



June 30, 2022

The Honorable Governor Phil Murphy  
Office of the Governor  
P.O. Box 001  
Trenton, NJ 08625

Dear Governor Murphy,

We, the undersigned Black-led New Jersey racial justice groups, strongly urge you to conditionally veto A2426 because the Legislature has failed to produce a racial and ethnic impact statement on the bill as mandated by law.<sup>1</sup>

New Jersey is home to stark racial disparities – disparities that may worsen if A2426 becomes law. Black people in the Garden State are three times more likely to have the police use force against them compared to white people.<sup>2</sup> Black people are also disproportionately detained in county jails, accounting for 42% of all jailed individuals.<sup>3</sup> Even though Black people are only 15% of the population,<sup>4</sup> Black people account for 61% of individuals in Department of Corrections custody.<sup>5</sup> Black adults are also 12 times more likely to be incarcerated than white adults – the highest disparity rate in the nation.<sup>6</sup>

Recognizing that New Jersey’s criminal justice system has been and continues to be racialized, New Jersey law specifically requires that the Office of Legislative Services “prepare a racial and ethnic community criminal justice and public safety impact statement for each proposed criminal justice bill, resolution, or amendment that would affect pretrial detention ... prior to any vote being taken on the bill, resolution, or amendment in either House of the Legislature.”<sup>7</sup> This assessment was never completed, despite our request made during committee testimony, even though the singular focus of A2426 *is* pretrial detention.<sup>8</sup> Furthermore, an assessment by the Administrative Office of the Courts of an earlier version of this bill predicted that it would result in racial disparities.<sup>9</sup> At this point, we do not know the extent to which A2426 will exacerbate existing racial disparities because the statutorily required impact statement was not made.

In keeping with your commitment to racial justice within our state, we urge you to conditionally veto A2426 and require that the Legislature perform the mandatory racial and ethnic impact statement before considering signing this bill.

Respectfully,

New Jersey Institute for Social Justice  
Salvation and Social Justice  
NAACP New Jersey State Conference  
Fair Share Housing Center

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<sup>1</sup> N.J. Stat. Ann. § 52:11-57.1 (West, 2018).

<sup>2</sup> Disha Raychaudhuri & Stephen Stirling, *Black People in N.J. say they're more likely to be punched, kicked by cops. Now data backs that up*, NJ.COM (Sep. 24, 2019, 2:38 PM), <https://www.nj.com/news/erry-2018/12/69f209781a9479/black-people-in-nj-say-theyre.html>.

<sup>3</sup> INCARCERATION TRENDS IN NEW JERSEY, VERA INSTIT. OF JUST. 1 (2019),

<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-new-jersey.pdf>.

<sup>4</sup> *QuickFacts New Jersey*, U.S. CENSUS BUR., <https://www.census.gov/quickfacts/NJ> (last visited Mar. 11, 2022).

<sup>5</sup> OFFENDERS IN NEW JERSEY CORRECTIONAL INSTITUTIONS ON JANUARY 1, 2021, BY RACE/ETHNIC IDENTIFICATION, N.J. DEPT. OF CORR., 1 (2021),

[https://www.state.nj.us/corrections/pdf/offender\\_statistics/2021/By%20Race\\_Ethnicity%202021.pdf](https://www.state.nj.us/corrections/pdf/offender_statistics/2021/By%20Race_Ethnicity%202021.pdf).

<sup>6</sup> ASHLEY NELLIS, THE COLOR OF JUSTICE: RACIAL AND ETHNIC DISPARITY IN STATE PRISONS, THE SENT'G PROJECT 10 (2021), <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

<sup>7</sup> N.J. Stat. Ann. § 52:11-57.1, *supra* note 1.

<sup>8</sup> *Bill A2426*, N.J. LEG., [https://www.njleg.state.nj.us/bill-search/2022/A2426/bill-text?f=A2500&n=2426\\_R2](https://www.njleg.state.nj.us/bill-search/2022/A2426/bill-text?f=A2500&n=2426_R2) (last visited Jun. 29, 2022).

<sup>9</sup> After reviewing an earlier draft of A2426, the AOC predicted: “As a result, if the Criminal Justice Reform Act provided that all defendants charged with Graves Act offenses were subject to a rebuttable presumption of detention, one could reasonably expect the following outcome based on recent data ... a large majority of those defendants -- 70 percent or more -- would be black.” NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS GRAVES ACT ANALYSIS MARCH 2022, N.J. CTS. 10-11 (2022), <https://www.njcourts.gov/courts/assets/criminal/graves03042022.pdf?c=wfZ>.