

# SENATE JOINT RESOLUTION

No. 94

## STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 20, 2020

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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2

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:

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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  
47 as the task force requires to carry out the task force's work. The  
48 task force shall be entitled to call to the task force's assistance and

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1 avail itself of the services of the employees of any State, county, or  
2 municipal department, board, bureau, commission, or agency as the  
3 task force may require and as may be available for the task force's  
4 purposes.

5

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

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

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

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

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

22

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

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**STATEMENT**

29

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

45 Research has shown that African Americans experience racial  
46 bias and disparate treatment within each of the major components of  
47 the criminal justice system including law enforcement, courts, and  
48 corrections. One of the main places to witness the result of racial

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1 biases is within the prison population, which is severely  
2 overrepresented by minority individuals.

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