

Ratified at internal action on July 27, 2020



RATIFIED AGENDA FOR STATEWIDE ACTION

New Jersey Together is planning a virtual action in August with more than 1,000 faith & non-profit leaders from across New Jersey focused on issues related to racial equity and criminal justice. This work has always been critical, but its importance is underscored even more now.

In times like these, it is worth reminding ourselves of some of the long-standing and appalling racial inequities present here in New Jersey. New Jersey has the [country's worst racial disparities in its adult and youth prisons](#); Blacks are twelve times as likely as whites to be incarcerated in an adult state prison; Hispanics are twice as likely to be incarcerated as whites. For youth, the numbers are far worse: a Black child is twenty one times more likely to be locked up than a white child.

[Median wealth for white families in New Jersey is \\$352,000](#) – the highest in the nation; the most recent data for Black and Latino families shows median wealth as \$6,100 and \$7,300 respectively; this is one of the worst disparities in the country.

The specific proposals described in this document have been chosen as a focus because they meet a few, specific criteria.

- They will have significant (and in some cases, immediate) impact on some of the largest racial inequities in New Jersey as well as on low- and moderate-income families;
- In other states, similar proposals are supported by a broad, bi-partisan consensus of legislators, as well as by broad coalitions of civil society and business organizations;
- They are supported by the stories New Jersey Together leaders have heard in listening sessions around multiple issues and in multiple jurisdictions across the state;
- These proposals can be made official policy (and move towards implementation) during the fall of 2020.

The proposals are as follows. Gov. Murphy and the state legislature should act immediately to:

- I. End the suspension of driver's licenses for 'failure to pay' & 'failure to appear,' in line with the bi-partisan actions of other states in recent years;**
- II. Pass sentencing reform and act in other concrete ways to reduce racial disparities in incarceration (and their ongoing impacts);**
- III. Invest in addressing the wealth gap, particularly through a statewide investment program in homeownership, modeled after Nehemiah housing pioneered by our sister organizations;**
- IV. Invest in our young people & in community-based alternatives to incarceration for them.**

We will also plan to raise the importance of testing & contact tracing that responds to the needs of the most vulnerable and are community driven here in New Jersey. The details of these proposals are described more in the below.

I. Ending the Suspension of Driver's Licenses for Failure to Pay & Failure to Appear

In New Jersey Together's initial listening campaigns around criminal justice that have engaged more than 700 across New Jersey, ending unnecessary drivers' license suspensions and the elimination of unfair fines and fees has been at the top of individuals' concerns. Conservatively, more than 300,000 eligible New Jersey drivers currently have their driver's license suspended for failure to pay or failure to appear. Even more New Jerseyans have had their license suspended for these reasons in recent years; in 2017 alone, 196,167 New Jerseyans had their license suspended for failure to pay or failure to appear.

This has a disproportionate impact on people of color, low-income people, and those who have been involved in the criminal justice system. In New Jersey, according to the most recent data, 42% of those who lose their license also lose their job. In short, the status quo in New Jersey criminalizes poverty and makes it harder for the state to recoup the debt it claims it wants repaid.

A bill modeled after recently passed legislation in other states (both Republican & Democratic led states) should be introduced. This would immediately reinstate more than 300,000 drivers' licenses in NJ and would eliminate the ability for judges to suspend driver's licenses for "failure to pay" and "failure to appear." It would not prevent the ability to collect fines, but might encourage ways to ensure these fines do not place an undue burden on low-income individuals. This type of action is supported by a broad, bipartisan consensus and by advocacy groups across the political spectrum. Recent legislation in New Jersey around this issue did not go far enough and has been found to be ineffective in other states.

SUMMARY OF ACTIONS NEEDED:

- The State Legislature should introduce a bill as soon as possible modelled after similar legislation in states like Virginia;
- Governor Murphy, Senate President Sweeney & Assembly Speaker Coughlin should commit to driving these policies forward.

