

# **Review of New Jersey Pretrial Services Program Costs in 2017 and Analysis of Program Implementation in New York State**

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*Prepared for*  
New York State Bail Bondsman Association

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## **1.0 Executive Summary**

The Regional Economic Studies Institute (RESI) of Towson University was tasked by the New York State Bail Bondsman Association (NYSBBA) to estimate the costs to New York State of implementing and operating a pretrial services program (PSP), based on a cost analysis of New Jersey's Pretrial Services Program (NJPSP) during the 2017 calendar year.

New Jersey's reforms, enacted January 1, 2017, virtually eliminate the use of monetary bail and instead utilize non-monetary conditions and defendants' risk factors to determine pretrial release decisions. RESI's current analysis of New Jersey's criminal justice reform (CJR) investigates the costs and benefits associated with initiating a mandatory pretrial services program in the state, based on the most recent publically-available data. Wherever possible, RESI used actual cost breakdowns as described in supporting documentation. For some calculations where actual figures were unavailable or data granularity was low, RESI made conservative estimates. After evaluating the costs and benefits of the NJPSP, RESI estimated the potential effects to New York for a similar pretrial release program.

Major findings from RESI's analysis are summarized below.

### **New York Cost Estimates**

Costs to the State of New York were estimated based on an analysis of publically-available data from New Jersey.

- Estimated costs to New York State to implement and operate a program similar to NJPSP were estimated at a total of \$287.8 million. This total is comprised of:
  - Start-up costs of approximately \$85.4 million,
  - Operating costs of nearly \$185.6 million, and
  - Indirect costs of approximately \$16.8 million.
- Annual operating and indirect costs are estimated at \$202.4 million.
- It should be emphasized that these are rough estimates and depending on the specific program attributes in New York (e.g. differences in new construction needs, technology, supervision requirements, etc.), New York's actual costs may vary significantly.

### **New Jersey Cost Analysis**

To be able to estimate the costs to New York, RESI analyzed publically-available data from NJ one year after the implementation of NJPSP. RESI considered costs to the State and to New Jersey's counties.

- Of the estimated \$125.6 million in total costs for implementation and calendar year 2017 operations, costs to New Jersey counties represented approximately \$32.5 million:
  - Start-up costs of approximately \$10.6 million, and
  - Operating costs of nearly \$21.9 million.
- At the state level, implementing and operating the NJPSP cost an estimated total of \$125.6 million through the end of calendar year 2017. This total is comprised of:
  - Start-up costs of approximately \$37.3 million,

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- Operating costs of nearly \$81.0 million, and
- Indirect costs of approximately \$7.3 million.
- Annual operating and indirect costs are estimated at \$88.3 million.
- Indirect costs are comprised of increases in failure to appear (FTA) and increases in recidivism:
  - Costs associated with increases in FTA rates are estimated at approximately \$6.4 million annually, and
  - Costs associated with increased recidivism are estimated at approximately \$0.9 million annually.
- Estimated cost-savings benefit to New Jersey through decreased pretrial detainee populations totaled approximately \$21.3 million.
- Net costs to New Jersey (combined costs and benefits) resulting from NJPSP are estimated at \$67.0 million annually.
- The New Jersey Office of Legislative Services forecasts that costs for the NJPSP would likely exceed the allocated \$22 million by \$13 million per year.<sup>1</sup>
  - This estimate does not explicitly account for county costs, which increase the gap between funding provided by the 21st Century Justice Fund and costs of implementing and operating the NJPSP.
  - Despite accumulation of the 21st Century Justice Fund prior to NJPSP implementation, the NJPSP is expected to reach a deficit in 2018.<sup>2</sup> Insufficient funding is cited in the 2017 annual report as “the most pressing issue” for the program.<sup>3</sup>

### New Jersey Economic Impact Analysis

- Implementing and operating the NJPSP supported an estimated 1,435 jobs, over \$186.2 million in output, and approximately \$119.2 million in employee compensation in calendar year 2017.

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<sup>1</sup> Glenn A. Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” New Jersey Judiciary and the New Jersey Courts (February 2018): 10, accessed February 13, 2018, <https://www.njcourts.gov/courts/assets/criminal/2017cjrannual.pdf>.

<sup>2</sup> Ibid, 25.

<sup>3</sup> Ibid, 24.

## **2.0 Introduction**

In recent years, criminal justice reform (CJR) has gained widespread attention across the United States. Among these reforms are recommendations to eliminate the system of monetary bail and instead implement a system that determines a defendant's eligibility for pretrial release on the basis of public safety and risk assessments. Generally, this is referred to as moving from a 'resource-based' to a 'risk-based' pretrial release system. Several states and jurisdictions in the U.S. have adopted these reforms and are currently in varying stages of implementation or operation of the new systems.

The Regional Economic Studies Institute (RESI) of Towson University was tasked by the New York State Bail Bondsman Association (NYSBBA) to estimate the costs to New York State of implementing and operating a pretrial services program (PSP), based on a cost analysis of New Jersey's Pretrial Services Program (NJPS) during the 2017 calendar year. New Jersey's reforms, enacted January 1, 2017, virtually eliminate the use of monetary bail and instead utilize non-monetary conditions and defendants' risk factors to determine pretrial release decisions. RESI's current analysis of New Jersey's CJR investigates the costs and benefits associated with initiating a mandatory pretrial services program in the state, based on the most recent publically-available data. In addition to evaluating the costs and benefits of the program in New Jersey, RESI estimated the impacts to New York for a similar pretrial release program. RESI also reviewed the literature on impacts of non-monetary pretrial releases and program details for three jurisdictions at varying stages of pretrial release bail reform.

The current report is organized as follows. Section 3 provides an overview of the potential effects of eliminating monetary bail, including costs incurred from increased failure to appear (FTA) rates and recidivism. Section 4 provides a review of the legislation and details of several pretrial release programs in varying stages of operations: New York, New Jersey, and Washington, D.C. Section 5 estimates the costs to New York State based on implementing and operating a similar CJR program to the NJPS. Section 6 evaluates the estimated costs and benefits of CJR through the NJPS in 2017, which was the basis for the estimates to New York State. Section 7 enumerates the economic impacts of implementation and operation of New Jersey's CJR program, utilizing the cost assessment for New Jersey outlined in Section 6. Section 8 provides a summary of the report and concluding remarks.

## **3.0 Effects of Pretrial Release Programs and Bail Reform**

Monetary bail has been used in the majority of states in the U.S. throughout the country's history, and the ability of the detainee to post bail is often a significant factor in whether the defendant is released pretrial. Recently, there have been changes to the pretrial release decision-making process in several states and jurisdictions to move away from requiring monetary bail. For example, proposed legislation in New York would eliminate monetary bail

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for those charged with misdemeanors or nonviolent felonies.<sup>4</sup> Instead of using monetary bail for release decisions, eligibility for pretrial release is being determined on the basis of public safety and risk assessment. Programs that use risk assessment and non-monetary conditions to monitor defendants granted pretrial release are being more-closely evaluated to assess these programs' costs, benefits, and other effects.

Transitioning from a system of monetary bail to one that relies on non-monetary pretrial release conditions has a number of effects on a state or jurisdiction's criminal justice system, including potential increases in FTA rates, the need for additional resources and funding, reductions in jail overcrowding, and economic impacts to the commercial bail bond industry. The following subsections review several potential effects of significantly reducing or eliminating the use of monetary bail in pretrial release proceedings.

### 3.1 Failure to Appear and Recidivism

Eliminating monetary bail and moving to non-monetary, conditional pretrial release may significantly reduce or eliminate the incentive defendants have to appear for their court date. Additionally, there is added concern that with more defendants out on pretrial release, there is an increased likelihood of new crimes through pretrial recidivism. As a result, new measures must be imposed in order to ensure that pretrial release does not cause a significant increase in FTA rates or risks to public safety. These new non-monetary release requirements and monitoring conditions are administered by pretrial services agencies, making them a central element of bail reform.<sup>5</sup>

One of the primary objections to criminal justice reform that eliminates monetary bail is that released defendants will have increased FTA rates, thus wasting the time and resources of the courts and translating to unnecessary costs to local taxpayers. Moreover, additional crimes committed by defendants while on pretrial release can have considerable social costs. Studies that examine FTA rates and pretrial recidivism are typically conducted for specific geographical regions, such as counties or cities. Therefore, the effects of non-monetary PSPs on FTA rates and recidivism compared to commercial bail are difficult to accurately generalize or compare across regions. Furthermore, significant variation exists in the findings of studies that have examined FTA rates of defendants based on method of pre-trial release, and whether or not pretrial service programs have a positive or negative impact on these factors.

A study conducted in 2013 by the Center for Crime and Justice Studies at the University of Texas at Dallas on the impacts of various pretrial release mechanisms on FTA and recidivism remains one of the most foundational academic studies on this issue. The study, authored by Dr. Robert G. Morris, assessed FTA rates and pretrial recidivism amongst released defendants

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<sup>4</sup> "2018 Criminal Justice Reform Package," New York State, January 26, 2018, accessed February 20, 2018, <https://www.ny.gov/restoring-fairness-new-yorks-criminal-justice-system/2018-criminal-justice-reform-package>.

<sup>5</sup> Criminal Justice Policy Program, "Moving Beyond Money: A Primer on Bail Reform," Harvard Law School (October 2016): 14, accessed February 12, 2018, <http://cjpp.law.harvard.edu/assets/FINAL-Primer-on-Bail-Reform.pdf>.

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over a nine- to twelve- month period in Dallas County, Texas.<sup>6</sup> The study found a statistically-significant difference in FTA rates between defendants released on commercial bail versus those released through pretrial service programs. While defendants released on commercial bonds failed to appear at a rate of 23 percent, those released on a pretrial services program failed to appear at rates of 37 percent.<sup>7</sup> In a 2007 Bureau of Justice Statistics (BJS) study by Cohen and Reaves the authors found that individuals charged with a felony released on their own recognizance (ROR) had an FTA rate of 26 percent, while those on conditional release (non-monetary) had an FTA rate of 22 percent.<sup>8</sup> Comparatively, commercial surety bonds had an FTA rate of 18 percent.<sup>9</sup> Findings on whether pretrial release increases FTA and recidivism have varied; in its first three years of operation, the Manhattan Bail Project found that pretrial release on non-monetary conditions did not have significant negative impact on FTAs, finding a rate of less than 1 percent.<sup>10</sup>

In Morris's report, he finds that commercial bond defendants (aggregate of misdemeanors and felonies) are 1.2 percent less likely to recidivate compared to those released through pretrial services during the 12 months following release.<sup>11</sup> When analyzed separately as misdemeanors and felonies, however, the relationship between recidivism rates and release methods was inconsistent.<sup>12</sup> The BJS report by Cohen and Reaves found felony defendants released on commercial surety bonds had pretrial arrests at a rate of 16 percent, compared to rates of 15 percent for non-financial conditional release and 17 percent for ROR.<sup>13</sup>

Statistics on FTA and pretrial recidivism rates for CJR in New Jersey's nascent NJPSP have not yet been released at the time of this writing. However Washington, D.C., which has criminal justice system that has nearly eliminated cash bail, has reported fairly low levels of FTA and pretrial recidivism. Between 2007 and 2012, approximately 88 percent of defendants in D.C. were released on non-monetary conditions.<sup>14</sup> Of those who were released, only 10 percent failed to attend all scheduled court appearances.<sup>15</sup> Over this same period, Washington, D.C.

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<sup>6</sup> Robert G. Morris, "Pretrial Release Mechanisms in Dallas County, Texas: Differences in Failure to Appear (FTA), Recidivism/Pretrial Misconduct, and Associated Costs of FTA," University of Texas at Dallas (January 2013): 2, accessed February 15, 2018, <http://www.utdallas.edu/epps/ccjs/dl/Dallas%20Pretrial%20Release%20Report%20FINAL%20Jan%202013c.pdf>.

<sup>7</sup> Ibid, 7.

<sup>8</sup> Thomas Cohen and Brian Reaves, "Pretrial Release of Felony Defendants in State Courts," Bureau of Justice Statistics (November 2007): 9, accessed February 14, 2018, <https://www.bjs.gov/content/pub/pdf/prfdsc.pdf>.

<sup>9</sup> Ibid.

