

Civil Liberties Priorities For New Jersey's Next Attorney General

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ACLU
New Jersey

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Over the next two months, Governor-elect Mikie Sherrill will make staffing decisions that will shape New Jersey public policy for years to come. The Governor's cabinet includes officials who will steer her agenda and the state government's relationship to its residents, including how the state will approach civil rights, civil liberties, and the fight against the federal abuse of power.

One of the most significant decisions for the Governor-elect is her nomination for the role of Attorney General. The next Attorney General will serve as the state's chief law enforcement officer, set the agenda for the state's civil rights priorities, and be responsible for advising all other state agencies on their legal obligations.

New Jersey needs an Attorney General with a strong, demonstrated commitment to a fair and equitable state where the rights of all residents are defended and protected.

The ACLU of New Jersey encourages the transition team and the Governor-elect to consider the following list of commitments and priorities when choosing the next Attorney General. This list is not meant to be exhaustive, but rather to provide a series of guiding principles for the future Attorney General.

Challenging Abuses of Power

States are on the forefront of pushing back against the Trump administration's abuses of power. New Jersey can lead the nation by example, and the next Attorney General will have the responsibility of ensuring that President Trump does not disregard the Constitution or violate the rights of New Jerseyans.

- Commitment to continue litigating on behalf of New Jerseyans to hold the Trump administration accountable for its lawless actions, unconstitutional executive orders, and threats to the well-being of residents, including fighting against the use of federal troops or the National Guard for immigration or law enforcement purposes, pushing back against unlawful funding cuts, and ensuring that New Jersey's laws and public policies are respected by the federal government.

- Commitment to safeguarding the privacy and data of residents to prevent misuse and making clear that New Jersey will not voluntarily share private information with federal authorities.
 - Commitment to safeguarding elections against attempts of sabotage and intimidation of voters, protecting the rights of voters, expanding legal protection for voting rights, fighting against vote deniers, and cooperating with nonprofit, non-partisan groups to these ends.
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Building Community Trust and Protecting Civil Rights

Everyone who resides in New Jersey should feel safe accessing public services without fear of family separation or discrimination. Our state is stronger when people can report crimes, seek the medical care they need, and participate in public life freely and fairly. As the Trump administration expands brutal federal immigration enforcement in New Jersey, targets vulnerable residents, and erodes federal civil rights protections, the future Attorney General must encourage our state to invest in policies that support the safety, health, and welfare of our communities.

- Commitment to robustly enforcing New Jersey's civil rights laws and expanding protections against discrimination, including on the basis of race, ethnicity, immigration status, national origin, religion, gender, gender identity, and sexuality.
 - Commitment to enforcing Attorney General Law Enforcement Directive 2018-6 – the Immigrant Trust Directive – and to expanding those protections so all New Jerseyans, regardless of immigration status, feel safe reporting crimes or otherwise seeking public services that are essential to the health, education, and well-being of all families in our state without fear of deportation or family separation.
 - Commitment to safeguarding the legal rights, health, and well-being of transgender residents and all LGBTQIA+ New Jerseyans, and to protecting and expanding access to abortion and all reproductive health care.
 - Commitment to ensuring that communities are involved in deciding whether to use surveillance and algorithmic technologies and to ensuring if deployed that it reduces systemic bias, respect the privacy rights of residents, and is accountable and transparent.
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Policing and Criminal Legal Reform

As the official with the primary responsibility to oversee police departments and county prosecutors, the next Attorney General has a tremendous opportunity to continue using evidence-based approaches to improve oversight, reform police practices, and address entrenched racial disparities and harms based on ethnicity, gender, and immigration status, just to name a few. As the Department of Justice under the Trump administration is no longer engaging in police oversight, conducting pattern and practice investigations, or utilizing consent decrees to hold departments accountable, meaningful state level oversight is all the more crucial.

- Commitment to ending mass incarceration and the disproportionate incarceration of people of color.
- Commitment to reforming criminal sentencing, including ending mandatory minimums and expanding resentencing opportunities for people serving long sentences.
- Commitment to reforming the state's approach to youth justice, including support for ending youth waivers into the adult system and ensuring consistency and transparency across the state regarding decisions to waive children charged with crimes.
- Commitment to meaningful police accountability, strengthening internal affairs, and ending police practices that have disparate impacts on people of color, including racial profiling.
- Commitment to support for strengthening community and police relationships, including support for legislation enabling municipalities to build strong and independent community oversight boards with the subpoena authority to investigate allegations of misconduct.
- Commitment to police transparency, including public access to police disciplinary files.
- Commitment to reforming parole practices to ensure decisions are based on demonstrated rehabilitation, including ending the arbitrary imposition of extending Future Eligibility Terms and ending incarceration for technical violations of parole conditions.
- Commitment to defending and maintaining New Jersey's successful and nationally recognized reforms to bail and criminal pretrial justice practices.

- Commitment to enforcing and expanding upon the Attorney General's Use of Force Policy, which emphasizes the sanctity of life, de-escalation, and the use of physical force only as a measure of last resort.
 - Commitment to treating mental health crises as a public health issue, including support for community-based crisis response teams.
 - Commitment to prison reform, including implementing the Isolated Confinement Restriction Act, improving communication policies, and closing old and outdated facilities.
 - Commitment to harm reduction and ensuring our state-level response to drug use is grounded in dignity and compassion, not punishment.
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Open, Transparent, and Inclusive Government

Openness, transparency, and inclusiveness are hallmarks of a healthy democracy. The Trump administration has continually undermined these democratic principles through censorship, exclusion, and misinformation. We can only hold our government accountable – and ensure that it is working on behalf of the people – when we shed light on what public entities and officials are doing. Amid the Trump administration's attacks on transparency, the Attorney General has a responsibility to counsel state agencies on their obligations under the Open Public Records Act and Open Public Meetings Act, and to protect New Jerseyans' voting rights.

- Commitment to establishing processes for policy development that provide ample opportunity for public participation and input.
- Commitment to, and a foundational belief in, government transparency manifested in an affirmative approach to supporting access to public records and public meetings.
- Commitment to taking affirmative steps to promote principles of timely transparency within the state agencies.
- Commitment to bolstering and improving law enforcement data collection and timely public reporting for all law enforcement agencies.
- Commitment to principles of diversity, equity, inclusion, and accessibility both in the practices of its own office and in its enforcement of the laws and constitution of this State.

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