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New Jersey State Senate and Assembly  
125 West State Street  
Trenton, NJ 08625

Re: Legislative Efforts to Increase Criminalization and Roll Back Effective Criminal Legal System Reforms

To the New Jersey State Senate and Assembly:

Earlier this month, a dangerous bill seeking to roll back bail reform was introduced to the New Jersey State Legislature under the guise of “tough on crime” concern. If passed, this bill (S3347) would lead to an explosion in the number of presumptively innocent people jailed before trial, fuel mass incarceration, and exacerbate the already stark racial disparities in New Jersey’s prisons and jails. Lawmakers must remember that New Jersey voters took decisive action to virtually end cash bail and created a system that has been held out nationwide as “a model for other states.” We must not undermine the voters’ will nor the demonstrable successes of New Jersey’s pretrial reform.

Crime rates from the last few years are still being analyzed and the full picture is not complete; however, regardless of what they show, any trends must be analyzed within a wide historic lens. While there have been increases in some types of crime nationally and in New Jersey, New Jersey’s crime rate increase remains smaller than the national average. What this shows is that too often, fears about public safety are not grounded in accurate, complete data. We urge elected officials to not reach for debunked tools that take aim at communities of color as part of a “tough on crime” response.

Here are the facts: **“tough on crime” policies aren't based on evidence, data, or justice.** They rely on biased and inaccurate claims, as well as long-exploited racial tropes, for political gains at an enormous human cost. People across the political spectrum want an approach to the criminal legal system that is smart on crime, fair, and racially just. Sadly, candidates, police, and politicians are exploiting concerns about safety to undermine proven, evidence-based policies that would address these very concerns.

**Fact: Pre-trial detention reform has not been shown to be linked to increased crime rates, and in fact, New Jersey’s pre-trial reform is a shining example of smart policy that works.** According to a recent report from the New Jersey courts, the percentage of defendants charged with serious crimes while on release was just 1.2 percent. In addition, the report showed that defendants released without bail showed up to court 97 percent of the time –the highest rate we have ever seen. The rates of people detained have dropped and serious crime has not risen for those on pretrial release.

Reflexively blaming pre-trial detention reform for any increase in crime may be politically convenient, but it is not backed up by the current data. The reformed system is successfully working as it was designed to. Other states now look to New Jersey for leadership on this issue. We should be proud of these successes and build on them, not reverse them.

**Fact: what is happening in New Jersey is a part of a disturbing trend of reactionary, politicized, efforts seeking to roll back reforms to the criminal legal system and instead create or increase criminal legal system penalties.** These efforts fly in the face of decades of research and data that clearly show harsh criminal penalties do not work to prevent crime. Instead, as we have seen over and over, increased criminal penalties harm New Jerseyans, specifically individuals and communities of color, facts which are shown by the fact that New Jersey still retains its spot at the top of the nation with regard to racial disparities in its prisons and jails.

Instead of bringing back “tough on crime” bills that have already demonstrably failed, we must do the hard work of having honest and open discussions about why people are committing certain crimes instead of more unnecessary criminalization.

In the 1980 and 1990s, legislators around the country made the mistake of passing a series of “tough on crime” bills largely fueled by racist journalism and orchestrated political schemes. Many politicians, legislators, and lobbyists, from Lee Atwater to Bill Clinton, have come to regret this decision. They realize that instead of decreasing crime, their efforts led to Black, Brown, and Immigrant communities being overpoliced while filling prisons nationwide with people that don’t deserve or need to be there. Their presence in prisons took them from their communities, ripped apart families, and further devastated people already harmed by histories of red-lining, underfunded schools, and over-policing.

This is a time for New Jersey to build on historic decarceration and decriminalization efforts—not roll them back.

Let’s not repeat the same mistakes but learn from the old ones and reimagine what just public safety policy looks like in 2022.

We must examine the lack of public programs that leave people more vulnerable to interactions with the criminal legal system. Investing in these types of programs would lead to safer communities and contribute to ending the era of mass incarceration, which has been a costly and an abject failure on every level.

We all deserve to be safe, regardless of where we live, how we look, or who we are. By focusing on prevention and by strengthening communities through investments in proven solutions instead of taking steps backwards on criminal legal reform, we can improve public safety. Safety means investing in communities and people instead of punishment. Safety means creating affordable housing, jobs, education, health care, and non-punitive mental health and substance use services. Safety means providing our communities with proven solutions to prevent crime, not stoking fear about preventable crime after it happens. Safety also means allowing New Jersey to continue to lead the way on transformational criminal legal legislation, such as cash bail reform and the Public Health Emergency Credit Law.

As a coalition and a diverse group of organizations, we stand in strong opposition to this troubling trend we are seeing by New Jersey’s legislators to roll back major criminal legal reforms that work, like bail reform, and instead misconstruing and misinterpreting data to move the state backwards with misguided “tough on crime” bills that criminalize instead of cure the problems that spark crime in the first place.

We can’t criminalize our way to public safety. New Jersey can and must do better.

Signed by:

American Civil Liberties Union of New Jersey  
American Friends Service Committee Prison Watch  
Beacon UU Congregation  
Black Lives Matter Paterson  
Casa Freehold  
CJ Griffin, Esq., individual  
Fair Share Housing Center  
Faith in New Jersey  
Ironbound Community Corporation  
Linda L. McDonald, individual  
Make the Road NJ  
MomsRising  
National Action Network South Jersey Chapter  
NAACP Newark  
New Jersey Alliance for Immigrant Justice  
New Jersey Citizen Action  
New Jersey Policy Perspective  
NJ Harm Reduction Coalition  
NJ Prison Justice Watch  
New Jersey Institute for Social Justice  
Not in Our Town Princeton  
Our Revolution NJ  
People’s Organization For Progress  
Reimagining justice Inc./Paterson healing collective  
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