<sup>10</sup> Timothy R. Schnacke, Michael Jones, and Claire Brooker, "The History of Bail and Pretrial Release," The Pretrial Justice Institute (September 24, 2010): 10, accessed February 12, 2018, <https://www.pretrial.org/download/pji-reports/PJI-History%20of%20Bail%20Revised.pdf>.

<sup>11</sup> Morris, "Pretrial Release Mechanisms in Dallas County, Texas," 8.

<sup>12</sup> Ibid.

<sup>13</sup> Cohen and Reaves, "Pretrial Release of Felony Defendants in State Courts," 9.

<sup>14</sup> Criminal Justice Policy Program, "Moving Beyond Money: A Primer on Bail Reform," 15.

<sup>15</sup> Ibid.



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reported that just 9 percent of released defendants were rearrested pretrial, and only 1 percent committed new violent crime while awaiting trial.<sup>16</sup>

### **3.2 Jail Overcrowding**

One of the primary benefits behind bail reform is the prospect of lowering pretrial jail populations by allowing defendants to be released on non-monetary conditions, thereby reducing jail overcrowding. The number of pretrial jail detainees and their growing representation amongst the overall jail population is becoming an increasing concern; approximately 95 percent of the increase in jail populations over the last two decades is attributed to rising numbers of pretrial detainees.<sup>17</sup> The public costs of jail overcrowding, particularly with respect to pretrial detainees, is often used as a justification for transitioning the criminal justice system to using non-monetary bail to reduce the public costs incurred from detaining low-risk defendants that are unable to meet the bail amount ordered.

In 2015, the National Association of Counties reported that in county jails across the country, 67 percent of their confined population was individuals awaiting trial and that the majority of the pretrial population was categorized as low risk.<sup>18</sup> Similarly, the Pretrial Justice Institute estimates that annually approximately \$14 billion in tax dollars is spent on detaining low-risk inmates.<sup>19</sup>

After the first year of bail reform in New Jersey, which established a preference for pretrial release subject to non-monetary bail requirements, the New Jersey Judiciary reported a reduction in the state's pretrial jail population of 20 percent from January 2017 to January 2018.<sup>20</sup> While it can be reasonably assumed that the NJPSP impacted this reduction, there may be other factors contributing to the population decline. Therefore, caution should be used when interpreting the causal relationship between New Jersey's pretrial detainee reduction and the NJPSP. Additional details on pretrial detainee reductions in New Jersey are outlined in Section 6.5 of this report.

### **3.3 Impacts on the Commercial Bail Bonds Industry**

The commercial bail bonds industry has a large presence in the criminal justice system, particularly in large cities. For example, New York City reported that commercial bail bonds

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<sup>16</sup> Criminal Justice Policy Program, "Moving Beyond Money: A Primer on Bail Reform," 15.

<sup>17</sup> Office of the New York City Comptroller, "The Public Cost of Private Bail: A Proposal to Ban Bail Bonds in NYC," Bureau of Policy and Research (January 2018): 8, accessed February 13, 2018, [https://comptroller.nyc.gov/wp-content/uploads/documents/The\\_Public\\_Cost\\_of\\_Private\\_Bail.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/The_Public_Cost_of_Private_Bail.pdf).

<sup>18</sup> Natalie R. Ortiz, "County Jails at a Crossroads: An Examination of the Jail Population and Pretrial Release," National Association of Counties (2015): 5, accessed February 9, 2018, [http://www.naco.org/sites/default/files/documents/Final%20paper\\_County%20Jails%20at%20a%20Crossroads\\_8.10.15.pdf](http://www.naco.org/sites/default/files/documents/Final%20paper_County%20Jails%20at%20a%20Crossroads_8.10.15.pdf).

<sup>19</sup> Pretrial Justice Institute, "Pretrial Justice: How Much Does it Cost?" 2, accessed February 15, 2018, <https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=4c666992-0b1b-632a-13cb-b4ddc66fadcd>.

<sup>20</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 4.

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represent over 50 percent of all bail payments made in 2017, with an estimated total value of \$268 million.<sup>21</sup> CJR legislation that intends to eliminate or greatly reduce the use of monetary bail and transition to a system of pretrial release and monitoring would have a significant negative impact on the bail bonds industry. Under bail reform, defendants would no longer need to seek commercial bail options, and the bail bonds industry would suffer losses in revenue and employment. Although New Jersey's system of bail reform allowed for judges to set monetary bail as a condition of release in unique cases, in 2017 monetary bail was only set in 44 of 142,663 cases.<sup>22</sup> This change essentially eliminates any business for commercial bail bonds offices, and is likely to effectuate their eventual closures across the state.

### 4.0 Review of Select Pretrial Services Programs

RESI reviewed the legislation and programming for three PSPs to evaluate the legislation, programming, and challenges of each. The following subsections review the programs in New York, New Jersey, and Washington, D.C., respectively. Each of these programs is at a different phase of program operations: New York is in the process of reviewing CJR and outlining a PSP; New Jersey's program has just concluded its first year of operations; and Washington, D.C. has been operating their PSP for over 50 years.

#### 4.1 New York

In 2017, New York introduced several items of legislation that were intended to change several processes within the state's criminal justice system. These 2017 reforms included raising the age of criminal responsibility, requiring the recording of police interrogations for serious criminal offenses, and improving the quality of criminal defense for indigent defendants.<sup>23</sup> In addition to the criminal justice reforms that have already taken place, bills have been introduced in both the State Senate and Assembly for bail reform. These proposed items of legislation, Senate Bill (SB) 3579 (introduced on January 24, 2017) and Assembly Bill 5033 (introduced on February 6, 2017) would almost entirely transition New York from a system that relies on monetary bail to a system that relies on public safety assessments to determine defendants' eligibility for pretrial release.<sup>24</sup>

Current state law in New York does not explicitly give judges permission to set requirements for release. Furthermore, judges are not permitted to consider risks to public safety when deciding whether or not a defendant should be released before trial.<sup>25</sup> Instead, pretrial release in New York is determined by the ability of the defendant to post bail, and the bail amount is primarily determined by an assessment of both flight risk and the severity of the charges the defendant is

<sup>21</sup> Office of the New York City Comptroller, "The Public Cost of Private Bail," 5.

<sup>22</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 4.

<sup>23</sup> "2017 Criminal Justice Reforms," New York State, June 6, 2017, accessed February 16, 2018, <https://www.ny.gov/criminal-justice-reform/2017-criminal-justice-reforms>.

<sup>24</sup> Senate Bill 3579A, 2017-2018 Legislative Session (New York 2017), accessed February 8, 2018, <https://www.nysenate.gov/legislation/bills/2017/S3579>.

<sup>25</sup> Office of the New York City Comptroller, "The Public Cost of Private Bail," 8.

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facing.<sup>26</sup> The legislation, first introduced in the Governor's budget and subsequently introduced in the New York State Senate and Assembly, would change this pretrial process by implementing the use of public safety risk assessments when determining pretrial release conditions.<sup>27</sup> The intended effect of this reform is to ensure that individuals that pose a high risk to public safety are held in jail prior to trial, while low-risk individuals are released and not penalized for their financial inability to post bail.<sup>28</sup>

Specifically, the proposed legislation in New York would eliminate cash bail for those facing misdemeanor and nonviolent felonies. Instead, these individuals would be released either on their own recognizance (ROR) or under the condition of following court-ordered restrictions or requirements. The reforms would maintain the option for judges to impose monetary or non-monetary bail for individuals facing serious violent crimes, however require that the judges review the defendants' financial and person circumstances in addition to public safety assessments prior to making a decision.<sup>29</sup>

The language included in SB3579 indicates that the public safety assessments required under the new bail system would be conducted by pretrial service agents, which would be hired and compensated by the counties and county equivalents in New York.<sup>30</sup> Of note New York's proposed process does not use a risk-assessment algorithm as the NJPSP does, which may impact estimated labor costs. These pretrial service agents would conduct in-person interviews with individual defendants, aiming to assess a variety of risk factors that inform recommendations to the court about a defendant's eligibility release and any appropriate monitoring conditions.<sup>31</sup> Risk factors to be assessed by the pretrial services agent include:

- Current charges against the defendant;
- Prior pending criminal charges;
- Defendant's ties to the community;
- Place of residence and duration of residence at that location;
- Family commitments;
- Employment and income sources;

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<sup>26</sup> "2017 Criminal Justice Reform Act," New York State Division of Criminal Justice, accessed February 7, 2018, <https://www.ny.gov/2017-criminal-justice-reform-act/2017-criminal-justice-reform-act#reform-new-york039s-bail-system>.

<sup>27</sup> "Governor Cuomo Presents the 12th Proposal of the 2017 State of the State Agenda: Launching the "New York Promise" Agenda to Advance Social Justice and Affirm New York's Progressive Values," New York State, January 9, 2017, accessed February 23, 2018, <https://www.governor.ny.gov/news/governor-cuomo-presents-12th-proposal-2017-state-state-agenda-launching-new-york-promise-agenda>.

<sup>28</sup> "2017 Criminal Justice Reform Act," New York State Division of Criminal Justice.

<sup>29</sup> New York State Division of Criminal Justice, "Governor Cuomo Unveils 22nd Proposal of 2018 State of State: Restoring Fairness in New York's Criminal Justice System," January 2, 2018, accessed February 7, 2018, <https://www.governor.ny.gov/news/governor-cuomo-unveils-22nd-proposal-2018-state-state-restoring-fairness-new-yorks-criminal>.

<sup>30</sup> Senate No. 3579, General Session 2017-2018 (New York 2017), 1, accessed February 8, 2018, <http://legislation.nysenate.gov/pdf/bills/2017/S3579>.

<sup>31</sup> Ibid, 2.

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- Previous failure(s) to appear before court;
- Defendant’s general character, reputation and habits; and
- Defendant’s ability to verify provided information.<sup>32</sup>

Based on these factors, pretrial service agents would then make a recommendation to the presiding judge on the defendant’s suitability for pretrial release. The recommendations that pretrial service agents could make would range from release on own recognizance (ROR), release with some degree of court-ordered monitoring, or pretrial detention. Non-monetary release conditions that a court may impose include scheduled check-ins with local law enforcement, restrictions on travel, curfews, home confinement, and electronic monitoring.<sup>33</sup>

Implementing bail reform in New York would establish new processes and procedures that are likely to require additional employees and technology resources, and may increase costs to the State. The legislation under review in New York proposes a pretrial service program that contains attributes of other programs currently in operation, allowing for comparisons of reform impacts. While there are many similarities between the proposed bail reform legislation in New York and the recently enacted reforms in New Jersey, differences in program implementation and operations, such as the method of conducting risk assessments, would likely cause the costs of the two programs to differ.

#### **4.2 New Jersey**

On January 1, 2017, New Jersey’s CJR took effect and transitioned the state from reliance on monetary bail to increased use of pretrial release through the NJPSP.<sup>34</sup> The new system employs a risk-assessment tool to estimate a defendant’s risk to public safety and likelihood of FTA on their court date. To accompany these changes, New Jersey also developed an extensive pretrial services program, responsible conducting any monitoring conditions imposed by the court on released defendants.<sup>35</sup> The changes that this legislation brought to New Jersey’s criminal justice system and pretrial procedures are very similar to those proposed by the New York legislation. However, the proposed legislation in the state of New York suggests a very different set of considerations for assessing defendants’ risk and eligibility for release.

Amendments to New Jersey S.946, adopted July 31, 2014, specify that eligible defendants to the pretrial service programs are those who were, “arrested, and for whom a complaint-warrant is issued, on or after the effective date.”<sup>36</sup> The effective date of the New Jersey reforms and the implementation of the pretrial services programs was January 1, 2017. Therefore, only defendants arrested beginning in 2017 are eligible for risk assessments to determine pretrial

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<sup>32</sup> Senate No. 3579, General Session 2017-2018 (New York 2017), 2.

<sup>33</sup> Ibid, 3.

<sup>34</sup> Glenn A. Grant, “Criminal Justice Reform: 2016 Report to the Governor and Legislature,” New Jersey Judiciary and the New Jersey Courts (December 2016): 1, accessed February 8, 2018, <https://www.judiciary.state.nj.us/courts/assets/criminal/2016cjrannual.pdf>.

<sup>35</sup> Ibid.

<sup>36</sup> Senate No. 946, Senate of the State of New Jersey (New Jersey 2014), 1, accessed February 10, 2018, [http://www.njleg.state.nj.us/2014/Bills/S1000/946\\_S4.PDF](http://www.njleg.state.nj.us/2014/Bills/S1000/946_S4.PDF).

