

2021 ANNUAL REPORT

A VISION OF JUSTICE



ACLU
New Jersey

A Vision of Justice — and a Year of Seeing it Through

Dear Friends,

IN 2021, WE THOUGHT DEEPLY about our vision, our mission, and how best to achieve it. At the core is justice.

Our vision: A just and fair New Jersey where laws exist to protect the civil rights and civil liberties of all, and are consistently and equitably enforced.

Our mission: To see that vision of justice through.

Justice comes in different forms and wears many faces:

- It's a woman who turned a horrific 500-day nightmare in men's prisons into advocacy that ensured other transgender people in prison can avoid the trauma she survived.
- It's tens of thousands of New Jerseyans who didn't lose their housing thanks to legislation that prevented evictions and deployed financial assistance for rental payments missed during the pandemic.
- It's a reprieve from dying in prison of COVID-19 for thousands of people with only months to go in their sentence.

Justice is the beating heart that powers the work of the ACLU, as you'll read about in the stories in this report.

Justice is the recognition that where inequities exist, the people who experience the brunt — people of color, immigrants, LGBTQ+ folks, to name a few — are leaders and partners in the fight for fairness.

Justice fuels our progress in the courts, the Legislature, the streets, the media, and any place in New Jersey where power disenfranchises people of the freedom they're entitled to.

We're proud to provide a small window into our work toward justice and we're proud to continue this work with you.

Onward,



AMOL SINHA
Executive Director



MARC BEEBE
President of the Board of Trustees

 **26,000+** messages
sent to elected officials

8,000+ news placements
with a publicity value of
\$25.5 million

 **5.5 million**
social media impressions

ACLU-NJ staff attended **87**
legislative meetings and
provided expertise on **29** bills

A Vision of Laws That Protect Us All

Expanding our rights in the Legislature

THE ACLU-NJ IS KNOWN AS A POWERHOUSE of policy expertise and dogged advocacy across the state. We wage long-term visionary campaigns, we use strategic communications to educate the public, and we mobilize rapid responses to fast-moving legislation.

The ACLU-NJ traversed the state and spent hours lobbying on Zoom and in Trenton, especially during the lame duck session, between Election Day and the seating of the next Legislature.

EXPANDING REPRODUCTIVE FREEDOM AT A PIVOTAL TIME

As the U.S. Supreme Court decides the future of *Roe v. Wade*, New Jersey has the opportunity to prioritize equity and justice in accessing abortion care. The ACLU-NJ and partners in the Thrive Coalition pushed New Jersey to lead with the Reproductive Freedom Act — which would affirm the right to abortion in the law, prohibit unnecessary restrictions on abortion, and guarantee no out-of-pocket costs for abortions, regardless of insurance coverage or immigration status.

While the Legislature did not pass the Reproductive Freedom Act this session, they took an important first step by passing the Freedom of Reproductive Choice Act, which codifies the right to reproductive autonomy in the state and was signed into law by Governor Murphy. The ACLU-NJ continues to advocate for expanded access to affordable abortion in the state.



87% of NJ voters think decisions about abortion should be made by pregnant people and their doctors



3 in 5 NJ voters are concerned about the weakening of *Roe v. Wade*

*Data from National Institute for Reproductive Health's 2021 Polling on New Jersey's Reproductive Freedom Act

COALITION SPOTLIGHT:

New Jersey Communities for Accountable Policing

A new force against police injustice launched in October: **New Jersey Communities for Accountable Policing**, a statewide coalition to stop excessive police power, end the grip of police in communities of color, and organize New Jerseyans.

Topping NJ-CAP's agenda for policing priorities in the state Legislature:

- Empowering local communities to create strong civilian complaint review boards
- Making police disciplinary records public
- Ending qualified immunity, which prevents officers from facing charges for abuses
- Criminalizing chokeholds and limiting deadly force

A Vision of Dignity for Transgender, Intersex, and Non-Binary People

Sonia Doe's challenge to discrimination resulted in landmark policies for state prisons

WHEN SONIA DOE was forced to spend more than 500 days in men's prisons, she was afraid she wouldn't survive the day-to-day harassment, discrimination, and outright violence — most often from prison staff.

She channeled her struggle into advocacy.

Sonia Doe's lawsuit — represented by the ACLU-NJ and attorney Robyn Gigl, a partner at Gluck Walrath LLP — resulted in major policy changes that respect the gender identity of people in New Jersey prisons.