II. Passing Sentencing Reform & Reducing Racial Disparities in Incarceration

Statewide

In November 2019, a long-awaited report from the State of New Jersey's "Criminal Sentencing and Disposition Commission" released nine recommendations that go to the heart of New Jersey's racially unjust criminal justice system. The commission's members included law enforcement officials, judges, legislators, prosecutors, and defense attorneys. Among other changes, if implemented, the recommendations would eliminate mandatory minimums for a number of crimes like non-violent drug offenses and non-violent property crime. It would apply those reforms retroactively to allow for early release for those incarcerated (a reform that is critical during COVID-19). It would allow for compassionate release for those who are older and medically vulnerable. It would also reinvest some of the monies saved back into communities and programs that would help prevent crime.

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The recommendations from this report have been supported by a broad, bi-partisan consensus in other states and have already been proposed. New Jersey's current inequities cannot be allowed to stand or – in the commission's own words – “a fair justice system cannot tolerate such disparity...[and] the punitive impacts of sentencing reach far beyond the individuals we intend to punish.”

Several bills now proposed in the New Jersey State Senate would implement the commission's recommendations. They have yet to be introduced in the State Assembly. [More here.](#)

In Morris County

Morris County's racial disparities in state prison are significantly worse than the state as a whole (which has the worst disparities in the country at 12 to 1 for Black people, 2 to 1 for Latinos). **In Morris County, Black people are more than 22 times as likely as white people to be incarcerated in state prison; Latinos are 3 times as likely.**

The current Morris County prosecutor's term expired in June 2019.

Gov. Murphy should act now to appoint a new, Morris County Prosecutor, who is explicitly tasked with addressing these racial disparities in sentencing as an explicit part of his or her work.

SUMMARY OF ACTIONS NEEDED:

- The State Legislature should move forward on the Sentencing Reform commission's recommendations as soon as possible.
- Governor Murphy, Senate President Sweeney & Assembly Speaker Coughlin should commit to driving these recommendations forward.
- Governor Murphy should appoint a new, Morris County Prosecutor who is explicitly tasked with (& committed to) addressing racial disparities in sentencing. Local senators should support this move.

III. Investing in addressing the wealth gap through a statewide investment program for a “Nehemiah-Style” Homeownership Initiative

As mentioned, median wealth for white families in NJ is \$352,000 – the highest in the nation; the most recent data for Black and Latino families shows median net worth as \$6,100 and \$7,300 respectively; this is one of the worst disparities in the country. A substantial investment in homeownership for low- to moderate-income families, with a focus on addressing the racial wealth gap, is critical to creating a more just and equal New Jersey. (This parallels Policy Proposal 1 in the New Jersey Institute for Social Justice's [recent report on wealth inequities in New Jersey.](#))

This should be paired with further, state investment in affordable housing and model regulations that prevent unjust discrimination based on residents' criminal record for developers and projects that receive state subsidy. This additional investment and creation of affordable housing would allow even more families to save & prepare for homeownership.

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The Industrial Areas Foundation has pioneered affordable homeownership initiatives through a strategy called “Nehemiah housing.” The construction of these more than 6,000 new homes up and down the East Coast has been led by faith leaders of color, most substantially by East Brooklyn Congregations in New York City; these homes have a less than 1% foreclosure rate.

Similar incentive programs have been used for the rehab and sale of existing homes for homeownership. IAF-implemented Nehemiah housing has been recognized by researchers across the country as one of the most effective wealth building initiatives for communities of color, having measurable impacts on the cycle of poverty and creating ownership in communities where there has been disinvestment.

Investment should be enough to provide down payment assistance of at least \$50,000 per family (targeted at Black, Latino, and low-income families). This “no interest second mortgage” would require a smaller down payment from families. When a home is sold, the monies would go back into a revolving loan fund to support additional investments in homeownership. Investment should be enough to provide assistance for:

- 2,000+ owner-occupied homes in Jersey City;
- 500+ owner-occupied homes in Morris County;

Similar investments should be made in other New Jersey cities and counties in consultation with local civil society leaders. Again, this investment should be in addition to other, state investments in affordable, rental housing that would allow families to build wealth and savings in other ways.