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release. Cases of defendants detained prior to January 1, 2017, as well as any monetary bail assigned to them, remain unchanged.

As an accompaniment to the bail reform legislation passed in New Jersey, the State also included updates to laws relating to the maximum time-to-trial for detained defendants. New Jersey P.L.2014 c.31 section C.2A:162-22 established the maximum allowable time between detainment and indictment to be 90 days, with a requirement that the defendant be brought to trial within 180 days.<sup>37</sup> Overall, the time between detainment and trial must not exceed two years.<sup>38</sup> In addition to language regarding the time-to-trial for defendants detained pretrial, the legislation passed in New Jersey also aimed to streamline the pretrial procedures in order to decrease costs by processing defendants through the pretrial and process efficiently. New Jersey P.L. 2014 c.31 section C.2A: 162-25 specified that pretrial risk assessments and release decisions for defendants committed to jail must be completed within 48 hours.<sup>39</sup> Federal requirements for the maximum time between a defendant's detainment and their first appearance in court when bail is usually set are vague, indicating that this process must proceed "without unnecessary delay." A number of State statutes have provided a clearer definition of this timeline, and typically require that the defendant's first court appearance take place within 78 hours.<sup>40</sup> After the first year of pretrial services operation in New Jersey, the NJPSP reported that approximately 81.3 percent of release decisions were made within 24 hours of the defendant being committed to jail.<sup>41</sup>

### 4.2.1 New Jersey Pretrial Services Program Funding

When CJR legislation was passed in New Jersey, the legislature included a provision within P.L.2014 c.31 which established the 21st Century Justice Improvement Fund. This new fund serves as the primary source of funding for New Jersey's CJR pretrial services program. The 21st Century Justice Improvement Fund is a collection of money accumulating from increases in court fees that were introduced to offset the costs of implementing bail reform in the state. The money contained in the 21st Century Justice Improvement Fund is allocated for three general purposes.

- The Pretrial Services Program: \$22 million of the collected funds per year are designated to the development, maintenance, and administration of New Jersey's statewide pretrial services program.

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<sup>37</sup> New Jersey P.L.2014 c.31; C.2A:162-22, Senate and General Assembly of the State of New Jersey (New Jersey 2014), [http://www.njleg.state.nj.us/2014/Bills/PL14/31\\_.HTM](http://www.njleg.state.nj.us/2014/Bills/PL14/31_.HTM).

<sup>38</sup> Office of the Attorney General, "Attorney General Issues Directive to Guide Prosecutors and Police in Implementing Historic Bail Reform that Will Keep Dangerous Criminals in Jail and Eliminate Unfair Monetary-Based Bail System," State of New Jersey Department of Law and Public Safety, accessed February 14, 2018, <http://www.nj.gov/oag/newsreleases16/pr20161013b.html>.

<sup>39</sup> New Jersey P.L.2014 c.31; C.2A:2016-25, Senate and General Assembly of the State of New Jersey (New Jersey 2014), [http://www.njleg.state.nj.us/2014/Bills/PL14/31\\_.HTM](http://www.njleg.state.nj.us/2014/Bills/PL14/31_.HTM).

<sup>40</sup> "Federal Rules of Criminal Procedure: Rule 5," Legal Information Institute of Cornell Law School, accessed February 15, 2018, [https://www.law.cornell.edu/rules/frcrmp/rule\\_5](https://www.law.cornell.edu/rules/frcrmp/rule_5).

<sup>41</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 14.

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- Digital eCourt Information System: \$10 million of yearly collected funds are allocated to develop and administer New Jersey's new statewide eCourt information system (this includes electronic records systems as well as the PSA and DMF databases).
- Legal Services of New Jersey (LSNJ): \$10.1 million annually is allocated to providing legal assistance to indigent defendants in civil cases.<sup>42</sup>

Of note, the \$10.1 million allocated to LSNJ through the 21st Century Justice Improvement Fund is not directly related to the implementation of bail reform or administration or pretrial services. This funding was included as part of the 21st Century Justice Improvement fund in response to LSNJ's request to increase filing to generate additional revenue to support their operations.<sup>43</sup>

If funds collected from the increased court fees exceed the total estimated budget of \$42.1 million for the 21st Century Justice Improvement Fund, the New Jersey Judiciary specifies that additional collections be directed for use by the NJPSP.<sup>44</sup> Although the New Jersey bail reforms and implementation of the statewide NJPSP was set to take effect on January 1, 2017, the New Jersey Judiciary began increasing court fees in November 2014.<sup>45</sup> As a result, prior to the implementation of the reforms, the 21st Century Justice Improvement Fund had collected a total of \$89.9 million.<sup>46</sup> In 2017, during the first year of operations, the fund collected an additional \$41 million, however this collection fell 2.6 percent behind the annual target revenue of \$42.1 million.<sup>47</sup> To date, the 21st Century Justice Improvement Fund has collected revenues from court fees totaling \$130.9 million.<sup>48</sup>

In December 2017, at the conclusion of the first year of operation of CJR pretrial service programs in New Jersey, the Judiciary reported that money spent from the 21st Century Justice Improvement Fund included \$67.4 million on the development and administration of the pretrial services program, \$30.6 million on the development of the eCourt information system, and \$30.9 million was allocated to LSNJ.<sup>49</sup> After an assessment of the additional costs incurred by the State as a result of the reforms and the projected revenues from court fee increases, the Office of Legislative Services forecasts that costs for the pretrial service program operations will

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<sup>42</sup> Office of Legislative Services and New Jersey State Legislature, "Analysis of the New Jersey Budget: The Judiciary, Fiscal Year 2015-2016," 2, accessed February 6, 2018, [http://www.njleg.state.nj.us/legislativepub/budget\\_2016/JUD\\_analysis\\_2016.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2016/JUD_analysis_2016.pdf).

<sup>43</sup> Legal Services of New Jersey, "Fifty Years Advancing Justice: New Jersey Legal Services' First Five Decades," 29-30, accessed February 16, 2018, <https://www.lsnj.org/50/50%20Years%20Advancing%20Justice.pdf>.

<sup>44</sup> Office of Legislative Services and New Jersey State Legislature, "Analysis of the New Jersey Budget: The Judiciary, Fiscal Year 2015-2016," 2.

<sup>45</sup> *Ibid.*

<sup>46</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 9.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

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likely exceed revenues by \$13 million per year.<sup>50</sup> To overcome this deficit, the New Jersey Judiciary recommends allocating pretrial service program staff salaries to the state budget.<sup>51</sup>

### 4.2.2 New Jersey Pretrial Services Program Operations

Despite efforts to streamline the pretrial process, New Jersey's legislation also made dramatic changes to the nature of the pretrial processes which may result in extra costs to the State. New Jersey P.L.2014 c.31, section 162-20 states that at pretrial detention hearings defendants have the right "to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise."<sup>52</sup> This provision gives the opportunity for what is traditionally a non-adversarial hearing to become a more time-consuming, trial-like process that may require additional court resources, thereby increasing costs.

In New Jersey, pretrial risk assessments are conducted by pretrial service agents that use a computerized public safety assessment (PSA) instrument developed by the Laura and John Arnold Foundation.<sup>53</sup> The PSA used in New Jersey relies upon objective, quantifiable data that is contained within the court's computer system in order to produce three indicator scores; FTA, new criminal activity (NCA), and new violent criminal activity (NVCA). To calculate these three scores, the PSA pulls a number of data points from the court's computer systems, including information regarding prior interactions with the criminal justice system and the nature and severity of the current charge.<sup>54</sup>

After these risk factors are weighted and incorporated into estimates for FTA, NCA, and NVCA indicators respectively, pretrial service agents in New Jersey input them into the decision-making framework (DMF) to determine suitable conditions to recommend for a defendant's pretrial release.

The DMF is also an automated system, designed to reduce bias and ensure consistent recommendations for similar defendants across the state.<sup>55</sup> The results of the DMF may recommend that defendants be released on their own recognizance, released with some degree of pretrial monitoring, or detained until trial.<sup>56</sup> Because the DMF is a computer program, it can be revised frequently in order to ensure that appropriate outcomes are reached for every

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<sup>50</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 10.

<sup>51</sup> Ibid.

<sup>52</sup> New Jersey P.L.2014 c.31; C.2A:162-19, Senate and General Assembly of the State of New Jersey (New Jersey 2014), [http://www.njleg.state.nj.us/2014/Bills/PL14/31\\_.HTM](http://www.njleg.state.nj.us/2014/Bills/PL14/31_.HTM).

<sup>53</sup> National Association of Criminal Defense Lawyers, American Civil Liberties Union, and the New Jersey Public Defender, "The New Jersey Pretrial Justice Manual," December 2016, 8, accessed February 7, 2018, <https://www.nacdl.org/NJPretrial/>.

<sup>54</sup> NACDL, ACLU, and the NJPD, "The New Jersey Pretrial Justice Manual," 8.

<sup>55</sup> Glenn A. Grant, "Criminal Justice Reform: 2016 Report to the Governor and Legislature," 1.

<sup>56</sup> NACDL, ACLU, and the NJPD, "The New Jersey Pretrial Justice Manual," 7.

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case. After working with feedback from stakeholders within the Judiciary, the Supreme Court of New Jersey made several adjustments to the DMF during 2017, outlined below.

- In January of 2017, the system was updated so that individuals with a disorderly persons charge, excluding domestic violence, were not eligible for pretrial detention.
- In March of 2017, changes were made so that highest-risk defendants were not eligible for release under any conditions.
- In May of 2017, restrictions were increased for defendants with charges involving guns or weapons, or those who were rearrested while on pretrial release.<sup>57</sup>

### 4.3 Washington, D.C.

The pretrial program in Washington, D.C. was developed in the 1960s and was one of the first in the U.S.<sup>58</sup> The District of Columbia Pretrial Services Agency (DCPSA) operates now as an independent agency under the Court Services and Offender Supervision Agency. The DCPSA estimates that it manages 17,000 defendants each year, and is responsible for supervising approximately 4,600 individuals on pretrial release per day.<sup>59</sup> The services and programs available in Washington, D.C. to released defendants are among the most extensive in the country, and the agency is regarded as a national model for how pretrial service programs should be structured and organized.<sup>60</sup>

The risk assessment methods used by DCPSA involve a combination of computerized, scientifically-validated systems and personal interviews. The DCPSA instituted the computerized risk-assessment tool in 2014. This instrument generates a risk score for each defendant based on a variety of factors that are used to assess the likelihood of a particular defendant's failure to appear (FTA) or recidivism. After calculating the defendant's level of risk, the system then assigns the defendant to a corresponding supervision category. In 2017, the DCPSA reported that over 99 percent of defendants were assessed using this method.<sup>61</sup> In addition, 88 percent of defendants underwent personal interviews with pretrial service agents during their risk assessment procedure.<sup>62</sup> The DCPSA then uses the outcome of these risk assessments to justify appropriate recommendations about the defendant's release conditions to the court.<sup>63</sup>

One of the aspects of D.C.'s pretrial services that sets it apart from others is its extensive provisions for mental health and addiction treatment. The DCPSA maintains that effective

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<sup>57</sup> NACDL, ACLU, and the NJPD, "The New Jersey Pretrial Justice Manual," 7.

<sup>58</sup> "PSA's History," Pretrial Services Agency for the District of Columbia, accessed February 14, 2018, <https://www.psa.gov/?q=about/history>.

<sup>59</sup> Pretrial Services Agency for the District of Columbia, "Congressional Budget Justification and Performance Budget Request: Fiscal Year 2018," 1, accessed February 13, 2018, <https://www.csoa.gov/about/financial/budget/2018/FY18-PSA-CBJ-Performance-Budget-05232017.pdf>.

<sup>60</sup> "PSA's History," Pretrial Services Agency for the District of Columbia.

<sup>61</sup> Pretrial Services Agency for the District of Columbia, "Congressional Budget Justification and Performance Budget Request: Fiscal Year 2018," 19.

<sup>62</sup> Ibid.

<sup>63</sup> "Court Support," Pretrial Services Agency for the District of Columbia, accessed February 13, 2018, [https://www.psa.gov/?q=programs/court\\_support#assessing](https://www.psa.gov/?q=programs/court_support#assessing).



