

# THE FACTS: Bail Reform

## Comprehensive bail reform in New Jersey requires a “Yes” vote on Ballot Question 1

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The ACLU-NJ has advocated for comprehensive bail reform for years. Changing our current bail system, which unfairly keeps poor people jailed for months or even years even when they pose little or no risk, is a civil rights imperative. For this critical reform to happen, voters must approve a constitutional amendment to change how bail determinations are made.

### BACKGROUND

Our current system relies on money bail and does not allow judges to honestly consider the risk of re-offense. We have created a system that forces judges to artificially inflate bail amounts to ensure that dangerous defendants cannot obtain release. This system fails on both ends: some dangerous defendants have enough resources to post even the inflated bails and thousands of low-risk defendants – mostly from low-income communities of color – are needlessly held in jail not because they are dangerous or likely to flee, but because they are poor.

### AWAITING TRIAL

Nearly three-quarters of the people in New Jersey jails are awaiting trial rather than serving a sentence. Thousands of suspects who aren't considered a danger are warehoused for months, even years, over-crowding the jails and imposing a great financial cost to New Jersey taxpayers. On average, individuals are held for 10 months awaiting trial, and locking up suspects who are not believed dangerous as they await trial costs millions of dollars every year. These individuals can lose their jobs and homes and families, even though they pose no threat to the community and they have not even been convicted of any crime.

### RISK ASSESSMENT

In August, the Legislature passed and Governor Christie signed historic legislation that will lead to the release of thousands of people each year who are being de-

tained under the current system even though they pose no risk of danger. That legislation cannot legally take effect unless New Jersey voters first approve Question 1, which will allow judges to consider the risk of danger to the community in setting conditions of pretrial release, and, in extreme cases, deny a defendant access to pretrial release. These reforms create an objective risk assessment tool, which would allow judges to make determinations of risk in ways that don't rely on implicit biases.

### SPEEDY TRIAL

Critically, the legislation also ensures that if a person is held in jail before trial, that trial will take place within a certain period of time (usually within one year and always within two years). These speedy trial rights, which have never before been codified before in New Jersey, will result in dramatic reductions in the amount of time anyone is held in jail.

### TRUE REFORM

Together, moving New Jersey away from a money-based bail system and codifying the right to a speedy trial will amount to a tremendous victory for civil rights, racial justice, and the safety of New Jersey's communities. As a result, the ACLU-NJ supports the passage of Question 1.