

Assembly Joint Resolution No. 172
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Joint Resolution No. 172 (First Reprint) without my approval.

This joint resolution would establish a new seventeen-member task force whose mission would be to study the presence and prevalence of racial bias within New Jersey's criminal justice system, including in the areas of law enforcement, the courts, and corrections. Within one year, the task force would submit a report to the Governor and the Legislature with recommendations to reduce racial disparities and racial bias in the criminal justice system. The task force would dissolve after issuance of its report.

I applaud the joint resolution's sponsors' recognition of the critical importance of the need to launch an in-depth study to help us more fully comprehend the manifestations of racial bias within our criminal justice system. The data at hand paints a disturbing picture of disproportionate arrest rates based on race, and New Jersey's incarceration rate has in recent times featured the highest Black-to-white disparity in the nation. And the numbers reveal a disproportionate impact on our State's Hispanic population as well. Addressing these unacceptable disparities is a critical component towards building a criminal justice system that treats every New Jersey resident fairly and equally.

Thus, I could not agree more strongly with the premise underlying this joint resolution, that to more effectively address the problem of racial bias in our criminal justice system we must more fully understand the nature and extent of the problem. From that knowledge and insight, we can devise and implement informed strategies and effective solutions leading to

its eradication. A focused exploration of relevant data, research, and policies related to racial bias and racial disparities within the State's criminal justice system by a select and uniquely qualified group of committed experts and stakeholders representing a wide range of criminal justice perspectives and experiences will yield real-world, potentially visionary solutions. This will provide an important first step toward an outcome that ultimately will serve all our citizens by not only reducing the racial disparities that are rooted in our system but by reforming the system into one that is more effective and equitable, which will serve as a model for the nation and the world.

Fortunately, we already have at our disposal a fully-constituted commission that is specifically tasked with examining racial disparities in our criminal justice system, and is perfectly suited to fulfill the mission contemplated in this resolution. I believe strengthening this existing commission will ensure that racial disparities throughout our criminal justice system are examined far more swiftly than would happen with the creation of an entirely new task force.

The racial and ethnic disparities in our criminal justice system were in the forefront of my mind in the early days of this Administration when I recommissioned the Criminal Sentencing and Redisposition Commission ("Commission") after nearly a decade of dormancy. The Commission was established by law in 2009 and charged by the Legislature with, among other things, considering "issues regarding disparity in the criminal justice process, including but not limited to racial and ethnic disparity issues." The Commission's enabling statute, N.J.S. 2C:48A-2, further directs the Commission to review disparity issues in the criminal justice process, "whether evidenced in sentencing outcomes or at

earlier stages of the criminal process, such as but not limited to charging and plea decisions,” and instructs the Commission to recommend appropriate measures to address these disparity issues. Participants on the Commission include key stakeholders from the four corners of the criminal justice system, including the Attorney General, the Public Defender, a retired judge appointed by the Chief Justice of the Supreme Court of New Jersey, the Commissioner of the Department of Corrections, the Chairman of the State Parole Board, the President of the New Jersey County Prosecutors Association, and the President of the New Jersey Bar Association, or their designees. Public members appointed by the Governor, the Senate President, the Senate Minority Leader, the Speaker of the General Assembly, and the Assembly Minority Leader include individuals with experience, training, or academic background in victims’ rights advocacy, corrections, judicial administration or criminal law, and must include a representative of a police organization.

The newly-recommissioned Commission demonstrated its exceptional suitability for this task in November 2019, when it issued its first report, which proffered a series of comprehensive recommendations for systemic reforms by targeting some of the causes of racial disparity and unfairness in criminal sentencing. Significantly, the report recommended eliminating mandatory minimum sentences for nonviolent drug offenses and nonviolent property crimes, addressing some of the inherent inequities woven into the statutory fabric of our criminal justice system. The Legislature embraced many of these proposals, and earlier this year I was more than proud to sign into law several bills that grew out of these recommendations. I look forward to continuing to work with my legislative partners in enacting in the near future the remaining reforms recommended in this report, including, most

importantly, the elimination of mandatory minimums for non-violent drug and property offenses. The elimination of those specific mandatory minimums was agreed on unanimously by the Commission, which included representatives from all three branches of government. Nothing should stand in the way of moving forward with these urgently needed reforms.

Ultimately, rather than standing up a brand new task force with a somewhat redundant membership and a somewhat parallel mission requiring the duplicative use of similar resources, the better approach is to expand the objectives of the Commission to incorporate the elements of the contemplated task force that are not explicitly identified in the Commission's enabling statute. To that end, I have worked closely with the sponsors of this joint resolution on legislation to revise the Commission's enabling statute to align our shared goals. This legislation would expand membership on the Commission to include representatives from the Legislative Black Caucus and the Legislative Latino Caucus, two groups that the joint resolution's sponsors rightly identified as critical voices in this effort. The legislation also would identify specific "front-end" areas of the criminal justice process that the Commission should examine. Significantly, amendments to the Commission's enabling statute will ensure a permanent home for these front-end analyses to take place over the long term, rather than creating a task force whose analysis would be limited in scope to a one-year window.

I thank the sponsors and the Chair of the Commission for their strong partnership in ensuring that close examination of racial disparities is prioritized, and I look forward to continuing our shared goals of promoting front-end criminal justice reforms that meaningfully transform people's lives.

Accordingly, I herewith return Assembly Joint Resolution No.
172 (First Reprint) without my approval.

[seal]

Respectfully,

/S/ Philip D. Murphy

Governor

Attest:

/S/ Parimal Garg

Chief Counsel to the Governor