

COMMENTARY: Bill would address racial disparities in NJ laws

The Revs. Charles Boyer and George Britt 5:00 a.m. ET Nov. 5, 2016



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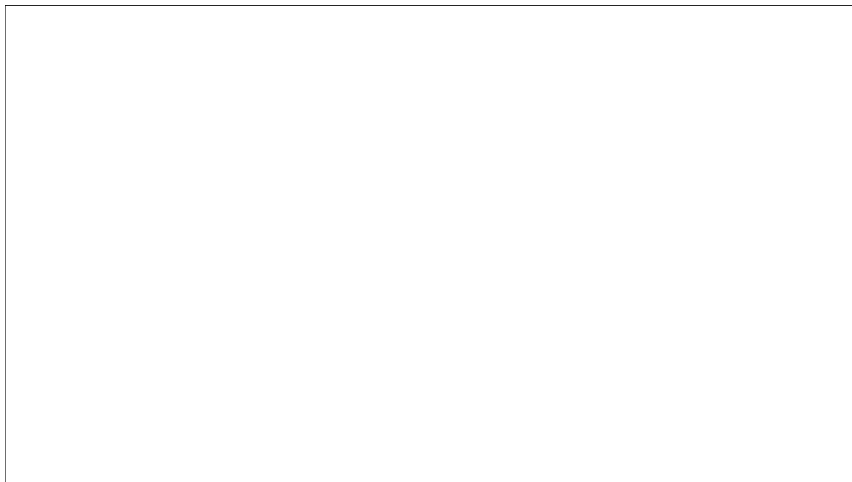
As Christians, we are called to love and serve all people, share compassion and aid God's most vulnerable. That is why we are addressing racial disparity in New Jersey's criminal justice system. Bipartisan legislation recently voted out of committee in the Senate would do just that. The legislation, S-677 (A-3677), authorizes racial impact statements for proposed criminal justice policies. Similar to fiscal impact statements, they assist legislators in detecting unforeseen policy ramifications.

A new report on racial disparities in state prisons underscores the need for policymakers and state administrators in Trenton to take a hard look at the policies, practices and prejudices that are playing out in New Jersey's state justice criminal system.

By disaggregating and analyzing U.S. Justice Department data, the Washington, D.C.-based nonprofit organization The Sentencing Project found that African Americans are incarcerated by the states at five times the rate of whites across the nation. In New Jersey, the ratio is even higher: 12 to 1. In fact, in New Jersey in 2014, one in 31 of all African American adult males was in prison. New Jersey is the state with the highest black/white disparity in its prisons, even though the state has reduced its overall prison population. Although African Americans are only about 13 percent of the state's population, we are over 61 percent of the state's prison population.

The findings come in a period when many states, including New Jersey, have responded to assertions of unfairness in the justice system in the aftermath of the highly reported Trayvon Martin shooting four years ago in Florida and the shooting and racial protests in Ferguson, Baltimore and elsewhere more recently.

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Although the numbers are smaller and the available data may understate the problem, it's clear that Hispanics are similarly imprisoned in disproportionate numbers relative to whites. Nationally, the rate of incarceration for Latinos is 1.4 times that of whites. In New Jersey, the ratio is higher: 2.2 to 1.

Our ministries and parishioners call on us to comfort and serve those harmed by crime, support accountability, rehabilitation and restoration for those harmed by unfair criminal justice practices. From this vantage point, we have come to recognize the need for fundamental changes to New Jersey's justice system.

A particular practice that exacerbates the problem in New Jersey is drug-free school zones where defendants of color are disproportionately impacted. In recent years, state officials have worked to address the harm of the collateral impacts of mass incarceration. New Jersey would still benefit by adopting legislation, like racial impact statements, that address the unintended consequences of racial disparity.

In general, the national report suggests that while overt racism may not continually come into play in the criminal justice system, there are points of discretion in the system where arresting officers, prosecutors, judges and even defense attorneys may be predisposed to view one group differently from another.

Concerns about differential treatment is important not only because every American is constitutionally entitled to fair and equal treatment under the law, but because of the collateral consequences that are attached to criminal convictions – reduced access to housing, education and employment opportunity chief among them.

There is a growing recognition across the country that mass incarceration practices have not contributed to public safety, but have instead created a system that is inefficient, unsustainable and unfair. Mass incarceration perpetuates disadvantages that African Americans and other people of color have endured historically. Solving foundational problems through improved access to education, decent housing, prevention services focused on at-risk youth, and job training and placement is continually challenging but important.

But equally crucial, and probably more immediately manageable, is the identification and remediation of the policies and behaviors that lead to over-incarceration and racial disparities in prison in New Jersey and elsewhere. State officials must fashion reforms that make the justice system smarter, fairer and less costly both in dollars and in the loss of human potential.

In the meantime, we pray for the thousands of New Jersey residents disadvantaged by the unintended consequences of racially disparate criminal justice policies and practices.

Our prayers and our advocacy efforts are the best things we can do for them. Now, it is time for our elected leaders to do their part. We pray that New Jersey lawmakers support S-677 (A-3677).

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