

# Reform New Jersey's Bail System Now

*Two And A Half Years After Calling For Common-Sense Changes To New Jersey's Bail System, Governor Christie Is Calling The Legislature Back For A Special Session To Finally Finish The Job*

*"We can only improve our quality of life by keeping the most violent criminals off the streets. So, I ask you to approve my bail reform package, which would mirror the federal system. It would keep offenders with a history of violence who are a danger to our communities in jail until the time of their trial, instead of releasing them into society to prey on the public. ... This, too, is just simple common sense."*

– Governor Chris Christie, State Of The State Address, January 17, 2012

New Jersey's current rules for bail determinations for defendants awaiting trial are illogical, dangerous, and fiscally irresponsible. They allow violent criminals back on the streets while defendants who pose no risk to their communities are stuck in jail simply because they cannot afford bail. Governor Christie has proposed commonsense reform to refocus New Jersey's bail system on assessments of risk and would allow New Jersey courts to keep dangerous criminals off the streets and in jail until trial.

- The federal government allows for violent criminals, who pose a danger to their communities, to be held without bail, while New Jersey law does not.
- A study by the United States Department of Justice found that one-third of defendants released before trial ended up being charged with some type of pre-trial misconduct. One-sixth were arrested for a new offense – and one-half of those were felonies.
- According to the National Conference of State Legislators, 28 states enacted new legislation addressing bail policy in 2011 alone.

This commonsense proposal represents the next step in the Governor's call to reform the State's judicial system to better protect New Jersey's communities from violent offenders, particularly those with a demonstrated record of violence.

## VOICES ACROSS THE STATE TO THE LEGISLATURE: FIX NEW JERSEY'S BAIL SYSTEM

**"NJ Supreme Court Committee Urges Historic Changes To State's Bail System"** (Thomas Zambito, "NJ Supreme Court committee urges historic changes to state's bail system," [The Star-Ledger](#), 3/20/14)

- **New Jersey Supreme Court Chief Justice Stuart Rabner:** On Supreme Court committee on the need for bail reform: "If the proposals that have been presented are enacted, we believe that they will make New Jersey's system of criminal justice better, fairer and safer ..." (Thomas Zambito, "NJ Supreme Court committee urges historic changes to state's bail system," [The Star-Ledger](#), 3/20/14)

**American Civil Liberties Union of New Jersey Public Policy Director Ari Rosmarin:** "The overuse of pretrial detention is the single largest obstacle to achieving our shared goal of ensuring equal justice...bail reform that establishes pretrial alternatives for non-violent low-risk offenders is not only laudable, it is critical and the ACLU wholeheartedly supports such efforts." (Ari Rosmarin, "[Testimony on Bail System Reform – Assembly Judicial Committee](#)," 12/16/13)

- **Senior Staff Attorney for the ACLU of New Jersey Alexander Shalom:** "Prosecutors, defense attorneys, civil libertarians, judges and court administrators have joined voices with representatives of the legislative and executive branches to say that the current system of bail and detention promotes neither justice nor public safety. These seemingly strange bedfellows all recognize that a system where hundreds of people are jailed because they don't have a few hundred dollars to post bail unfairly jails the poorest among us not the most dangerous among us." (Thomas Zambito, "NJ Supreme Court committee urges historic changes to state's bail system," [Star-Ledger](#), 3/21/14)

**Political Action Chairman Of The NAACP's New Jersey Conference Richard Todd Edwards:** "New Jersey's bail system is broken. Three-quarters of the people being warehoused in our jails are there awaiting trial, not being punished." ("Groups tell New Jersey lawmakers to overhaul bail system," [Associated Press](#), 7/24/14)

**Drug Policy Alliance:** "[B]ail reform is sorely needed in New Jersey." ("The New Solutions Campaign: Bail Reform," [Drug Policy Alliance](#))

**Cumberland County Jail Warden Bob Balicki:** "The way the system is currently set up discriminates against the poor. About 40 percent of our inmates are here solely because they can't pay bail — often just \$100 or \$200." (Spencer Kent, "Bail reform legislation in N.J. would slash Cumberland, Salem jail populations," [South Jersey Times](#), 7/14/14)

- "We shouldn't just lock people up because we are mad at them," he added. "We should lock people up who pose a danger to society and who are a flight risk."
- "To house and feed somebody and take care of their medical and dental problems — when, if they had just \$100, they could be out on bail and await their next appearance," Balicki said. "We are spending all this money, when these type of inmates do not pose a risk to society or a flight risk."

