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Civil Liberties Priorities for New Jersey's Next Attorney General

One of the most important acts New Jersey's Governor-Elect will carry out in the coming weeks is to choose his nominee for the role of attorney general. The next person to occupy this position will shape the landscape for justice in New Jersey for years to come.

New Jersey needs an attorney general with a strong, demonstrated commitment to civil rights and civil liberties. The American Civil Liberties Union of New Jersey encourages the transition team and the Governor-Elect to consider the following list of 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.

Police and Criminal Justice Reform

As the official with responsibility for police and prosecutors' offices statewide, the next attorney general has a tremendous opportunity – and responsibility – to reform police and criminal justice practices across the state and to address the entrenched racial disparities in these systems.

- Commitment to ending mass incarceration and the disproportionate incarceration of people of color
- Support for legalization and regulation of marijuana, with a focus on ending the massive racial disparities and addressing public health needs
- Commitment to reforming criminal sentencing, including ending mandatory minimums and overhauling the parole process
- Commitment to implementing New Jersey's pioneering bail reform legislation in a manner that protects individual liberty
- Commitment to training, supervision, and accountability measures to end law enforcement profiling on the basis of race, ethnicity, immigration status, national origin, religion, sexual orientation, or gender identity
- Commitment to restricting the use of stop-and-frisk searches across the state
- Support for positive community engagement between communities and police, and for legislation enabling communities to build strong and independent civilian complaint review boards
- Commitment to working with the Department of Education to stop criminalizing children in school discipline, particularly children of color, and belief in ending the school-to-prison pipeline
- Commitment to implementing curbside warnings, stationhouse adjustments, and other juvenile diversion programs that provide alternatives to criminalizing children, in all jurisdictions

Safe, Fair, and Welcoming Policies

The nominee to this position will have the opportunity to determine whether our state civil rights laws are enforced in a meaningful way. The criminal law enforcement responsibilities of this office also provide an unprecedented opportunity to ensure that state and local law enforcement agencies focus on their mission of keeping all New Jerseyans safe, rather than implementing the unconstitutional immigration policies of the Trump Administration.

- Dedication to robustly enforcing New Jersey’s civil rights laws, including nondiscrimination based on gender identity, race, ethnicity, immigration status, national origin, religion, sexual orientation, or sex
- A drive to foster public trust in law enforcement and reduce profiling by keeping state and local law enforcement out of the business of enforcing federal immigration law, including support for the following actions:
 - Revising Attorney General Directive 2007-3, which jeopardizes public safety by mandating police collection of immigration status information in certain arrests and permitting police departments to enforce federal immigration law
 - Preventing state and local law enforcement from entering into 287(g) agreements, which deputize local law enforcement to serve as federal immigration officers
 - Encouraging state and local law enforcement not to unconstitutionally detain people in response to non-binding federal immigration detainer requests
 - Urging police and prosecutors to use discretion with regard to disproportionate immigration consequences in decisions to charge and plea negotiations
 - Defending local governments against the federal government’s unconstitutional attempts to defund fair and welcoming jurisdictions
- Commitment to working with DOE to make New Jersey schools safe learning environments for immigrant children and children of immigrants, protecting students’ privacy, and keeping federal immigration enforcement agents out of schools
- Support for state driver’s licenses accessible to all residents who meet age and public safety requirements, promoting road safety and allowing all New Jersey residents to participate fully in public life

Open, Transparent, and Inclusive Government

Openness, transparency, and inclusiveness are hallmarks of a healthy democracy. In addition to setting procedures for his or her own office, the attorney general has responsibility for counseling state agencies on their obligations under the Open Public Records Act and Open Public Meetings Act and protecting New Jerseyans’ voting rights.

- Inclusive decision-making processes that provide ample opportunities for public input

- A belief in transparency, manifested through strengthening New Jersey’s Open Public Records Act and Open Public Meetings Act and taking affirmative actions to promote principles of sunlight among state agencies
- Regular collection and public reporting of policing data such as stop-and-frisk numbers, summonses, arrests, internal affairs investigations, use-of-force incidents, policing in schools, and police interactions with federal immigration enforcement agencies
- Commitment to protecting voting rights in all New Jersey elections
- Creating conditions to support ending voter disenfranchisement and restoring voting rights to the previously disenfranchised

Economic Justice

In implementing responsibilities for civil and criminal law enforcement, the next attorney general should commit to ensuring that no New Jerseyan is punished disproportionately merely because he or she is poor.

- Commitment to challenging predatory lending and foreclosure practices
- An understanding of the need to reform civil forfeiture in New Jersey by eliminating profit motives and enhancing due process protections.