



## **Criminal Justice Reform: Ending the New Jim Crow Task Force Supporting New Jersey Bail Reform**

**Position:** The Unitarian Universalist Legislative Ministry of New Jersey calls for the passage of effective bail reform legislation as envisioned in Senate Bill S946 and Assembly Bill A1910. These measures would help correct unjust bail practices based solely on ability to pay rather than assessment of the risk and the nature of the offense. Since poor and minority individuals are greatly disproportionately represented among those incarcerated while awaiting trial, this, in fact, also disproportionately and unfairly penalizes them, their families and communities. S946 and A1910 can create a fairer, safer and more cost effective bail system that preserves the “inherent worth and dignity” of the individual and promotes “justice, equity and compassion in human relations,” in accord with Unitarian Universalist values.

### **Background**

Bail is one of the most important issues to consider in addressing the problems of the criminal justice system. The constitution guarantees both speedy trial and reasonable bail, neither of which occur today.

The state constitution states all defendants – except those charged with crimes punishable by death – are entitled to bail. However, those on the lower economic levels of our society lacking the economic resources to pay are offered no alternatives to incarceration.

A majority of other states, as well as the federal system, have legislatively declared pre-trial detention a tool to be used only in limited circumstances. In general, such laws require the release of detainees upon the least restrictive conditions and allow for money bail only after a court determines that no other conditions will reasonably ensure the appearance of a defendant in court.

Over 60% of all incoming prisoners in New Jersey and nearly 3 out of 4 held on drug law violations are African Americans who comprise only 13% of the population. The operation of the criminal justice system represents a challenge to the anti-racism and anti-oppression goals of our Unitarian Universalist faith.

### **Basis of Position**

Our prisons are overloaded with detainees who are unable to make bail as their cases wend their way through the backlogged court system. Nearly three-quarters of the 15,000 people in state jails are awaiting trial — rather than serving a sentence. Almost 40% of those held in New Jersey jails are there solely because of their inability to pay bail. Greater than 10% of those cannot pay bail amounting to \$2,500 or less (800+ inmates can't pay even \$500).

Typically, a defendant without the means to pay bail serves ten months or more jail time before

ever having his or her day in court, putting the lie to one of the basic tenets of our judicial system: innocent before proven guilty.

If the average length of time served is nearly a year and it costs approximately \$100 a day to hold someone in a New Jersey jail, warehousing an individual while awaiting trial costs New Jersey taxpayers more than \$30,000, a sum far greater than the \$500 or \$2,500 bail for which he or she is being held.

The financial costs to the state pale beside the physical and emotional costs to jailed individuals, who are separated from all support from friends and family. Those who do have jobs are likely to lose them, guilty or not, creating an even deeper financial chasm. Uncertainty and despair leave inmates vulnerable to plea bargain situations that trade the promise of immediate freedom for an expedient guilty plea, regardless of the facts of the case. This scenario plays out over and over again, staining those accused of relatively minor transgressions with permanent criminal records, with far-reaching negative consequences. These may include loss of future earning potential, loss of public housing and the break-up of families.

The New Jersey Bail Reform Act, among other things, will provide alternatives to monetary bail for non-violent, low-risk prisoners. It will also give judges case-by-case discretion in decision making.

By allowing the supervised release of low-risk individuals who do not threaten the security of their communities, we can prioritize public safety while encouraging fiscal responsibility. At the same time, this legislation will strengthen families and communities by allowing low-risk individuals to remain with their families, keep their jobs, and get connected to services, pending trial.

The Criminal Justice Reform: Ending the New Jim Crow Task Force of the Unitarian Universalist Legislative Ministry of New Jersey, in alliance with other organizations, will work for the reform of the present bail system and support the passage of S946 and A1910 for that purpose.

*References:* New Jersey Jail Population Analysis, Marie Van Nostrand, Ph. D.; March, 2013.

Wasting Money, Wasting Lives, Calculating the Hidden Costs of Incarceration in New Jersey, Meredith Kleykamp, Jake Rosenfeld, Roseanne Scotti; September, 2008

*For Further Information, Please Contact:*

Rev. Craig Hirshberg, Executive Director  
Unitarian Universalist Legislative Ministry of New Jersey  
4 Waldron Avenue, Summit, NJ 07901  
609-672-7331 [director@uulmnj.org](mailto:director@uulmnj.org)

May 2014