

SUMMING UP:

Reducing Mass Incarceration Would Benefit New Jersey's Communities

In recent decades, New Jersey has chosen a criminal justice framework that locks up people at a rate that does not make anyone safer, while at the same time costs the state billions of dollars, disrupts families, and sharply diminishes the economic prospects of communities.

New Jersey puts people in prison at a higher rate than all but six nations, and with the highest levels of racial disparity in the United States. African American adults in New Jersey are incarcerated at a rate more than 12 times that of white people and African American youth are 30.6 times more likely to be committed to a juvenile facility than are white youth.

Incarceration should be the last resort, not the first response. The money we spend to confine so many New Jerseyans could be used for public investment in other important areas that support human and economic growth, such as education, housing, and health.

Transforming the criminal justice system in New Jersey into a fair and effective system will require rethinking everything from policing strategies upfront to release and rehabilitation at the end of the criminal justice pipeline, and making practical changes.

Reforms are needed in five areas:

- Focusing law enforcement resources on public safety instead of minor offenses
- Implementing pretrial justice reform
- Adjusting prison terms
- Expanding opportunities for early release from incarceration
- Reducing return to prison and minimizing the collateral consequences of conviction

Key Recommendations

Re-direct law enforcement priorities to focus on public safety.

- Legalize marijuana
- Recognize that social services are a more appropriate intervention than arrests for some behavioral offenses

- Limit local law enforcement's interactions with Immigration and Customs Enforcement so immigrants involved in minor offenses do not face deportation
- Collect reliable, consistent data to enable systematic analysis of arrests

Implement pretrial justice reform and retain improvements already underway, specifically, New Jersey's landmark bail reform.

- Resist efforts to expand categories of cases where courts presume detention
- Do not reintroduce money bail as the primary mechanism for pretrial release
- Calibrate risk assessment to rectify racial disparities in pretrial detention
- Update New Jersey's speedy-trial framework so that no defendant waits in jail for two years or more to have his or her case heard.

Reverse two trends that have contributed most to the increase in incarcerated people in New Jersey over the past four decades: longer sentences and more severe mandatory minimum sentences.

- Eliminate mandatory minimum sentences
- Reduce the base term of criminal sentences for which early release is prohibited
- Appoint members to the Criminal Sentencing and Disposition Commission so it can fulfill its statutory duty to examine New Jersey's sentencing scheme
- Create a comprehensive system for reporting detailed information on sentencing and the resulting financial costs
- Reconsider classification of certain crimes to eliminate immigration consequences

Improve and expand opportunities for early release.

- Expand the availability of programs that enable prisoners to earn credits toward release
- Make data on parole decisions public to improve accountability
- Offer work and commutation credits to pretrial detainees

Help former prisoners reintegrate into society.

- Reduce barriers through providing transitional housing, eliminating unnecessary employment restrictions and driver's license suspensions, and supporting health care, education, and vocational opportunities
- Allow more non-violent offenses to be expunged
- Create an advisory board to recommend cases to the governor for consideration of pardons for people facing serious immigration consequences due to their criminal record
- Restore the right to vote to all offenders in prison or on parole or probation, giving them greater stake in their community and reducing the impact of racial inequality in the criminal justice system

Criminal Justice Reform: Reducing Mass Incarceration Would Benefit New Jersey's Communities is one of seven reports in the *Crossroads NJ* series produced by The Fund for New Jersey to inform debate in this pivotal election year. The full text of reports and other information about *Crossroads NJ* are available at www.fundfornj.org/crossroadsnj.

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