



# CRIMINAL JUSTICE REFORM

## POLICY BRIEF

### OVER-CRIMINALIZATION

There are too many criminal laws on the books, and too many ways for innocent people in New Jersey to run afoul of the law as a result. Incarcerating defendants who cannot pay fees or post bond stretches the resources of the courts, police departments, and the prison system, and increases recidivism. Moreover, New Jersey prisons are over-populated with many people who do not need to be there.

- **INCARCERATION ONLY FOR SERIOUS OFFENDERS:** Require police to issue a summons rather than arrest for low-level offenses.
- **STOP PUNISHING POVERTY:** Courts must treat all defendants equally and by the same standard, but should assess the ability to pay when levying fines and fees for all those facing charges in New Jersey.
- **EASE MASS INCARCERATION:** Release prisoners who are incarcerated for offenses no longer criminalized in the state, especially non-violent offenses.

### POLICING AND FORFEITURE

Civil asset forfeiture undermines the private property and due process rights of the citizens of New Jersey, and should be replaced by a system of purely criminal asset forfeiture—whereby property seized by police must be returned unless the owner is convicted. Barring that, New Jersey lawmakers can make piecemeal improvements to the system.

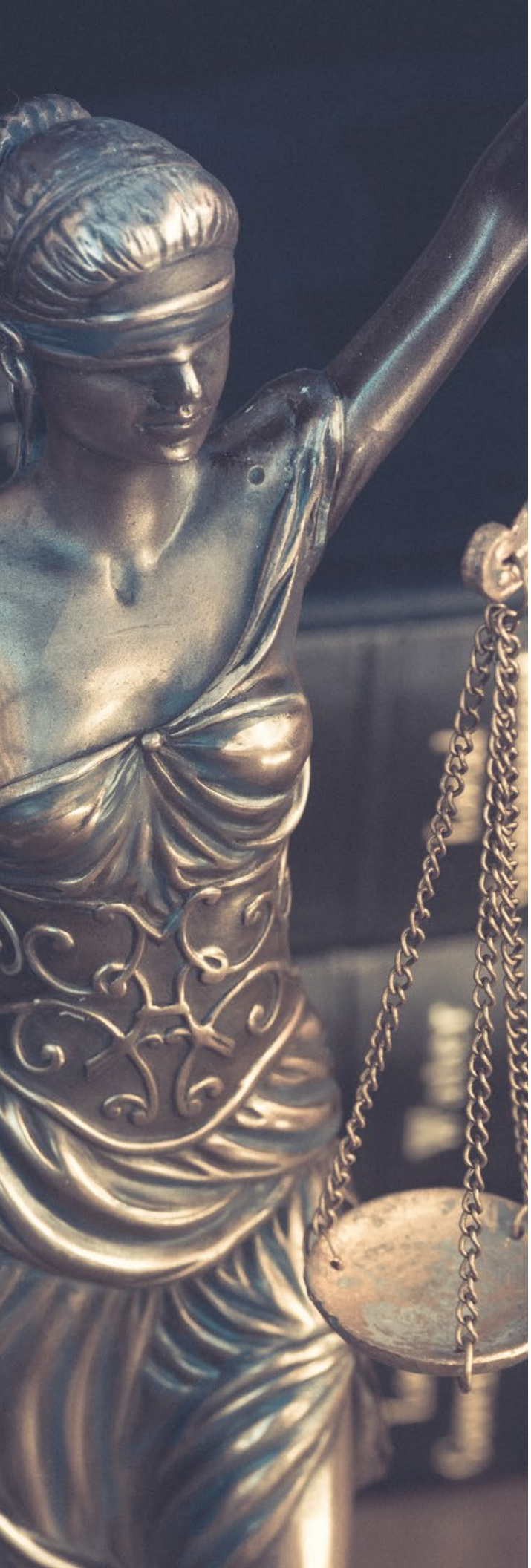
- **END PERVERSE INCENTIVES:** Require the proceeds of civil asset forfeitures be deposited in the state's general fund, the school fund, or any fund that does not directly benefit the department, agency, or office responsible for the forfeiture.
- **RAISE STANDARDS:** Require proof of guilt beyond reasonable doubt or by clear and convincing evidence, and obtain a criminal conviction, before civil asset forfeiture can take place.