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treatment for drug abuse is one of the most important tools in order to prevent recidivism and to fully rehabilitate offenders.<sup>64</sup> The DCPSA operates a subsidiary department, the Office of Forensic and Toxicology Services, which has an in-house laboratory to administer and analyze drug tests for all of the defendants under pretrial supervision, as well as some others referred by the D.C. Family Court.<sup>65</sup> The operation of a laboratory specifically within the DCPSA is unique, as most pretrial programs outsource this function to other agencies.<sup>66</sup> In total, the Pretrial Services Agency of D.C. conducts over 2,000 drug tests per month.<sup>67</sup>

In addition to drug testing, the DCPSA also invests considerable resources into the mental health of defendants on pretrial release. The Social Services and Assessment Center, another department under the DCPSA, conducts assessments for mental health and substance abuse disorders for defendants that are on pretrial release.<sup>68</sup> Defendants that are struggling with mental health or substance abuse disorders are then connected with employment, housing, and social services in order to assist with their needs.

While the DCPSA is revered as a national model for pretrial services, its extensive operations and social programs also come at a high cost. The DCPSA submitted a budget request totaling nearly \$63.5 million for FY 2018.<sup>69</sup> Costs of supervising defendants released pretrial accounted for 47.3 percent of this budget, with drug abuse and mental health treatment programs making up an additional 36.3 percent.<sup>70</sup> The costs of operating D.C.'s pretrial service programs contribute to the District's ranking as having the second-highest per capita corrections spending across the U.S., at \$380 per person.<sup>71</sup>

### 5.0 New York Cost and Benefit Estimates

To estimate the costs to the State of New York from implementing a similar CJR program to New Jersey, RESI scaled cost figures based on the number of arrests in each state.<sup>72</sup> Please see Appendix A for more details on the cost analysis methodology.

RESI enumerated the costs based on three separate categories, as described below.

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<sup>64</sup> "PSA's History," Pretrial Services Agency for the District of Columbia.

<sup>65</sup> "Court Support," Pretrial Services Agency for the District of Columbia.

<sup>66</sup> Pretrial Justice Institute, "Pretrial Justice: How Much Does it Cost?" 6.

<sup>67</sup> "Court Support," Pretrial Services Agency for the District of Columbia.

<sup>68</sup> "Assessments and Referrals," Pretrial Services Agency for the District of Columbia, accessed February, 13, 2018, [https://www.psa.gov/?q=programs/assessments\\_referrals](https://www.psa.gov/?q=programs/assessments_referrals).

<sup>69</sup> Pretrial Services Agency for the District of Columbia, "Congressional Budget Justification and Performance Budget Request: Fiscal Year 2018," 4.

<sup>70</sup> *Ibid*, 17.

<sup>71</sup> "Corrections Spending per Capita," Brookings Institute and the Hamilton Project, October 21, 2016, accessed February 14, 2018, [http://www.hamiltonproject.org/charts/corrections\\_spending\\_per\\_capita](http://www.hamiltonproject.org/charts/corrections_spending_per_capita).

<sup>72</sup> Number of arrests in New Jersey based on the most-recent available 2017 data; number of arrests in New York based on the most-recent available 2016 data.

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- **Start-up costs** consist of the spending necessary to launch the pretrial services program. These costs include the hiring and training of staff, the purchasing of equipment, renovations of infrastructure to accommodate new staff, and workspace furnishings.
- **Operating costs** are those incurred through the year-to-year functioning of the program. These costs included employee expenses, software licenses, and programming provisions such as electronic monitoring.
- **Indirect costs** represent the potential expenses that would be incurred by the State as a result of increased pretrial release. Specifically, these costs were comprised of estimated expenses from potential increased rates of failure to appear (FTA) and recidivism of released defendants prior to adjudication.<sup>73</sup>

Wherever possible, RESI used actual cost breakdowns of data from New Jersey as described in supporting documentation. For some calculations where actual figures were unavailable or data granularity was low, RESI made conservative estimates.

Although not all those arrested will be charged, and not all those charged will be eligible for pretrial release due to CJR, RESI assumed similar proportions between the two states for cost-scaling purposes. For example, of the 208,971 individuals arrested in New Jersey in 2017, 142,663 were charged.<sup>74, 75</sup> Of those charged, 44,319 defendants were charged on a warrant and were eligible for pretrial release evaluation.<sup>76</sup>

RESI scaled cost estimates for New York based on aggregate start-up costs, operating costs, and indirect costs in New Jersey. A summary of these estimates is shown in Figure 1 below.

**Figure 1: Estimated Costs of CJR in New York, Based on New Jersey Estimates**

	Total Arrests <sup>77</sup>	Start-up Costs	Operating Costs	Indirect Costs	Total Cost
NJ	208,971	\$37,271,724	\$80,991,166	\$7,320,836	\$125,583,725
NY	478,977	\$85,429,550	\$185,637,747	\$16,779,898	\$287,847,193

Sources: New York State Division of Criminal Justice Services,<sup>78</sup> RESI, State of New Jersey Department of Law and Public Safety, Various

As detailed above, RESI estimates that the costs of implementing CJR in New York would total \$287.8 million. Start-up costs are estimated at \$85.4 million, while operating and indirect costs are estimated at \$185.6 million and \$16.8 million, respectively. It should be emphasized that

<sup>73</sup> Of note, public defender costs previously categorized as indirect costs are considered operating costs in the current report.

<sup>74</sup> New Jersey State Police, "Uniform Crime Reporting 2017 Current Crime Data," 22, accessed February 9, 2018, <http://www.njsp.org/ucr/current-crime-data1.shtml?agree=0>.

<sup>75</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 16.

<sup>76</sup> Ibid.

<sup>77</sup> Number of arrests in New Jersey based on the most-recent available 2017 data; number of arrests in New York based on the most-recent available 2016 data.

<sup>78</sup> New York State Division of Criminal Justice Services, "Adult Arrests: 2007 – 2016," accessed February 7, 2018, <http://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>.

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these are rough estimates and depending on the specific program attributes in New York (e.g. differences in technology, supervision requirements, etc.), New York's actual costs may vary significantly.

RESI estimates that the cost-savings to the State of New York resulting from one fewer pretrial detainee at \$79.06 per inmate, per day.<sup>79</sup> It is acknowledged that the costs of housing pretrial detainees in different counties within New York vary significantly. Additionally, facilities that have a greater reduction in pretrial detainees would capture additional savings if fixed costs (e.g. staffing levels and required housing units) were reduced as a result. Conversely, facilities that have a lesser reduction in pretrial detainees would not capture the same magnitude of cost-savings as those facilities that could reduce fixed costs. Please refer to Appendix A for a more detailed explanation of marginal, fixed, and variable costs.

As summarized in Figure 2 below, annual costs to New York State are estimated at \$202.4 million annually following the first year of implementation (operating and indirect costs), which would cost an estimated \$287.8 million.

**Figure 2: Estimated Total and Recurring Annual Costs—New York State**

	Estimated Cost
Estimated Costs First Year	\$287,847,195
Estimated Annual Costs (Operating and Indirect)	\$202,417,645

Source: RESI

It should again be emphasized that the cost estimates for New York's proposed CJR are based on comparable program attributes in New Jersey. Program differences such as use of technology and programming requirements (e.g. substance abuse treatment, monitoring, etc.) have the potential to significantly alter the expenses and benefits estimated above. For example, rather than using a quantitative, computerized processes such as the ones employed in New Jersey, the proposed reforms in New York would require pretrial service agents to conduct in-person interviews with defendants, and rely upon data that is more qualitative than quantitative.<sup>80</sup> The level of personal interaction required between pretrial service agents and defendants in public safety assessment process may cause New York's proposed reforms to require a greater number of assessment employees compared to New Jersey. Similarly, the face-to-face evaluations used in New York would not require the same level of computer software development, and therefore technology costs of implementing New York's pretrial services are likely to be lower than those in New Jersey.

<sup>79</sup> Marc Schabbes, "Cost Benefit Analysis for Criminal Justice," New York State Division of Criminal Justice Services (October 2013): 5, accessed February 14, 2018, [http://www.criminaljustice.ny.gov/crimnet/ojsa/resultsfirst/rf-technical\\_report\\_cba1\\_oct2013.pdf](http://www.criminaljustice.ny.gov/crimnet/ojsa/resultsfirst/rf-technical_report_cba1_oct2013.pdf).

<sup>80</sup> Senate No. 3579, General Session 2017-2018 (New York 2017), 2.

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In addition to differences in the administration of pretrial risk assessments that may cause variation in the cost of implementing bail reform in New York and New Jersey, there is also significant variation in funding sources. While New Jersey's bail reform also established a fund for financing the pretrial services program through the 21st Century Justice Improvement Fund (albeit inadequate to cover all operating costs of the program), the proposed legislation introduced in New York would rely on counties within the state to hire and compensate pretrial service agents.<sup>81</sup> Without commensurate funding measures, New York's proposed CJR may place a significant strain on existing county resources.

Furthermore, other legislative changes could impact costs associated with New York's criminal justice system. For example, New York recently passed "Raise the Age" legislation, which will set the age of criminal responsibility to 18 years of age.<sup>82</sup> The change will affect roughly 1,000 youth annually, by shifting them into either the Youth Part adult criminal court as "Adolescent Offenders" or into Family Court.<sup>83,84</sup> Adolescent Offenders are eligible for additional services because they are juveniles, which will be funded by the State.<sup>85</sup> These changes will also require additional construction spending in the state.<sup>86</sup> Additionally, any adolescent who is detained pretrial will be housed in a separate, specialized secure juvenile facility instead of with adults.<sup>87</sup> While "Raise the Age" will not be phased in until late 2018, these additional construction costs should be considered when determining required funding for proposed legislation.<sup>88</sup>

### 6.0 New Jersey Cost Analysis

To update the cost estimates of implementing and operating criminal justice reform in New Jersey, RESI collected secondary data figures found in budgets, reports, and court documents, among other sources. Where possible, expenses were categorized as start-up costs, operating costs, and indirect costs. In instances where granular components of cost figures were unavailable, RESI made assumptions on the breakdown of expenses. This analysis was the basis for the preceding section that contained cost and benefit estimates for New York.

<sup>81</sup> Senate No. 3579, General Session 2017-2018 (New York 2017), 1.

<sup>82</sup> "Raise the Age," New York State, accessed February 21, 2018, <https://www.ny.gov/programs/raise-age-0>.

<sup>83</sup> Independent Democratic Conference, "The Price of Juvenile Justice: Why Raising the Age Makes Cents for New York," (December 2016), 11, accessed February 21, 2018, [https://www.nysenate.gov/sites/default/files/idc\\_price\\_of\\_juvenile\\_justice\\_full\\_report.pdf](https://www.nysenate.gov/sites/default/files/idc_price_of_juvenile_justice_full_report.pdf).

<sup>84</sup> RaisetheAge, "Bill Summary," accessed February 21, 2018, [http://raisetheage.ny.com/wp-content/uploads/2017/06/rta.billsummary.final\\_June-2017.pdf](http://raisetheage.ny.com/wp-content/uploads/2017/06/rta.billsummary.final_June-2017.pdf).

<sup>85</sup> "Age-Appropriate Services," New York State, accessed February 22, 2018, <https://www.ny.gov/raise-age/raise-age-implementation#age-appropriate-services>.

<sup>86</sup> "Governor Cuomo Announces Bidding for \$89 Million in Construction Projects to Re-Purpose Four Facilities to House Youth Under Raise the Age," New York State, accessed February 22, 2018, <https://www.governor.ny.gov/news/governor-cuomo-announces-bidding-89-million-construction-projects-re-purpose-four-facilities>.

<sup>87</sup> RaisetheAge, "Bill Summary," 2.

<sup>88</sup> Elizabeth Powers, "Raise the Age: Turning a Reform Law into a Reality," The New School: Center for New York City Affairs, accessed February 22, 2018, <http://www.centernyc.org/raise-the-age/>.

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The following subsections outline RESI’s estimates for start-up costs, operating costs, indirect costs, and benefits of New Jersey’s CJR. The section concludes with a comparison of RESI’s previous estimates made in 2014 and 2016, and the associated assumptions made for each analysis.

### 6.1 Start-up Costs

Start-up expenses were estimated based on documented expenditures for CJR and the NJPSP, prior to January 1, 2017.<sup>89</sup> Additionally, certain figures such as start-up costs for judges and their support staff were obtained through other available legislative or judicial sources.<sup>90</sup> Figure 3 details these estimates, totaling an estimated \$26.7 million at the state level.

