analysis: Identifying Opportunities to Safely and Responsibly Reduce the Jail Population." Website: www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf.

REFERENCES

This evaluation is funded by Arnold Ventures. At Arnold Ventures, we are grateful to our project director, Kristin Bechtel. We are also grateful for the leadership of Laura and John Arnold, Jeremy Travis, James Cadogan, Stuart Buck, and Virginia Bersch, who were instrumental in establishing the evaluation and providing thoughtful oversight of the project.

We are exceedingly appreciative of Judge Glenn A. Grant, acting administrative director of the New Jersey Courts, and Jennifer Perez, director of Trial Court Services for the New Jersey Courts, for their partnership, generosity with their time, and valuable insights throughout the evaluation. Mark Davies, Marcia Rebimbus, and Jennifer Fratello of the Quantitative Research Unit at the New Jersey Courts; Jack McCarthy, chief information officer of the New Jersey Courts; and Steven Bonville, chief of staff at the New Jersey Courts, provided important comments and partnership. We are grateful to Laks Kattalai, Gopal Thiru, and numerous other staff members at the New Jersey Administrative Office of the Courts who worked tirelessly to provide us with data for the evaluation and insights along the way. We thank the judges and staff members from the judiciary, the prosecutor's offices, the public defender's offices, law enforcement agencies in Passaic and Mercer Counties, and Pretrial Services units who met with us during site visits and were open and thoughtful in answering our questions. Marie Van Nostrand and Brian Kays of Luminosity worked closely with New Jersey Courts on preparing data files for our evaluation, and reviewed drafts of this report.

At MDRC, Dan Bloom, Gordon Berlin, Howard Bloom, Richard Hendra, Kristin Porter, Brit Henderson, Ali Tufel, and Margaret Bald provided valuable comments on drafts. Vicky Ho coordinated the production of the report and assisted with exhibit creation. Joshua Malbin edited the report and Carolyn Thomas prepared it for publication.



ACKNOWLEDGMENTS

Dissemination of MDRC publications is supported by the following funders that help finance MDRC's public policy outreach and expanding efforts to communicate the results and implications of our work to policymakers, practitioners, and others: The Annie E. Casey Foundation, Arnold Ventures, Charles and Lynn Schusterman Family Foundation, The Edna McConnell Clark Foundation, Ford Foundation, The George Gund Foundation, Daniel and Corinne Goldman, The Harry and Jeanette Weinberg Foundation, Inc., The JPB Foundation, The Joyce Foundation, The Kresge Foundation, and Sandler Foundation.

In addition, earnings from the MDRC Endowment help sustain our dissemination efforts. Contributors to the MDRC Endowment include Alcoa Foundation, The Ambrose Monell Foundation, Anheuser-Busch Foundation, Bristol-Myers Squibb Foundation, Charles Stewart Mott Foundation, Ford Foundation, The George Gund Foundation, The Grable Foundation, The Elizabeth and Frank Newman Charitable Foundation, The New York Times Company Foundation, Jan Nicholson, Paul H. O'Neill Charitable Foundation, John S. Reed, Sandler Foundation, and The Stupski Family Fund, as well as other individual contributors.

The findings and conclusions in this report do not necessarily represent the official positions or policies of the funders.

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