New Jersey's Department of Corrections must now operate on the presumption that people will be assigned housing in line with their gender identity, not sex assigned at birth, a protection only a few other states have in place. Staff must use appropriate pronouns, follow strict rules against harassment and discrimination, and guarantee access to gender-affirming personal items, like underwear, and privacy protections.

Because of Sonia Doe, transgender people in New Jersey will be far less likely to have to endure what she survived.

Transgender people held in prisons, jails, and juvenile detention experience high rates of violence:

23%

have experienced physical abuse*

20%

have experienced sexual assault*

Sonia Doe spent 18 months
in men's prisons

It took 37 days
after filing suit for
New Jersey to transfer Sonia Doe
to the women's prison

**Data from the National Center For Transgender Equality's 2015 U.S. Transgender Survey*

Photos by Ben Bowers Photography

A close-up photograph of a person's arm and hand. The person is wearing a pink t-shirt. On their left forearm, there is a black tattoo that reads "So that others". The person's hand is resting on a weathered, grey metal bar. Overlaid on the image is the text "BIQ+ RIGHTS" in a large, bold, orange font with a diagonal hatching pattern.

BIQ+ RIGHTS

“When I was forced to live in men’s prisons, I was terrified I wouldn’t make it out alive. Those memories still haunt me. Though I still have nightmares about that time, it’s a relief to know that as a result of my experience the NJDOC has adopted substantial policy changes so no person should be subjected to the horrors I survived.”

— Sonia Doe, in her own words



A Vision of Decarceration and a More Humane Criminal Legal System

Public health emergency credits set a new model for decarceration

WHEN THE PANDEMIC HIT, New Jersey had the nation's highest COVID-19 death rate in prisons. A 2020 report by the national ACLU and Prison Policy Initiative graded every state on how it handled this threat in prisons. New Jersey received an F+.

A year later, in 2021, New Jersey set the national curve. It earned the highest grade in the country — a C+ — in Prison Policy Initiative's follow-up report, in large part because of the significant drop in prison population following New Jersey's Public Health Emergency Credit Law, which the ACLU-NJ advocated for and helped to develop. This law — which gives people who are approaching the end of their sentences credits for early release — has saved lives, improved public safety, and made communities stronger.

The creation of Public Health Emergency Credits Law has demonstrated what visionary, systematic decarceration can look like.



42% decrease

in prison population after the Public Health Emergency Credits Law went into effect

12-to-1

New Jersey's worst-in-the-nation disparity in imprisonment of Black and white people



5,300+ people released early from prison got back more than...

2,750 years of freedom and opportunity.

That's over **one million days.**

A Vision of Expanding Racial Justice Through Legal Advocacy

The ACLU-NJ at the New Jersey Supreme Court

THE ACLU OF NEW JERSEY appears before the New Jersey Supreme Court more than anyone apart from the government itself.

It's not proximity to power that's notable – it's the way the ACLU-NJ's legal team uses that channel of power to focus on the harms caused when the state's power goes unrestrained.

In two decisions where the ACLU-NJ's amicus briefs and arguments focused on racial impacts, the Court set new precedents that underscored the harm of implicit and explicit bias and recognized the damage wrought by unconstrained police discretion.

SINGLING OUT A PROSPECTIVE BLACK JUROR FOR A BACKGROUND CHECK

Prosecutors singled out a prospective Black juror to perform a criminal background check. In a landmark ruling, the New Jersey Supreme Court held that the implicit bias at play amounted to illegal discrimination, an argument made by the ACLU-NJ in its brief.

The case didn't just set precedent. It prompted the New Jersey Supreme Court to convene the Judicial Conference on Jury Selection in November 2021, where the ACLU-NJ delivered testimony and submitted recommendations to check bias and systemic racism, including allowing people with convictions on juries, compensating jurors fairly, expanding the lists from which prospective jurors are called, restricting lawyers' ability to remove jurors without giving a reason, and mandating training.

A PRETEXTUAL STOP OVER A DEALER FRAME "OBSCURING" A LICENSE PLATE

A New Jerseyman was stopped for what most people would consider a normal license plate. But police claimed that the Honda dealership frame, which covered a portion of "Garden State," violated a law that prohibits obstruction of license plates, and they pulled him over — which ultimately led to his arrest.

