

ASSEMBLY JOINT RESOLUTION

No. 172

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 29, 2020

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes task force to study racial bias within criminal justice system.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/24/2020)

1 **A JOINT RESOLUTION** establishing a task force to study racial bias
2 within the criminal justice system.

3

4 **WHEREAS**, The criminal justice system is a multifaceted system tasked
5 with crime prevention, ensuring public safety, rehabilitating
6 offenders, and the upholding of justice for all; however, not all
7 individuals who experience the criminal justice system perceive the
8 system to be fair and equitable; and

9 **WHEREAS**, Racial bias, which refers to prejudice in favor of or against
10 a racial or ethnic group when compared to another racial or ethnic
11 group, is present within each major component of the United States
12 criminal justice system including law enforcement, courts, and
13 corrections; and

14 **WHEREAS**, Racial bias within the criminal justice system occurs both
15 explicitly, through overt discrimination, and implicitly through
16 subconscious stereotypes held by individuals working within the
17 criminal justice system; and

18 **WHEREAS**, Implicit biases are associations made by individuals in the
19 unconscious state of mind, so often times, individuals are unaware
20 of the implicit biases they harbor towards certain individuals or
21 groups of people; these implicit biases can be especially
22 problematic when they are held by individuals working within the
23 criminal justice system because these subconscious stereotypes and
24 prejudices can impact discretionary thinking and lead to adverse
25 outcomes for individuals of minority groups who are experiencing
26 the criminal justice system; and

27 **WHEREAS**, Minority groups, specifically African Americans, are
28 overrepresented and treated disparately within the criminal justice
29 system when compared to other groups; and

30 **WHEREAS**, According to 2019 United States Census data, African
31 Americans make up only 13.4 percent of the national population,
32 however, African Americans make up 38 percent of the prison
33 population as reported in the 2020 Federal Bureau of Prison's
34 report of inmate statistics; this overrepresentation of African
35 Americans within the prison system also results in greater
36 percentages of African Americans obtaining a criminal record,
37 which can affect future job opportunities, housing options, and
38 family relationships; and

39 **WHEREAS**, It is important for the State of New Jersey to study racial
40 bias within the criminal justice system and recommend actions to
41 criminal justice system actors and policymakers to prevent future
42 disparate treatment within the criminal justice system; now,
43 therefore,

44

45 **BE IT RESOLVED** by the Senate and General Assembly of the
46 State of New Jersey:

- 1 1. a. There is established a task force to study racial bias
2 within New Jersey's criminal justice system. This task force shall
3 study the presence and prevalence of racial bias within each major
4 component of the criminal justice system: law enforcement, courts,
5 and corrections.
- 6 b. The task force shall consist of 17 members as follows:
- 7 (1) two members of the General Assembly, one who is a
8 member of the Legislative Black Caucus and one who is a member
9 of the Legislative Latino Caucus, appointed by the Speaker of the
10 General Assembly;
- 11 (2) two members of the Senate, one who is a member of the
12 Legislative Black Caucus and one who is a member of the
13 Legislative Latino Caucus appointed by the President of the Senate;
- 14 (3) the Attorney General, or a designee;
- 15 (4) the Superintendent of the New Jersey State Police, or a
16 designee;
- 17 (5) the Chief Justice of the Supreme Court, or a designee;
- 18 (6) the President of the New Jersey Prosecutors Association, or
19 a designee;
- 20 (7) the Executive Director of the Juvenile Justice Commission,
21 or a designee;
- 22 (8) the Commissioner of Corrections, or a designee;
- 23 (9) the Public Defender, or a designee; and
- 24 (10) six members of the public, appointed by the Governor,
25 who represent communities and community-based advocacy groups
26 that reflect the diverse economic, racial, cultural, gender, and
27 occupational composition of the State. Three of these six members
28 of the public should have knowledge of or experience with the New
29 Jersey criminal justice system.
- 30 c. The members of this task force shall be appointed within 30
31 days after the effective date of this resolution. The task force shall
32 organize as soon as practicable after the appointment of the task
33 force's members and the task force shall choose a chairperson from
34 among its members. The presence of nine members shall constitute
35 a quorum.
- 36 d. The task force shall meet regularly as the task force
37 determines or at the call of the chairperson. The task force shall
38 hold at least three public hearings in different parts of the State and
39 elicit testimony from the public at such times and places as the chair
40 shall designate.
- 41 e. The members of the task force shall serve without
42 compensation.
- 43 f. Any vacancies in the membership of the task force shall be
44 filled in the same manner as the original appointment.
- 45 g. The Attorney General's Office shall provide stenographic,
46 clerical, and other administrative assistance and professional staff