A new investment program can and should be created through the state Housing & Mortgage Finance Agency, the state Economic Development Authority, or a state bank. It could be funded via bonding or with a line item(s) in the state budget over multiple years.

SUMMARY OF ACTIONS NEEDED:

- Gov. Murphy should instruct HMFA or EDA to create a program of at least \$250 million focused on a Nehemiah-style homeownership program for low- and moderate-income homebuyers, particularly for communities of color, designed to address the wealth gap in NJ.
- Gov. Murphy should commit to review regulations to prevent unjust discrimination based on residents’ criminal record for developers and projects that receive state subsidy.

IV. Investing in our Young People & Community-Based Alternatives to Incarceration

Statewide

The New Jersey Institute for Social Justice – in partnership with the New Jersey State Conference of the NAACP, Salvation & Social Justice, and 100 others – has [led a campaign](#) to end the use of youth prisons in New Jersey and move towards community-based models to support these young people.

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This year, New Jersey will spend \$300,000 to incarcerate each child in a state youth prison — and expects to spend the same amount in 2021. That is more than enough to pay for 4 years of tuition, room & board, books, and more, at Harvard University for each child. The total cost – more than \$55 million to lock up these youth each year – is significantly more than the \$16 million currently spent on programming and community-based supports.

Currently, less than 200 young people are housed in youth prisons; more are housed in youth detention facilities, often far from where their parents live. And, despite these low numbers, and high recidivism rates, the state has plans to move forward to construct three new youth prisons at a cost of \$300 million after interest.

Instead of spending monies on these youth prisons, New Jersey should invest in the creation of a community-based system of care focused on prevention, diversion, and rehabilitation. Similar investments should be made at the county level. This should begin in 2020 with a \$11 million investment in the state budget for enhanced reentry, wrap-around services and four restorative justice hubs for young people.

The proposed New Jersey Youth Transformation Act (A710/S315) would end construction of new youth prisons and redirect at least \$100 million from youth prison investments into the creation of a community system of care focused on prevention, diversion, and rehabilitation.

Locally in Jersey City

In Jersey City, the Superintendent of the Jersey City Public Schools must continue his leadership around funding during the 2020-2021 School Year, moving further to end the systemic disinvestment in Jersey City Public Schools. Local revenue and other investments must be able to fill the gap created by an expected \$62 million cut in state aid next year. It can and must be part of a conversation about how the City of Jersey City is currently investing its other resources.

SUMMARY OF ACTIONS NEEDED:

- Governor Murphy, Senate President Sweeney, & Assembly Speaker Coughlin should allocate \$11 million in the state budget this year for enhanced reentry, wrap-around services and four restorative justice hubs for young people.
- Governor Murphy, Senate President Sweeney, & Assembly Speaker Coughlin should drive the New Jersey Youth Justice Transformation Act (A710/S315) forward.
- Hudson County Executive Tom DeGise should commit to creating local, community-based alternatives for youth incarceration in Hudson County, starting this year.
- Superintendent Walker should continue his leadership next year, increasing local investment in Jersey City Public Schools.

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State Leadership on Testing, Tracing, & Supported Isolation (TTSI) with an Equity Lens

If the current pandemic were a baseball game, New Jersey would be in the 4th inning. After suffering a terrible start, we are holding our own and trying to rally. The only way to win is to exercise significantly more leadership on issues related to testing, contact tracing, and supported isolation. Otherwise, we expect to see a significant resurgence in infections.

[Harvard University's Harvard Global Health Institute and Edmond J. Safra Center for Ethics](#) recommended the following to governors in June:

“Every state should have a TTSI Task Force that de-siloes implementation planning on testing, contact tracing, economic reopening, equity, and supports for isolation.”

If this task force already exists in New Jersey, it must be strengthened, streamlined, and invested with more power to respond to the needs of the state. We have seen the need for this kind of leadership firsthand in recent months.