- **OBEY NEW JERSEY LAWS:** Prohibit state, county, and local law enforcement from participating in the federal equitable sharing program, including adoptive forfeitures re-authorized under Attorney General Jeff Sessions' 2017 executive order.
- **REQUIRE BETTER REPORTING:** New Jersey has no statutory requirement to track forfeitures by law enforcement agencies, and lawmakers should require agencies to report the nature and value of civil asset forfeitures on a regular basis, including the demographic characteristics of the original owner, whether the forfeiture was accompanied by criminal charges, and whether such charges resulted in a conviction.

### SENTENCING AND CORRECTIONS

When sentences are determined at the state and national level rather than by judges uniquely informed of the facts of each case, sentencing may be more uniform, but too many people are unnecessarily incarcerated for far too long. In addition, restoring flexibility to criminal justice agencies to implement alternatives to incarceration allows offenders who are not a threat to themselves or others a chance to re-enter society, relieving pressure on our prisons.

- **ALLOW COMMUNITY SUPERVISION:** Allow good time credit on community supervision and use existing funds to expand alternatives to incarceration.
- **KEEP SENTENCING LOCAL:** Reduce the applicability, scope, and severity of mandatory minimum sentencing requirements to allow judges to administer justice according to the particular facts of each case.
- **EXPAND YOUTH ALTERNATIVES:** Establish programs to support state and local efforts to reduce juvenile justice system costs by awarding grants to judicial districts to implement community-based sanction and treatment programs that provide alternatives to incarceration and out of home placement for youth offenders in New Jersey.



## **COLLATERAL CONSEQUENCES OF INCARCERATION**

Once offenders have paid their debts to society, New Jersey's criminal justice system imposes significant barriers to opportunity that make it harder to find work and support oneself, increasing the likelihood of recidivism. To enhance public safety and give a second chance to offenders who have paid their debt to society, New Jersey lawmakers should consider the following reforms designed to facilitate re-entry and reduce the collateral consequences of the criminal justice system.

- **RESTORE ACCESS TO WORK:** Restore access to occupational licensing prohibition for felons, so that a licensing board must demonstrate the conviction is directly relevant to the job in order to deny a license. Establish a due process mechanism for prospective licensees to appeal denials of licenses.
- **BAN THE BOX:** Prohibit public sector employers from inquiring about job applicants' criminal records at the beginning of the application process, and instead delay the disclosure requirement until the last stage before a hiring decision is made.
- **CONSOLIDATE AGENCIES:** The corrections system plays a unique role in providing services to the incarcerated and formerly incarcerated populations, and should be encouraged to partner with existing reentry service providers and agencies focused on post-release care. Corrections, reentry, and parole should be integrated in order to create a stronger focus on post-release care, recidivism, and the effectiveness of policies designed to reintegrate ex-offenders into New Jersey society.
- **EXPAND TRAINING AND RE-ENTRY PROGRAMS:** Provide New Jersey prisoners with additional job training and fair compensation toward their restitution or other financial obligations.
- **TREAT SUBSTANCE ABUSE:** Assess ability to pay fees for defendants who suffer from drug abuse issues, instead of using arrest. Allow courts to provide notice to the defendant, giving them a chance to demonstrate their inability to pay in court before being detained. In addition, lawmakers should establish re-entry programs for indigent offenders who suffer from substance abuse in order to expand access to treatment and monitoring for those who cannot

---

### **KEY CONTACTS:**

**STATE DIRECTOR:**

ERICA JEDYNAK, EJEDYNAK@AFPHQ.ORG

**STATE GRASSROOTS DIRECTOR:**

TONY HOWLEY, THOWLEY@AFPHQ.ORG

**DIRECTOR OF POLICY:**

AKASH CHOUGULE, ACHOUGULE@AFPHQ.ORG

**COMMUNICATIONS DIRECTOR:**

LORENZ ISIDRO, LISIDRO@AFPHQ.ORG

**NJ HQ:** 550 WEST MAIN STREET,  
SUITE 5, BOONTON, NJ 07005.

[WWW.AMERICANSFORPROSPERITY.ORG](http://WWW.AMERICANSFORPROSPERITY.ORG)