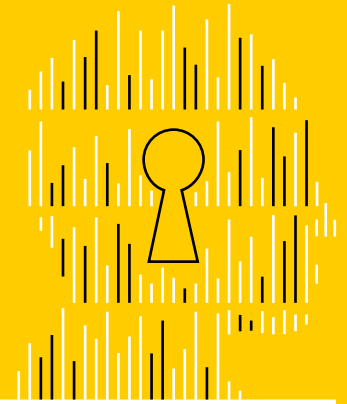


NEW JERSEY BAIL REFORM FACT SHEET

Bail reform in New Jersey is a national model of success that promotes safety and accountability.



In 2014, 62% of New Jersey voters approved a Constitutional amendment to reform the bail system. Bail reform was championed by Governor Chris Christie (a former United States Attorney) and Chief Justice Stuart Rabner (a former Attorney General of New Jersey and federal prosecutor). The bail reform statute was passed by the legislature and signed into law.

Bail reform is a national model...

New Jersey's bail reform is the most comprehensive pretrial legislation implemented in the country. It has unmatched data collection and transparency standards. Experts and policymakers in other states have cited it as a strong model and hundreds of leaders *from both sides of the aisle* across the country have sought out New Jersey for guidance on pretrial practice.

>20% DECREASE || **IN NEW JERSEY'S PRETRIAL POPULATION between 2015 and 2022**

Since its implementation, New Jersey has seen a decrease in overall crime and a decrease in violent crime steeper than the national average¹— all while fewer people have been detained solely due to inability to pay bail.

Bail reform has worked...

- The pretrial jail population decreased more than 20% between 2015 and 2022. Even with case processing delays surrounding COVID, which did result in increased pretrial detention, New Jersey's pretrial population remains 2.5% lower than it was before the law's implementation in 2017.²
- While there was an increase in indictable offense re-arrests in 2020, the percentage of people charged with serious offenses (defined as No Early Release Act and Graves Act offenses) while on pretrial release was just 1.2%, lower than in the first year after bail reform was enacted.³
- In 2020, the percentage of people held on bail of \$2,500 or less fell to just 0.2% (or 14 people).⁴

If you are a risk to community safety, you stay in jail.

Further, carjacking and other gun crimes are presumptively detained in New Jersey. And if you commit another crime while out on bail, the law says you serve your sentences consecutively.⁵

New Jersey is not New York.

New Jersey judges consider risk to community safety and individual victims when making pretrial decisions, have broad discretion to detain, and have resources statewide to supervise people released based on their risk.

New Jersey is not Philadelphia.

Law enforcement, prosecutors, and judges in New Jersey have risk assessment results informing their pretrial decisions.

More people than ever are showing up to court.

Post-bail reform, nearly all defendants appear in court in New Jersey (91% in 2019 and 97% in 2020).⁶

New Jersey is no longer in the business of criminalizing poverty.

Instead, New Jersey is focused on public safety.



- Court appearance rates have improved, hitting 91% in 2019 and 97% in 2020.⁷
- Conservative estimates suggest that reductions in jail population saved the state around \$68 million in 2018 alone.⁸
- People released on pretrial supervision must comply with conditions and are held accountable by a supervision agency.

Bail reform has been bipartisan and transformational...

In 2013, New Jersey Supreme Court Chief Justice Stuart Rabner established a bipartisan Joint Committee on Criminal Justice to investigate the bail system, and the committee unanimously recommended what became “Criminal Justice Reform” (CJR). CJR has shifted the state from a resource-driven system that based pretrial release decisions on a person’s ability to post monetary bail to a system in which pretrial release decisions are based on the risk that the person will commit another offense or fail to appear in court. Importantly, judges can and do detain people who are a risk to community safety.

Bail reform “ended a debtor’s prison”...

Before bail reform, 75% of the approximately 15,000 people incarcerated in New Jersey’s jails were awaiting trial or sentencing. On any given day, more than 5,000 people were being held in jails simply because they could not afford to post cash bail.⁹ At the same time, people accused of more serious offenses who were a clear threat to community safety could sometimes go free if they had enough money to post bail. *Before the law, once you paid you had it made — you could do whatever you wanted with no supervision as long as you showed up to court. Now, if a judge deems you a risk to community safety, you are supervised or stay in jail.*

Endnotes

- 1 America’s Health Rankings, “Explore Violent Crime in New Jersey: 2021,” <https://www.americahealthrankings.org/explore/annual/measure/Crime/state/NJ>
- 2 New Jersey Courts, Monthly Statistics 2015-2022, <https://www.njcourts.gov/public/concerns/criminal-justice-reform>
- 3 New Jersey Courts, “Annual Report to the Governor and Legislature: 2021,” <https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjr2021.pdf>
- 4 New Jersey Star Leger, “The verdict is in: Bail reform works,” Oct 14, 2021 <https://www.nj.com/opinion/2021/10/the-verdict-is-in-bail-reform-works-editorial.html>
- 5 N.J.S.A. 2C:44-5(h)
- 6 New Jersey Courts, “Annual Report to the Governor and Legislature: 2021,” <https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjr2021.pdf>
- 7 New Jersey Courts, “Annual Report to the Governor and Legislature: 2021,” <https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjr2021.pdf>
- 8 Christopher Porrino and Elie Honig, “New Jersey’s former top prosecutors: Bail reform isn’t easy but it works” <https://www.lowenstein.com/news-insights/publications/articles/new-jersey-s-former-top-prosecutors-bail-reform-isn-t-easy-but-it-works-porrino-honig> (2018)
- 9 Marie VanNostrand, “New Jersey Jail Population Analysis: Identifying Opportunities to Safely and Responsibly Reduce the Jail Population,” https://drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf (2013)