1 as the task force requires to carry out the task force's work. The
2 task force shall be entitled to call to the task force's assistance and
3 avail itself of the services of the employees of any State, county, or
4 municipal department, board, bureau, commission, or agency as the
5 task force may require and as may be available for the task force's
6 purposes.

7
8 2. a. The task force shall study the presence and prevalence of
9 racial bias within the criminal justice system. The task force shall
10 focus on the factors that contribute to racial disparities within the
11 State's law enforcement, courts, and correctional system. The task
12 force shall specifically:

13 (1) examine current data, research, and policies related to racial
14 bias and racial disparities within the State's criminal justice system;

15 (2) identify effective strategies to reduce the presence of racial
16 bias within the State's criminal justice system;

17 (3) develop recommendations to implement those strategies,
18 including legislation, court rules, and policies, if appropriate, based
19 on the task force's findings.

20 b. The task force shall prepare and submit to the Governor and
21 to the Legislature pursuant to section 2 of P.L.1991, c.164
22 (C.52:14- 19.1) a final report no later than one year after the
23 organization of the task force.

24
25 3. This joint resolution shall take effect immediately and shall
26 expire 30 days after the issuance of the task force's final report and
27 recommendations to the Governor and the Legislature.

28
29
30 STATEMENT

31
32 This joint resolution establishes a task force to study racial bias
33 within the State's criminal justice system. Racial bias, which refers
34 to prejudice in favor of or against a racial or ethnic group when
35 compared to another racial or ethnic group, is present within each
36 major component of the United States criminal justice system
37 including law enforcement, courts, and corrections. Racial bias
38 occurs both explicitly and implicitly within the criminal justice
39 system, and racial bias contributes to the disparate treatment of
40 minority individuals within the criminal justice system. Implicit
41 biases, which are often subconscious, unknown prejudices and
42 stereotypes, surface at times where criminal justice system actors
43 exercise widespread discretion. These implicit biases can have
44 various adverse outcomes among minority individuals who are
45 experiencing the criminal justice system specifically among African
46 Americans.

1 Research has shown that African Americans experience racial
2 bias and disparate treatment within each of the major components of
3 the criminal justice system including law enforcement, courts, and
4 corrections. One of the main places to witness the result of racial
5 biases is within the prison population, which is severely
6 overrepresented by minority individuals.

7 This task force shall consist of 17 members with representation
8 from the General Assembly, the Senate, the Attorney General, the
9 Superintendent of the New Jersey State Police, the Chief Justice of
10 the Supreme Court, the President of the New Jersey Prosecutors
11 Association, the Executive Director of the Juvenile Justice
12 Commission, the Commissioner of Corrections, the Public
13 Defender, and communities and community-based advocacy groups
14 that reflect the diverse composition of the State. The task force
15 shall study the presence and prevalence of racial bias within the
16 State's criminal justice system. The task force shall examine
17 current data, research, and policies related to racial bias and racial
18 disparities within the State's law enforcement, courts, and
19 correctional system, identify effective strategies to reduce the
20 presence of racial bias within the criminal justice system, and
21 develop recommendations to implement those strategies. Within a
22 year after the organization of the task force, the task force shall
23 submit a report to the Governor and the Legislature of the task
24 force's findings and recommendations.