In two companion cases, the Supreme Court interpreted the statute to only prohibit covering license plates in ways that make them impossible to read. That interpretation prevents the arbitrary or discriminatory use of the statute to stop any of the hundreds of thousands of New Jerseyans who regularly travel with license plates incidentally obscured by frames from car dealers, colleges, and elsewhere – an argument the ACLU-NJ had made.





In 2021, ACLU-NJ argued **22**
cases at the NJ Supreme Court...



that's **1/3** of all cases heard by the Court
that year...



representing **104**
community members,
organizations, and partners
at the state's highest court
to advance the cause of
civil rights.

RACIAL
JUSTICE



DRUG POLICY REFORM

A Vision of Ending the War on Drugs

Prioritizing equity and racial justice in cannabis legalization

WHEN NEW JERSEY VOTERS overwhelmingly approved cannabis legalization in 2020, the work was only beginning. The next steps — legislation and regulation enacting legalization — would determine whether legalization would usher in greater racial and social justice or replicate the status quo.

The ACLU-NJ and our allies in New Jersey United for Marijuana Reform laid out recommendations that became a working template for the Legislature and the Cannabis Regulatory Commission, the agency that implements the law in practice.

As a result, New Jersey set a new national standard for justice by dedicating an unprecedented portion of tax revenue to address the harms wrought by the drug war and removing criminal penalties for possession.

In a first step toward creating a more diverse and inclusive industry, people who live in low-income areas, those with prior marijuana-related convictions, and those who qualify as “minority, women, and disabled veterans” will have their applications prioritized for review in the licensing process.



More than **362,000**
marijuana convictions expunged
since legalization



67% of NJ voters
said yes to legalizing
cannabis

59.5% of
cannabis sales tax...



and **100%** of an
excise fee on cultivators
will go toward
communities most
harmed by prohibition

COALITION SPOTLIGHT:

Abolish the Drug War

The **Abolish the Drug War coalition** is a call to action to end the drug war, made up of policies that largely target Black and brown communities. The coalition, which has a membership of more than a dozen social justice and community organizations, denounces the criminal justice approach to what is a public health issue, and advances decriminalization of drug offenses, harm reduction, and community-driven approaches to public safety.

In addition to the ACLU-NJ, other members include Salvation and Social Justice, New Jersey Policy Perspective, Latino Action Network, Doctors for Cannabis Regulation, Faith In New Jersey, Newark Community Street Team, Paterson Healing Collective, and more.

A Vision of a Fair and Welcoming New Jersey

Protecting the rights and dignity of immigrants

IN 2021, the ACLU-NJ challenged unconstitutional detentions, fought for the rights of immigrants in encounters with local law enforcement, worked to expand driver's license access for undocumented residents, and mobilized forces to include everyone, regardless of status, in the state's economic recovery from COVID-19.

In New Jersey, our affiliate took the ACLU's first legal action against the Biden administration's immigration policies when we called for an immediate halt to transfers from Essex County Correctional Facility to locations hundreds of miles away. Although the court did not take this action, we continue to fight for the rights of people in immigration detention, including those who face transfer.

Far too many immigrant New Jerseyans live in fear that a routine interaction with law enforcement could lead to deportation and family separation. It's a burden no one should have to carry. That's why we're working to stop local law enforcement from collaborating with federal immigration agents by passing the Values Act. The Attorney General's Immigrant Trust Directive in 2018 made progress toward disentangling these roles — but legislative action is needed to separate them once and for all and to enshrine this policy in law.

The ACLU-NJ and our partners took action in the Statehouse, on the streets, and through online advocacy to ensure that all New Jerseyans, regardless of status, could be included in economic relief and housing assistance.



Nearly **1 in 4**
New Jerseyans is foreign-born



1 in 6 New Jerseyans is a
native U.S. citizen who has at
least one immigrant parent

IMM



MIGRANTS' RIGHTS

Photo by Roberto Rosales/ACLU

Financials

Income & Expenses 2021

INCOME	TOTAL
Contributions	\$2,178,290
Grants	\$628,333
Bequests	\$187,175
Membership	\$1,633,818
Investment income	\$110,009
Unrealized gains on investments	\$2,009,923
Legal case awards	\$4,500
Other Income	\$81,349
TOTAL	\$6,833,397

EXPENDITURES	TOTAL
Program	\$2,888,841
Management & general	\$797,886
Fundraising	\$375,785
TOTAL	\$4,062,512
Net	\$2,770,885

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