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

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

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

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

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

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

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

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

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:
1. a. There is established a task force to study racial bias within New Jersey’s criminal justice system. This task force shall study the presence and prevalence of racial bias within each major component of the criminal justice system: law enforcement, courts, and corrections.

   b. The task force shall consist of 17 members as follows:

      (1) two members of the General Assembly, one who is a member of the Legislative Black Caucus and one who is a member of the Legislative Latino Caucus, appointed by the Speaker of the General Assembly;

      (2) two members of the Senate, one who is a member of the Legislative Black Caucus and one who is a member of the Legislative Latino Caucus appointed by the President of the Senate;

      (3) the Attorney General, or a designee;

      (4) the Superintendent of the New Jersey State Police, or a designee;

      (5) the Chief Justice of the Supreme Court, or a designee;

      (6) the President of the New Jersey Prosecutors Association, or a designee;

      (7) the Executive Director of the Juvenile Justice Commission, or a designee;

      (8) the Commissioner of Corrections, or a designee;

      (9) the Public Defender, or a designee; and

      (10) six members of the public, appointed by the Governor, who represent communities and community-based advocacy groups that reflect the diverse economic, racial, cultural, gender, and occupational composition of the State. Three of these six members of the public should have knowledge of or experience with the New Jersey criminal justice system.

   c. The members of this task force shall be appointed within 30 days after the effective date of this resolution. The task force shall organize as soon as practicable after the appointment of the task force’s members and the task force shall choose a chairperson from among its members. The presence of nine members shall constitute a quorum.

   d. The task force shall meet regularly as the task force determines or at the call of the chairperson. The task force shall hold at least three public hearings in different parts of the State and elicit testimony from the public at such times and places as the chair shall designate.

   e. The members of the task force shall serve without compensation.

   f. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment.

   g. The Attorney General’s Office shall provide stenographic, clerical, and other administrative assistance and professional staff as the task force requires to carry out the task force’s work. The task force shall be entitled to call to the task force’s assistance and
avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as the task force may require and as may be available for the task force’s purposes.

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

1. examine current data, research, and policies related to racial bias and racial disparities within the State’s criminal justice system;
2. identify effective strategies to reduce the presence of racial bias within the State’s criminal justice system;
3. develop recommendations to implement those strategies, including legislation, court rules, and policies, if appropriate, based on the task force’s findings.

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

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

STATEMENT

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

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

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