**Salem County Correctional Facility Warden Raymond C. Skradzinski:** "...said he is also in favor of the state's proposed measure, saying that it would be more cost efficient and fairer to inmates of lesser financial means...said roughly 20 percent of his 412 inmates could be eligible for parole if the bill is passed." (Spencer Kent, "Bail reform legislation in N.J. would slash Cumberland, Salem jail populations," [South Jersey Times](#), 7/14/14)

**Gloucester County Freeholder Director Bob Damminger:** "I think it's a good idea for nonviolent offenders. When we were running the Gloucester County Jail, it would cost us around \$300 to house inmates who were there (for low-level crimes). I think it will greatly reduce costs." (Spencer Kent, "Bail reform legislation in N.J. would slash Cumberland, Salem jail populations," [South Jersey Times](#), 7/14/14)

- "He also agrees that the way the bail system is currently set up discriminates against the poor."

**The Star-Ledger:** "Bail reform is desperately needed in New Jersey." (Editorial, "N.J. Assembly Speaker Prieto must do whatever it takes to push bail reform," [Star-Ledger Editorial Board](#), 7/29/14)

- "This is legislative dysfunction at its worst."
- "This broken system is an economic injustice, a threat to public safety and a drain on state taxpayers."

**The Record:** "It's time to reform the process." (Editorial, "Making bail," [The Record Editorial Board](#), 3/23/14)

- "Changing the rules on bail requires a constitutional amendment. This is an important issue to bring to voters, if possible this year."
- "These are sensible reforms put together by a diverse group of participants in the criminal justice system who saw the need for changes. We urge legislators to make this a priority."

**Press of Atlantic City:** "New Jersey's system of setting bail is one of the most unjust parts of our justice system." (Editorial, "New Jersey's bail system / Reforms on target," [Press of Atlantic City](#), 3/28/14)

- "Giving judges more discretion to hold violent offenders - who might go after victims or witnesses - is a reform Gov. Chris Christie has been seeking for several years. It deserves support, as do the other recommendations in the panel's report."
- "We urge lawmakers to get busy and turn these reforms into law."

**Times of Trenton:** "[T]he system favors those of means and discriminates against those of color." (Editorial, "Freer, fairer and safer" - N.J. bail reform report delivers needed overhaul," [Times of Trenton Editorial Board](#), 3/26/14)

- "[T]he panel has provided New Jersey with an opening to fundamentally change a system that's inefficient, expensive and unfair."
- "The overhaul it suggests would also bring about a criminal justice system that is 'freer, fairer and safer,' the report says. That's what New Jersey should strive for."

**South Jersey Times:** "What hits home...are jaw-dropping estimates from two county jailers that their daily populations could drop by 20 to 40 percent if the new provisions are enacted." (Editorial, "Enact sensible N.J. bail reform," [South Jersey Times](#), 7/15/14)

- "let's be clear: It's stupid to hold a shoplifting suspect in a \$200-a-day cell on the fear that he might shoplift again before his court date."

**Asbury Park Press:** "Many of the 27 recommendations in the report require the Legislature to act. It should do so immediately. There are bedrock Constitutional principles at stake. The Sixth Amendment states that, 'In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.' The Eighth Amendment declares that 'Excessive bail shall not be required.' New Jersey fails to meet both those standards." (Editorial, "Move forward on bail reforms," [Asbury Park Press](#), 3/31/14)

- "If the Bill of Rights means anything, these reforms can't be dismissed as merely 'pie in the sky' aspirations. They are utter necessities. Lawmakers in Trenton must craft the constitutional amendment and find ways to make sure the state can pay for the freedoms enshrined in the Bill of Rights."