The below summarizes some of our experiences and recommendations, but a strong, accountable task force with the power to act on these issues could address these and other issues now:

- **Act now to increase testing & lab capacity, in line with recommendations from the Harvard Global Health Initiative, by repurposing and expanding as much lab capacity as possible (university, hospital, veterinary labs, etc.).** Results with private, national lab companies now take 1-2 weeks ([we saw 2 weeks with Quest in Jersey City](#)). Delayed results are unhelpful for contact tracing and public health. It is merely testing theater. The governor's decision this week to invest in increasing local lab capacity is a step forward, but more must be done. As recommended, the state should also develop regional compacts to leverage lab capacity in the region.
- **Require county jails and other detention facilities to conduct universal testing and set up protocols to test and contain spread; this should include mandatory testing prior to release.** Although the state acted to require universal testing in state prisons, the state health department has not required the same of county facilities. This must change. If infection rates climb again, these facilities are likely to become vectors of infection again.
- **Provide infrastructure and ensure adequate testing, tracing, and supported isolation for schools and other high needs facilities.** In schools, particularly in urban areas, the lack of infrastructure for adequate testing & tracing is likely to make in-person instruction impracticable for many students. The state must provide leadership and other resources if many districts are to be able to open safely for both children and staff this school year.
- **Demand leadership from private corporations on community-based testing & results that prioritize the most vulnerable.** Our sister organization in Cleveland, Ohio has [uncovered discriminatory practices in testing locations provided by private corporations](#) like CVS, Walgreens, and Rite-Aid. The state could ensure this does not continue to happen.
- **Demand accountability and community-based focus for hiring additional contact tracers for the state,** providing recruitment targets from vulnerable and hard-to-reach communities, working in concert with local health departments & civil society.
- **Ensure adequate training and capacity for additional contact tracers that can work as surge contact tracers when necessary in specific communities.** Local leaders who are part of religious congregations and non-profit organizations as well as those employed by schools or municipalities could be trained now to be prepared for a surge when and if it occurs.

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POTENTIAL “QUICK WINS” THAT COULD BE ACTED ON NOW AND THAT WOULD HAVE IMMEDIATE IMPACT ON RACIAL EQUITY & CRIMINAL JUSTICE

- **Ensure speedy implementation of Clean Slate Legislation.** In 2019, the New Jersey state legislature passed “Clean Slate” legislation that will automatically expunge more than 1 million criminal records. Our current understanding is that this has not yet begun to happen. It is dependent on a computer program being developed that would move this forward. In other states, this has taken a short period of time.
- **Clarify the ability of local jurisdictions to create strong, independent CCRBs.** As proposed in our joint press release with the Jersey City Anti-Violence Coalition Movement and the ACLU of New Jersey, the state legislature can and should clarify that strong, Civilian Complaint Review Board’s at the local level with teeth (e.g., subpoena power) can be created. This – we believe – has the ability to be proposed and passed in short order.
- **Reduce sentences for those incarcerated during the pandemic.** Salvation & Social Justice, NJ CAIC, and others have proposed a simple bill that would take up to one-year off sentences for those who have current incarcerated during this pandemic. The bill is currently under consideration and we are hopeful it will move prior to the action.
- **Stopping unnecessary debt for those entering prisons and reducing court backlogs at the local level.** Department of Corrections Commissioner Marcus Hicks should issue a directive requiring prison staff to take the following steps: (1) during intake process, SRTs (Social Rehabilitation Specialists) would file paperwork to stop unnecessary child support accrual; this follows federal guidelines and involves filing a simple form with the courts; the court could then be alerted when a person is released; (2) during the intake process, SRTs would identify outstanding municipal convictions and file form letters with each municipal court seeking fines to be converted into jail time while incarcerated. This could be done for those currently incarcerated now. **Commissioner Hicks has already offered initial support for these actions.** Similar actions could be taken at the county level. This would save the average person in prison with these debts thousands (and for many, tens of thousands) of dollars each, making it easier to reenter society more fully post-incarceration.

We are open to discussion with public officials for other actions that can and should be taken now to move issues related to racial equity and criminal justice forward as much as possible in the coming months.