**Figure 3: Estimated Start-up Costs of CJR—New Jersey, State Level**

Line Item	Expenditures Prior to Calendar Year 2017
Pretrial Services	\$13,300,000
eCourts	\$10,800,000
Software	\$700,000
Judge and Support Staff Start-up Costs	\$1,902,800
<b>Total</b>	<b>\$26,702,800</b>

Source: New Jersey Judiciary

Although the 2016 report specified that \$4.5 million was spent on software, it was unclear whether this amount was encompassed (partially or fully) in the \$13.3 million pretrial services (PTS) expenditures or the \$10.8 million for eCourts.<sup>91</sup> Using additional details from a recently-released New Jersey Judiciary report, RESI ascertained that while \$3.8 million in software expenses were included in PTS spending, an additional \$0.7 million was not funded through this account.<sup>92</sup> Therefore, this portion of software costs was included as an additional line item. While additionally granularity on the start-up expenses is unavailable for the expenses in Figure 3, RESI assumes that these expenditures encompass hardware and software needs, preparation of office facilities, and the education and training of central staff and judges prior to CJR implementation.<sup>93</sup>

### 6.2 Operating Costs

Operating costs are categorized as annual expenses related to staffing, programming provisions such as assessment and supervision, and annual licensing. This subsection details annual costs of CJR in New Jersey, categorized by staffing, programming, and other operating expenses.

<sup>89</sup> Grant, “Criminal Justice Reform: 2016 Report to the Governor and Legislature,” 12.

<sup>90</sup> Office of Legislative Services and New Jersey State Legislature, “Fiscal Note: Senate, No. 2850,” December 21, 2016, accessed February 7, 2018, [http://www.njleg.state.nj.us/2016/Bills/S3000/2850\\_F1.HTM](http://www.njleg.state.nj.us/2016/Bills/S3000/2850_F1.HTM).

<sup>91</sup> Because LSNJ is involved only in civil law, the organization’s budget and funding initiatives are independent to the impacts of criminal justice reform. Therefore, the \$10.1 million allocated to LSNJ is not included in RESI’s calculation of costs to implement and operate bail reform in New Jersey.

<sup>92</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 24.

<sup>93</sup> *Ibid*, 10.

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### 6.2.1 New Staff in the Office of the Public Defender and Judiciary

Criminal justice reform in New Jersey has increased the demand for public defenders and judicial staff. The pretrial hearing determining if a defendant is eligible for release is considered an adversarial hearing, and therefore all defendants are entitled to a public defender if they choose not to (or cannot) supply their own lawyer.<sup>94</sup> In May 2016, before criminal justice reform went into effect, New Jersey estimated an additional 50 public defenders would be necessary at an annual cost of \$3.4 million.<sup>95, 96</sup> After enacting reforms, New Jersey increased the number of public defenders called for in the FY 2018 budget by 23 to 699.<sup>97</sup> The additional public defenders have estimated annual salaries totaling \$1.05 million.<sup>98</sup> In total, because of criminal justice reform, New Jersey has added 73 public defenders at an annual cost of \$4.45 million.

Most of the new staff hired by New Jersey due to criminal justice reform have been in the state judiciary. Before enacting criminal justice reform, New Jersey estimated 400 additional staff in the judiciary would need to be hired, with salaries and benefits totaling \$27 million annually.<sup>99, 100</sup> As of March 28, 2017, the State authorized the hiring of five staff in the Administrative Office of the Courts (AOC) Central Office Criminal Division and 173 staff in the 15 Pretrial Services Units for a total of 178 staff.<sup>101</sup> As of April 17, 2017, all five of the staff in the AOC Central Office Criminal Division and 141 of the staff in the 15 Pretrial Services Units have been hired, for a total of 146 new staff.<sup>102, 103</sup> Figure 4 below shows the classes of staff authorized to be hired as of March 28, 2017.<sup>104</sup>

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<sup>94</sup> New Jersey Judiciary and New Jersey State Legislature, "JUD Response to OLS Questions," 2, accessed February 7, 2018, [http://www.njleg.state.nj.us/legislativepub/budget\\_2018/JUD\\_response.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2018/JUD_response.pdf).

<sup>95</sup> State of New Jersey Office of Management and Budget, "The Governor's FY 2017 Budget: Detailed Budget," D-408, accessed February 7, 2018, <http://www.nj.gov/treasury/omb/publications/17budget/pdf/FY17BudgetBook.pdf>.

<sup>96</sup> Office of Legislative Services and New Jersey State Legislature, "Analysis of the New Jersey Budget: The Treasury, Fiscal Year 2016-2017," 3, accessed February 7, 2018, [http://www.njleg.state.nj.us/legislativepub/budget\\_2017/TRE\\_analysis\\_2017.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2017/TRE_analysis_2017.pdf).

<sup>97</sup> State of New Jersey Office of Management and Budget, "The Governor's FY 2018 Budget: Detailed Budget," D-414, accessed February 7, 2018, <http://www.nj.gov/treasury/omb/publications/18budget/pdf/FY18BudgetBook.pdf>.

<sup>98</sup> Office of Legislative Services and New Jersey State Legislature, "Analysis of the New Jersey Budget: The Treasury, Fiscal Year 2017-2018," 5, accessed February 7, 2018, [http://www.njleg.state.nj.us/legislativepub/budget\\_2018/TRE\\_analysis\\_2018.pdf](http://www.njleg.state.nj.us/legislativepub/budget_2018/TRE_analysis_2018.pdf).

<sup>99</sup> State of New Jersey Office of Management and Budget, "The Governor's FY 2017 Budget: Detailed Budget," H-13.

<sup>100</sup> New Jersey Judiciary and New Jersey State Legislature, "JUD Response to OLS Questions," 3.

<sup>101</sup> Ibid, 3-4.

<sup>102</sup> April 17, 2017 is the latest date for detailed hiring information that is publically available.

<sup>103</sup> New Jersey Judiciary and New Jersey State Legislature, "JUD Response to OLS Questions," 4.

<sup>104</sup> Ibid, 3-4.

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**Figure 4: Number of New Judiciary Staff Hired Due to CJR, State Level**

<b>Staff Location</b>	<b>Staff Title</b>	<b>Number of Staff Authorized as of March 28, 2017</b>
Pretrial Services Units	Court Executive 1B	15
Pretrial Services Units	Court Services Supervisor 2	20
Pretrial Services Units	Court Services Officer 2	35
Pretrial Services Units	Court Services Officer 1	89
Pretrial Services Units	Investigator	14
AOC Central Office	Court Executive 2B	1
AOC Central Office	Court Executive 2A	1
AOC Central Office	Attorney	1
AOC Central Office	Administrative Specialist 4	1
AOC Central Office	Administrative Specialist 2	1
<b>Pretrial Services Units</b>	<b>Total</b>	<b>173</b>
<b>AOC Central Office</b>	<b>Total</b>	<b>5</b>
<b>Statewide</b>	<b>Total</b>	<b>178</b>

Source: New Jersey Judiciary

According to their recently-released 2017 annual report, a total of 267 staff have been hired as of December 31, 2017, though the specific breakdown of these additional staff is not currently available.<sup>105</sup> RESI assumes that this estimate covers salaries for the 400 originally estimated positions, given the similarity in total operating expenses between the FY 2018 budget and cost estimates made in 2014 by the New Jersey Office of Legislative Services.<sup>106</sup> If staffing levels increase that are not supported by the allocated \$27 million, the annual operating costs from salaries and benefits would exceed the NJPSP’s budgeted amount.

The staff hired at the AOC Central Office and in the 15 Pretrial Services Units are supported by funds from the 21st Century Justice Improvement Fund.<sup>107</sup> In addition to these staff, the State’s FY 2018 budget calls for the hiring of 20 additional judges and 60 support staff for the judges.<sup>108</sup> Each newly hired judge is supported by three support staff: a judge’s secretary, a law clerk, and a court clerk.<sup>109</sup> The costs to hire these staff are enumerated in Figure 5.

<sup>105</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 3.

<sup>106</sup> Office of Legislative Services and New Jersey State Legislature, “Legislative Fiscal Estimate [Second Reprint]: Senate, No. 946,” June 24, 2014, accessed February 7, 2018, [http://www.njleg.state.nj.us/2014/Bills/S1000/946\\_E1.HTM](http://www.njleg.state.nj.us/2014/Bills/S1000/946_E1.HTM).

<sup>107</sup> New Jersey Judiciary and New Jersey State Legislature, “JUD Response to OLS Questions,” 3.

<sup>108</sup> Office of Legislative Services and New Jersey State Legislature, “Fiscal Note: Senate, No. 2850.”

<sup>109</sup> Ibid.

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**Figure 5: Cost of Hiring New Judges and Support Staff Due to CJR, State Level**

Line Item	Cost Per Judge Team	Total Cost
Judge Salary	\$165,000	\$3,300,000
Judge's Secretary Salary	\$40,767	\$815,340
Law Clerk Salary	\$52,755	\$1,055,100
Court Clerk Salary	\$47,931	\$958,620
Fringe Benefits	\$163,644	\$3,272,874
Operating Expenses (Office Supplies, Bills, Postage, etc.)	\$12,496	\$249,920
Start-up Costs (Furniture, Computers, Phones, etc.) <sup>110</sup>	\$95,140	\$1,902,800
<b>Recurring Cost Total</b>	<b>\$482,593</b>	<b>\$9,651,854</b>
<b>Total</b>	<b>\$577,733</b>	<b>\$11,554,654</b>

Source: Office of Legislative Services

As seen in Figure 5, the total cost to hire 20 judges and their support staff sums to over \$11.5 million in FY 2018, with recurring costs constituting over \$9.6 million of this total.<sup>111</sup>

### 6.2.2 Programming and Additional Operating Costs

Non-salary, ongoing costs for the NJPSP in FY 2018 are estimated to be \$10 million.<sup>112</sup> These expenses include costs associated with program services for pretrial defendants, including court-ordered drug or alcohol treatment, medical or psychological/psychiatric testing, and pretrial monitoring. While NJPSP staff can refer pretrial defendants to available community resources for certain services such as drug treatment programs, New Jersey's CJR does not allocate funding for non-court-ordered services. The agency recognizes the significance of these resources, but states that the demand of free or reduced-cost resources exceed the supply.<sup>113</sup>

RESI used \$35 million as the annual operating costs for NJPSP, as estimated in the 2017 report, with this amount exceeding the allocated \$22 million for PTS operating expenses from the 21st Century Justice Improvement Fund by approximately \$13 million.<sup>114</sup> According to the Judiciary, a program deficit is expected by FY 2019.<sup>115</sup> RESI assumes programming costs are contained within the annual estimated operating costs of \$35 million, however a specific breakdown of these costs are not available with the exception of electronic monitoring costs, which totaled \$784,017 in 2017.<sup>116</sup>

Therefore, RESI assumed the full budgeted amounts as annual operating costs. While the Judiciary anticipates a deficit in the operational funding of PTS during FY 2019, there is no

<sup>110</sup> Note that these start-up costs are included in Figure 3, but are not included as an annual recurring cost.

<sup>111</sup> Office of Legislative Services and New Jersey State Legislature, "Fiscal Note: Senate, No. 2850."

<sup>112</sup> New Jersey Judiciary and New Jersey State Legislature, "JUD Response to OLS Questions," 3.

<sup>113</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 25.

<sup>114</sup> Ibid, 9.

<sup>115</sup> Ibid, 25.

<sup>116</sup> Ibid, 24.



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indication of commensurate deficits in the eCourt or Legal Services of New Jersey (LSNJ) funds. Figure 6 below outlines RESI’s estimated annual operating costs of New Jersey bail reform, based on available data.

