



BAIL REFORM IN NEW JERSEY

For quite some time, prison reform efforts have slowly been made throughout the United States as well as in other developed countries. It's an attempt to improve conditions inside prisons, establish a more effective penal system, and/or implement alternatives to incarceration. And, the United Nations Office on Drugs and Crime stresses human rights considerations, the premise of many UN standards and norms, in their prison reform promotions.¹

New Jersey has taken this effort another step forward by reforming the process whereby one becomes a prisoner – bail reform. The major incentive for bail reform is that folks accused of serious criminal activity can post bail and be released in the community while those who cannot afford bail are locked up sometimes for years while they await a trial date. Bail reform in New Jersey addresses the bail system and a speedy trial versus money bail.² It has been reported that in 2015, 428,312 people locked up in the United States were awaiting trial (not convicted).³

How did New Jersey' bail reform come about? In 2011, New Jersey Chief Justice Stuart Rabner established the Supreme Court Advisory Committee on Access and Fairness. Currently, Judge Glenn A. Grant chairs the Committee which is comprised of judges, judiciary staff and members of various public organizations. The purpose is to ensure that the millions of litigants who come to the courts each year for a just resolution of their cases are being treated fairly, with or without counsel.⁴

Chief Justice Rabner explains, *“The existing bail system is not fair to poor defendants who, because they cannot post bail, are cut off from families, may lose their jobs, and may go without access to medication for a period of time. In terms of the charges against them, studies have shown that they face tougher plea offers and pressures to plead guilty because of the amount of time they have already spent in jail, and they receive longer sentences as compared to similarly situated defendants who were able to make bail.”*⁵

¹Prison Reform - www.unodc.org

² Supreme Court Advisory Committee on Access and Fairness – www.judiciary.statenj.us/access/accessfairness.html

³ “Mass Incarceration: The Whole Pie, A Prison Policy Initiative Briefing” by Peter Wagner and Leah Sakala, March 12, 2014.

⁴ Supreme Court Advisory Committee on Access and Fairness – www.judiciary.statenj.us/access/accessfairness.html

⁵ Criminal Justice Reform Information Center – www.judiciary.state.nj.us/criminal/cjr

The first step and major component of New Jersey's bail reform is the summons and warrants reform to eliminate thousands of individuals spending time in jail because no one is available to process them. It also will free space for those who should be jailed. The program allows the police officer and an on duty judge to determine, on the spot, via telecommunications whether a summons or warrant is appropriate during those incidents when the police officer is not sure or his decision could go either way. With a summons, the person receives the appropriate paperwork produced via the police officer and the judge and goes home. If a warrant is decided, the person goes to jail with the paperwork. Each individual will know the charge(s) immediately. The reforms also call for individuals to be released from jail after two years if the prosecutor is not yet ready to proceed to trial.⁶

The New Jersey Courts has established partnerships and community outreach to promote their bail and other prison reforms. Help is Wanted! Statewide over 300 positions will be filled over the next several months and a listing of vacant positions can be found at www.njcourts.gov. Help is also needed to pass the word on prison reforms in New Jersey.

Find out more about jail reforms in New Jersey. Visit the New Jersey Courts website⁷ and watch the video. Better yet, contact one of their officers⁸ to request a wonderful presentation at your company, church or association. With media's belief that "bad news sells," it's important that we ensure that our community is informed of any reforms for the betterment of mankind.

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⁶ NJ Judiciary Criminal Justice Reform, April 2016. Handouts by New Jersey Courts representatives during a presentation to the Human & Civil Rights Association of NJ on August 19, 2016 at the Monmouth County Planning Board in Freehold, NJ.

⁷ www.njcourts.gov

⁸ Carmen Flores, EEO/AA Officer, Superior Court of NJ Monmouth Vicinage, Carmen.flores@njcourts.gov