

New Solutions Campaign

Promoting Fair & Effective Criminal Justice • Strengthening Families & Communities

Fixing the Broken System

In 2013, Drug Policy Alliance released a report that found that almost 40% of those in New Jersey jails, regardless of their risk to the community, were being held solely because they could not afford to pay often nominal amounts of bail. This jail population analysis was the catalyst for New Jersey bail reform which passed with overwhelming bipartisan support in 2014.

All three branches of government and a broad coalition of faith leaders, civil rights and racial justice advocates supported the reform. The new law went into effect on January 1, 2017 and created a fairer, safer and more cost effective pretrial justice system in New Jersey.

The comprehensive bail reform law in New Jersey (1) prioritizes non-monetary release options; (2) requires use of an evidence-based, validated risk assessment before first appearance to assist the court in making individualized determinations for release decisions; (3) establishes a comprehensive pretrial services agency within each county that will monitor those awaiting trial; (4) allows for the pretrial detention of truly dangerous individuals; and (5) guarantees timelines for a speedy trial.

Successful Implementation

Data released by the New Jersey Administrative Office of the Courts highlights the success of New Jersey's historic bail reform. Before 2017, pretrial release decisions were based on the ability to pay bail and not on risk to the community.

Under the new law, low-risk individuals are no longer being warehoused in jails for long periods at great financial cost to New Jersey taxpayers. Since January 1, 2017, New Jersey's pretrial jail population has declined by almost 16%. When compared to July 2015, the jail population has declined by 35%, with reductions close to 50% in some counties.

Prior to implementation, individuals with access to money, regardless of their risk to public safety, were routinely released from jail. That is no longer the case under bail reform because judges now have the ability to preventatively detain those individuals deemed too dangerous to release pending trial. Since January 1st, around 17% of individuals have been detained pretrial after a detention hearing. The remaining 83% of defendants have been released on varying levels of monitoring, prioritizing public safety while encouraging fiscal responsibility. Bail reform in New Jersey has also strengthened communities by allowing low-risk individuals to remain with their families, keep their jobs and housing, and get connected to services pending trial.

Looking Ahead

New Jersey's historic bail reform legislation has completely transformed the criminal justice system for the better. States around the country are looking to New Jersey as a leader in pretrial justice.

The success of New Jersey's reform would not have been possible without the hard work and cooperation of the three branches of government and the advocacy community. This continued collaboration is critical as we work to safeguard the spirit and intent of bail reform.

For more information please contact the New Solutions Campaign at 609-396-8613 or nj@drugpolicy.org.

Sponsored by

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