**Figure 6: Estimated Operating Costs of CJR—New Jersey, State Level**

Line Item	Annual Cost
Public Defenders	\$4,450,000
Pretrial Services funded by 21st Century Justice Improvement Fund	\$35,000,000
Additional Judges and Judge Teams <sup>117</sup>	\$9,651,854
eCourts	\$10,000,000
<b>Total</b>	<b>\$59,101,854</b>

Sources: New Jersey Judiciary, New Jersey Office of Legislative Services

### 6.3 County Costs

In addition to costs incurred by the State to implement and operate the NJPSP, New Jersey counties also face a number of expenses including court facility improvements and additional staff. RESI previously estimated these costs based on available county-level expense and arrest data, with an estimated total cost of \$65,971,395 for all counties.<sup>118</sup> RESI’s initial estimate based on this data was higher than the \$45 million estimate made by the New Jersey Association of Counties.<sup>119</sup>

Using data published since the previous 2016 report, RESI reassessed county-level cost estimates of implementing bail reform in New Jersey through the NJPSP.<sup>120, 121</sup> Both staffing and capital costs were considered for additional employees (including prosecutors, sheriffs, county jail staff, and assignment judges), equipment (including video conferencing equipment and Live scan fingerprint units), renovations and construction, among other items. Figure 7 below outlines county costs by start-up requirements and annual operations expenditures to implement New Jersey bail reform.

<sup>117</sup> Note this figure is for estimated costs, not for the actual amount appropriated.

<sup>118</sup> New Jersey Association of Counties, “Criminal Justice Reform: County Impact Statement 2016,” 3-4, accessed February 8, 2018, <http://assets.njspspotlight.com/assets/16/0503/0133>.

<sup>119</sup> New Jersey Judiciary and New Jersey State Legislature, “JUD Response to OLS Questions,” 13.

<sup>120</sup> Complaint, New Jersey Association of Counties v. Council of Local Mandates, 14, accessed February 8, 2018, <http://www.state.nj.us/localmandates/pending/documents/12-6-16%20NJAC%20Complaint%20on%20Bail%20Reform.pdf>.

<sup>121</sup> Re: Complaint, New Jersey Association of Counties v. Council of Local Mandates, accessed February 8, 2018. <http://www.state.nj.us/localmandates/pending/documents/ltr%20brief%20to%20Judge%20Sweeney%20on%20State%20MTD%201%2020%2017.pdf>.

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**Figure 7: Estimated Costs of CJR—New Jersey, County Level**

County	Start-up	Annual Operations	Total Cost
Atlantic	\$86,645.00	\$726,032.00	\$812,677.00
Bergen	\$783,000.00	\$1,897,601.00	\$2,680,601.00
Burlington	\$350,000.00	\$1,693,630.00	\$2,043,630.00
Camden	\$900,000.00	\$680,000.00	\$1,580,000.00
Cape May	\$1,121,120.00	\$1,016,087.00	\$2,137,207.00
Cumberland	\$2,534,950.00	\$1,018,000.00	\$3,552,950.00
Essex	*	\$1,166,110.00	\$1,166,110.00
Gloucester	*	\$773,000.00	\$773,000.00
Hudson	\$645,805.60	\$1,604,379.56	\$2,250,185.16
Hunterdon	\$310,577.90	*	\$310,577.90
Mercer	*	\$991,000.00	\$991,000.00
Middlesex	\$399,475.00	\$1,949,120.00	\$2,348,595.00
Monmouth	\$98,850.00	\$959,340.00	\$1,058,190.00
Morris	\$1,000,000.00	\$396,327.00	\$1,396,327.00
Ocean	\$1,136,500.00	\$1,233,453.00	\$2,369,953.00
Passaic	\$50,000.00	\$700,000.00	\$750,000.00
Salem	*	\$411,000.00	\$411,000.00
Somerset	\$450,000.00	\$1,630,429.00	\$2,080,429.00
Sussex	*	\$457,379.00	\$457,379.00
Union	\$345,000.00	\$1,966,424.00	\$2,311,424.00
Warren	\$357,000.00	\$620,000.00	\$977,000.00
<b>Total</b>	<b>\$10,568,923.50</b>	<b>\$21,889,311.56</b>	<b>\$32,458,235.06</b>

Sources: New Jersey Association of Counties, RESI, *The Trentonian*

As shown above, RESI estimates \$10.6 million in county start-up costs, with approximately \$21.9 million in annual operating costs. Total estimated cost for counties during the first year of New Jersey bail reform is \$32.5 million, which is not financed by the 21st Century Justice Improvement Fund. Due to significant variation by county in capital and staffing needs, RESI did not make estimates of any county costs that were not documented (marked with asterisks above). Therefore, the estimates provided are conservative and are most likely greater. The New Jersey Association of Counties has estimated that reforms will cost New Jersey counties \$45 million annually.<sup>122</sup>

### 6.4 Indirect Costs

In addition to costs associated with staffing, equipment, and capital needs, RESI estimated potential costs associated with increased pretrial release due to CJR, including failure to appear (FTA) and recidivism prior to trial.

<sup>122</sup> New Jersey Judiciary and New Jersey State Legislature, “JUD Response to OLS Questions,” 13.

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### **Failure to Appear**

FTAs occur when a defendant who is released pretrial does not appear in court for his or her hearing. FTAs incur costs to the State through the need for law enforcement to recapture the fugitive, as well as court downtime caused by the missed hearing. In the commercial bail system, the cost of recapture is born by the bail bonding agency, whereas under a pretrial service program, these costs fall to state and local jurisdictions.

RESI utilized a 2013 report by Robert G. Morris that surveyed the FTA and recidivism rates of released defendants in Dallas County, Texas, based on the method of release. These defendants encompassed both misdemeanor and felony charges. The study found that defendants released on pretrial services had an FTA rate of 37 percent, compared to those release on commercial bonds with an FTA rate of 23 percent.<sup>123</sup> According to a Bureau of Justice Statistics (BJS) study that also evaluated FTA rates based on type of pretrial release, individuals charged with a felony released on their own recognizance (ROR) had an FTA rate of 26 percent, while those on conditional release (non-monetary) had an FTA rate of 22 percent. Comparatively, commercial surety bonds had an FTA rate of 18 percent.<sup>124</sup> Because NJ's Pretrial release program includes ROR, RESI averaged the ROR and conditional release rate for an average of 24 percent, 6 percent greater than commercial surety bonds. Based on the Morris and BJS studies, RESI assumed a possible increase in FTAs of 10 percent when utilizing pretrial service releases rather than commercial bonds.

To calculate the potential increase in FTA occurrences in New Jersey due to a change from commercial bail system to a pretrial service release system, RESI evaluated data on the number of individuals ordered to some type of pretrial monitoring between January 1, 2017 and December 31, 2017.<sup>125</sup> Of the 44,319 defendants defined as "Criminal Justice Reform eligible defendants" during 2017, 34,444 were released into some form of pretrial monitoring.<sup>126, 127</sup> Applying the 10 percent increase to the number of defendants released into pretrial monitoring yields an additional 4,822 estimated FTAs.<sup>128</sup> The public cost of an FTA was again derived from Morris's 2013 report's estimate of \$1,775, adjusted for inflation to \$1,871.80.<sup>129</sup> Using these figures, the estimated costs in 2017 from additional FTAs are approximately \$6.4 million.

### **Recidivism**

Recidivism occurs when a defendant who is released prior to trial commits another crime during this period. In his 2013 report, Morris finds that commercial bond defendants (aggregate

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<sup>123</sup> Morris, "Pretrial Release Mechanisms in Dallas County, Texas," 7.

<sup>124</sup> Cohen and Reaves, "Pretrial Release of Felony Defendants in State Courts," 9.

<sup>125</sup> New Jersey Judiciary, "Initial Release Decisions for Criminal Justice Reform Eligible Defendants, January 1 – December 31, 2017," 1-2, accessed February 9, 2018, <https://www.judiciary.state.nj.us/courts/assets/criminal/cjrreport.pdf>.

<sup>126</sup> Includes those released on their own recognizance (ROR), the lowest level of pretrial monitoring.

<sup>127</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 17.

<sup>128</sup> New Jersey Judiciary, "Initial Release Decisions for Criminal Justice Reform Eligible Defendants," 3.

<sup>129</sup> Morris, "Pretrial Release Mechanisms in Dallas County, Texas," 3.

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of misdemeanors and felonies) are 1.2 percent less likely to recidivate compared to those released through pretrial services during the 12 months following release.<sup>130</sup> A study by the Urban Institute Justice Policy Center found that the minimum processing costs per defendant up to the point of detention range from \$1,270.34 to \$2,049.25, depending on the rearrest charges.<sup>131</sup> After updating these figures for inflation, average cost per rearrest is estimated at \$2,176.37. Applying the 1.2 percent potential increase in recidivism to the 34,444 individuals released pretrial yields an estimated additional recidivism cost of approximately \$0.9 million.

**Figure 8: Estimated Indirect Costs of CJR in New Jersey**

	<b>Annual Cost</b>
FTA	\$6,447,228
Recidivism	\$873,608
<b>Total</b>	<b>\$7,320,836</b>

Sources: Bureau of Justice Statistics, Morris, Roman and Chafin, RESI

## 6.5 Program Benefits

To determine the cost savings to New Jersey as a result of reduced incarceration of pretrial individuals, RESI evaluated data on the year-over-year difference between 2016 and 2017.<sup>132</sup> Savings were determined on a monthly basis using an estimated marginal cost of \$25.95, based on the average cost of housing a pretrial detainee in the state, derived from a 2014 report from the New Jersey Joint Committee on Criminal Justice.<sup>133, 134</sup> Based on the difference in pretrial detainees between 2016 and 2017, total saving is estimated at \$21.3 million during 2017, as shown in Figure 9 below.

<sup>130</sup> Morris, "Pretrial Release Mechanisms in Dallas County, Texas," 8.

<sup>131</sup> John K. Roman and Aaron Chalfin, "Does It Pay To Invest In Reentry Programs For Jail Inmates?" The Urban Institute (2006), 14, accessed February 12, 2018, [https://www.researchgate.net/publication/237519358\\_Does\\_it\\_Pay\\_to\\_Invest\\_in\\_Reentry\\_Programs\\_for\\_Jail\\_Inmates](https://www.researchgate.net/publication/237519358_Does_it_Pay_to_Invest_in_Reentry_Programs_for_Jail_Inmates).

<sup>132</sup> New Jersey Judiciary, "Initial Release Decisions for Criminal Justice Reform Eligible Defendants," 6.

<sup>133</sup> New Jersey Judiciary, "Report of the Joint Committee on Criminal Justice," 12, accessed February 10, 2018, <https://www.judiciary.state.nj.us/courts/assets/criminal/finalreport3202014.pdf>.

<sup>134</sup> The original estimate of \$100 per day was inflated to \$103.81 per day in 2017 dollars.

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**Figure 9: Cost-Savings Due to Decreased Pretrial Jail Population—New Jersey, 2017**

Month	Year-Over-Year Difference	Total Savings per Month
January	2,289	\$1,841,386
February	2,437	\$1,770,724
March	2,615	\$2,103,637
April	2,599	\$2,023,322
May	2,748	\$2,210,629
June	2,615	\$2,035,778
July	2,167	\$1,743,243
August	2,308	\$1,856,671
September	2,146	\$1,670,661
October	2,011	\$1,617,749
November	1,744	\$1,357,704
December	1,340	\$1,077,963
<b>Total Benefit, 2017</b>		<b>\$21,309,465</b>

Sources: New Jersey Joint Commission on Criminal Justice, New Jersey Judiciary, RESI

RESI used marginal costs rather than average costs because the marginal costs more accurately capture the incremental savings of pretrial detainee reductions. Facilities that have a greater reduction in pretrial detainees would capture additional savings if fixed costs (e.g. staffing levels, required housing units) were reduced as a result. Please refer to Appendix A for a more detailed explanation of marginal, fixed, and variable costs.

It should be emphasized that although RESI estimated the cost-savings to the State through the documented decrease in New Jersey’s pretrial detainee population, caution must be used when interpreting the relationship between the NJPSP and the detainee reduction. While it can be reasonably assumed that the NJPSP impacted this amount, there may be other factors contributing to the decline. Similarly, it is noted that both New Jersey’s total jail population and pretrial detainee population declined between January 2016 and December 2016, prior to the NJPSP going into effect on January 1, 2017.<sup>135</sup>

### 6.6 Summary of Costs and Benefits

RESI combined state and county costs when determining the total costs to implement and operate the NJPSP in 2017. Figure 10 below summarizes RESI’s current estimate, totaling \$125.6 million.

<sup>135</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 20.

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**Figure 10: Summary of Costs for First Year of Bail Implementation—New Jersey, 2017**

	<b>Start-up Costs</b>	<b>Operating Costs</b>	<b>Indirect Costs</b>	<b>Total Cost</b>
Pretrial Services	\$13,300,000	\$35,000,000		\$48,300,000
eCourts	\$10,800,000	\$10,000,000		\$20,800,000
Additional Software Costs	\$700,000			\$700,000
Judge Teams	\$1,902,800	\$9,651,854		\$11,554,654
Public Defenders		\$4,450,000		\$4,450,000
County Costs	\$10,568,924	\$21,889,312		\$32,458,235
FTA			\$6,447,228	\$6,447,228
Recidivism			\$873,608	\$873,608
<b>Total</b>	<b>\$37,271,724</b>	<b>\$80,991,166</b>	<b>\$7,320,836</b>	<b>\$125,583,725</b>

Sources: Various

For annual expenses, RESI considered both operating and indirect costs, which totaled an estimated \$88.3 million in 2017. Annual benefits were comprised of cost-savings due to decreased housing costs from lower pretrial detainee populations, totaling an estimated \$21.3 million. Figure 11 below summarizes the estimated annual costs of the NJPSP.

**Figure 11: Annual Costs and Benefits Summary—New Jersey**

Annual Operating/Indirect Costs	\$88,312,002
Annual Benefits	\$21,309,465
<b>Net Cost</b>	<b>\$67,002,537</b>

Sources: Various

As shown above, RESI estimates that New Jersey’s net costs total approximately \$67.0 million annually. Full cost data was unavailable for some counties in New Jersey, which could increase the annual and implementation costs of the NJPSP above the current estimates. Including the \$10 million annually for eCourts, the 21st Century Justice Fund allocates approximately \$32 million for services related to the NJPSP. As previously noted, the Office of Legislative Services forecasts that costs for the NJPSP would likely exceed the allocated \$22 million by \$13 million per year.<sup>136</sup> This estimate does not explicitly account for county costs, which increase the gap between funding provided by the 21st Century Justice Fund and costs of implementing and operating the NJPSP.

## 7.0 Economic Impact Analysis

To enumerate the economic and fiscal impacts of the net costs (including start-up costs) associated with CJR through the NJPSP, RESI used the 2016 IMPLAN model for New Jersey. IMPLAN is an input-output model that relies on multipliers. When a dollar is spent in an economy, it is used to buy supplies and to pay employees, who then buy goods and services;

<sup>136</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 10.

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then the suppliers can buy supplies and pay employees who then buy more goods and services, and the cycle continues. Thus, while initially a single dollar was spent, its value has multiplied as it has passed through additional hands. In addition to the direct impacts (when the dollar first enters the economy), economists categorize these “additional hands” as indirect impacts (purchases associated with supplies) and induced impacts (purchases that result from employees receiving more income because of the other spending).

The sum of these three types of impacts that occur from this dollar entering and being passed through the economy is the total economic impact. For these preliminary analyses, RESI first estimated the economic impacts—in terms of employment, output, and employee compensation—of State spending on the net costs of the NJPSP, including start-up costs and estimated benefits. RESI then estimated the tax revenues, or fiscal impacts, generated by the economic impacts of NJPSP expenditures. The economic and fiscal impacts generated by CJR in New Jersey are presented in Figure 12 and Figure 13. For more information on the methodology used, please see Appendix A.

**Figure 12: Economic Impact of CJR—New Jersey, 2017**

	Direct	Indirect and Induced	Total
Employment	926	509	1,435
Output	\$108,934,662	\$77,328,160	\$186,262,822
Employee Compensation <sup>137</sup>	\$95,179,647	\$24,056,808	\$119,236,455

Sources: IMPLAN, RESI

As seen in Figure 12, State spending on CJR supported a total of 1,435 jobs, nearly \$186.3 million in output, and over \$119.2 million in employee compensation. Direct impacts are larger than secondary (indirect and induced) impacts.

**Figure 13: Total Fiscal Impacts of CJR—New Jersey, 2017**

Type	Amount
Property	\$2,868,073
Income	\$2,578,836
Sales	\$1,302,242
Payroll	\$305,909
Other	\$1,165,088
<b>Total</b>	<b>\$8,220,148</b>

Sources: IMPLAN, RESI

In total, spending on the NJPSP generated over \$8.2 million in state and local tax revenues, as presented in Figure 13. At nearly \$2.9 million, property tax revenues comprise the plurality of these impacts, followed by income tax revenues, which approach \$2.6 million.

<sup>137</sup> IMPLAN reports “employee compensation” impacts—this includes the total payroll cost of the employee paid by the employer, including wage and salary, benefits (such as health and retirement), and payroll taxes.

## **8.0 Conclusion**

RESI's analysis explores both the costs and benefits associated with the current implementation of New Jersey's CJR as well as the estimated effects of a similar program in the state of New York. If New York incorporates the same model as New Jersey, for which RESI calculated costs based on publically-available data, RESI estimates that the State will bear costs of \$287.8 million in the first full year of operation, including start-up, operating, and indirect costs. Start-up costs are estimated to total \$85.4 million and operating costs are projected to be \$185.6 million each year. Additionally, RESI projects the State of New York will bear increased costs of roughly \$16.8 million in indirect costs due to increased failure to appear and recidivism rates. Recurring annual costs (including operating and indirect costs) total an estimated \$202.4 million.

RESI based cost estimates for New York on publically-available data for the first year of operation of the NJPSP. Notably, RESI estimates that implementing and operating the NJPSP cost an estimated total of \$125.6 million through the end of calendar year 2017 in start-up, operating, and indirect costs. Based on an analysis of publically available data, New Jersey's CJR cost the State and the County governments \$37.3 million to implement. Annually, the NJPSP is estimated to cost state and county governments approximately \$81.0 million to operate as well as \$7.3 million in indirect costs, including increased FTA and recidivism rates. Based on available pretrial population figures from 2017, RESI estimates New Jersey will save an estimated \$21.3 million each year from reduced housing of pretrial detainees. New Jersey's net operating costs are estimated to be \$67.0 million each year. In the first year of CJR, the implementation and operation of the NJPSP supported an estimated 1,435 jobs, over \$186.2 million in output, and approximately \$119.2 million in employee compensation in calendar year 2017.

RESI's estimate for the cost of NJPSP is higher than the \$35.0 million in annual operating expenses projected by the New Jersey Office of Legislative Services.<sup>138</sup> RESI's estimate is higher because it accounts for costs borne by New Jersey's counties as well as indirect costs from increased FTA and recidivism rates. The estimates in this report are lower than in previous reports produced by RESI. Previous reports were written before the implementation of the NJPSP, and therefore little information was known about program staffing, the scope of drug testing and rehabilitation services, and the need for new facilities. This report uses the most-current data available from New Jersey on the costs of implementing CJR.

The cost of CJR is significant and will not be borne by all counties equally. As further details emerge regarding the scope of proposed legislation in New York, county governments across the state will need to understand the potential demand for new facilities, new staff, and the provision of additional services. While making the criminal justice system more equitable is a laudable goal, policy makers should fully understand the scope and costs of any proposed changes.

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<sup>138</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 10.



## 9.0 References

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## Appendix A—Cost Analysis Methodology

### A.1 Cost Calculations

To update the cost estimates of implementing and operating criminal justice reform in New Jersey, RESI collected secondary data figures found in budgets, reports, and court documents, among other sources. Where possible, expenses were categorized as start-up costs, operating costs, and indirect costs. In instances where granular components of cost figures were unavailable, RESI made assumptions on the breakdown of expenses.

RESI enumerated the costs to New Jersey based on three separate categories.

- **Start-up costs** consist of the spending necessary to launch the NJPSP. These costs include the hiring and training of staff, the purchasing of equipment, renovations of infrastructure to accommodate new staff, and workspace furnishings.
- **Operating costs** are those incurred through the year-to-year functioning of the NJPSP. These costs included employee expenses, software licenses, and programming provisions such as electronic monitoring.
- **Indirect costs** represent the potential expenses that would be incurred by the State as a result of increased pretrial release. Specifically, these costs were comprised of estimated expenses from potential increased rates of FTA and recidivism of released defendants prior to adjudication.<sup>139</sup>

Wherever possible, RESI used actual cost breakdowns as described in supporting documentation. For some calculations where actual figures were unavailable or data granularity was low, RESI made conservative estimates.

In general, any costs associated with purchasing of equipment, renovations, furnishings, and other non-salary items were categorized as start-up costs. Operating costs were largely comprised of salary and benefits for increased employment resulting from NJPSP.

For county cost estimations, RESI only used documented costs in the current analysis. Accordingly, actual New Jersey County costs may be higher than RESI's estimate of 32.5 million, and closer to the \$45 million estimate made by the New Jersey Association of Counties.<sup>140</sup>

### A.2 Benefit Calculations

RESI used marginal costs rather than average costs to calculate potential benefits to New Jersey and New York. While average costs encompass all costs of housing a detainee, divided by the number of detainees, marginal costs more accurately capture the savings of incremental detainee reductions. For example, if a facility had one fewer detainee, cost savings would include expenses avoided from the use of any products used by the detainee (e.g. food or personal hygiene products). These costs are categorized as variable costs, or in this case, those

<sup>139</sup> Of note, public defender costs previously categorized as indirect costs are considered operating costs in the current report.

<sup>140</sup> New Jersey Judiciary and New Jersey State Legislature, "JUD Response to OLS Questions," 13.

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costs that can change immediately with a reduction in pretrial detainees. Fixed costs, however, are usually held constant over a given period of time regardless of production (or in this case, number of pretrial detainees). With one fewer detainee, the correctional facility would likely not have any change in factors such as rent, utilities, and staffing. If however there is a reduction of 50 or 100 pretrial detainees, fixed costs may be reduced with changes in budgetary planning and allow the facility to gain additional savings through staffing reductions or the ability to close a housing unit.

RESI used marginal cost figures when calculating the potential benefit from reduced pretrial detainees. For New Jersey, RESI used an estimated marginal cost of \$25.95 per day, based on the average cost of housing a pretrial detainee in the state, derived from a 2014 report from the New Jersey Joint Committee on Criminal Justice.<sup>141, 142</sup> Because exact figures were unavailable on the marginal costs to house a pretrial detainee in New Jersey, RESI referenced several studies of varying jurisdictions and roughly estimated marginal costs comprise approximately 25 percent of the average cost. When estimating potential savings to New York State, RESI utilized the marginal operating cost per day of \$69 for New York State provided in a 2013 report.<sup>143</sup> After adjusting for inflation, RESI used an estimated marginal cost-savings of \$76.09 per inmate, per day.

### A.3 Scaling Costs from New Jersey to New York

Due to limited information on specific program attributes and anticipated expenses of New York State's proposed PSP, RESI broadly scaled current estimates for start-up costs, operating costs, and indirect costs of the NJPSP. RESI scaled cost figures based on the number of arrests in each state.<sup>144</sup> Although not all those arrested will be charged, and not all those charged will be eligible for pretrial release due to CJR, RESI assumed similar proportions between the two states. For example, of the 208,971 individuals arrested in New Jersey in 2017, 142,663 were charged.<sup>145, 146</sup> Of those charged, 44,319 defendants were charged on a warrant and were eligible for pretrial release evaluation.<sup>147</sup>

It is emphasized that these are rough estimates and depending on the specific program attributes in New York (e.g. differences in technology, supervision requirements, etc.), New York's actual costs may vary significantly.

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<sup>141</sup> New Jersey Judiciary, "Report of the Joint Committee on Criminal Justice," 12.

<sup>142</sup> Ronnie Lowenstein, "Cost of Incarcerating Pretrial Detainees," The City of New York Independent Budget Office (May 16, 2017): 4, accessed February 15, 2018, <http://www.ibo.nyc.ny.us/iboreports/pretrial-detention-rates-may-2017.pdf>.

<sup>143</sup> Schabses, "Cost Benefit Analysis for Criminal Justice," New York State Division of Criminal Justice Services (October 2013): 5.

<sup>144</sup> Number of arrests in New Jersey based on the most-recent available 2017 data; number of arrests in New York based on the most-recent available 2016 data.

<sup>145</sup> New Jersey State Police, "Uniform Crime Reporting 2017 Current Crime Data," 22.

<sup>146</sup> Grant, "One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature," 16.

<sup>147</sup> Ibid.



## **Appendix B—IMPLAN Methodology**

### **B.1 IMPLAN Model Overview**

To quantify the economic impact of start-up costs and the first year of CJR in New Jersey, RESI utilized the IMPLAN input/output model. This model enumerates the employment and fiscal impact of each dollar earned and spent by the following: employees of the event, other supporting vendors (business services, retail, etc.), each dollar spent by these vendors on other firms and each dollar spent by the households of the event's employees, other vendors' employees, and other businesses' employees.

Economists measure three types of economic impacts: direct, indirect, and induced impacts. The direct economic effects are generated as the event create jobs and hire workers to support the event's activities. The indirect economic impacts occur as the vendors purchase goods and services from other firms. In either case, the increases in employment generate an increase in household income, as new job opportunities are created and income levels rise. This drives the induced economic impacts that result from households increasing their purchases at local businesses.

Consider the following example. A new firm opens in a region and directly employs 100 workers. The firm purchases supplies, both from outside the region as well as from local suppliers, which leads to increased business for local firms, thereby hypothetically creating jobs for another 100 workers. This is called the indirect effect. The workers at the firm and at suppliers spend their income mostly in the local area, hypothetically creating jobs for another 50 workers. This is the induced effect. The direct, indirect and induced effects add up to 250 jobs created from the original 100 jobs. Thus, in terms of employment, the total economic impact of the firm in our example is 250.<sup>148</sup>

### **B.2 Input Assumptions**

Economic impacts were determined based on documented costs for the implementation and operations of the NJPSP in 2017. RESI's analysis includes the following modeling assumptions:

- Economic impact multipliers are developed from IMPLAN input/output software.
- IMPLAN data are based on the North American Industrial Classification System (NAICS).
- IMPLAN employment multipliers are adjusted for inflation using the Bureau of Labor Statistics CPI-U.
- Impacts were based on 2016 IMPLAN data for New Jersey.
- Impacts are represented in 2017 dollars.
- Employment impacts include both full- and part-time employees. IMPLAN does not differentiate between full- and part-time employment.

The specific industry sectors analyzed are presented in Figure 14.

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<sup>148</sup> Total economic impact is defined as the sum of direct, indirect, and induced effects.

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**Figure 14: IMPLAN Industry Sectors**

<b>Category</b>	<b>IMPLAN Code</b>	<b>Description</b>
Employee	531	Employment and payroll of state government, non-education
Compensation	533	Employment and payroll of local government, non-education
Industry Sales	531	Employment and payroll of state government, non-education
	533	Employment and payroll of local government, non-education

Source: IMPLAN

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## Appendix C—Detailed Economic Impacts

**Figure 15: Detailed Employment Impacts—New Jersey, 2017**

Industry	Direct	Indirect and Induced	Total
Agriculture	0	1	1
Mining	0	0	0
Utilities	0	1	1
Construction	0	5	5
Manufacturing	0	4	4
Wholesale Trade	0	14	14
Retail Trade	0	80	80
Transportation and Warehousing	0	16	16
Information	0	8	8
Finance and Insurance	0	36	36
Real Estate and Rental and Leasing	0	28	28
Professional, Scientific and Technical Services	0	25	25
Management of Companies and Enterprises	0	3	3
Administrative and Support and Waste Management and Remediation Services	0	29	29
Educational Services	0	21	21
Health Care and Social Services	0	106	106
Arts, Entertainment and Recreation	0	16	16
Accommodation and Food Services	0	55	55
Other Services	0	54	54
Government	926	5	930
<b>Total</b>	<b>926</b>	<b>509</b>	<b>1,435</b>

Sources: IMPLAN, RESI

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**Figure 16: Detailed Output Impacts—New Jersey, 2017**

Industry	Direct	Indirect and Induced	Total
Agriculture	\$0	\$66,572	\$66,572
Mining	\$0	\$31,185	\$31,185
Utilities	\$0	\$1,566,029	\$1,566,029
Construction	\$0	\$860,482	\$860,482
Manufacturing	\$0	\$2,642,206	\$2,642,206
Wholesale Trade	\$0	\$3,662,527	\$3,662,527
Retail Trade	\$0	\$7,335,508	\$7,335,508
Transportation and Warehousing	\$0	\$2,655,226	\$2,655,226
Information	\$0	\$4,030,128	\$4,030,128
Finance and Insurance	\$0	\$8,868,465	\$8,868,465
Real Estate and Rental and Leasing	\$0	\$16,094,592	\$16,094,592
Professional, Scientific and Technical Services	\$0	\$3,709,083	\$3,709,083
Management of Companies and Enterprises	\$0	\$1,037,809	\$1,037,809
Administrative and Support and Waste Management and Remediation Services	\$0	\$2,521,384	\$2,521,384
Educational Services	\$0	\$1,387,154	\$1,387,154
Health Care and Social Services	\$0	\$11,876,732	\$11,876,732
Arts, Entertainment and Recreation	\$0	\$1,283,473	\$1,283,473
Accommodation and Food Services	\$0	\$3,453,121	\$3,453,121
Other Services	\$0	\$3,283,728	\$3,283,728
Government	\$108,934,662	\$962,756	\$109,897,418
<b>Total</b>	<b>\$108,934,662</b>	<b>\$77,328,160</b>	<b>\$186,262,822</b>

Sources: IMPLAN, RESI

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**Figure 17: Detailed Employee Compensation Impacts—New Jersey, 2017**

<b>Industry</b>	<b>Direct</b>	<b>Indirect and Induced</b>	<b>Total</b>
Agriculture	\$0	\$17,806	\$17,806
Mining	\$0	\$4,520	\$4,520
Utilities	\$0	\$177,027	\$177,027
Construction	\$0	\$235,037	\$235,037
Manufacturing	\$0	\$381,849	\$381,849
Wholesale Trade	\$0	\$1,248,832	\$1,248,832
Retail Trade	\$0	\$2,732,961	\$2,732,961
Transportation and Warehousing	\$0	\$832,350	\$832,350
Information	\$0	\$797,125	\$797,125
Finance and Insurance	\$0	\$3,013,228	\$3,013,228
Real Estate and Rental and Leasing	\$0	\$396,104	\$396,104
Professional, Scientific and Technical Services	\$0	\$1,654,008	\$1,654,008
Management of Companies and Enterprises	\$0	\$602,547	\$602,547
Administrative and Support and Waste Management and Remediation Services	\$0	\$1,114,705	\$1,114,705
Educational Services	\$0	\$842,967	\$842,967
Health Care and Social Services	\$0	\$6,169,555	\$6,169,555
Arts, Entertainment and Recreation	\$0	\$408,714	\$408,714
Accommodation and Food Services	\$0	\$1,333,896	\$1,333,896
Other Services	\$0	\$1,625,066	\$1,625,066
Government	\$95,179,647	\$468,512	\$95,648,159
<b>Total</b>	<b>\$95,179,647</b>	<b>\$24,056,808</b>	<b>\$119,236,455</b>

Sources: IMPLAN, RESI

## Appendix D—Comparison with Previous Estimates

In 2014, RESI estimated the potential costs of the NJPSP by utilizing data from the District of Columbia Pretrial Service Agency (DCPSA). Estimates were largely based on scaling DCPSA’s program costs based on the number of arrests. In 2016, RESI revised these cost estimates to include additional expenditures on the county level, not previously accounted for in the 2014 study. Figure 18 below summarizes RESI’s cost estimates by category in the 2014, 2016, and current reports.<sup>149, 150</sup>

**Figure 18: Previous and Current Cost Estimates by Expense Category—New Jersey**

Expense	Cost Estimate 2014	Cost Estimate 2016	Current Estimate
Start-Up Costs	\$16,591,360	\$38,474,968	\$37,271,724
Operating Costs	\$379,589,599	\$445,560,994	\$80,991,166
Indirect Costs	\$65,069,321	\$65,069,321	\$7,320,836
<b>Total First Year</b>	<b>\$461,250,280</b>	<b>\$549,105,283</b>	<b>\$125,583,725</b>
<b>Total Annual</b>	<b>\$444,658,920</b>	<b>\$510,630,315</b>	<b>\$88,312,002</b>

Source: RESI

As shown above, significant differences exist between RESI’s previous estimates and the estimates provided in the current study. After reviewing newly-available data from New Jersey, RESI was able to more accurately compare similarities and differences within each program.

One of the most-significant discrepancies between the current and previous estimates is the amount allocated to operating costs for program services. RESI previously estimated that the NJPSP would incur \$166.9 million annually in programming expenses for drug testing, drug rehabilitation, mental health treatment, and electronic monitoring, based on the service levels provided through the DCPSA.<sup>151</sup> Because the NJPSP is responsible for conducting court-ordered testing and treatment only, actual costs were significantly less in 2017.<sup>152</sup> As previously noted, non-salary ongoing costs for the NJPSP in FY 2018 are estimated at \$10 million.<sup>153</sup> In 2017, NJPSP electronic monitoring costs totaled \$784,017, significantly less than the previously estimated \$16.2 million.<sup>154</sup> Though the specific figures for other programming expenses are not

<sup>149</sup> Daraius Irani and Zachary Jones, “Estimating the Cost of the Proposed New Jersey Pretrial Services Unit and the Accompanying Legislation,” Regional Economic Studies Institute (June 2014), [www.americanbailcoalition.org/wp-content/uploads/2014/06/new-jersey-pretrial-final-report.pdf](http://www.americanbailcoalition.org/wp-content/uploads/2014/06/new-jersey-pretrial-final-report.pdf).

<sup>150</sup> Daraius Irani and Zachary Jones, “Select Cost Estimates for Activities Resulting from New Jersey Criminal Justice Reform,” Regional Economic Studies Institute (August 2016), <http://www.usbailreform.com/wp-content/uploads/2017/05/2016-Updated-Analysis-on-Select-Costs-of-New-Jersey-Bail-Reform.pdf>.

<sup>151</sup> Irani and Jones, “Estimating the Cost of the Proposed New Jersey Pretrial Services Unit and the Accompanying Legislation,” 22.

<sup>152</sup> New Jersey Courts, “Pretrial Services Program,” 2, accessed February 6, 2018, [http://www.njcourts.gov/forms/12088\\_cjr\\_pretrial\\_svcs\\_brochure.pdf](http://www.njcourts.gov/forms/12088_cjr_pretrial_svcs_brochure.pdf).

<sup>153</sup> New Jersey Judiciary and New Jersey State Legislature, “JUD Response to OLS Questions,” 3.

<sup>154</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 24.

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RESI of Towson University

yet publically-available for NJPS, the actual programming spending is significantly lower than the estimated \$166.9 million, which was based on programming requirements for the DCPSA.

Although NJPSP is not mandated to provide the same level of programming as the DCPSA, the agency recognizes the importance of these services and the lack of current available resources to support them. In NJPSP 2017 report states, “In order for these individuals to be truly successful, the state needs to develop access to community-based substance abuse treatment, mental health treatment, and housing assistance programs.”<sup>155</sup>

Estimated staffing numbers and costs were also significantly greater than the number of documented staff hired for the NJPSP. According to the New Jersey Judiciary, approximately \$27 million is allocated for staff salaries and fringe benefits in FY 2018.<sup>156</sup> RESI assumes that this amount is for the 400 positions authorized by the State, though only 178 positions at the AOC Central Office and in the 15 Pretrial Services Units are currently confirmed. Based on staffing and arrest ratios from the DCPSA, RESI estimated a need for 1,664 NJPSP employees with annual personnel expenses of \$203.8 million. This represents a significant difference between RESI’s previous estimated costs and current estimates.

While RESI’s previous estimates utilized arrest data to scale program costs, significantly-less individuals were subsequently charged with a complaint warrant and became pretrial-release eligible defendants. RESI’s previous cost estimates were based upon nearly 302,000 arrests; in contrast, the NJPSP reports of 142,663 total defendants, less than one-third (44,319) were eligible for the NJPSP.<sup>157</sup> Because of this, RESI utilized ratios of arrests to eligible defendants when scaling and estimating costs for PSP operations in New York.

Additionally, some of RESI’s previously-estimated costs included new construction related to increase staffing needs from implementation and operation of the NJPSP. While some PSP units and counties explicitly noted expenses for construction of new facilities, much of the newly-available documentation suggests renovations to existing facilities.

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<sup>155</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 5.

<sup>156</sup> New Jersey Judiciary and New Jersey State Legislature, “JUD Response to OLS Questions,” 3.

<sup>157</sup> Grant, “One Year Criminal Justice Reform: 2017 Report to the Governor and the Legislature,” 16.